

Buying medicines on the world wide web: what is legal and what is not?

What controls are there over medicine sales over the internet? Michael Thompson investigates

RECENT reports in national newspapers of the suicide of a young man who began abusing drugs at university and then bought large quantities of painkillers, tranquillisers and antipsychotics over the internet have drawn attention to the problem of regulating international sales of medicines.

Before the advent of the internet and its widespread use the problem was a minor one because bypassing national legal controls on buying medicines was hard in practice because orders needed to be placed in writing or over the telephone to previously known suppliers.

The internet has changed that. Anyone with a computer and web access can easily find willing sellers somewhere in the world. Whether those sellers are offering products that can be relied on is, of course, another matter.

The problem is that the world wide web, and the trading opportunity it offers, has developed faster than legislation. This is no surprise because laws usually change in response to difficulties, rather than in anticipation of them. So the situation now is that there is no effective legislation in place to deal with a problem that barely existed just a few years ago.

In the United Kingdom, people cannot commit an offence by buying medicines from any source. All the legal controls are exerted on sellers.

To obtain prescription medicines from a source in the United Kingdom lawfully, prospective purchasers must either buy them from a practitioner — defined by Section 58 of the Medicines Act 1968 and its amendments — or present a prescription from a practitioner at a lawfully conducted retail pharmacy business. It is the supplier's responsibility to comply with the law. Purchasers do not commit any offence if they are able to obtain medicines when there is no prescription, unless the medicine is a Controlled Drug that can only lawfully be possessed after a prescription has been issued.

Steve Lutener, head of professional conduct at the Royal Pharmaceutical Society, said: "The man in the street can do an awful lot; the Act doesn't constrain him. The onus is placed on the seller."

But the requirements of UK law generally do not extend beyond its borders. Although the Medicines Act prohibits imports of medicines, other than in accordance with a product licence, it specifically exempts imports for personal use and imports by householders for administration to members of their household.

It is this exemption that makes it possible for people to buy medicines overseas while on holiday or on business trips and bring them home. It also enables people to

buy from any foreign suppliers they know about. And it is the internet that has produced an explosion in awareness of foreign suppliers and has provided an easy means of placing orders and paying for them.

The exemption is there to facilitate continuing treatment during international travel. Its intended purpose is not to provide a way of bypassing systems that are in place to protect people from unintended self-harm.

Mr Lutener said: "The purpose of the Medicines Act is to protect the public. Section 58 is there because there are medicines which can only be used safely after consulting a doctor. If there are ways of getting medicines which reduce the involvement of a doctor then that is a weakness in the legislative process. But it is for medical practitioners and their regulatory bodies to decide what is professionally acceptable."

A further safety net that has been created to prevent the inappropriate purchase of prescription medicines over the internet, or even from pharmacies, is the prohibition on advertising them to the public.

A spokesman for the Medicines and Healthcare products Regulatory Agency said: "These legal controls apply equally to medicines sold or supplied via internet transactions."

So it seems that offering to dispense prescriptions is lawful, but listing medicines that can be supplied on prescription, whether on the internet or in a printed pharmacy advertisement may not be.

The MHRA is concerned about what it calls the global problem of the availability of medicinal products on the internet and says that any website reported to it which appears to be in breach of regulations on the advertising, sale and supply of medicines will be investigated. Persons in breach of the legislation face an unlimited fine and up to two years in prison.

To date, the MHRA has successfully caused seven United Kingdom sites to be closed down by internet service providers

and seven operators to amend their websites. It has achieved three successful prosecutions and made 12 referrals to other governmental agencies or overseas enforcement bodies. Joint initiatives with trading standards offices and the Office of Fair Trading have focused on UK sites found to be in breach of both medicines and consumer protection legislation and enforcement action is being planned.

The MHRA also works with European and other overseas regulatory agencies to ensure that websites comply with relevant laws.

There are additional restrictions where Controlled Drugs are concerned, even assuming that a prescription giving authority to possess exists. No-one can import CDs into the UK, or export them, whether for personal use or not, unless a valid import licence is in place.

Overseas suppliers must, of course, comply with the law in their own countries, but there can be no guarantee that they will.

But there is one final obstacle to buying medicines over the internet. Anything ordered from overseas to be delivered by post will make the last stage of its journey by Royal Mail and there are rules about what can and cannot be sent by post.

Using the authority of the Postal Services Act 2000, the Royal Mail prohibits the posting of medicines unless they are sent by a health professional in an emergency. Packages can be inspected if there is suspicion that the rules have been broken and the contents returned to the sender or destroyed. UK senders who break the rules can be prosecuted.

So there it is. The simple fact is that members of the public can legally buy most medicines over the internet, both domestically and internationally. It is unlikely that the law was ever intended to allow this, and whether it is safe or sensible for them to be able to do so is a question that demands an answer.

How easy is it to buy medicines on the web?

Buying prescription medicines on the internet without seeing a doctor is a simple matter of finding a website that offers what you want and completing some online forms. Websites can be found easily by typing words like "online" and "pharmacy" into a search engine. Such searches will identify domestic sites which offer to supply medicines after completion of an online questionnaire, overseas sites which make the same offer and overseas sites which sell medicines without a prescription regardless of their UK legal classification. Spam e-mails are also a ready source of websites.

The Journal has obtained Viagra from a UK pharmacy after completing an online questionnaire which the site said was to be used by a doctor as the basis for issuing a private prescription. We also bought Augmentin from a website based in India, warfarin from a website based in Australia (the product was actually supplied from Fiji) and digoxin and isosorbide dinitrate from Thailand.