

10. The advert constitutes commercial advertising as is understood by the Code. The Code specifies that its primary object is the “regulation of commercial advertising”. The Code applies to “all advertisements for the supply of goods or services or the provision of facilities by way of trade, and also to advertisements other than those for specific products which are placed in the course of trade by or on behalf of any trader”. I submit that the advert constitutes an advert for the supply and sale of particular medicines and as such the Code is applicable. In any event, the Code also applies to non-commercial advertising, by providing that the “Code applies, so far as is appropriate, to advertisements by government departments and agencies and to those by other noncommercial organisations and individuals”.