

The European Parliament's environment and health committee examination of Mr. Christofer Fjellner's draft Report on the Commission's proposal for a directive on information to the general public on medicinal products subject to medical prescription

egta and its television sales house members are fully aware of the specific features of on-prescription pharmaceutical products as opposed to general consumer goods. They are therefore also aware of the need to discriminate between commercial communications for on-prescription medicines, which are currently prohibited on television by means of the Audiovisual Media Service Directive, from the provision of branded information to consumers on medical products received upon request.

However, egta believes that the distinction currently applied by the Audiovisual Media Services Directive for governing advertising for medicinal products, **between medicines that are only available on prescription and over-the-counter medical products (OTC)**, is a valid principle for applying different layers of regulation to advertisements for a different category of medicinal products, and it should, therefore, be preserved. This distinction is justified by the fact that advertising for medicinal products that do not require the supervision of a medical practitioner (i.e. over-the-counter medicines) can play an essential role in providing consumers with brand awareness and information on the product and, therefore, in ensuring effective free competition to the benefit of the industry and consumers alike.

For this reason, in the framework of the debate on the directive on information to the general public on medical products, **egta is seriously concerned about amendment 102 of Mr. Fjellner's draft Report, which states that TV advertising for medicines not subjected to prescription should be banned.**

In that regard, egta members wish to highlight the following considerations:

- ⇒ **The recently adopted Audiovisual Media Services Directive sets a total ban on television advertising for medicines and medical treatments under prescription** and broadens its applications to all commercial communications (including sponsorship and product placement) in any audiovisual service, including on demand services. Combined with the Medicinal Products Directive¹, this bans any commercial communication featuring corporate brands for prescription-only medicines.

¹ Directive 2001/83 on Community code relating to medicinal products for human use, amended by 2004/27 Directive

- ⇒ A ban on TV advertising on over-the-counter medicines (i.e. medical products that do not require the prescription by a medical practitioner) would have a particularly significant economic impact on the broadcast industry. At the time of the debate on the revision of Television Without Frontiers Directive, the European Commission agreed that further restrictions on TV advertising for over-the-counter medicines were not to be favoured considering that such restrictions would have a wide-ranging negative impact on the revenues of broadcast media, which are already strongly affected by the increasing competition from new media platforms (according to the existing provisions, teleshopping for all medicines and medical treatments, including over the-counter-medicines, is already prohibited on television broadcast services).
- ⇒ The Medicinal Products Directive already establishes a comprehensive set of safeguards that apply to the content of TV advertisements for over-the-counter medicines (OTC), such as a minimum set of information to be provided to viewers (e.g. invitation to read carefully the instructions on the leaflet, clear identification of the product as a medicine, etc.), provisions to protect consumers against misleading messages on the characteristics of the products and the prohibition on directly addressing minors.
- ⇒ Any discussion regarding advertising provisions that apply to over the counter medicines is out of the scope of the regulation under discussion, which covers exclusively on-prescription only medicines.
- ⇒ For all these reasons, egta strongly opposes the amendment 102 that could have serious implications for the broadcast industry in Europe. That said, egta members are willing to discuss more positive means for broadcasters to contribute to the provision of health information to the general public through *ad hoc* editorial content. Several hours of programming are already dedicated by TV channels and radio stations to informing and educating viewers/listeners on health related issues.
- ⇒ As recently acknowledged by EU institutions, consumers are increasingly interested in participating actively in the management of their health and, therefore, the quality and availability of information available to consumers should be strengthened. The number and type of sources of health information available to them has increased and new technologies such as the Internet play an important role as a source of health information for consumers. egta believes that consumers should, therefore, be granted the access to various types of product related information upon demand.

About egta

egta is the trade association of television and radio advertising sales that commercialise the advertising space of both private and public TV / radio channels throughout Europe.

- 81 TV members
- 36 Radio members
- 31 European countries including 21 EU Member States
- More than 70% of the European TV advertising market