



22.04.2020

KEY ANNOUNCEMENTS

Taking questions from journalists on how and when the lockdown might be eased, First Secretary of State Dominic Raab led this afternoon's briefing on the day that the new, virtual, House of Commons also opened.

Mr Raab was joined by the government's chief medical adviser Professor Chris Whitty and the head of the armed forces General Sir Nick Carter.

The main announcements this evening were:

- There appears to be a “glimmer of light at the end of the tunnel”, as the country looks to be coming through the peak now, but we are not there yet. The five principles previously set out by Mr Raab remain key to determining what lockdown measures could be reduced and when.
 - The NHS must be able to cope with any adjustment. It must be able to continue to provide sufficient care across the whole of the UK.
 - Sustained and consistent falls in the daily death rates must be seen so the government can be confident we are beyond ‘the peak’.
 - Reliable data from SAGE must show that the rate of infection is decreasing to manageable levels across the board.
 - Operational challenges, including testing and PPE, must all be in hand with supply able to meet demand.
 - Any adjustments to the current measures must not risk a second peak of infections that overwhelms the NHS.
- Some 3-4,000 military personnel are involved in operations around the UK, including distributing PPE, supporting the NHS and providing popup testing facilities. A further 20,000 personnel are available at high readiness if needed.

- A lot of work is being done on vaccines in the UK and internationally. Human trials are due to begin with the University of Oxford's vaccine tomorrow, though manufacturing and scaling up will take considerable time if any vaccine is successful.
- The Scientific Advisory Group for Emergencies (SAGE) has been asked to look at the evidence concerning the wearing of facemasks by the general public, though the government has not had its advice yet.
- Hopes that we will go straight from the current lockdown to everything being back to normal are unrealistic. Some measures will be required for a long time and the government will need to determine what is the best balance of measures for public health outcomes.
- A contact tracing smartphone app is one measure the government is looking at among a number of different options that may help to ease the UK out of the current lockdown measures.
- A high mortality rate is expected to be seen in care homes because residents are a very vulnerable group.

Elsewhere in COVID-19 news....

The Advertising Standards Authority has ruled against several private medical clinics in the UK who claimed their products helped immunise people against COVID-19.

LEGAL IMPLICATIONS

BUSINESS

1. Can businesses claim that their products will help with treating/preventing COVID-19?

The Advertising Standards Authority ("ASA") has banned three private medical clinics from advertising vitamin drips claiming to help immunise people from COVID-19. The rulings for REVIV UK Ltd, Cosmetic Medical Advice UK Ltd, and The Private Harley Street Clinic can be found [here](#).

The ASA ruled that the clinics had breached rules 12.1 and 12.11 of the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing ("CAP Code"), which state that objective medical claims must be backed by evidence and that such products must have a licence from a relevant regulatory body such as the Medicine and Healthcare products Regulatory Agency ("MHRA").

This is a clear warning for businesses from the ASA to not exaggerate any claims for how a good or service might assist with the medical treatment or prevention of COVID-19. The ASA, being the UK's regulator of adverts, is no doubt concerned that such advertising may convince purchasers that they do not need to adhere to the government's rules and guidelines on social distancing and staying at home. It will therefore understandably look to crackdown on businesses advertising such products as quickly as it can.

This crackdown could extend to those selling personal protective equipment ("PPE") to the general public and who might exaggerate the benefits of using such equipment. There is still much uncertainty around how effective products such as facemasks are in preventing someone from the general public in catching COVID-19 and businesses must not look to exploit health-related anxieties.

Attempting to make quick money now through false or misleading advertising could lead to short-term gains but long-term reputational damage and heavy fines if businesses ignore the ASA's rulings.

DISCLAIMER

The above is not intended to be legal advice. Specialist advice should be sought for individual cases where necessary.

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