General Pharmaceutical Council

# Response from the General Pharmaceutical Council

## Consultation from Ofcom: Fraudulent Advertising Codes Consultation

Dear Ofcom,

Thank you for the opportunity to contribute to your consultation on Fraudulent Advertising. Through our response to the Communications and Digital Committee's inquiry, regarding the Online Safety Act (OSA)(2023), we identified evidence that may be of interest to your consultation.

**Role of the General Pharmaceutical Council**

As the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in Great Britain, our role is to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmacy services. We have a statutory role in relation to system regulation (as we regulate registered pharmacies) as well as the professional regulation of individual pharmacists and pharmacy technicians.

**Our main work includes:**

- setting standards for the education and training of pharmacists, pharmacy technicians and pharmacy support staff, and approving and accrediting their qualifications and training.
- maintaining a register of pharmacists, pharmacy technicians and pharmacies.
- setting the standards that pharmacists and pharmacy technicians must meet throughout their careers
- investigating concerns where pharmacists or pharmacy technicians may not be meeting our standards, and taking action to restrict their ability to practise when this is necessary to protect patients and the public or to uphold public confidence in pharmacy.
- setting standards for registered pharmacies which require them to provide a safe and effective service to patients.
- inspecting registered pharmacies to check if they are meeting our standards for pharmacy premises and take proportionate action when they don't.

**General points regarding online safety and advertising**

The General Pharmaceutical Council is in broad agreement with the proposals in Ofcom's consultation. The various Codes could play an important role in tackling the illegal online advertisement, sale and supply of medicines, including through social media platforms, or on websites operating unlawfully while purporting to be legitimate online pharmacies, that are linked from search engines.

## Volume 1: Context

We are aware of ongoing issues regarding the advertising and illegal sale and supply of medicines online. A significant concern remains regarding the prevalence of content and adverts promoting illegal supplies.
This includes:

- Online advertisements, and search engine results and links, directing users to unlawful medicine suppliers.
- User-generated content on social media platforms advertising or facilitating the sale/supply of prescription-only medicines and other medicines without appropriate safeguards; and
- Websites operating illegally and fraudulently claiming to be registered pharmacies.

The medicines supplied through these channels are often falsified, unlicensed or otherwise unsafe. The resulting patient safety risks are substantial and disproportionately affect groups, such as children, young people and vulnerable adults.

Ofcom has already identified fraudulent medical advertising as a risk area in this consultation, which is a positive step forward.

**Existing blocks**

Whilst we continue to engage directly with Ofcom on this issue, we recognise that Ofcom's current powers are limited, as unlawful supply of medicines is not currently a priority offence. Given the available evidence of deaths and serious harms caused by illegal online supply of medicines, we would suggest that the unlawful supply of medicines should become a priority offence in the OSA.

**Characteristics that indicate a material risk of fraudulent advertising**

We support Ofcom's proposal that platforms undertake a formal assessment to identify characteristics that indicate, either alone or in combination, a material risk of fraudulent advertising.

We would suggest that specific characteristics should be identified that suggest the illegal sale/ supply of medicines.

Platforms should explicitly recognise characteristics that indicate illegal or fraudulent advertising of medicines, including for example:

- advertisements promoting prescription-only medicines.
- advertisements for medicines that are not licensed in the UK.

- advertisements for particular medicines or treatments that are frequently associated with fraud, such as medicines used for weight management.

UK adverting regulations prohibit the publication of an advertisement to the public that is likely to lead to the use of a Prescription-Only Medicine. Only a service or a consultation may be promoted to the public. Robust checks should be taken by platforms to ensure that advertisers are working for UK-registered pharmacies or other regulated healthcare providers and that adverts comply with current UK legislation.

**Proposed Codes**

The codes created by Ofcom reflect a balanced approach to setting requirements for service providers. Similarly, our standards are designed to be outcome focused, providing a framework to help pharmacists and pharmacy technicians make professional decisions and judgements: they do not provide detailed guidance on all scenarios. This helps pharmacists, pharmacy technicians and pharmacies apply the standards to their scenario, employing their professional judgement.

Patient safety and trust in pharmacy remains our primary goal with any of our standards and guidance. We understand that Ofcom's codes look to establish a level of flexibility to service providers, whilst maintaining user safety, which we agree with.

## Volume 2: Risk, governance and control

We have identified the following evidence regarding possible risks, governance and control relating to fraudulent advertising, as well as similarities between our current standards and guidance and Ofcom's proposals.

**Strengthening protections for** children, young people and vulnerable adults

The illegal online sale or supply of medicines should be recognised as a priority offence, because of its potential impact on children, young people and vulnerable adults. These groups are particularly at risk of being exposed to content promoting the supply of medicines that may cause serious harm or even death if obtained without professional oversight. Platforms should be required to assess and mitigate these risks explicitly within their safety risk assessments.

Children, young people and vulnerable adults are at risk of obtaining medicines online from illegal suppliers without any age verification or appropriate clinical oversight. In particular, people living with eating disorders are exposed to, and are able to obtain, medicines used for weight management through unlawful channels. There have also been tragic cases where medicines sourced from illegal online suppliers have been used by individuals completing suicide. Search engines should be required to mitigate the risks posed by links directing users to illegal online pharmacies and other unlawful medicine supplies.

## Volume 3: Ensuring account integrity

We believe that the following may be of interest to Ofcom when considering the area of account integrity.

**Expanding expectations beyond paid-for advertising**

We recognise this consultation only applies to paid-for advertising content, and not user generated content (UGC) or non-sponsored search content. Regulatory measures should not focus solely on paid advertisements. User-generated content promoting or facilitating illegal medicine supply can be equally harmful and should be explicitly addressed within relevant codes of practice.

We would like to see Ofcom given the powers to address online content and links, as well as paid-for adverts, that facilitate the illegal supply of medicines across social media platforms and search engines.

**Introducing stronger requirements for verification**

We note Ofcom's proposals in its consultation on fraudulent advertising that would require platforms to verify that advertisers of certain financial services are appropriately authorised.

We would suggest similar verification requirements should apply to anyone advertising or promoting medicines or healthcare services online.

As noted above, Ofcom has identified fraudulent medical advertisements, including weight-management products, as an area of concern. Relevant businesses should be required to demonstrate registration with appropriate UK regulators, including the General Pharmaceutical Council (GPhC), Care Quality Commission (CQC), Healthcare Improvement Scotland (HIS), Healthcare Inspectorate Wales (HIW), or other relevant regulatory bodies, and compliance with UK advertising standards before such content can be promoted.

We continue to provide support to patients and public through our regulatory functions. Our recent campaign to **check if an online pharmacy is registered** with us demonstrates one of the ways we are helping to educate members of the public regarding false advertisement and supply of illegal medicines.

## Volume 4: Moderation

**Failure in response**

Despite repeated concerns raised by regulators and enforcement bodies, social media platforms and major search engines are often slow to remove content promoting the illegal sale or supply of medicines and have not always engaged effectively when regulators or others (including legitimate pharmacy businesses whose sites have been cloned) have tried to engage with them, and concerns are escalated. We recommend that legislative changes should be made to enable the OSA to be used more proactively and robustly to compel online platforms to identify, prevent and rapidly remove content facilitating the illegal supply of medicines to strengthen Ofcom’s work.

**Mandating rapid takedown arrangements**

Platforms should be required to establish effective processes for the swift removal of content identified for example by trusted regulators and enforcement bodies as facilitating illegal medicine supply. Ofcom has proposed dedicated reporting channels for trusted bodies in the context of scam advertising. We would like to see this extended to advertising and promotion of illegal supply of medicines.

We recommend that the GPhC, CQC, HIS, HIW, Medicines and Healthcare products Regulatory Agency (MHRA) and Advertising Standards Authority (ASA), alongside law enforcement, should be recognised as trusted flaggers for the purposes of reporting fraudulent medical advertisements and content facilitating illegal medicine supply.

## Further points of discussion

Through our initial engagement with Ofcom, we have been made aware of the limited powers that Ofcom currently has under the Online Safety Act to take action in relation to online content that promotes the illegal sale or supply of medicines. As stated above, we are calling for the unlawful supply of prescription-only medicines to become a priority offence in the OSA.

We would welcome the opportunity to continue to engage directly with Ofcom to tackle fraudulent advertising of medicines online.

Yours faithfully,

Lynsey Cleland,

Chief Standards Officer

23 September 2026