

Ruling

Babylon Healthcare Services Ltd t/a GP at hand

60 Sloane Avenue, London , SW3 3DD60

Media:	Internet (on own site), Internet (social networking), Poster, Transport, In-game (apps)
Agency:	None
Complaint Ref:	A18-439274
Complaints:	8



AD DESCRIPTION

A poster appearing on the London Underground network, a Facebook post, a website and an app for “GP at Hand” services, for Babylon Healthcare Services:

- The poster, seen on tube trains and platforms on the London Underground in November 2017 and February 2018, stated “See an NHS GP in minutes for free 24/7” with the NHS logo in the top right corner and on the bottom right corner of the poster “GP at hand powered by ... Babylon”..
- The paid-for Facebook post, seen in December 2017, stated “See an NHS GP in minutes from your phone for free 24/7” above an image of a video call with a doctor on a smartphone and text which stated “See NHS doctors in minutes”.
- The website, www.gpathand.nhs.uk, seen in December 2017, stated “See an NHS GP in minutes for free 24/7 ... Sign up in 3 minutes”.
- The app for GP at hand stated “GP at hand powered by Babylon... See an NHS GP in minutes for free... A simple, secure & convenient way to access NHS healthcare”. At the bottom right corner of the screen, text stated “Providing NHS services” below the NHS logo.



ISSUE

Eight complainants, including a GP, challenged whether the ads were misleading because they did not make clear that:

- in order to use the services advertised consumers must leave their current GP; and
- the GP at Hand service, including its in-person consultations, was only available to consumers who lived or worked in the catchment area of specific GP surgeries.
- The complainants, who understood that registering with the new GP after joining the service could take up to three weeks, also challenged whether the claim “See an NHS GP in minutes” in the ads was misleading.



RESPONSE

1. Babylon Healthcare Services Ltd t/a GP at Hand responded that registered users would have to leave their current GP to sign up to their service, which they said was flagged to website visitors several times before signing up to the service. They provided screenshots of their website which showed that users were required to click in order to give express permission to switch from their registered GP practice. They considered that the website was clear that users of their service needed to switch. They said that customers would still be able to visit the GP that they had had prior to registering with their service whilst waiting for that switch to complete.
2. GP at Hand told us that their services were available from five surgeries across London and that was advertised on their website. They said that patients did not need to live in the normal catchment area of the surgeries in order to make use of them and that patients living within 40 minutes travel time of one of the five surgeries were entitled to use the full GP at Hand service including in-person appointments at any of the surgeries.
3. GP at Hand responded that the claim “See an NHS GP in minutes” was a description of the service once potential customers had registered. They considered that consumers would understand that it took time to register for a service, and that the claim would therefore apply to the service once it had been signed up for.



ASSESSMENT

1. Upheld

All four ads featured the claim “See an NHS GP in minutes for free”. The poster and Facebook ad (ads (a) and (b) did not include any further information about the service. The two complainants who saw the website, ad (c), both viewed it on mobile devices, which meant that on the homepage the same claim was visible, along with the claim “Sign up in 3 minutes” only. The first screen of the app, ad (d), also only featured the claim “See an NHS GP in minutes for free” as well as the claim “A simple, secure & convenient way to access NHS healthcare”.

The ASA considered that consumers would understand from the claims in the ads that they would be able to receive the service of an NHS GP through the app. We noted that GP at Hand was a relatively new service and that other competing products operated in the private sector where consumers could use such services in addition to visiting their GP and without changing their GP. In that context, and in the absence of any information in the ads alongside the headline claims to explain that consumers must leave their current GP to use the service, we considered that consumers were likely to regard the service provided by GP at Hand as an additional service to supplement the service that they received from their current GP.

We considered that the fact that users of the service would need to change their GP in order to make use of it was material information that consumers should have been made aware of in the ads, because it was likely to affect whether or not they would investigate the service further. We acknowledged that ads (c) and (d) made clear during the sign-up process that consumers must change their GP, but we considered that clicking through into the sign-up process from the homepage/screen constituted a transactional decision which some consumers would not have taken had the home screen made clear that they must change their GP to use the service. Because the ads did not make clear that consumers

must change their GP to use the service, we concluded that the ads were misleading.

On this point ads (a), (b), (c) and (d) breached CAP Code (Edition 12) rules 3.1 and 3.3 (Misleading advertising) and 3.9 (Qualification).

2. Upheld

We considered that, in the context of consumer understanding of the NHS as a nationwide service, consumers would understand from ads (a) to (d) that they could receive a GP service through their smartphones in addition to their current GP service, wherever they were located. However consumers could only sign up to the GP at Hand service if they lived or worked within 40 minutes' travelling time of one of five surgeries located in London. We considered that was material information which was likely to affect whether consumers would investigate the service further.

None of the ads included information that only consumers who lived or worked within the catchment area of the five surgeries could sign up to the service. Because that was material information, we considered the ads were all therefore likely to mislead consumers unless they had been targeted specifically to consumers who would be eligible to sign up to the service.

We noted that ad (a) was targeted at consumers who used the London Underground network, and were therefore more likely to be seen by consumers who were able to take advantage of the service, although we considered it likely that many consumers who saw the ad would not live or work in the catchment areas. Ads (c) and (d) appeared within the advertisers' own space and therefore were more likely to be seen by consumers who were actively seeking out the service, but we considered it likely that this would include many consumers who did not live or work in the catchment areas. Consumers who visited the website and downloaded the app who did not live within the catchment area would not find out that the service was only available within a specific area until they had already taken the transactional decision to attempt to sign up to the service. Ad (b) appeared on Facebook. GP at Hand had not provided us with details of how the ad was targeted and we therefore considered it likely that they had not taken any steps to target the ad specifically to people who lived or worked within the catchment area.

Because the fact that GP at Hand was a local service available only to people who lived or worked in some areas of London was material information, and that was neither made clear in the ads nor were the ads targeted to consumers who were eligible to sign up to the service, we concluded that the ads were misleading.

On this point ads (a), (b), (c) and (d) breached CAP Code (Edition 12) rules 3.1 and 3.3 (Misleading advertising) and 3.9 (Qualification).

3. Upheld

We considered that consumers would understand from ads (a) to (d) that they would be able to see an NHS GP in minutes once they had registered for the service. Ad (c), in particular, stated that consumers could "Sign up in 3 minutes". In the context, as discussed above, that consumers would not understand from the ads that they must change their GP to use the service, we further considered that consumers would have a reasonable expectation that registering for the service would take a similar length of time to other digital services, for example, by inputting their email and contact details, or receiving and responding to an email.

We, however, noted that in the case of GP at Hand, consumers could have to wait several

days or even a week or more before they were registered with the service and able to make use of it for the first time.

We considered that, taken in full, consumers would understand from the ads that they would be able to quickly sign up and use the GP at Hand service. Because that was not always the case, we concluded that the ads were misleading.

On this point ads (a), (b), (c) and (d) breached CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.9 (Qualification).



ACTION

The ads must not appear again in their current form. We told GP at Hand to ensure that future ads made clear that consumers would be replacing their current GP service with the GP at hand, that the service was only available to those that lived or worked within the catchment area of specific GP surgeries and that consumers would need to wait until they were registered with a GP at Hand surgery before being able to use the service.

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