



Medicines & Healthcare products Regulatory Agency

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[gov.uk/mhra](https://www.gov.uk/mhra)

Dr A Black

By email: [REDACTED]

3 November 2022

Dear Dr Black

Re: BBC programme: “Unvaccinated”

Thank you for your follow-up letter dated 4 September 2022 concerning the above television programme broadcast on BBC2 and available on BBC iPlayer. I apologise for the delay in responding.

A team with expertise in the UK advertising Regulations, along with lawyers, have reviewed your follow-up letter carefully. My response outlines our view of the concerns you have raised.

We remain of the view that a programme investigating public attitudes to a health intervention falls outside the definition (as per regulation 7) of an advertisement. We do not consider that the broadcast was designed to promote the prescription, supply, sale or use of a specific medicinal product. There is therefore nothing further that we can investigate within the scope of the UK advertising Regulations (Part 14 of the Human Medicines Regulations 2012).

As outlined in our previous letter of 12 August 2022, the reporting of any particular vaccinations by name is considered factual and informative without highlighting particular qualities of a medicine. We consider the examples listed in your follow-up letter about “vaccine” are factual statements, not product claims. We have scrutinised on their own merit and in detail every quote you have highlighted in your letter from the documentary and consider that there are no grounds on which any of the statements could be regarded as within the definition of an advertisement for a medicine and therefore the scope of an advertising complaints investigation under the Regulations.

Overall, the review of the broadcast led us to conclude that the documentary discusses the known scientific facts about the vaccinations used in the immunisation campaigns that have

led to their authorisations for use in the UK as part of a public health campaign to prevent disease.

We also explained that the documentary cannot have led members of the public to request a prescription-only medicine (the safeguard outlined in regulation 284) because the decision of which product(s) to deploy is one made by public health officials. To conclude again, any perceived encouragement in the documentary (your letter refers to the documentary “encouraging the participants to receive a covid vaccine” (emphasis added)) through exploring individuals’ rationale for or against vaccination is general to consideration of participation in an immunisation programme overall.

Our previous letter gave background on how complaints about UK broadcast advertising are handled and advised you to refer your concerns to the Advertising Standards Authority (ASA), which acts as a coregulator on behalf of the statutory body, Ofcom. While the documentary is out of scope for our consideration under the advertising Regulations, I would encourage you to contact these bodies for further guidance on how to complain about editorial content of concern published by the BBC.

Due to data protection, I cannot refer your complaint to the ASA myself unless you provide your permission for me to share your details. Please let me know if your preferred route of referral is via us.

Thank you to you and your colleagues for taking the time to follow up. On careful review, and as we have indicated previously, we are not able to take forward your concerns. Do let us know if you would like us to refer your query on to ASA.

Yours sincerely

A handwritten signature in black ink, reading "Laura Squire". The signature is written in a cursive, flowing style.

Dr Laura Squire

Chief Healthcare Quality and Access Officer
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