



## ***Amendment of the advertising rules contained in the Medicinal Product Statute***

*Today was published Decree-Law No. 36/2021, of May 19 ("DL 36/2021"), which changed the legal regime of medicines enshrined in the Medicinal Product Statute (Decree-Law No. 176/2006, of August 30 in its current wording) with regard to advertising. In particular, DL 36/2021 prohibits advertising of discounts on the price of medicinal products whose advertising is already prohibited under the law.*

*The regulation of advertising plays a very important role in the legal framework of the medicinal product, reflecting ethical values that aim to ensure the protection of public health, in particular by prohibiting prescription induction, and thereby promoting the rational use of the medicine.*

*The Medicinal Product Statute currently provides for, in Article 152, a prohibition of any form of advertising to the general public, in particular prescription medicines, medicinal products containing narcotic drugs or psychotropic substances and medicinal products reimbursed by the National Health Service.*

*Until the amendment provided for in DL No 36/2021, were excluded from the scope of the advertising rules laid down in the Product Statute "measures or commercial practices on margins, prices and discounts". In practice, with that exclusion, there was a grey area as to whether or not it was allowed an advertising of discounts on the price of medicinal products whose advertising is prohibited.*

*In view of the values and interests that the prohibition of advertising of certain medicinal products is intended to protect, it has become necessary to amend the Medicinal Product Statute in order to include in cases of prohibition of advertising of medicinal products, the prohibition of advertising any discounts on its price, where advertising of the medicinal product itself is also prohibited.*

*The amendment of the Medicinal Product Statute does not affect the duties of information of pharmacies to users in relation to the discounts they grant in the price of medicinal products. This caveat is justified by the distinction between information and promotion.*

*The amendment to the Medicinal Product Statute published today does not prohibit discounts on the price of medicines. The new wording of Articles 151(2) and 153(6) of the Medicinal Product Statute prohibits only advertising which is made to discounts as a means of preventing the subversion of the rule of the prohibition of advertising on certain medicinal products.*

*In light of the above, for medicinal products where advertising is prohibited by the Medicinal Product Statute, advertising specifically to discounts on its price is also now covered by the prohibition, although pharmacies should continue to inform users of existing discounts.*

### **Contacto:**

Rita Roque de Pinho - [rita.pinho@pbbr.pt](mailto:rita.pinho@pbbr.pt)  
Rita Serpa Viana - [rita.viana@pbbr.pt](mailto:rita.viana@pbbr.pt)