pbbr.a SOCIEDADE DE ADVOGADOS, SP, RL

Saúde | Health 03-2024

Advertising rules for non-prescription medicines

A new Regulation issued by INFARMED, I.P. came into force on 1 March, approving good advertising practices for non-prescription medicines ("MNSRM") through digital channels, addressed to the general public.

With the development of social networks, digital advertising has taken on gigantic proportions, which require special attention when it concerns products such as medicines, even if they don't depend on a medical prescription for use.

In fact, these are products that are used to treat human health and cannot be treated as mere consumer products.

As a result, the aforementioned Regulation aims to ensure that advertising for MNSRM on digital channels is carried out in the light of the provisions of Article 150(3) and Article 153 of the Medicines Statute, respecting the principle of the rational use of medicines, in the interests of patients and the protection of public health.

As such, the Regulation states that when advertising MNSRM on digital channels and via the Internet and/or computer networks in general, the advertising message must be clear, truthful and sufficiently complete to enable the recipient of the advertisement to verify the features of the medicinal product for themselves, namely whether they correspond to the information indicated in the summary of product characteristics (SmPC), as authorised, and must not be liable to mislead or confuse. All information on the MNSRM must be compatible with the information in the package leaflet and the SmPC.

Digital channels and mobile applications whose content relates to MNSRM must include, in a visible and prominent manner, a text that reads "You should carefully read all the information on the packaging of the medicinal product and its package leaflet and, in case of doubt or persistent symptoms, consult your doctor or pharmacist" and provide a direct link to the updated version of the package leaflet for the medicinal product.

In the case of social media platforms (e.g. Facebook, Instagram, etc.), the advertising message must also contain information advising the user to read the information on the packaging of the medicine and the package leaflet carefully, and this warning must be made available on the main page with a zoom function and, in this sense, the link to the package leaflet of the medicine must be indicated in order to allow access to and reading of more complete information about the medicine.

Whenever digital media other than those already mentioned are used, which, by their nature, have little or limited space or time dedicated to the advertising message (microbanners, posts, tweets), it is permitted for the advertising message to contain only information on the following elements:

a) The name of the medicinal product;
b) The authorised indication; and
*c) The statement "Read the instructions for use of this medicine **here** and consult your pharmacist", in which the expression "**here**" will include a direct link to the package leaflet.*

In the case of "SEM" (search engine marketing) normally identified with the expression "advert", this may include the following:

a) The name of the medicinal product;
b) The authorised indication;
c) A direct link to the approved version of the package leaflet.

You can consult the aforementioned Regulation via the following link.

If you have any further queries on this subject, please do not hesitate to contact the Health Law team at pbbr - Sociedade de Advogados, SP, RL.

Contact:
Rita Roque de Pinho – rita.pinho@pbbr.pt
Raquel Soares Lourenço – raquel.lourenco@pbbr.pt