

PSI Guidance to pharmacists in relation to the advertising, promotion and sale of medicinal products, and related matters.

Pharmacists play an important role in supporting the safe and rational use of medicines, minimising the irrational or excessive use of medicines and educating the public on these issues. This guidance is in addition to and in support of existing legal requirements.

Having regard to the principal function of the Pharmaceutical Society of Ireland (the PSI) to regulate the profession of pharmacy in the State, having regard to the need to protect, maintain and promote the health and safety of the public, the PSI is exercising its function under Section 7(2)(b)(vii) of the Pharmacy Act 2007 in issuing this guidance regarding the advertising, promotion and sale of medicinal products.

The statutory Code of Conduct for Pharmacists requires that pharmacists exercise their profession in a manner that is directed to maintaining and improving the health, wellbeing and safety of patients and the public. In particular, pharmacists should use their professional skills and competence, and specialised knowledge to encourage the rational and proper use of medicines¹.

In their supply of medicines to patients and to the public, pharmacists are required to provide honest, relevant, accurate, current and appropriate information regarding the nature, cost, value and benefit of any medicinal products, health related products and services, they provide². The inappropriate advertising or promotion of medicines based on cost impacts on the essential impartial understanding of the medicinal needs of the patient (including safety in use) particularly in the mind of the patient or their carer. Further, such activities may interfere with the pharmacist's objective evaluation or professional judgement of the pharmacist in respect of patient needs in the supply of medication.

Medicinal products are not ordinary market commodities; they are, with certain limited exceptions, regulated products that may not be supplied without the benefit of the expert advice of a pharmacist in respect of their safe, appropriate and responsible use. Pharmacists may not supply medicines unless satisfied that each such supply is appropriate for the individual user and that the purchaser or user has received all necessary information and advice about the safe and proper use of the medicines.

¹Definition of rational use of medicines (WHO 1985) "patients receive medications appropriate to their clinical needs, in doses that meet their own individual requirement , for an adequate period of time, and at the lowest cost to them and the community" (Promoting rational use of medicines: core components WHO, 2002)

² Principle 3, PSI Code of Conduct for Pharmacists

Regulations 9 and 10 of the Regulation of Retail Pharmacy Businesses Regulations 2008 (SI 488 of 2008), impose a statutory obligation on the part of all persons carrying on a retail pharmacy businesses and on all superintendent and supervising pharmacists to ensure that pharmacists carry out these duties.

Principle 6 of the Code of Conduct requires pharmacists to ensure that they do not impose any constraint, financial, tangible or intangible on any individual bound by the Code of Conduct which would impact on their objectivity and judgment. In addition, pharmacists should ensure that work practices inconsistent with the principles of professional practice do not occur. Such practices would include:

1. The promotion of medicines on basis of quantity discounts
2. The use of sales targets, incentives or similar measures
3. The 'upselling'³ or inappropriate 'link selling'⁴ of medicinal products

Furthermore, the advertising or promotion of medicines on the basis of percentage or other discounts, or in any other similar manner, can be regarded as the commodification of medicinal products and may have the effect of distracting patients from making an objective evaluation of their normative needs. This may inadvertently encourage the stockpiling of medicines in the home with resultant safety risks, and with the potential of loss of efficacy from inappropriate storage conditions.

In particular, the promotion of medicines because they are reaching their expiry date is not appropriate.

In all cases, the pharmacist must be satisfied that the medication is appropriate for the individual patient or purchaser's normative needs. Any advertising must be factual, accurate, professional in character and should not draw an invidious distinction between the pharmacy in question and any other pharmacy. For the avoidance of doubt, advertising includes signage or notices in the pharmacy, printed material distributed within or outside of the pharmacy, advertisements or notices in the media, advertising via pharmacy websites or social media channels or by any other means.

Actions by a pharmacist in breach of the principles set out in this guidance may constitute professional misconduct.

All pharmacists and pharmacies are expected to comply in full with guidance from the PSI.

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³ 'Upselling' is the selling of a more expensive or larger product than that sought by the patient or customer than would be necessary to meet the patient's normative needs.

⁴ 'Link selling' is the unsolicited offering to supply a related or complementary product that the seller perceives would meet the patient's or customer's needs, in the light of a product that is being dispensed or purchased.
