

MEDICINES (ADVERTISING) (JERSEY) ORDER 2026

Official Consolidated Version

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Jersey

MEDICINES (ADVERTISING) (JERSEY) ORDER 2026

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Jersey

MEDICINES (ADVERTISING) (JERSEY) ORDER 2026

THE MINISTER FOR HEALTH AND SOCIAL SERVICES, after consultation with the Medicines Advisory Council, makes this Order under Articles 90 and 110 of the Medicines (Jersey) Law 1995 –

Commencement [see endnotes]

PART 1

GENERAL

1 Interpretation

In this Order –

"advertisement", in relation to a medicinal product, has the meaning given in Article 2(1) and (2);

"electronic communication" has the meaning given in Article 1(1) of the Electronic Communications (Jersey) Law 2000;

"homoeopathic medicinal product" has the meaning given in Article 3(3);

"publish" has the meaning given in Article 2(3).

2 Meaning of advertisement and publish

(1) "Advertisement", in relation to a medicinal product, has the meaning given in Article 87 of the Medicines (Jersey) Law 1995.

(2) But "advertisement" does not include –

(a) a medicinal product's package or the leaflet contained in the package;

(b) reference material and announcements of a factual and informative nature that do not make a product claim, including –

(i) material relating to changes to a medicinal product's package or package leaflet;

(ii) adverse reaction warnings;

(iii) a trade catalogue; and

(iv) a price list; and

(c) correspondence answering a specific question about a medicinal product, and accompanying material of a non-promotional nature.

(3) "Publish", in relation to an advertisement, means –

(a) the issue or dissemination of the advertisement in any way; or

(b) causing or procuring another person to disseminate or issue the advertisement in any way.

3 Restrictions on advertisements – general

(1) A person must not publish an advertisement for a medicinal product unless –

(a) a product licence is in force in respect of that medicinal product; or

(b) it is a homoeopathic medicinal product.

(2) A person must not publish an advertisement for a medicinal product unless that advertisement contains particulars that –

(a) comply with the particulars listed in the summary of the product characteristics; and

(b) encourage the rational use of that product by presenting it objectively and without exaggerating its properties.

(3) In paragraph (1), "homoeopathic medicinal product" means a medicinal product prepared from homoeopathic stocks in accordance with a homoeopathic manufacturing procedure –

(a) described by the European Pharmacopoeia; or

(b) in the absence of a description falling within sub-paragraph (a) –

(i) in relation to a certificate of registration or marketing authorisation for a national homoeopathic product in force in Great Britain only, described by the British Pharmacopoeia or a pharmacopoeia used officially in a country that is included in a list published by the licensing authority for this purpose; and

(ii) in relation to a certificate of registration or marketing authorisation for a national homoeopathic product in force in the whole United Kingdom or in Northern Ireland only, described by the British Pharmacopoeia or a pharmacopoeia used officially in an EEA State (where "EEA State" means a State that is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 August 1993).

(4) In paragraph (2)(a), "summary of the product characteristics", in relation to a medicinal product, means –

(a) if the medicinal product has a UK marketing authorisation or traditional herbal registration, the summary of the product characteristics –

(i) as approved by the licensing authority in granting the authorisation or registration; or

(ii) if the summary of the product characteristics has been varied since that approval, the summary of the product characteristics as varied;

(b) if the medicinal product has an EU marketing authorisation, the summary of the product characteristics –

(i) as approved by the European Commission in granting the authorisation; or

(ii) if the summary of the product characteristics has been varied since that approval, the summary of the product characteristics as varied.

(5) In this Article, the following terms have the respective meanings given to them in the Human Medicines Regulations 2012 of the United Kingdom (S.I. 2012/1916) –

(a) certificate of registration;

(b) EU marketing authorisation;

(c) the licensing authority;

(d) marketing authorisation;

(e) national homoeopathic product;

(f) traditional herbal registration;

(g) UK marketing authorisation.

PART 2

ADVERTISING TO THE PUBLIC

4 Application of this Part

This Part applies only to advertisements wholly or mainly directed at members of the general public.

5 Prohibition of advertisements likely to lead to use of prescription only medicines, etc.

(1) A person must not publish an advertisement that is likely to lead to the use of a prescription only medicine.

(2) But paragraph (1) does not prohibit a person from publishing an advertisement that is likely to lead to the use of a prescription only medicine for the purpose of the prevention of neural tube defects.

(3) A person must not publish an advertisement that is likely to lead to the use of a medicinal product, substance or article for the purpose of inducing an abortion in a woman.

6 Prohibition of advertisements for certain medicinal products

A person must not publish an advertisement for a medicinal product that –

(a) contains a substance that is listed in Schedule I, II or IV to the Single Convention on Narcotic Drugs signed by the United Kingdom on 30 March 1961 as amended by the Protocol Amending the Single Convention on Narcotic Drugs signed by the United Kingdom on 25 March 1972 (where the product is not a preparation listed in Schedule III to that Convention); or

(b) contains a substance that is listed in Schedule I to IV to the Convention on Psychotropic Substances signed by the United Kingdom on 21 February 1971 (where the product is not a preparation that may be exempted from measures of control in accordance with paragraphs 2 and 3 of article 3 of that Convention).

7 Prohibition of advertisements containing material relating to diagnosis

A person must not publish an advertisement for a medicinal product that –

(a) states or implies that medical consultation or surgical operation is not necessary;

(b) offers to provide a diagnosis or suggest a treatment by post or by means of electronic communication; or

(c) is likely to lead to erroneous self-diagnosis by another person, as a result of a description or detailed representation of a case history.

8 Prohibition of advertisements containing material about effect of medicinal product

(1) A person must not publish an advertisement for a medicinal product that states or implies that the effect of taking the product –

(a) is guaranteed;

(b) is better than or equivalent to the effect of another treatment or medicinal product; or

(c) is not accompanied by an adverse reaction.

(2) A person must not publish an advertisement for a medicinal product that states or implies that –

(a) the health of a person who is not suffering from any disease or injury could be enhanced by taking the medicinal product; or

(b) the health of a person could be affected by not taking the medicinal product.

9 Prohibition of advertisements containing material about status of medicinal product

A person must not publish an advertisement for a medicinal product that states or implies that –

(a) it is not a medicinal product (for example that it is a foodstuff or cosmetic); or

(b) its safety or efficacy is due to the fact that it is natural.

10 Prohibition of advertisements referring to recommendations

A person must not publish an advertisement for a medicinal product that states or implies that the product is recommended by –

(a) a scientist;

(b) a health care professional; or

(c) a person who, because of their celebrity, could encourage another person to use the medicinal product.

11 Prohibition of advertisements directed at children

A person must not publish an advertisement for a medicinal product that contains material directed principally at persons aged under 18.

12 Form and content of advertisements

(1) A person must not publish an advertisement for a medicinal product unless that advertisement –

(a) is presented so that it is clear that the message is an advertisement and so that the product is clearly identified as a medicinal product; and

(b) includes –

(i) the name of the medicinal product;

(ii) if it contains only 1 active ingredient, the common name of the medicinal product;

(iii) the information necessary for correct use of the medicinal product; and

(iv) an express and clear invitation to read carefully the instructions on the leaflet contained within the package or on the label.

(2) But paragraph (1) does not apply to an advertisement for a medicinal product that is on a promotional aid if the advertisement –

(a) consists solely of the name of the product (or, in the case of a homoeopathic medicinal product, the scientific name of the stock or stocks); and

(b) is intended solely as a reminder.

(3) In this Article –

(a) "common name", in relation to a medicinal product, means –

(i) the international non-proprietary name; or

(ii) if no international non-proprietary name exists, the usual common name;

(b) "name", in relation to a medicinal product, means the name given to the product, which may be either an invented name or a common or scientific name, together with a trade mark or the name of the person responsible for marketing the product;

(c) "promotional aid" means a non-monetary gift made for a promotional purpose by a commercially interested party.

13 Exception for approved vaccination campaigns

Articles 5(1), 6 and 8(2)(b) do not apply to an advertisement that is part of a vaccination campaign that –

(a) has been approved by the Minister; and

(b) relates to a medicinal product that is a vaccine or serum.

14 Exception for approved campaigns in response to spread of pathogenic agents etc

Articles 5(1), 6, 8(2)(b) and 12(1)(b)(iv) do not apply to an advertisement that is part of a campaign that –

(a) has been approved by the Minister; and

(b) relates to a medicinal product for use in response to the suspected or confirmed spread of –

(i) a pathogenic agent;

(ii) a toxin;

(iii) a chemical agent; or

(iv) nuclear radiation.

PART 3

OFFENCES, REPEAL AND CLOSING PROVISION

15 Offences

(1) A person who contravenes a provision of this Order commits an offence.

(2) A person who commits an offence is liable to imprisonment for a term of 2 years and to a fine of level 3 on the standard scale.

16 [1]

17 Citation and commencement

This Order may be cited as the Medicines (Advertising) (Jersey) Order 2026 and comes into force 7 days after it is made.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Medicines (Advertising) (Jersey) Order 2026	R&O.1/2026	13 January 2026	

◦Projets available at statesassembly.gov.je

Table of Endnote References

[1] *Article 16* *spent, omitted*