



POLICY STATEMENT ON THE ADVERTISING AND PROMOTION OF AESTHETIC COSMETIC INJECTABLE TREATMENTS BY REGISTRANTS ON THE JOINT COUNCIL OF COSMETIC PRACTITIONERS REGISTER

The Joint Council for Cosmetic Practitioners (JCCP) is a representative organisation that manages the PSA approved JCCP Practitioner Register and associated competencies/standards for its registrants , which include Medical Practitioners, Registered Nurses, Dentists, Dental Therapists, Dental Hygienists, Pharmacists, Physiotherapists (and other designated HCPC registered Allied Health Care Professions) and Beauty Therapists (undertaking up to Level 5 Treatments) who undertake cosmetic treatments and Hair Restoration Surgery (for suitably qualified doctors only). It is a requirement for admission to the Joint Council for Cosmetic Practitioners Register that this policy is taken into consideration by the Registrant.

1 Advertising and promotion of Aesthetic Cosmetic Treatments

The JCCP recognises that advertising and promotion of the services offered by cosmetic treatment injectable providers is a legitimate and reasonable business practice as a means of creating public awareness about the services available and the attributes of the provider. It also recognises that it is an important tool for enabling providers to differentiate themselves from their competitors and for developing their businesses. This is in common with providers in other service businesses. The primary reason for advertising is to inform patients/clients and potential patients/clients. In the UK, guidance on advertising practice is given by The Committees of Advertising Practice (CAP and BCAP) which author two Codes with which ads in both non-broadcast and broadcast media must comply.

Non-broadcast Code. The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) is the rule book for non-broadcast advertisements, promotional marketing and direct marketing communications.

Broadcast Code. The UK Code of Broadcast Advertising (BCAP Code) applies to all advertisements (including teleshopping, content on self-promotional television channels, television text and interactive TV ads) and programme sponsorship credits on radio and television services licensed by Ofcom.

- [See Advertising Codes](#)

The JCCP advises that all non-broadcast advertisements should conform to the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing. Relevant advice published by CAP can be obtained online and bespoke advice is available through the CAP Copy Advice Team.

- [See the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing](#)
- [See more about the CAP Copy Advice service](#)
- [Go to Advice online database](#)

All Broadcast advertisements must comply with the UK Code of Broadcast Advertising. Advice on pre-clearance for TV and radio advertising can be obtained from 'Clearcast' and the 'Radiocentre' respectively.

- [See the UK Code of Broadcast Advertising](#)
- [See the Clearcast website](#)
- [See the Radiocentre website](#)

Communications to existing clients can be in remit of the CAP Code in some circumstances, e.g. if selling a new product / service to them.

CAP issue *Insights* from time to time. Two recent *Insights*: -

- *Advertising surgical and non-surgical interventions: Cutting Edge Advice* (August 2016)
 - [See Here](#)
- *Guide on prescription only medicines* (July 2016)
 - [See Here](#)
- Both of the above link to Botox – Frequently Asked Questions issued 23 January 2020
<https://www.asa.org.uk/news/botox-frequently-asked-questions-faqs.html>

2 Framework for the CQAL Policy Statement

Advertising Standards Authority. Compliance with both Advertising Codes is enforced by the Advertising Standards Authority (ASA) which rules on complaints about ads and publishes weekly rulings. The Committee of Advertising Practice can apply a number of sanctions to non-compliant advertisers. Access to ASA is signposted in paragraph 1 above.

Medicines and Healthcare Regulating Authority (MHRA). MHRA police the advertising of Prescription Only Medicines (POM). Access to advice is set out below.

Those aesthetic cosmetics that are medicines or medical devices e.g. botulinum toxin are subject to the advertising regulations under the Human Medicines Regulations 2012.

- [See Human Medicine Regulations here.](#)

Further information can be found in the MHRA "**Blue Guide**" on Advertising and Promotion of Medicines in the UK and the relevant sections of that publication are referred to in brackets below. The Regulations prohibit the issue of any advertisement wholly or mainly directed to the general public which is likely to lead to the unlicensed use of a prescription only medicine (POM) [see Blue Guide 5.2].

- [Read the Blue Guide](#)

If they offer both POM and non-POM treatments, providers may promote the service they provide by stating "wrinkle treatment consultation", for example, as this is non-specific and unlikely to be considered indirect promotion of a POM.

Advertising must not mention product names such as "Botox" or "botulinum toxin". The appropriate management for a condition in an individual patient is for the prescriber and patient jointly to consider and this may include a number of medical factors as well as a range of therapeutic options. Prescribers have a responsibility to provide information about the products they prescribe. Care must be taken when providing information about POMs. This should be presented in the context of a balanced overview of all potential treatment options following a consultation. The advertising controls for medicines also apply to other materials produced by clinics such as leaflets available in the clinic.

3 MHRA Enforcement priorities

The MHRA enforcement approach for advertising of web-based treatment services takes the potential risk to public health into account. It focuses primarily on material on the home pages of clinic websites. The aim is to ensure that customers who are seeking general information on the internet about a clinic or potential treatments are not presented with overt advertising for POMs. This is similar to its approach for other forms of advertising for services, e.g. in magazines, where mention of POMs is not permitted.

To target its resources effectively and appropriately, the MHRA have chosen not to focus on information that is found by the browser who chooses to access information about specific treatment options for their condition on a clinic website. The MHRA will not routinely review material on website pages other than the home page unless it considers that the information poses a risk to public health.

The MHRA takes robust enforcement action where a significant risk to public health has been identified from advertising to the public for unlicensed or prescription only medicines. Failure to comply with the Regulations will result in a request for the website to be amended or withdrawn. Cases may also be referred to the Inspection, Enforcement and Standards Division of MHRA for consideration of legal action. Clinics and individual healthcare professionals may also be referred to their professional regulators if compliance is not achieved in a timely fashion.

Please note that MHRA enforcement priorities do not inform the CAP / ASA approach, which looks beyond the homepage.

4 Policy positions on specific areas of advertising and promotion

In formulating this policy statement the JCCP has considered a number of specific issues that have been raised by patient and public interest groups with regard to the advertising of aesthetic cosmetic treatments. The JCCP has adopted the following policy positions on the relevant issues:

The Home Page

The Home page should not include any reference to named POMs, including price information, see below. Links and navigation aids may be given for particular conditions but not to specific POMs. Hover text and any small print at the bottom of the home page should also not refer to specific POMs. This is so that casual browsers are not presented with advertising for specific POMs.

Further pages about the condition, which the consumer chooses to access, may contain information on specific medicines, provided this is presented in the context of a fair overview of various potential treatment options following a consultation. The text should not unduly emphasise a particular treatment option or the need to seek treatment.

It should be clear that the customer is being offered a health-care practitioner-led consultation and that, depending on the outcome of the consultation, this may or may not lead to the provision of a prescription.

- [See guidance here](#)

Promotional discounts

JCCP recognises that demand for cosmetic treatments varies seasonally and it recognises the financial benefits, both to the patient and to the provider, of price discounts designed to boost activity levels during seasonally slack periods. In doing so, the JCCP recognises that these may appeal to and benefit those marginal purchasers who otherwise would not be able to afford the full cost of the treatment they desire. Advertising of such discounts should be in accordance with the paragraph below and MHRA guidance on advertising a POM where applicable.

Also see [Cosmetic Interventions: Social Responsibility](#)

Price lists

On the homepage, only indicative prices for a particular medical condition may be provided. Any mention of POMs on the home page is likely to be considered as advertising of prescription only medicines to the public. A factual list of prices for available treatments may be provided on pages other than the home page. The price list should not include product claims or actively encourage viewers to choose a product based on the price. The information associated with price lists should make it clear that the viewer's preferred option will not be prescribed if it is not suitable. Advertisements may set a time limit on the period that consultations for treatment are available. However, guidance must be observed in allowing sufficient time between consultation and treatment in order for the client to consider consent. All prices in advertisements should be linked to a footnote stating that these are the prices prevailing at the time of publication.

Icons

Icons are an integral part of advertisement practice. They must not be used to bypass the rules on advertising POMs or to entice patients to seek treatment which is outside professional standards.

Promotional claims

Whilst reference to specific POMs in a natural, contextually relevant way may be permissible (but not on the Home Page), explicit and excessive promotion of a POM is likely to contravene advertising regulations. All information about medicines should be balanced and factual. Suitable sources of non-promotional material may include the summary of product characteristics for the product, often available on the UK website of the company marketing the product.

Website addresses

Website addresses should not name specific POMs in their core URL (e.g. www.wesellbotox®.co.uk). Web addresses such as this may be considered to promote a POM to the public.

Sponsored links

The text may promote the service provided but should not mention specific prescription only medicines.

Exhibition, conference and trade show discounts

Discounts that are conditional upon the patient 'signing up', that is contracting for the procedure on the day of an event, should not be offered to attendees of conferences, exhibitions and trade shows. Implicit in this recommendation is the JCCP's view (based on the standards set by the professional regulators) that prospective patients/clients must be given adequate time to reflect on all the implications of the proposed treatment, free from the pressure of a short time constraint or a short lived financial inducement.

Sponsorship of exhibitions, conferences and trade shows

Cosmetic treatment providers may sponsor conferences, exhibitions and trade shows whose purpose is to facilitate the dissemination of information about aesthetic cosmetic treatments either to health care professionals or to providers and the public at large.

Advertising aimed at those under 18

JCCP is fundamentally opposed to any aesthetic cosmetic treatment advertising in media targeted at teenagers below the age of eighteen. Marketing

communications should not be directed at children/adolescents under 18 through the selection of media, style of presentation, content or context in which they appear.

Gift vouchers

Gift vouchers, which cover part or all of the cost of aesthetic cosmetic treatments, may be advertised in the published media and also advertised on the provider's own website, as well as point of sale literature in the clinics. However, it must be clearly stated in the terms and conditions that the voucher is redeemable against cash should the recipient prefer or if the recipient is not suitable for treatment.

Loyalty cards

Loyalty cards are cards which may be given by a specific provider to any of its patients which typically entitle the patient to a discounted price for future treatment by that provider. Loyalty cards are considered an acceptable way of rewarding patients for returning to the same provider for future or ongoing treatment. They may also be mentioned or offered to patients or prospective patients at any time that they present themselves to a provider for a consultation.

Competitions and prizes

The JCCP considers it unethical to participate directly or indirectly in competitions for which the cost of a aesthetic cosmetic treatment will be paid by the competition organiser or sponsor as a prize for winning the competition. Furthermore, JCCP registrants should not sponsor any such competitions.