

European Commission,
DG SANCO, Unit SANCO/D/6,
DM24 02/36,
BE-1049
Brussels.

By e-mail to: sanco-logo-falsified@ec.europa.eu

January 2013

Dear Sir/Madam

Response to EC Concept paper on 'implementing Act on a common logo for legally operating online pharmacies/retailers offering medicinal products for human use for sale at a distance to the public'

About the General Pharmaceutical Council

The General Pharmaceutical Council (GPhC) is the independent regulator for pharmacists, pharmacy technicians and registered pharmacies in Great Britain. It is our job to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmaceutical services in Wales, England and Scotland by upholding standards and public trust in pharmacy.

Our principal functions include:

- approving qualifications for pharmacists and pharmacy technicians and accrediting education and training providers;
- maintaining a register of pharmacists, pharmacy technicians and registered pharmacies;
- setting standards for conduct, ethics, proficiency, education and training, and continuing professional development (CPD);
- establishing and promoting standards for the safe and effective practice of pharmacy at registered pharmacies;
- establishing fitness to practise requirements, monitoring pharmacy professionals' fitness to practise and dealing fairly and proportionately with complaints and concerns.

In Northern Ireland the regulation of pharmacies is a matter for the Department of Health, Social Services and Public Safety and the Pharmaceutical Society of Northern Ireland.

At the end of last year we responded to a national consultation led by the [Medicines and Healthcare Regulatory Authority \(MHRA\) on the transposition of Directive 2011/62/EU \('the Falsified Medicines Directive'\) into UK legislation](#). That response may provide some background to our comments below.

Introduction

In the UK medicinal products for human use are divided into prescription only and non-prescription medicines with the non-prescription medicines category further subdivided into medicinal products that can only be

purchased from a pharmacy and medicinal products known as General Sale List (GSL) medicines that can be purchased not only from pharmacies but also from non-pharmacy retailers.

One of the most significant consequences of the Falsified Medicines Directive for the UK is that retail websites offering General Sale List (GSL) medicines for sale over the internet will also be required to use the EU logo on their websites.

A key consideration for the GPhC will be the impact this has on the current voluntary internet logo which we issue to pharmacies registered with us that sell or supply medicinal products over the internet; whether this should be discontinued following the introduction of the EU logo scheme and how it will be possible, in future, for patients to distinguish easily between registered pharmacies whose services are fully regulated by the General Pharmaceutical Council) (or other healthcare providers who may supply medicines over the internet who are also regulated by the relevant competent authority) and non-healthcare retail organisations who retail GSL medicines over the internet.

We support paragraph 4 of the introduction to your consultation and agree that the the proposed common logo would need to be recognisable throughout the EU and enable the identification of where the online pharmacy/retailer is established. However this assumes that an online pharmacy will always conclude a sale (in UK law this is the transaction of payment and supply the medicinal product) in the same Member State. It is feasible for the 'sale' to be conducted in one Member State and the medicinal product supplied to the patient from another Member State.

1. The technical, electronic and cryptographic requirements for verification of the authenticity of the common logo.

At the GPhC we already have a web-based searchable register of pharmacies that are registered with us. We also operate an internet pharmacy logo scheme that is, at present, only voluntary. Those pharmacies that sell medicinal products over the internet have a website address against their entry on the register and by clicking on this the public is taken to that pharmacy's webpage. There is also a reciprocal link from the displayed internet logo to that pharmacy's entry on our register.

We have however encountered incidents where owners of registered pharmacies have just copied our logo onto their website instead of first applying to us for approval to display the logo. As the logo has not been issued by us, it will not hyperlink directly to that pharmacy's entry in our web-based register. To circumvent the reciprocal hyperlink embedded in the logo, owners have simply hyperlinked other information beneath the copied logo, (such as their pharmacy's unique registration number), directly to their pharmacy's entry on the web-based register instead. To mitigate the risk of counterfeit logos, our core communications message to members of the public wishing to purchase medicines over the internet from a registered pharmacy is to check our online register as the safest way to achieve assurance; the online logo is not a robust assurance mechanism.

It is therefore of concern to us that it may be possible to copy and paste the mandatory EU logo onto websites that we, the MHRA or other competent authorities, have not approved for the supply of medicinal products over the internet. In the UK it is also a significant risk that those purchasing General Sales List medicines from unregulated retail outlets could receive false reassurance. The public assurance provided by a hyperlink to a register entry of approved websites could be circumvented by repeating the '*click to check this website*' wording and hyperlinking this to a dummy website for example.

2. Design of the common logo

We have no particular preference between the 2 available options, however we have a concern that both designs incorporate 'a cross' which has historically been associated with pharmacies. This could be misleading for the public when the logo in the UK would also be displayed on websites belonging to non-pharmacy retailers selling GSL medicines.

3. National element and text

We are content for the logo to depict a national element in the form of the relevant Member State flag. We do need to point out, however, that in the UK the competent authorities responsible for issuing the logo and regulating the internet retailer will depend on the retailer's location, whether in Great Britain or Northern Ireland, and also the category of medicinal product supplied. Additionally, the national element will be strengthened in that any hyperlink should only be to the relevant national on-line register of approved retailers.

In relation to the wording – whatever wording is used in the body of the logo itself – this could be repeated immediately below the logo too and hyperlinked to a dummy website. So the assurance that the logo is designed to provide may not be realised in reality.

4. Size and position of the logo

We have no comment in relation to the size or positioning of the logo. In relation to whether the logo is static or animated, if introducing animation would make the logo less likely to be copied, then we would prefer the logo to be an animated one. This would be a matter for those with technical IT security expertise.

It would also seem helpful for both positive and negative formats of the common logo to be authorised, so that retailers can select the version which would be most visible on their website.

5. Summary

In summary we support the desire to provide greater assurance to the public when purchasing medicinal products over the internet but remain concerned that the EU logo could give false assurance as it appears possible to copy the logo onto websites that have not been approved by the relevant national competent authority. Additionally in the UK the appearance of the logo may give the public false assurance that they are purchasing medicinal products from regulated pharmacies when this will not always be the case.

Yours sincerely



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