

NOTICE OF A CLAIM UNDER SECTION 47A OF THE COMPETITION ACT 1998

Case No: 1770/5/7/26

Pursuant to r. 33(8) of the Competition Appeal Tribunal Rules 2015 (SI. 2015 No. 1648) (“the Rules”), the Registrar gives notice of the receipt on 26 March 2026 of a claim for damages under s. 47A of the Competition Act (the “Act”) by SB Aesthetics & Clinical Limited (the “Claimant”) against Healthxchange Pharmacy UK Limited (the “Defendant”) (the “Claim”). The Claim is brought on a standalone basis.

According to the claim form filed with the Tribunal, the Claimant is a company registered in England and Wales who operates as a medical aesthetics clinic in England which prescribes and supplies Obagi Medical products to patients. The Claimant is currently representing itself. The Defendant is a company registered in England and Wales which is registered with the General Pharmaceutical Council and is the sole authorised distributor of Obagi Medical products in the UK. The Claimant states that the Defendant is a subsidiary within a corporate group controlled by a small number of individuals and whose ultimate parent is Pharma-E Ltd, a company registered in Guernsey. The Claimant further states that the website skinstation.co.uk (“Skinstation”) is a trading name of The Aesthetic Skin Clinic Limited, a company incorporated in Guernsey which has the same registered address as Pharma-E Ltd and whose medical director is one of the individuals with significant control of the Defendant. The Claimant states that Skinstation sells Obagi skincare products and markets itself as working only with an “officially regulated pharmacy”. The Claimant alleges that the dispensing and fulfilment for Skinstation’s customer orders is carried out via the Defendant’s pharmacy structure.

The Claimant alleges that the Defendant holds a dominant (and de facto monopoly) position in the market for the wholesale supply of Obagi Medical products to UK medical aesthetic clinics and practitioners. The Defendant is alleged to have abused its dominant position in breach of the Chapter II prohibition under s. 18 of the Act as a result of the following conduct (together, the “Infringing Conduct”):

1. Refusing to continue to supply the Claimant with Obagi Medical products without an objective and proportionate justification;
2. Subjecting the Claimant to discriminatory treatment by holding the Claimant to a stricter standard regarding online content and promotion of Obagi Medical products than the Defendant applies to its own alleged downstream retail operations (Skinstation), thereby placing the Claimant at a competitive disadvantage;
3. Foreclosing a downstream competitor by suspending the Claimant’s account at a point when the Claimant’s business had grown to represent a meaningful competition threat to Skinstation, and doing so on pretextual grounds;

4. Deploying the language of regulatory compliance as a pretext for commercially motivated conduct, with justifications being selectively applied to the Claimant and without a genuine regulatory basis;
5. Systematically manipulating the supply of Obagi Medical products by falsely showing products as “out of stock” for clinic customers whilst making them available on Skinstation; and
6. Acting irrationally and in bad faith, by means of conduct which is incapable of rational justification as a genuine regulatory response.

The Infringing Conduct is alleged to have commenced in or around May 2025 and is said to be continuing.

The Claimant seeks:

1. A declaration that the Defendant has infringed Chapter II of the Act by abusing its dominant position;
2. A mandatory order / injunction requiring the Defendant forthwith to (i) reinstate the Claimant’s account; (ii) restore full access (including at least read-only access) to the Claimant’s online dashboard, existing orders, and patient-related records; and (iii) resume the supply of Obagi Medical products to the Claimant on non-discriminatory terms no less favourable than those applied to the Defendant’s own alleged retail operation (Skinstation) or to other similarly situated independent clinics;
3. Damages for the loss and damage suffered by the Claimant as a result of the infringement, to be assessed;
4. Interest on such damages pursuant to s. 105(3) of the Act; and
5. The Costs of bringing the Claim.

The Claimant also requests that the Claim is allocated to the Tribunal’s fast-track procedure pursuant to r. 58 of the Rules, on the grounds that:

1. The Claimant is a small business with limited financial resources;
2. The factual issues arising in the Claim are relatively contained: one dominant sole-distributor, one dependent clinic customer, a specific suspension and refusal to supply and a documented pattern of discriminatory conduct supported by contemporaneous correspondence and screenshots;
3. The Claimant is suffering ongoing financial loss and continuing harm to patient care;

4. The expected quantum of damages remains proportionate to the fast-track procedure;
5. The documentary evidence is largely contemporaneous and the Claim can be determined within a hearing of three days or fewer;
6. The Claim is suitable to be heard within approximately six months of allocation given the focused factual matrix upon which it is based and the availability of contemporaneous documentary evidence; and
7. In the event that the Claimant seeks interim relief within these proceedings, the Tribunal is invited to exercise its power under the fast-track procedure to dispense with or cap any undertaking as to damages, given the Claimant's limited financial means as a small business and the ongoing serious harm to both the Claimant's business and its patients' clinical outcomes, which would render a full undertaking as to damages a disproportionate barrier to justice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively, the Tribunal Registry can be contacted by telephone (020 7979 7979) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charle Dhanowa CBE, KC (Hon)

Registrar

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