FAQs on Guidance for HCSA Licensees and Telemedicine Service Providers on Advertisement Controls of Health Products

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REVISION HISTORY

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1. What constitutes an advertisement?

An ‘advertisement’ is defined as the publication of any information that promotes, whether directly or indirectly, the sale or use of a health product. As such, information on health products published by healthcare service providers, that is intended to promote the sale or use of these products would fall within the definition of an advertisement.

This includes any form of promotional information on the product that may be disseminated through print, electronic direct mailers, the Internet and social media platforms (e.g., videos, reels, still posts, testimonials) clinic websites, google advertisements.

As the definition of an ‘advertisement’ includes indirect promotions, the offer of a product for sale on a website, even without any express words promoting the said product, is considered an advertisement.

Examples of an advertisement and offer of sale (non-exhaustive):

- A publication that uses an image of the product to promote the sale or use of that product with or without any product description.
- Listing of a product with an image, with or without names and/or descriptions, accompanied by price and a call-to-action (e.g. ‘buy now’, ‘call now’).

2. What would be considered indirect advertisement and promotion of prescription only medications (POMs) or professional use only medical devices (PUO MDs)?

Under the Health Products Act (HPA), the definition of an 'advertisement' encompasses all direct and indirect promotion of health products. Any reference to health products, named or otherwise, that implies a specific health product for promoting its sale or use (including the offer of sale), constitutes an advertisement subject to the prevailing requirements.

Indirect references to POMs or PUO MDs promoting their sale or use are also considered advertisements. This includes the use of any acronyms, misspellings, creative wordings or designs intended to refer to the POMs or PUO MDs.

All direct and indirect promotions of POMs or PUO MDs that are directed to consumers, are strictly prohibited under the Health Products (Advertisement of Specified Health Products) Regulations.

Examples of advertisements of POMs or PUO MDs not allowed under the Regulations:

a. Direct References:

- Specific brand mentions.
- Visuals or descriptions alluding to a particular POM / PUO MD.
- Accompanying messages, visuals, or captions promoting the sale or use of a specific POM / PUO MD.

b. Indirect References:

- Using acronyms, deliberate misspellings (e.g. omitting certain letters from brand names), creative names, or images with masked identifiers that indirectly refer to specific POMs or PUO MDs.
  Examples: 'Viagr@', 'S*xenda', 'YSMN Tablet', 'RJN' Visual of a specific injection pen showing full or partial product packaging and/or brand name.

c. Offer of Sale:

- Offering POMs or PUO MDs for sale by referencing specific brands, active ingredients, or product classes.
  Example: Publishing information on glucagon-like peptide-1 (GLP-1) receptor agonists linked to an offer of sale is prohibited, even without mentioning specific brands, as all GLP-1 receptor agonists are classified as POMs.

3. Why is the advertising of prescription-only medicines (POMs) and professional use only medical devices (PUO MDs) to consumers prohibited?

Health products that can only be prescribed and/or administered by a medical doctor or dentist (i.e. prescription-only medicines, professional-use only medical devices or cell, tissue or gene therapy products) are used for treatment of medical conditions and some are associated with significant side effects. The decision for the use of such products is dependent on the clinical judgement of the medical doctors or dentists and requires informed discussion with their patients.

Such products should only be used under the medical supervision of healthcare professionals. The choice of products prescribed should be based on the diagnosis and assessment of the patient's condition by the medical doctor or dentist. Patients should not be influenced by information or advertisements that might be promoting a particular type of POM / PUO MD. However, patients may discuss their preferred treatment with their doctor or dentist during the consultation after a diagnosis has been made and treatment options explained by the doctor or dentist. This is to ensure appropriate and safe use of such products.

Hence, healthcare service providers should not advertise or promote the sale or use of these products (including offer of sale) to members of the public. Patients or consumers should not be prompted to pre-select these products prior to medical consultation.

4. How can I check if a product is a prescription only medication (POM) or professional use only medical device (PUO MD)?

You can access information on HSA registered products and classifications through HSA's Infosearch tool on the website - HSA | Infosearch for health products and services.

5. Can I provide information on unregistered therapeutic products (TPs) or off-label use of a registered TP to the public?

No.

Unregistered TPs that are imported and supplied via the Special Access Routes (SAR) as well as other unregistered TPs are not allowed to be advertised to the public. This includes unregistered products that are compounded by healthcare institutions, pharmacies, or third-party manufacturers outsourced by healthcare institutions.

In addition, any information that extends beyond a product's approved indication(s), dosing regimen, or properties is not allowed to be advertised. This is in consideration that a product should be used in according to their indications and any off-label uses should be made on proper medical grounds as assessed by a medical doctor.

6. Can I offer prescription only medications (POMs) or professional use only medical devices (PUO MDs) to patients by using the brand name, active ingredient or visual representation of the product before providing a medical consultation?

No.

POMs and PUO MDs can only be prescribed and/or administered by a medical doctor or dentist. The decision to use such products depends on the clinical judgement of the medical professionals and requires informed discussion with their patients.

Healthcare providers may offer patients or consumers to undertake a medical consultation, but this should be in relation to specific medical conditions or diseases, and not specific POMs or PUO MDs.

Advertisements of POMs or PUO MDs (including direct and indirect advertisements) should not be used as a means to solicit or encourage uptake of medical services. Under the HPA, offering POMs / PUO MDs for sale or encouraging their pre-selection is considered an advertisement, which is not allowed.

To ensure appropriate and safe use of these products, patients or consumers should not be influenced by information or advertisements that might promote a specific POM or PUO MD. Inviting patients or consumers to pre-select a POM or PUO MD (whether using brand name, creative name, active ingredient or visual representation of the product) prior to a medical consultation is not allowed as it is deemed to be promoting the sale and use of the products.

Examples of offer of sale (non-exhaustive):

- "Buy Now", "Buy X", "Add to Cart", "Check eligibility", "Start consultation", online quiz or survey, or any visual representation associated with selecting the POM or PUO MD prior to a medical consultation is not allowed.

7. Can I offer or provide information for specific POMs or PUO MDs after patients / consumers log in through a secure platform but before a medical consultation?

No.

POMs and PUO MDs can only be prescribed by a medical doctor or dentist and the decision for use of such products is dependent on the clinical judgement of the medical professionals and requires informed discussion with their patients. To ensure appropriate and safe use of these products, patients or consumers should not be influenced by information or advertisements that might be promoting a specific POM or PUO MD. Hence, the offer of sale / selection / provision of information for specific

POMs or PUO MDs before medical consultation with the doctor or dentist (irrespective of whether the patient / consumer has logged in any platform) is not allowed as this is deemed to be promoting the sale and use of the product.

8. Can I make product comparisons to highlight the benefits of certain products or treatments?

No.

Comparing specific branded products of prescription only medication (POM) or professional use only medical device (PUO MD) that promotes the sale or use of a specific product is not allowed.

Examples of comparative claims (non-exhaustive):

- Highlighting certain benefits or qualities of specific products which may denigrate other products; or use of terms such as "X Works better / faster / lasts longer / is safer / preferred by our Drs / more popular world-wide / the best / most effective treatment for" is not allowed.
- Table comparison of the properties across different brands of an active ingredient are not allowed.

Type	Brand A	Brand B
Price	$	$$
Results	Slower	Faster
How long does it last	X months	Y months

9. How do I provide non-promotional information that is factual and meant to educate patients and the public on the services / products available for them to make an informed decision?

When providing educational information, healthcare service providers are advised to focus on the medical conditions and the healthcare services available.

Materials or information on diseases or medical conditions should be factual, well-balanced, and non-promotional. When necessary, information on treatment options should be presented in the context of a balanced overview consisting of the relevant disease information, the full range of treatment options with no reference to any specific health product and provide information on their associated risks and benefits.

References to specific health products, whether direct or indirect, are not allowed when providing information on treatment options involving health products, i.e., reference to brand names is not allowed e.g. Botox, Saxenda, Profhilo. Where health products are mentioned, the information shall be limited to therapeutic class, active ingredients, or generic terms relating to the technology and/or treatments (e.g. PDE-5 inhibitors, appetite suppressants, botulinum toxins, dermal fillers, non-invasive radiofrequency, PICO laser).

There shall be no reference to brands, pictorial images of products, brand comparisons, or pricing.

Any information that does not align with the criteria above and focuses on or draws attention to a specific brand of health product may be considered an advertisement

under the HPA, subject to the prevailing requirements. Please refer to (current Q2) for examples of indirect promotion of POMs or PUO MDs.

10. Can I indicate that the products available in my clinics are 'HSA approved'?

No.

The use of HSA's name and/or logo is not allowed in advertisements of health products. Any information that claims or suggests that the sale and use of the product is promoted or endorsed by the Government or any public authority, including HSA is not allowed.

Examples of use of HSA's name (non-exhaustive):

- "Product X is HSA approved".
- "Our products are HSA approved".
- HSA has approved Product x for the treatment of y.

11. Will HSA provide review service for advertisements of health products?

HSA does not vet or review specific advertisement materials to confirm compliance with the requirements. Please be advised to review the guidelines and legislation and seek advice from your own legal department or other relevant consultants, where appropriate.

- Health Products Act
- Health Products (Advertisement of Specified Health Products) Regulations
- Health Products (Medical Devices) Regulations