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# **AESGP Position Paper**

## **E-Commerce in self-care: challenges and opportunities**

June 2023

# Executive Summary

**This document presents the position of the European Self-Care Industry (AESGP) on the digital transformation of the retail sector. Synergies between online and brick-and-mortar channels should be promoted in order to better serve the whole population and ensure sustainable and responsible self-care.**

Lockdowns and social distancing during the COVID-19 pandemic pushed people to shop more online. It also made them more familiar with sharing and finding information about their health online.

Today, the e-commerce of self-care products is growing above the overall retail market performance (1) and doesn't seem to slow down. Online sale of self-care products is generally allowed across EU Member States, but its modalities remain a national competence, hence leading to great differences in the way it is regulated locally. For example, in some countries, non-prescription medicines can only be sold online by brick-and-mortar pharmacies establishing online websites. In other countries, non-prescription medicines can be sold through online websites of general retail stores or pure online operators that do not have a physical store.

In order to fulfil its mission to promote access to safe, effective and sustainable self-care for all in Europe, AESGP has studied the benefits and challenges of e-commerce and has listed them in this position paper. Accessibility, new ways of sharing product information and increased use of retail data are some of the benefits from an industry perspective. The provision of face-to-face advice at the point of sale, ensuring environmental sustainability and synergy between online and physical outlets are some of the key elements that need to be properly considered. To address some of these challenges, AESGP proposes a series of recommendations for key stakeholders, namely online operators, regulators, individual consumers, the public and, finally, the self-care sector.

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(1) IQVIA Consumer Health, "e-Pharmacy Thrives as OTC Growth Begins Recovery: An IQVIA Consumer Health QuickView": <https://www.iqvia.com/-/media/iqvia/pdfs/library/brochures/e-pharmacy-thrives-as-otc-growth-begins-recovery.pdf>



# AESGP Position

## Introduction

E-commerce can be defined generally as the sale or purchase of goods or services, whether between businesses, households, individuals or private organizations, through electronic transactions conducted via the Internet or other computer-mediated (online communication) networks (2).

E-commerce channels have seen their number of visitors continuously increasing in the last few years, a phenomenon further amplified by the COVID-19 pandemic (3). E-commerce of self-care products is no exception: it is growing above the overall retail market performance (4) and doesn't seem to slow down.

During lockdowns, e-commerce enabled people to order necessary self-care products online and avoid visiting pharmacies (5) or other physical stores. Amongst the benefits quoted by consumers (6) is the ability to choose what they want, instead of only what is available to them. On the other hand, the traditional pharmacy channel offers immediate access to time-sensitive self-care products (headache, emergency contraception, etc.) as well as advice and guidance from a qualified healthcare professional at the point of sale that, a benefit that, while initiatives are undertaken, is difficult to replicate in today's e-commerce world. Synergies between online and brick-and-mortar should therefore be explored to better meet the demand of citizens.

The self-care industry's business model has been transformed with the evolution of e-commerce. In addition to sales through community pharmacies and other general points of sales in some markets, self-care products are sold online via e-pharmacies, online marketplaces, Direct to Consumer (D2C) owned stores, etc. **While the online sale of self-care products is generally allowed across EU Member States, its modalities remain a national competence, hence leading to great differences in the way it is regulated locally.** In addition, e-commerce is a very dynamic environment and regulatory frameworks are slow to keep pace with **evolving online business models, new storage and delivery models, changing consumers' and people's needs, digital information and digital advertising.**

In 2011, the Falsified Medicines Directive (7) and the following Commission Implementing Regulation (8)

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(2) Eurostat, Glossary: E-commerce. Consulted February 2023: <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:E-commerce>

(3) Cameron Guthrie, Samuel Fosso-Wamba, Jean Brice Arnaud, "Online consumer resilience during a pandemic: An exploratory study of e-commerce behavior before, during and after a COVID-19 lockdown", *Journal of Retailing and Consumer Services*, Volume 61, 2021, 102570, ISSN 0969-6989: <https://www.sciencedirect.com/science/article/pii/S0969698921001363?via%3Dihub>

(4) IQVIA Consumer Health, "e-Pharmacy Thrives as OTC Growth Begins Recovery: An IQVIA Consumer Health QuickView": <https://www.iqvia.com/-/media/iqvia/pdfs/library/brochures/e-pharmacy-thrives-as-otc-growth-begins-recovery.pdf>

(5) Office for National Statistics | National Statistical (ons.gov.uk), "How the COVID-19 Pandemic has accelerated the shift to online spending", Accessed March 1st, 2023: <https://blog.ons.gov.uk/2020/09/18/how-the-covid-19-pandemic-has-accelerated-the-shift-to-online-spending/>

(6) Taher, G. (2021), "E-Commerce: Advantages and Limitations", *International Journal of Academic Research in Accounting Finance and Management Sciences*, 11(1), 153-165.

(7) DIRECTIVE 2011/62/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 8 June 2011 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products: [https://health.ec.europa.eu/system/files/2016-11/dir\\_2011\\_62\\_en\\_0.pdf](https://health.ec.europa.eu/system/files/2016-11/dir_2011_62_en_0.pdf)

(8) COMMISSION IMPLEMENTING REGULATION (EU) No 699/2014 of 24 June 2014 on the design of the common logo to identify persons offering medicinal products for sale at a distance to the public and the technical, electronic and cryptographic requirements for verification of its authenticity: [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL\\_2014\\_184\\_R\\_0004&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2014_184_R_0004&from=EN)



introduced an **obligatory logo** that aimed to help citizens to identify **authorised EU online pharmacies and approved retailers** providing authentic, authorised medicines. Clicking on the logo link directs visitors to the national regulatory authority websites, where all legally operating online pharmacies and approved retailers in their respective countries are listed.

The introduction of a logo was an important element to ensure trust from citizens and their safety, but the growing importance of healthcare e-commerce asks for more elements to be considered. As supporting everyone in Europe's access to safe and effective self-care is a key mission for AESGP and its members, we developed a position paper to share our considerations.

In this position paper, AESGP explores:

1. **The benefits of e-commerce channels in the self-care environment.**
2. **The disadvantages, challenges, and issues that need to be considered and addressed.**
3. **Recommendations to help maximise different channel potentials and empower people to take better care of their own and their families' health in a sustainable manner.**

## Part I: Benefits of e-commerce channels

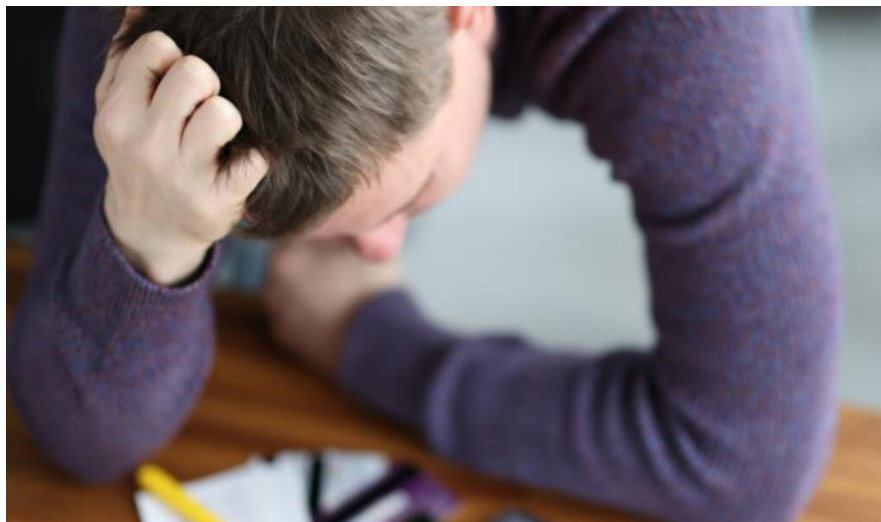
- **E-commerce improves access to self-care and further empowers people. It offers greater accessibility to a wider range of products in one place.** Via online platforms, consumers have **greater opportunities to compare options for any given type of product, across multiple channels.** This pushes businesses to engage in healthy competition and to continue improving their offers and services.
- Online retailers can **deliver self-care products to the doorstep**, offering solutions particularly to patients who are elderly, sick, limited in their mobility or living in an area with limited brick-and-mortar options. By allowing people to **order the product they need at any time in the day**, it also offers **increased convenience and saves time.**
- E-commerce offers an **opportunity to expand ways to share product information and raise awareness of self-manageable conditions.** For example, it allows for **easy consultation and comparison of product information before purchase.**
  - **Online channel facilitates disclosure of further information relating to the product**, such as formulation composition, company policies, quality assurance certification, etc.– which is often more accessible online.
  - **Online platforms offer real-time, systematic tracking and valuable data recording**, such as records of sales transactions, manufacturer/supplier details, and buyers' information, all of which, when used appropriately could help facilitate effective recall of products, etc.
  - **In addition, this data helps to present personalized product recommendations and obtain insights to better tailor the product proposition to the symptoms.**





## Part II: Disadvantages, challenges, and issues that need to be considered and addressed

- In cases of low health literacy, the number of products available can sometimes be daunting.
- Real-time advice is the biggest advantage of brick-and-mortar channels and, in particular, pharmacies. When shopping online, people can also be assisted by a healthcare professional, such as through an online pharmacist interaction via e-mail or real-time chat options. **While these aim to replicate face-to-face interactions, they may sometimes fail to do so if the individual is not comfortable using such means to discuss their health concerns or the impersonal nature of such interactions.** In addition, it is foreseen that mainly digitally literate people could properly use these services (9).
- Linked to the previous point, the increased usage of e-commerce means may increase the digital divide, as online access to medicines is not easily accessible by less resourced citizens.
- The online nature of transactions exposes retailers and shoppers to cybersecurity and personal data protection risks.
- Pharmacy and non-pharmacy outlets don't systematically allow reviews. In addition, while product reviews are needed to replicate in-person feedback, they can also be counterproductive or even present some risks if the comments that are made are not based on sound science.
- Due to the current limited capacity of National Competent Authorities to monitor the online available shops, protection of public health is mostly dependent on the platform's operator and sellers' willingness to comply with the requirements. In addition, in certain countries and depending on the regulatory framework, the internet setting allows the easy creation of new websites, even if previous ones were closed consecutive to wrongdoings.
- Online and cross-border sales should not create the risk of unlawful claims made by online operators and facilitate the bypass of European and national regulatory frameworks.
- Certain e-commerce features (e.g. instant delivery) are causing increased environmental impact (10) (11).



(9) Van Kessel R, Wong BLH, Rubinić I, O'Nuallain E, Czabanowska K., "Is Europe prepared to go digital? Making the case for developing digital capacity: An exploratory analysis of Eurostat survey data", *PLOS Digit Health*. 2022 Feb 17;1(2):e0000013. PMID: 36812527; PMCID: PMC9931321: <https://journals.plos.org/digitalhealth/article/peerReview?id=10.1371/journal.pdig.0000013>

(10) Heleen Buldeo Rai, "The net environmental impact of online shopping, beyond the substitution bias", *Journal of Transport Geography*, Volume 93, 2021, 103058, ISSN 0966-6923: <https://doi.org/10.1016/j.jtrangeo.2021.103058>

(11) Prakash Rao, Sreejith Balasubramanian, Nitin Vihari, Shazi Jabeen, Vinaya Shukla & Janya Chanchaichujit | (2021) "The e-commerce supply chain and environmental sustainability: An empirical investigation on the online retail sector", *Cogent Business & Management*, 8:1, 1938377, DOI: 10.1080/23311975.2021.1938377



## Part III: Recommendations



Based on the identified weaknesses and strengths of e-commerce, a number of changes should be made to provide equivalent guarantees in online and offline retailing, so that people have access to **authentic scientific-based content and legally marketed products regardless of the distribution channel.**

**The provision of self-care products through remote and online services should achieve the same standards of quality and safety as a citizen obtaining these products from face-to-face providers.**

### Online operators

- **Retailers** should have **accountability for the products they sell and the suppliers they buy from to ensure they are lawful, authentic, and safe.**
- **Marketplaces should have robust quality and quality assurance processes in addition to personnel with regulatory expertise.** The lack of personnel with regulatory expertise could lead to an **uneven level-playing field or artificial market barriers respectively.** For example, online platforms request proof of registration/notification, when this is not applicable in the market and, on that basis, delist products.
- Support and follow-up via virtual assistance or chatbot should be further explored and improved as technology evolves. Risk assessments should be carried out to ensure that online advice is equivalent to face-to-face interaction. Substitutes that provide objective value and meet the same quality of care standards should be put in place. Based on this assessment, the option of obtaining advice from a pharmacist or other health professional on request should be available.
- A website should be **user-friendly, possess optimized search functionality, website dictation, font size adjustment, and weight in content capabilities**, for example videos, Q&A, etc. so that consumers with different health literacy levels can feel comfortable in finding the most suitable product.
- When a self-care product review promotes elements of the product, it should be regarded as part of the product promotion and must comply with all advertising regulations. This is to be monitored by the retailer and is not the responsibility of the manufacturer. The self-care product should always only be used in line with the indication, intended purpose and labelling information.
- E-commerce platforms should be designed in such a way that they **don't induce additional risks** like overconsumption or exceeding the daily recommended dose, for example by limiting the number of packs that can be sold per transaction and displaying warnings where appropriate.
- Reducing environmental impact and increasing the sustainability of online channels should be a common effort by all stakeholders, but online retailers have a specific role to play (for example through reducing and bundling packaging, using carbon-free vehicles for deliveries, etc.).
- Effective and swift transmission of information on products with health risks to health authorities and regulators.



## Individual consumers and public

- Consumers should **be encouraged to report adverse events** and **unsafe products** regarding self-care products via established regulatory channels and networks.
- Posting relevant and accurate product reviews should be authorized and encouraged (e.g., reviews such as “unhappy with the product” or “rubbish” do not indicate whether the complaint is about an adverse event or a special situation such as lack of effect or a genuine quality complaint). Multiple submissions of the same product review by a single author should be avoided.
- Public awareness campaigns and training for the public on safe behaviours online should be promoted. They should focus on **building necessary digital health competencies** to identify a safe/legitimate online retailer/pharmacy, recognize potential counterfeits and how to report them, and how safely navigate the internet and access the various available healthcare services (telemedicine, e-prescription, apps...). Several initiatives have already been undertaken outside Europe, notably in Australia. Alongside the digitalisation of healthcare, which includes medical health records, ePrescription and telemedicine, the [Australian Digital Health Agency](#) provides educational materials on how to use these tools and partners with social change charities to build digital health literacy through webinars and face-to-face trainings.
- Additionally, there should be public campaigns informing the public what a trustworthy e-commerce provider looks like (for example):
  - ◇ It would receive reviews on the internet and implement standards like SSL certificates to ensure a secure connection; several payment options instead of pre-payment; and easily accessible general terms and conditions.
  - ◇ Contact options as well as a data protection statement should be available. Initiatives like “Initiative D21” are working on quality certificates that ensure common standards (e.g. Trusted Shops, EHI, IPS).

## Regulators

The protection of public health should not only depend on the behaviour of platform operators and sellers. On the one hand, due to fragmented regulations and **limited regulatory guidelines fit for online sales and relevant expertise, policies imposed by platforms might dictate requirements above regulatory requirements which may limit competition and innovation. On the other hand, non-scrupulous sellers can use it to their advantage and sell unlawful products, such as non-medical products with medical claims.**

### Regulatory framework

The **regulatory framework** for e-commerce should therefore be **effective, proportionate and forward-looking**, reflect current practices, and:

- Facilitate safe e-commerce business models.
- Allow for easy anonymous reporting of malpractice of online platforms by sellers.



- Enable electronic product information.
- Explore the feasibility to use Artificial Intelligence (AI) capabilities, for example in market surveillance.
- Allow to take into account the differences between the traditional physical store and the e-commerce "digital shelf" to facilitate self-selection of appropriate products, for example: optimized images that can be used in place of a genuine pack shot. Product description pages and secondary images should comply with any essential Information requirements in advertising legislation.

### Market surveillance and enforcement

- The EU logo identifying online retailers selling non-prescription medicines could be further extended to other self-care product categories (e.g. food supplements) to facilitate the identification of legally operating retailers. In addition, the available list of legitimate retailers should be updated on a frequent basis. The continuous presence of the required logo should also be checked.
- Sufficient resources should be allocated to regulatory agencies to ensure **strong** and **continuous** market surveillance and enforcement with regard to online operators and self-care products sold online. Particular attention, among others, should be given to surveillance of inappropriate health claims in the product write-up and on products containing non-authorised substances.
- **Adequate enforcement measures, including proportionate penalties, should be in place to discourage malpractice online. E-commerce settings should not be the cause of diminished liabilities.**

### Health and digital literacy

- Regulatory bodies should offer **an easy way to report illegal operators and practices by customers**. Several resources are already available, but they are not necessarily known or easy to find. One example is the EMA webpage on "Buying medicines online" (12).

## Self-Care Industry

- Should ensure that only lawful and authentic products are available for sale. For example, non-medical products with medical claims in the product write-up should be removed.
- Is strongly committed to collaborating with regulators to ensure a safe e-commerce environment and provide effective online product information to customers.
  - ◊ The regulatory category must be clearly indicated in the product description, above the product detail page and in search results on the online platform, so that consumers are aware of it and are not misled.
- As far as non-prescription medicines are concerned, in order to avoid encouraging consumers to buy products that are not recommended by their doctor or that are not related to their initial search

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(12) EMA webpage, *Buying medicines online* – Accessed March 1st: <https://www.ema.europa.eu/en/human-regulatory/overview/public-health-threats/falsified-medicines/buying-medicines-online>





on the site, it is recommended to avoid including products that are not based on the consumer's previous purchases and/or their search request.

- Should promote synergies between online and brick-and-mortar propositions to better serve the whole population and ensure sustainable and responsible self-care.
- Contribute to the overall awareness campaigns and training to the public on safe behaviours online.

## Conclusion

To ensure the best quality of self-care for everyone, synergies from online and retail proposals should be considered.

The increase in e-commerce has brought considerable benefits to the population but also presents some challenges and problems that must be addressed. Replicating face-to-face advice in online channels and maintaining the sustainability of both channels is critical.

The self-care industry is strongly committed to working with regulators and other stakeholders to ensure a safe e-commerce environment and to enable people to take care of their health, regardless of the distribution channel.





## About AESGP

The **Association of the European Self-Care Industry (AESGP)** is a non-profit organisation representing manufacturers of non-prescription medicines, food supplements and self-care medical devices in Europe, an area also referred to as “consumer health products”.

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