AESGP
VOICE OF EUROPEAN SELF-CARE INDUSTRY

AESGP Position Paper

Trustworthy and responsible Online Advertising of Self-Care products: leveraging digital technologies for better patient access

June 2024

Executive Summary

This document presents the position of the Association of the European Self-Care Industry (AESGP) on how to perform trustworthy and responsible online advertising of self-care products.

Along with advice from pharmacists and other healthcare professionals, advertising plays a crucial role in supporting self-care.

As digital platforms increasingly become the norm, the self-care industry has adapted its advertising strategies to meet people where they are: online, engaged and interactive. Regulators have the complex but necessary task of putting a fit-for-purpose frame on a fast-paced evolving environment.

As internet access rises and digital literacy increases, people turn more and more to digital channels for their media experience and information needs. They shift their attention because of the more interactive and easier to access nature of digital content.

This **transformation is also reflected in people's online advertising exposure**. Along with advice from pharmacists and other healthcare professionals, advertising plays a crucial role in supporting self-care.

As digital platforms increasingly become the norm, the self-care industry has adapted its advertising strategies to meet consumers where they are: online, engaged and interactive.

To fulfil its mission to promote access to safe, effective, and sustainable self-care for all in Europe, AESGP explored how to create and maintain trustworthy and responsible online advertising for self-care products and proposes some key recommendations for stakeholders.

- **Regulators** have the complex task of putting a frame on a constantly evolving environment. We believe that ensuring a level playing field, ensuring proper enforcement mechanisms with dissuasive sanctions, and the creation of regulatory instruments that can adapt to fast paced technological innovation are key elements to highlight.
- We think that **administrators of e-Commerce platforms and social media networks** also have their role to play in ensuring a level playing field, for example, by making sure their team has sufficient regulatory expertise to properly monitor the products that are listed and act when needed. They should also participate in increasing people's digital and health literacy.
- The **Self-Care industry** should ensure that created ads follow some key principles, respect EU and national regulations and is strongly committed to collaborating with regulators. Contributing to awareness campaigns launched by regulators and targeted to the public on safe behaviors online is also one of the roles of the Self-Care industry.
- We believe that individual **consumers and the public** should be informed by institutions on what is a trustworthy ad and what is not, but people ought to also play their part to stay informed about legislative developments. Reporting of potentially misleading ads should be an easy process.

Introduction

In the two last decades, the continuous increase of digitization profoundly transformed the HealthCare Industry from drug discovery to development and marketing **(1)**.

In Europe, technological progress in addition to institution's launching initiatives like the Europe's Digital Decade **(2)**, which sets clear targets & objectives for Europe's digital transformation and the update of the regulatory framework, is shaping a new model that favors the exchange of data and builds upon the power of Artificial Intelligence.

The Artificial Intelligence Act **(3)**, the European Health Data Space **(4)**, the uptake of the digital leaflet for Medicinal Products in the Commission proposal for the Pharmaceutical Directive **(5)** are only a few of the initiatives that have been in the works in the last years. In addition, to address changes happening in the digital market, the European Commission released the Digital Services Act package that contains the Digital Services Act (DSA) **(6)** and the Digital Market Act (DMA) **(7)**. These two regulations are now fully applicable and apply across the whole EU. They have 2 main objectives: To create a safer digital space in which the fundamental rights of all users of digital services are protected and to establish a level playing field to foster innovation, growth, and competitiveness, both in the European Single Market and globally. These two regulations aim to reflect the evolution of the landscape since the publication of the e-Commerce directive **(8)** in 2000.

Of course, this transformation is also reshaping general population interactions with information, particularly in the self-care sector. As internet penetration deepens and digital literacy rises, people increasingly turn to digital channels for their question needs. This goes hand in hand with a shift in their preferences towards more accessible and interactive digital formats. Television remains the predominant medium, with 93% of Europeans watching weekly **(9)**, but the landscape of media consumption is rapidly evolving.

This **change is also reflected in people's online advertising exposure**.

While traditional advertising covers television, radio and print, online advertising can be defined as the various forms of advertising which are delivered through the Internet. There are different types of online advertising: banner advertising, video advertising (either placed before or embedded within a video), search engine advertising and social network advertising.

To ensure continuous marketing of their products and release compliant ads, companies must conform to a combination of EU requirements and most of the time specific additional national ones.

The current EU legal framework regarding advertising of self-care products comprises general consumer advertising requirements and specific ones related to the regulatory category.

Digital platforms, especially social networks, are witnessing substantial growth. About 68% of Europeans use social networks weekly **(10)** and companies like

(1) Sarah J. Trenfield, Atheer Awad, Laura E. McCoubrey, Moe Elbadawi, Alvaro Goyanes, Simon Gaisford, Abdul W. Basit, Advancing pharmacy and healthcare with virtual digital technologies, Advanced Drug Delivery Reviews, Volume 182, 2022,114098, https://doi.org/10.1016/j.addr.2021.114098.

(2) (Internet). European Commission. Europe digital decade. Consulted April 2024. Available here.

(3) Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain union legislative acts. Available here.

(4) Proposal for a Regulation of the European Parliament and of the Council on the European Health Data Space. Available here.

(5) Proposal for a Directive on the Union code relating to medicinal products for human use. Available here.

(6) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act). Available here.

(7) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act). Available here.

(8) Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) - Available here.

(9) [Internet] Media use in the European Union, Eurobarometer Report, 2023 https://op.europa.eu/en/publication-detail/-/publication/953c23c3-c3d9-11ee-95d9-01aa75ed71a1. Consulted April 12th 2024.

(10) [Internet] Media use in the European Union, Eurobarometer Report, 2023 https://op.europa.eu/en/publication-detail/-/publication/953c23c3-c3d9-11ee-95d9-01aa75ed71a1

Meta (Facebook), Instagram and TikTok are becoming integral to the advertising strategies of many brands. These platforms offer dynamic and interactive environments where consumers can not only view but also sometimes interact with advertisements, enhancing engagement and recall.

This is complemented by 70% of Europeans reading news online weekly **(11)** , a trend that continues to affect advertising strategies and content distributions.

Today's consumers are not only passive recipients but active participants who seek out, share, and interact with content. This dynamic is particularly relevant in the self-care market, where decisions are increasingly influenced by online research and peer reviews accessible through digital platforms.

As digital platforms increasingly become the norm, the self-care industry has adapted its advertising strategies to meet consumers where they are: online, engaged, and interactive.

Hence, as an example, in recent years, there has been a notable reallocation of OTC advertising budgets towards digital channels. Marketers appreciate the efficiency and granularity of digital advertising, which allows for more targeted and personalized marketing campaigns.

The ongoing rise in digital budgets, expected to represent 49% of OTC advertising in 2023 **(12)**, is a clear indicator of this shift from traditional print and broadcast mediums to online and interactive platforms.

Responsible advertising of self-care products enables responsible self-care practices.

Along with advice from pharmacists and other healthcare professionals, advertising plays a crucial role in supporting self-care. It provides people with information about the availability and applications of self-care products, thereby enabling a responsible practice of self-care and better use of healthcare resources.

Self-care product advertising has a value that goes well beyond driving sales. When done responsibly, consumer health advertising provides a key mechanism to provide information and awareness, and so in turn can have a positive impact on people's lives, significantly improving health outcomes.

For example, each year across Europe, 1**.2 billion cases of minor ailments are self-managed by the uptake of non-prescription medicines**. This practice avoids considerable expenditure (€ 36.72 billion) that would otherwise be shouldered by patients, national health systems and national economies:

- € 26.31 billion saved in expenditure on medical services and products.
- € 10.41 billion saved in avoided productivity loss including expenditures from unnecessary general practice doctor (GP) visits and reduced productivity losses associated with sick leave and absence from work.

In other words, every euro spent in Europe by an individual on non-prescription medicines saves society € 6.70.(13)

To fulfil its mission to promote access to safe, effective, and sustainable self-care for all in Europe, AESGP explored how to create and maintain trustworthy and responsible online advertising for self-care products.

In this position paper, AESGP investigates:

1. The EU legal framework regarding advertising of self-care products
   - General consumer advertising requirements
   - Additional rules to comply with when performing advertising online.
   - Regulatory category specific requirements
2. Challenges and opportunities of traditional versus online advertising.
3. Key principles that should be followed to promote self-care products towards users responsibly with online advertising.
4. Key recommendations for specific stakeholders.

(11) [Internet] Media use in the European Union, Eurobarometer Report, 2023 https://op.europa.eu/en/publication-detail/-/publication/953c23c3-c3d9-11ee-95d9-01aa75ed71a1

(12) [Internet] Tailored digital ads and ecommerce to drive 8% growth in OTC ad spend this year – Zenith (zenithmedia.com)

(13) May, Uwe & Bauer, Cosima & Schneider-Ziebe, Anissa & Giulini-Limbach, Chiara. (2023). Self-Medication in Europe: Economic and Social Impact on Individuals and Society. Gesundheitsökonomie & Qualitätsmanagement. 28. 10.1055/a-2089-5142.

The EU legal framework regarding advertising of self-care products

To ensure continuous marketing of their products, companies must comply with a combination of EU and most of the times additional national requirements. The current EU legal framework regarding advertising of self-care products comprises general consumer advertising requirements and specific ones related to the regulatory category.

General consumer advertising requirements

While some requirements regarding advertising were defined some decades ago, the last years have also seen emerge several legislative developments that aim to address the evolution of the Internal Market. Despite the rules in place being common for all types of advertising, online advertising must respect some additional rules.

Rules to respect for all advertising types

- **Directive 2005/29/EC on unfair commercial practices ('Unfair Commercial Practices Directive' - UCPD) (14)**

In the EU, Directive 2005/29/EC on unfair commercial practices ('Unfair Commercial Practices Directive' - UCPD) forbids misleading and forceful advertising.

The purpose of the UCPD is to contribute to the proper functioning of the internal market and achieve a **high level of consumer protection** by approximating the laws, regulations, and administrative provisions of the Member States on unfair commercial practices harming consumers' economic interests.

- **Directive 2006/114/EC concerning misleading and comparative advertising (15)**

The purpose of Directive 2006/114/EC is to protect businesses against misleading advertising and its unfair effects and to lay down the conditions for permissible comparative advertising (cf. Art. 1). It contains objective minimum criteria for determining whether advertising is misleading or unlawfully comparative and sets minimum requirements for the details of protection against such advertising (b2b).

- **Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("General Data Protection Regulation" / GDPR) (16)**

The GDPR is an important component of EU privacy law and human rights law. It also governs the transfer of personal data outside the EU and EEA. The GDPR's goals are to enhance individuals' control and rights over their personal information and to simplify the regulations for international business. The comprehensive provisions of the GDPR on permitted data processing purposes, consent, data subject rights, data transfer, etc. must be complied with for the marketing instruments used.

(14) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 – ' Unfair Commercial Practices Directive' – Available here.

(15) Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising. – Available here.

(16) Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ("General Data Protection Regulation" / GDPR) - Available here.

Additional rules to comply with when performing advertising online

- **Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (17)**

The Directive aims to harmonize certain national regulations applicable to information society services across the EU. The aim is to ensure the free movement of goods and services in e-commerce between the member states.

- **Directive 2002/58/EC of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (18)**

The Directive regulates, among other things, "unsolicited communications". This is intended to protect natural and legal persons as participants in an electronic communications system from a violation of their privacy or a violation of their legitimate interests by unsolicited communications for direct marketing purposes.

- **Regulation (EU) 2019/1150 of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (19)**

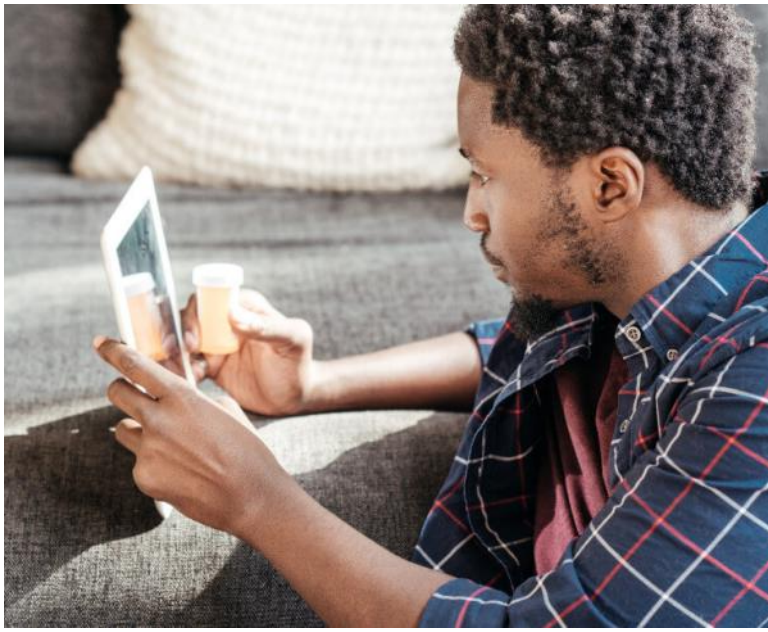
The Regulation (EU) 2019/1150 (hereinafter: P2B Regulation) contains more detailed rules for the relationship between the operators of internet platforms and traders who use these platform services for their business activities. The P2B Regulation has a cross-sectional character. It cannot be assigned to a single area of law but lies primarily at the intersection of fair-trading law, antitrust law, and contract law. It is part of the body of standards and legal rules dealing with the regulation of platforms. The P2B Regulation can be seen as a building block within an emerging body of platform regulation law.

- **Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (20)**

While the primary focus of the Digital Services Act (DSA) is on regulating online platforms to ensure greater transparency, accountability, and user safety, it also has implications for advertising within these platforms. Regulatory authorities have enhanced powers to enforce compliance with the DSA's advertising provisions. Non-compliance may result in penalties, fines, or other sanctions for online platforms.

- **Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (21)**

The Digital Markets Act (DMA), which regulates "gatekeepers", i.e. platforms with at least 45 million active monthly users.



(17) Directive 2000/31/EC of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) - Available here.

(18) Directive 2002/58/EC of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) – Available here.

(19) Regulation (EU) 2019/1150 of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services – Available here.

(20) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act). Available here.

(21) Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) – Available here.

Regulatory category specific requirements

Non-prescription medicines

Legally binding

- **Directive 2001/83 on the Community Code on medicinal products (22)**

The legislation provides that any authorized advertising for self-care medicines must promote the rational use of medicinal products and must not be misleading. These fundamental principles are enshrined in EU law, in Directive 2001/83 on the Community Code on medicinal products. At the Member State level, national laws ensure compliance with these principles by setting up advertising authorization systems run by public authorities, co-regulated or self-regulated.

Co-regulated system or self-regulation

In addition to EU and nationally legally binding requirements, in some countries, companies can choose to join a co-regulated system (National competent authorities and National Trade Association) or to follow guidance's of national self-care industry associations (UK/PAGB, Belgium/BACHI), Austria/IGEPHA, France/NèreS, …) and self-regulatory body.

Self-Care medical devices

Legally binding

- **Medical Devices Regulation 2017/745 (MDR) products (23)**

The Medical Devices Regulation 2017/745 applicable since 26 May 2021 introduces general rules on advertising for medical devices, including self-care medical devices.

Article 7 of the Medical Devices Regulation brings a comprehensive prohibition of misleading information for the labeling, instructions for use, provision, commissioning, and advertising of medical devices.

In accordance with these rules, the advertising of medical devices must not use texts, names, brands, images and figurative or other signs likely to mislead the user or the patient as to the intended purpose, safety, and performance of the medical device. In particular, it is prohibited in advertising:

* To assign functions and properties that the medical device does not have.

* To create a false impression regarding a treatment or diagnosis, functions or properties that the medical device does not possess.

* To fail to inform the user or the patient of a likely risk linked to the use of the medical device in line with its intended purpose.

* To suggest uses of the medical device other than those declared as part of the intended purpose for which the conformity assessment was carried out.

Important to note is that some member states introduced laws to further regulate medical device advertising (including, in some cases, laws that specifically govern the advertising of self-care medical devices) beyond that of the EU-wide legislation.

Co-regulated system or self-regulation

Similarly to non-prescription medicines, in some countries, companies can choose to join a co-regulated system (National competent authorities and National Trade Association) or to follow guidance's of national self-care associations.

For example, PAGB published a Medical Devices Consumer Code.

(22) Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use. Available here.

(23) Regulation (EU) No 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/ EEC. Available here.

Food supplements

Legally binding

- **Regulation (EU) No 1169/2011 on the provision of food information to consumers (24)**
- **Regulation (EC) No 1924/2006/EC on nutrition and health claims made on foods (25)**
- **Directive 2002/46/EC on the approximation of the laws of the Member states relating to food supplements**

Food supplements are subject to the general labelling and advertising rules established by EU Regulation 1169/2011 on food information for consumers. One of the main principles applicable to the advertising of food, including food supplements, is that the information must be accurate, clear and easy to understand for the consumer. Likewise, the information provided in the advertisement must not be misleading, in particular:

* as to the characteristics of the food supplement and as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production.

* by attributing to the food supplement effects or properties that it does not have.

* by suggesting that the food supplement has particular characteristics when all similar foods have such characteristics, in particular by specifically insisting on the presence or absence of certain ingredients and/or nutrients.

* by suggesting, by means of appearance, description or pictorial representations, the presence of a particular food or ingredient, when in fact a naturally occurring component or an ingredient normally used in the product has been replaced with a different component or ingredient.

In addition, the advertising of food supplements must not attribute to the product concerned the property of preventing, treating or curing a human disease, nor make reference to such properties.

Regulation (EC) 1924/2006 laying down specific rules on the use of nutrition and health claims is of similar interest for the advertising of food supplements:

* Nutrition claims describe foods in terms of the nutrients or energy they contain or do not contain or provide at a reduced or increased rate.

* Health claims are claims stating, suggesting or implying that there is a relationship between health and a category of food, a food or one of its constituents.

Co-regulated system or self-regulation

Similarly to non-prescription medicines and self-care medical devices, companies can choose to join a co-regulated system (National competent authorities and National Trade Association) or to follow guidance's of national self-care associations.

(24) Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers - Available here.

(25) Regulation (EC) No 1924/2006/EC on nutrition and health claims made on foods. Available here.

Challenges and opportunities of traditional versus online advertising

Advertising and online advertising are both strategies used by businesses and organizations to promote products to their target audiences. While they share the same fundamental goal of reaching and engaging potential customers, providing awareness of available product solutions and information about when to use them, there are key differences between traditional advertising and online advertising in terms of reach, targeting, cost, measurability, and flexibility.

We explored below the challenges and benefits brought by traditional advertising and online advertising.

Challenges

Traditional means of advertising

- It can reach only a limited population in terms of numbers, geographies, and scope. Younger generations, for example, are more rarely exposed to these types of media.
- This type of advertising can sometimes be less relevant for the users as it is not targeted to their specific needs and searches.
- Traditional advertising only allows for limited options to advertise. Space, time, and allocated slots are also restricted.
- It cannot be updated once printed / released.
- It generally means higher costs.

Online means of advertising

Online advertising is defined as the various forms of advertising which are delivered through the Internet, both desktop and mobile.

- Due to its wider accessibility, online advertising may present a higher rate of misinformation or false advertising if the appropriate safeguards by the various stakeholders are not in place.
- It can be challenging to fit all legal disclaimers or all information in the same field of vision when space is limited, especially when social media is accessed through a mobile.
- Social media platforms allow user generated content which, regarding advertising law aspects, is outside of the scope of companies and therefore not subject to their controls. For example, uninformed consumers may attribute medicinal effects for food supplements or discuss using medicines for conditions they are not indicated for. Unfortunately, the ability of companies to respond to protect patient safety (when they are aware of a message promoting inappropriate use of medicines) is limited by the legal framework.
- Online advertising has global reach which can pose a challenge from a compliance and enforcement perspective, but it also means that consumers in a given market may have wider access to information than consumers in other countries.

While both kinds of advertising present some challenges, they also present many opportunities.

Opportunities

Traditional means of advertising

- Traditional advertising can reach those that are less technologically literate, like the elderly and areas with no internet access.
- It may present a lower risk of false advertising and misinformation, moreover the scale is more limited.
- The competition for the user's attention can be more limited.
- In the case of TV ads, for example, there might be more space for mandatory regulatory content than for ads displayed on mobile phones.

Online means of advertising

- Can benefit from future innovation, new formats, and creative approaches.
- Can be targeted and therefore effectively directing consumers to the self-care solutions they need, and helping consumers practice responsible self-care.
- Can be used to provide rapid information on the "correct use" of products or changes in dosage.
- It allows for the use of artificial intelligence that with user consent provides real time updates depending on consumers searches (eg SEO optimised content) Platforms algorithms can show content that is relevant to each individual.
- When allowed, can facilitate real time consumer engagement, especially on social media platforms, for example reviews, comments, ratings.
- When allowed in the country, online advertising & possibility to comment / react may create more ways to report adverse events.
- It can alert consumers to new products and indications for use and intended purposes of those products. It can link to additional relevant information such as product websites, digital leaflets, etc.
- There are more ways to advertise through different formats vs traditional media (TV) such as display ads, video ads, influencers, social media ads, and search engine marketing among others.
- Lower costs compared to traditional methods.
- Can help improve digital health literacy.

5 key principles to promote self-care products responsibly using online means of advertising

Promoting self-care products responsibly involves adhering to key principles that prioritize consumer well-being, transparency, honesty, and ethical practices.

Compliance with laws and regulations

To play their part in building and maintaining a trustworthy and responsible online advertising environment, industry stakeholders should make sure they comply with relevant laws, regulations, and industry standards governing the advertising and promotion of self-care products. Industry must stay updated on changes or updates to regulations, especially those related to health claims, product labelling, and consumer protection.

Online advertising is regularly accompanied by the collection and evaluation of data from advertising recipients (cookies, individualized ads, backtracking, profiling, creation of target groups/clusters, etc.). The comprehensive provisions of the GDPR on permitted data processing purposes, consent, data subject rights, data transfer, etc. must be complied with for the marketing instruments used.

Evidence based	Transparent
As with all advertisements, the content should be factually correct and should be evidence based and supported by credible scientific sources. Unsupported claims about the health benefits or efficacy of self-care products undermine trust and credibility in the sector, companies and brands who make them	Online advertising transparency is crucial for creating a more trustworthy and ethical online advertising ecosystem that respects user privacy and preferences. Ads and commercial collaboration need to be clearly identified.
Foster more digital health literacy	**Importance of partnerships**
It is key to contribute to regulators awareness campaigns that aims to inform the public on how to safely access information and identify false, unsafe sources of information.	Trustworthy online advertising cannot be achieved by the healthcare industry alone, it also needs cooperation with all the involved stakeholders like online operators, regulators, and enforcement authorities to detect, challenge and remove misleading advertising.

Key recommendations to stakeholders

Regulatory bodies

Foster a level playing field

- As one can appreciate when looking at the number of rules to comply with when advertising online, the current landscape is quite rich. In addition, the framework for advertising can be described as fragmented due to the diverse regulations and guidelines across different countries and regions. This fragmentation poses challenges for companies aiming to advertise their products globally, as they must navigate a complex landscape of varying requirements and standards. It is often reported in countries where national agencies review the online advertising materials that timelines for approvals are too long, which reduces the efficacy of the planned advertising campaigns, especially in nowadays fast paced environment.

- When dealing with online advertising, pragmatic approaches should be taken, and practices should reflect the current needs.

- As much as possible, institutions and regulatory bodies should stay updated with trends and innovations, and informed about how consumers use social media.

Create a framework that can easily evolve with technological progress

- We believe that future legislation and guidance should consider the continually changing nature of online advertising by focusing on core principles that can be widely applied, rather than worded to reflect the current environment.

Enforcement

- The protection of public health should not only depend on the behavior of platform operators and industry. Enforcement bodies play a vital role in ensuring that online advertising is truthful, accurate, and compliant with established regulations.

- Where several bodies are involved in the regulation of advertising there should be a joined-up approach to ensure efficient, consistent action. If not already the case, regulators should consider proactive action, utilising AI-assisted technology where suitable, to tackle non-compliance.

- Sufficient resources should be allocated to regulatory agencies to ensure strong and continuous market surveillance and enforcement regarding online operators.

Self-Care Industry

- Should ensure that created ads follow the key principles mentioned above and is strongly committed to collaborating with regulators.

- Should consider co-regulation or self-regulation models such as, for example:

    * In Spain, the Spanish Self-Care Association (anefp) launched in 2013 the "Sello anefp" (the anefp Seal), a co-regulated system for the approval of non-prescription medicines advertising, managed by industry and supervised by the national medicines regulator, which later developed into a fully self-regulated system, and is being extended to medical devices.

    * In Germany, where public advertising for non-prescription medicines is controlled by authorities, competitors and self-regulatory post-event control like INTEGRITAS – Verein für lautere Heilmittelwerbung e.V. in Bonn. INTEGRITAS was founded in 1962 on the initiative of BAH, the German trade association representing Self-Care. BAH monitors the compliance of medicinal products advertising and related areas with applicable legal provisions and will prosecute violations. It also acts in the event of complaints.

    * In the UK, PAGB - the consumer healthcare association, has a long standing self-regulatory system of pre-approval for medi-

cines advertising alongside voluntary processes for medical devices and food supplements. Alongside this, PAGB operates an intercompany complaint system.

- When available, national associations guidance should be carefully considered.

- Contributing to awareness campaigns launched by regulators and targeted to the public on safe behaviors online is also one of the roles of the Self-Care industry.

- There is a collective social responsibility to nurture a positive digital environment to safeguard youth mental health and well-being, building and expanding on existing efforts such as over-the-counter safety programs.

Administrators of e-Commerce platforms and social media network

- We believe administrators of e-Commerce platforms and social media networks should encourage a level playing field. It is often noticed that different rules can exist from one social media to another.

- We believe digital platforms also have a major role in enhancing consumer health literacy.

- eCommerce platforms, particularly those that permit 3rd party sales, should have robust systems in place to ensure products listed are legal and promoted in line with the regulations of the relevant territory. They should work closely with national regulators to ensure appropriate action is taken against non-compliant material.

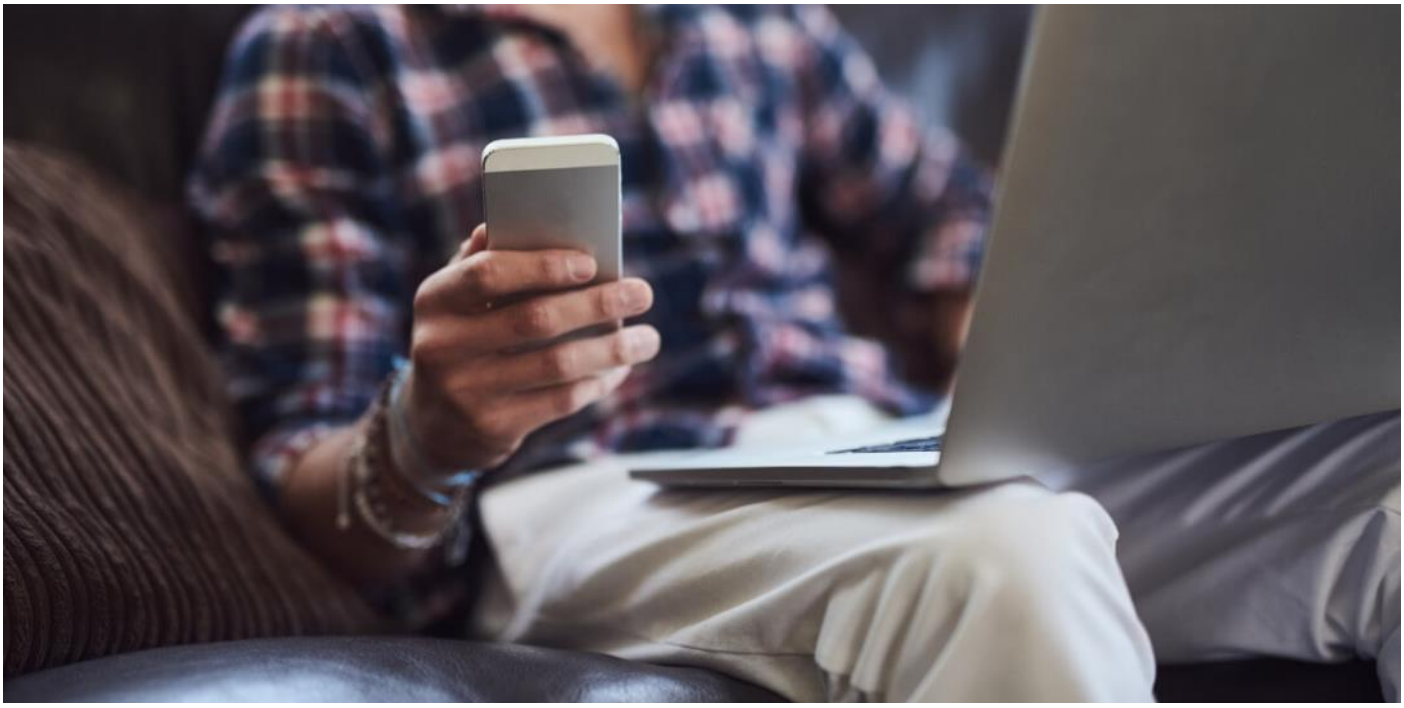
- Greater content moderation of OTC content being kept off the platform, faster removal where it has the risk of “going viral” due to product misuse.

Individual consumers and public

- Consumers and the public should be informed on what is a trustworthy ad and what is not.

- Individual consumers and the public should play their part to stay informed about legislative developments.

- Consumers and individuals should have easy access to report misinformation or product misuse quickly to minimize consumer harm.



About

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

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