

20 February 2018.

Warsaw, dated 19th February 2018

PASMI's position regarding the total ban on the advertisement of over-the-counter drugs, medical devices and food supplements specified in the petition to the Minister of Health published on January 30, 2018

On behalf of PASMI, we would like to point out that the petitioner justifies their demands with the outdated position of the Chair of the Supreme Medical Council of September 16, 2016 on advertising of medicines, medical devices and food supplements. In the period of one and a half years that passed from the position of the Supreme Medical Council, a number of actions were undertaken introducing changes in the area of advertising. Above all, the Code of Good Practices for Advertising Food Supplements has entered into force, and work is underway on the amendment to the Act on Food Safety and Nutrition.

In PASMI's opinion, the objectives described in the petition (no misleading consumers) can be achieved by measures that are much less restrictive and at the same time proportionate to these objectives. The relevant bodies (i.e. the Main Pharmaceutical Inspector, the State Sanitary Inspectorate) already have tools to supervise the advertising of all the above-mentioned product groups. The relevant provisions therefore exist and should only be enforced.

PASMI points out that companies representing the pharmaceutical, medical and food sectors have long made every effort to ensure that the issues of possible irregularities referred to in the petition, as a result of not specifying legal provisions, are clarified at the level of industry self-regulation, therefore they are signatories of ethical codes regarding both advertising OTC medicinal products as well as food supplements (Code of Good Practices for Advertising Food Supplements).

From PASMI's level, we believe that the postulates of the petitioner are incompatible with the EU regulations, which mention publicity for the advertising of medicinal products as one of the basic, allowed forms of advertising medicines. What's more, the total ban on advertising is not only contrary to the EU law, but limits the right of patients to information about the availability of products, as well as reduces the competitiveness of Polish producers who would be deprived of the opportunity to present their products. The proposal to withdraw products that are not related to the treatment

process from the pharmacy market limits the freedom of consumers to choose this category of products and deprives the consumer of contact with specialist pharmacy personnel. According to PASMI, depriving pharmacies of the above assortment will also have a negative economic impact, as the lack of this assortment in the pharmacy will significantly reduce the profitability level of these facilities.

PASMI Polish Association of Self Medication Industry promotes the responsible self-medication among the society through a conscious and safe use of products classified as drugs sold without Prescription. It pursues to establish relevant legal and systematic solutions for the development of the responsible use of OTC drugs as one of the elements of the healthcare system.

PASMI cooperates actively with European organisations whose goals and operations are in line with the statutory activity of PASMI. PASMI is a member of AESGP – Association of the European Self-Medication Industry. Currently, the Association has 18 members: Aboca, Adamed Consumer Healthcare, A&D Pharma, Bayer, GSK, Johnson&Johnson, Klosterfrau, Omega Pharma Poland, Pfizer, Polpharma, Queisser Pharma, Reckitt Benckiser, Sanofi, Takeda, Teva, USP Zdrowie, Verco, Walmark.