

## 1.7 Advertising Case Studies

### Consumer Poster



**1. The poster needs to include:**

- 'Always read the label' or 'Always read the leaflet'
- single active ingredient.

**Comment:** The indication, i.e. 'ticky cough' is only on the pack shot and is small in relation to the rest of the copy. Depending where the poster is going to be placed, the advertiser will need to make sure that this will be clearly legible. The single active ingredient is stated on the pack but it is unlikely that this will be sufficiently legible for a poster. (rules 57 and 58)

**2. 'It helps my baby to sleep soundly through the night'**

**Comment:** This claim is not in line with the product's SmPC. It also misleads the consumer about the product indication. (rules 3, 4 and 20)

**3. 'Medicine cabinet essential'**

**Comment:** The MHRA has advised that medicines are indicated for specific medical conditions and should not be described as 'essential' for the general population. (rule 16)

**4. 'Cough mixture works better and quicker than Brand X'**

**Comment:** The Medicines (Advertising) Regulations prohibit claims that suggest that a product is equal to, or better than another identifiable product. The claim 'works better' is too all-encompassing and would be viewed as 'unfairly denigrating'. The claim also uses a competitor's brand name without permission from the owner. (rules 38, 39 and 41)

### Consumer A4 Press Advertisement



**1. The advertisement needs to include:**

- 'Always read the label' or 'Always read the leaflet'

**Comment:** The full product name and single active are clearly legible on the pack shot. The product indication i.e. 'ticky cough' is included in the product name. (rules 57 and 58)

**2. Unbeatable formulation**

**Comment:** This is a superiority claim which implies that the effects of the product can never be surpassed. (rules 37 and 44)

**3. Works within 15 minutes**

**Comment:** This claim is not acceptable as it is a guarantee. It may be possible to make a claim such as 'Starts to relieve symptoms in X minutes' on the basis of supporting data. (rules 3, 4, 17 and 20)

**4. Stops cough from developing into chronic cough**

**Comment:** This claim is not in line with the product's SmPC and is misleading. It is also a guarantee. (rules 4, 11, 17 and 20)

**5. Delicious cherry flavour**

**Comment:** This is misleading as the flavour is blackcurrant. In addition, medicines should be promoted primarily on their medicinal benefits. 'Delicious' is more suitable for a food product. 'Tasty' would be better. (rules 3 and 4)

**6. Approved by the MHRA**

**Comment:** This claim is not acceptable as it implies that MHRA endorses the product. 'Licensed/authorised by MHRA' would be acceptable. (rule 19)

**7. No 1 best selling children's cough syrup**

**Comment:** This claim is acceptable if it is supported by three months' recent volume sales data. (rule 29)

**8. Recommended by health visitors**

**Comment:** This is health professional endorsement which is not permitted. (rule 45)

**9. Safe**

**Comment:** Advertisers are not permitted to claim that a medicine is 'safe' without further qualification. 'Good safety profile' would be acceptable based on supporting data. (rule 26)

**10. Use for 5 days**

**Comment:** This claim is misleading as the SmPC states that a doctor should be consulted if symptoms persist for more than 3 days. (rule 3)

**Consumer A5 Press Advertisement**

**1. Consumer essential information**

**Comment:** 'Always read the label' should be in a darker font so that it is clearly legible and needs to be positioned horizontally, rather than vertically. The current font size 8 is too small and needs to be increased to font size 10. (rule 58)

The full product name and single active are clearly legible on the pack shot. The product indication i.e. 'ticky cough' is included in the product name. (rules 57 and 58)

**2. Wave goodbye to coughs and colds**

**Comment:** The product is indicated for symptom relief, not for getting rid of the infection. In addition, the product is not indicated for colds. (rules 3 and 4). This is also a guarantee of efficacy. (rule 17)

**3. Faster relief**

**Comment:** This is a hanging comparison. The claim could be changed to 'fast relief' if the advertiser has evidence that the product relieves symptoms within 30 minutes. (rules 42 and 21)

**4. Suitable for use in pregnancy**

**Comment:** Products may be advertised for use in pregnancy where the SmPC supports use in pregnancy. Please refer to sections 4.1 and 4.6 of the SmPC for details. However the appropriate pregnancy warning statement must be added. (rule 30)

**5. Better than Brand X**

**Comment:** The Medicines (Advertising) Regulations prohibit claims that suggest that a product is equal to, or better than another identifiable product. The claim 'better than Brand X' would also be viewed as 'unfairly denigrating' and uses a competitor's brand name without the owner's permission. (rules 38, 39 and 41)

**6. As recommended by Dr Jones**

**Comment:** This is health professional endorsement which is not permitted. (rule 45)

**7. Does not contain codeine**

**Comment:** It is not acceptable to state that a product does not contain an active which is present in a competitor product, where the statement implies that this ingredient is unsafe or should be avoided. Claims such as 'sugar free' or 'free from artificial colours' are acceptable if in line with the SmPC. (rule 40)

**8. Suitable for children under 2 months**

**Comment:** Unacceptable. (rules 3 and 4)

**9. Stock up before the winter comes**

**Comment:** It is not acceptable to encourage customers to purchase medicines they do not currently need, or to purchase excessive quantities of medicines. (rule 16)

**10. Nothing is more effective**

**Comment:** Top parity claims are only acceptable when supported by evidence. (rule 43)

**11. No 1**

**Comment:** This would need to be changed to 'No. 1 selling children's cough medicine' and needs to be supported by 3 months volume sales data (rule 29)



## Consumer Flyer

### 1. As recommended by

**Comment:** The current text implies that the pharmacy recommends a particular medicine. This would be viewed as health professional endorsement which is prohibited by the Medicines (Advertising) Regulations. If 'As recommended by' were changed to 'Available from', the advertisement would be acceptable. The leaflet would not require the consumer essential information as no claims are made. (rule 57)

## Point of Sale Strip

### 1. The strip needs to include:

- 'Always read the label' or 'Always read the leaflet'
- single active ingredient.

**Comment:** The full product name is included in the body copy and the product indication i.e. 'tickly cough' is included in the product name. (rules 57 and 58)

### 2. 100% natural

**Comment:** In order to make this claim, all of the actives and excipients would need to be natural. Looking at sections 2 and 6.1 of the SmPC, we can see that the claim is not supportable. (rule 32)

### 3. Soothes coughs and aids sleep

**Comment:** 'Soothes coughs' is acceptable, particularly because 'tickly cough' is specified elsewhere in the advertisement. The product is not indicated for 'aids sleep', so this will need to be removed. (rules 3, 4 and 20)

### 4. Treats catarrh

**Comment:** The product is not indicated for 'Treats catarrh', so this will need to be removed. (rules 3, 4 and 20)

### 5. Gift with purchase - pick up your baby changing kit here

**Comment:** It is acceptable to offer a gift with purchase but there are some caveats. The gift with purchase must be of lower value than the price of the medicine. (Both the cost to the advertiser and the cost the consumer would pay to purchase a similar item must be considered.) Please refer to 'PAGB's Guideline on Consumer Promotions' for further information.

### 6. Ask the pharmacist for your free sample

**Comment:** The provision of free samples to consumers is prohibited. (rule 55)



## Consumer Shelf Edge

### 1. Consumer essential information

**Comment:** The full product name is included in the body copy and the product indication i.e. 'tickly cough' is included in the product name. (rules 57 and 58)

The single active and 'Always read the label' are also included but the font is too small to be clearly legible. It should be at least font size 10. (rules 57 and 58)

### 2. New

**Comment:** The active ingredient has been available in the UK for more than one year. Therefore, the claim should be amended to 'New to the PAGB range', or similar. (rule 27)

**3. Unique**

**Comment:** Where advertising claims that a product is 'unique', it must make clear what aspect of the product is unique. (rule 28)

**4. Notice the difference in 5 days**

**Comment:** This claim is not in line with the SmPC. Section 4.4 of the SmPC states that a doctor should be consulted if symptoms persist for more than three days. (rule 17) Claims such as 'You can notice the difference in XX' are usually acceptable if supported by evidence and in line with the SmPC.

**5. Money back if not satisfied**

**Comment:** It is not acceptable to make money back offers on the basis of product efficacy. (rule 18)



**Consumer Tray Sticker**

**1. Consumer essential information**

**Comment:** Certain items of non-promotional information may be included in point-of-sale items without necessitating the inclusion of consumer essential information. In order to avoid the requirement to add 'Always read the label' and the single active, the information included on the tray sticker must be provided in an informative and non-promotional manner. The inclusion of the word 'tasty' would be viewed as promotional and hence the essential information is required. If the advertiser removes the word 'tasty', then the shelf edge would be acceptable without further amends. The inclusion of 'tickly cough' within the product name is not viewed as a claim, since this is part of the product name. (rule 57)

