

PSD GUIDELINES ON THE ADVERTISING OF PESTICIDES

1. Introduction

These Guidelines explain PSD's approach to the regulation of advertisements under the Control of Pesticides Regulations 1986 (COPR) as amended by the Control of Pesticides (Amendment) Regulations 1997 and the Plant Protection Products (Basic Conditions) Regulations 1997. They have been issued following consultation with the Crop Protection Association (CPA) (formerly the British Agrochemicals Associations (BAA)) and the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS). They should not be regarded as a definitive interpretation of these Regulations, which only the courts can give.

2. Legislation

By virtue of the Food and Environmental Protection Act 1985 it is an offence to advertise a pesticide unless it has been approved under the Control of Pesticides Regulations 1986 (as amended) for that purpose. The detailed controls are set out in Appendix 1 (Schedule 1 of the Control of Pesticides (Amendment) Regulations 1997) and these also apply to plant protection products which are regulated under the Plant Protection Products (Basic Conditions) Regulations 1997.

- These Regulations apply to any product including new products that have not yet received approval and also to any products which do not hold an advertising approval.
- Once a product has COPR approval (including an advertisement approval), others may advertise it besides the approval holder.
- Until a product has been approved, areas that are part of its approval, e.g. trade name, packaging and labelling, including any reference to its specific uses and claims for its effectiveness, must not be advertised. This is because Schedule 1 of the Control of Pesticides (Amendment) Regulations 1997 (Appendix 1), states that an advertisement for a pesticide shall only relate to such conditions as are permitted by the approval given in relation to that pesticide.

3. Scope of Guidelines

These guidelines apply to the advertising of the following:

- Pesticide products regulated under the Control of Pesticides Regulations 1986 as amended by the Control of Pesticides (Amendment) Regulations 1997.
- Plant protection products regulated under the Plant Protection Products (Basic Conditions) Regulations 1997.

They do not apply to:

- Advertisements promoting companies or to services relating to pesticides, for example spraying services or pest treatment services.
- Advertisements in foreign media.
- Advertisements for pesticides intended solely for export from the United Kingdom. This must be made clear in any advertisement.

4. What is an advertisement?

An advertisement is:

In general terms, a communication identifying a product (or range of products), addressed to the general public, (and/or those who have a particular interest in the storage, sale, supply or use of pesticides including prospective buyers such as wholesalers, retailers and farmers) intended to promote sales or use of a product (or range of products).

A variety of media can be used, for example an advertisement can be printed, pictorial, broadcast or recorded and includes any advertisement that is stored or transmitted by electronic means, such as uploading on the internet or email messages. Promotional brochures and mailings are also included whether individually addressed or circular. The guidelines also apply to sponsorships (for example of conferences), exhibitions (for example trade fairs), aerial announcements and gifts.

An advertisement has the following properties:

a. The product(s) is identified in some way and

The product(s) would have a name, or logo or other distinctive packaging and/or make claims for its effectiveness.

b. The communication is addressed to anyone other than the approval holder, marketing company or their agents

This covers anyone other than the approval holder/person placing the product on the market and their agents and would include farmers, growers and trade customers.

c. The communication is intended to promote sales or use of the product(s)

The borderline between advertising and informing may sometimes be indistinct, however an advertisement involves,

- Being issued, or paid for, by the company or organisation promoting the product, and
- Attempting to increase market interest in the product and consequently expecting financial benefit

An advertisement is not:

- An independent publication, which carries information, e.g. a trade journal, where editorial content is under the control, and production is at the expense, of the publisher. Such information not being used to advertise the product.
- A communication which is purely internal and not public.
- The approved label and packaging of the product including any leaflet which is supplied with the product containing factual information or instructions.
- A report of trials and experiments or a paper or article, whether oral or published in the scientific literature, which is purely factual. The report, paper or articles etc., not being used to advertise the product.
- A safety data sheet or other information relating to product safety.

The above list, which is not exhaustive, contains examples of communications which are not advertisements.

5 New Products

Without an advertising approval, information about a new, unapproved product should be as factual as possible, for example a statement that an application has been submitted for the approval of a new insecticide for the control of [pest X] on [crop/situation Y].

Companies should not:

- Invite orders and/or cite product price. This could amount to sale and supply of an unapproved product, which is also an offence.
- Identify the product for example by citing the product name.
- Make claims for the effectiveness or safety of the product.
- Give the impression that the product is about to be approved – approval is not certain.

Provided the above restrictions are adhered to, it is acceptable to display representative packaging for the non-approved product to give an indication of how the product, if approved,

would look. The packaging could indicate size, colours, physical form, and may include labelling restricted to a general description of the pesticide and its uses: e.g. a herbicide for use on home garden paths. This should be coupled with a statement such as "this [herbicide] is not approved. Approval is being sought from PSD.

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For further information: www.pesticides.gov.uk

After seeking advice from the HSE, all exhibitors displaying products at PestEx 2022, which do not have approval for the UK, should be clearly marked 'Not Approved for Use in the UK'.

Advertising requirement for biocidal products

1. Introduction

The requirements relating to advertising are laid down in Article 72 of EU BPR. These requirements apply to all adverts for biocidal products from 1 September 2013.

The advertising requirements of EU BPR do not apply to the packaging and labelling of biocidal products, unless the packaging is also part of an advert. There are specific requirements for packaging and labelling laid down in Article 69 of EU BPR. The packaging and labelling requirements do not come into force until biocidal products are authorised under EU BPR.

2. What are the advertisement requirements under EU BPR?

The advertisement requirement in Article 72 of the EU BPR state that:

"any advertisement for biocidal products shall, in addition to complying with Regulation (EC) No 1272/2008, include the sentences 'Use biocides safely. Always read the label and product information before use.' The sentences shall be clearly distinguishable and legible in relation to the whole advertisement.

Advertisers may replace the word 'biocides' in the prescribed sentences with a clear reference to the product-type being advertised.

Advertisements for biocidal products shall not refer to the product in a manner which is misleading in respect of the risks from the product to human health, animal health or the environment or its efficacy. In any case, the advertising of a biocidal product shall not mention 'low-risk biocidal product', 'non-toxic', 'harmless', 'natural', 'environmentally friendly', 'animal friendly' or any similar indication."

- [Regulation 1272/2008 is the 1272/2008 on Classification, Labelling and Packaging of Substances and Mixtures \(CLP Regulation\)](#)

3. What is considered an advertisement?

An advertisement is defined in Article 3 of EU BPR as "a means of promoting the sale or use of biocidal products by printed, electronic or other media."

It is HSE understanding that an advertisement is any communication aimed at potential customers or users that identifies and promotes the sale or use of a product. The advert could be pictorial, broadcast or recorded and includes any media that is stored or transmitted by electronic means, including radio, TV and the internet. Promotional brochures and mailings would also be included whether individually addressed or not. A Safety Data Sheet would not normally be considered to be an advert. If you are unsure if your communication could be considered to be an advertisement, consult with your local Trading Standards office.

4. Do I have to use the word Biocides?

The word 'biocides' in the sentence "Use biocides safely. Always read the label and product information before use" may be replaced by the product-type of the biocidal product being advertised for example "Use disinfectants safely. Always read the label and product information before use" or "Use Insecticides safely. Always read the label and product information before use".

5. Who enforces the Advertisement Requirements?

The responsibility for enforcing the advertising requirements in the UK lies with Trading Standards Officers.

6. Can my advertisement say my biocidal product is safe or harmless?

No. The requirements in Article 72 of EU BPR clearly state that the advertisement claims you make must not mislead in respect of the risks of that biocidal product to humans,

animals or the environment or efficacy, and specifically prohibit the use of words such as 'harmless' or similar terms.

7. Can my advertisement say my biocidal product is natural or environmentally/animal friendly?

No. The requirements in Article 72 of the EU BPR clearly state that the advertisement claims you make must not mislead in respect of the risks of that biocidal product to humans, animals or the environment or efficacy, and specifically prohibit the use of words such as natural, environmentally friendly, animal friendly or any similar terms.

8. If my product is currently approved under the Control of Pesticides Regulations (COPR), what phrase do I need to put on my adverts?

COPR approval holders are aware that under COPR they must include on adverts the general warning: "Always read the label. Use pesticides safely".

COPR approval holders must continue to comply with the advertising requirements of COPR but must also comply with the advertising requirements of EU BPR.

This means that the phrase laid out in Article 72 of EU BPR "Use biocides safely. Always read the label and product information before use." must be used, noting that the word 'biocides' may be replaced by the product-type of the biocidal product being advertised.

COPR Approval holders, if they wish, may use both the COPR and EU BPR phrases. However, HSE are taking a pragmatic approach and COPR Approval holders can use the EU BPR phrase instead of using both.

For example, a wood preservative currently approved under COPR would require the phrase on any advertisement for the product:

- "Use biocides safely. Always read the label and product information before use." or;
- "Use wood preservatives safely. Always read the label and product information before use."

COPR Approval holders must ensure that the correct phrase is used along with the other advertising requirements of the EU BPR.