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STATUTORY INSTRUMENTS

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**2012 No. 1916**

**The Human Medicines Regulations 2012**

**PART 14**

Advertising

CHAPTER 3

Monitoring of Advertising

*Injunctions*

**Application for injunction: accuracy of factual claim**

**312.**—(1) This regulation applies if—

- (a) an application for an injunction is made under regulation 311; and
- (b) the advertisement in question makes a factual claim about the medicinal product to which it relates.

(2) The court may require any person appearing to it to be responsible for the advertisement to provide evidence as to the accuracy of the factual claim.

(3) The court may impose a requirement under paragraph (2)—

- (a) on the application of any party to the proceedings for the injunction; or
- (b) of its own motion.

(4) In deciding whether or not to impose a requirement under paragraph (2) the court must have regard to the interests of any person who would be subject to, or affected by, the requirement.

(5) A requirement imposed under paragraph (2) must specify the time within which the evidence must be provided.

(6) If the person on whom a requirement is imposed under paragraph (2) fails to comply with it the court may infer that the factual claim is inaccurate.

(7) A person may fail to comply with a requirement imposed under paragraph (2) by—

- (a) not providing any evidence; or
- (b) providing evidence that the court considers inadequate.

**Status:**

Point in time view as at 31/03/2014.

**Changes to legislation:**

The Human Medicines Regulations 2012, Section 312 is up to date with all changes known to be in force on or before 18 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.