

Fertility clinics' compliance with consumer law: findings published

- CMA secures changes from fertility clinics to improve consumer law compliance, following guidance and a review of practices
- CMA and ASA send open letter to all UK clinics to promote compliance across the sector and ensure patients are not misled
- CMA will work with the sector to explore a standard approach for what is included in the headline package price for a single cycle of IVF

In February 2020, the Competition and Markets Authority (CMA) [raised concerns about some practices by fertility clinics](#), such as providing unclear price information and advertising misleading success rates. It also identified a general lack of awareness that consumer law applies in the sector. To help combat this, the CMA published guidance in June 2021 to make clear clinics' legal obligations to treat patients fairly, and a video and guide to help IVF patients understand their consumer rights.

Following publication of guidance, the CMA committed to review compliance, and the findings of this review – which looked at clinics providing around 40% of self-funded IVF cycles in the UK – have been published today.

The report sets out that:

- compliance issues were found with the majority of clinics reviewed, albeit in some cases the concerns were relatively minor
- the provision of accurate, clear and transparent information upfront is critical for patients, particularly regarding prices and success rates
- the way in which patients fund their treatment varies widely, from using their savings, gifts from parents, loans from siblings, personal loans, credit cards, inheritance, or redundancy pay-outs to re-mortgaging their house – or often a combination of these
- most patients buying fertility treatment for the first time carry out a shortlisting process, primarily online using clinic websites, and mainly factoring in clinics' location, prices and success rates
- significant differences exist between what clinics include in their package for a single cycle of IVF making it very difficult for patients to compare prices when shortlisting clinics

The CMA has written to certain clinics to highlight specific issues such as failing to provide key price information, advertising misleading success rate claims (including making unsubstantiated superiority claims) and failing to provide important information about treatment add-ons.

All clinics contacted by the CMA following the review have now made changes to their practices to benefit patients. The CMA welcomes their constructive response and calls on all clinics to review their practices and ensure they comply with the law.

As part of its next steps, the CMA plans to hold roundtable discussions with clinics and the sector – including the Human Fertilisation and Embryology Authority (HFEA) – to explore the feasibility of developing a standard approach for what is included in the headline package price for a single cycle of IVF so patients can meaningfully compare clinics.

In addition, the CMA and the Advertising Standards Authority (ASA) have published a [joint open letter](#) to ensure clinics comply with consumer law. If they fail to comply the CMA could take enforcement action.

Louise Strong, Director, Consumer Protection at the CMA, said:

Buying fertility treatment can be stressful and is very expensive, with each cycle costing several thousand pounds. It's crucial that people have all the information they need upfront when they are comparing options so they can make decisions that are right for them, so it's encouraging to see positive changes from clinics as a result of our work.

But clinics cannot be complacent. All clinics must get up to speed now to ensure they are on the right side of the law or risk action from the CMA.

Further information on the CMA's IVF work is available on the [Self-funded IVF consumer law guidance case page](#), including the findings report with recommendations.

1. Media queries should be directed to: press@cma.gov.uk or 020 3738 6460.
2. The [Advertising Standards Authority's enforcement notice](#) issued in June 2021 relates to the way information is displayed on clinics' own websites. The enforcement notice instructs clinics to review their advertising to ensure compliance with the Advertising Code or face enforcement action.