

Drug advertising on TV

29 September 2020

TV advertising for therapeutic products/medicines must comply with the provisions of the Therapeutic Products Act. TV commercials for analgesics, sleeping pills and sedatives, laxatives and appetite suppressants (drug groups: Analgesics, sleeping pills, sedatives, laxatives and anorexics) must be submitted to Swissmedic for approval before they appear if the drug information mentions a potential for abuse or dependence (Art. 23 para. 1 of the Ordinance on Advertising of Medicinal Products). All other TV commercials no longer have to be submitted to Swissmedic for authorisation before being broadcast.

Since 1 January 2019, only four different dispensing categories exist in the area of medicinal products under the Therapeutic Products Act, namely dispensing categories A, B, D and E. Dispensing category C will be gradually eliminated. As long as medicinal products of dispensing category C are still on the market, the advertising provisions of dispensing category D apply to them.

Advertising for dispensing categories A and B (prescription-only medicinal products) is not permitted. For dispensing category D (application requires expert advice), advertising is generally permissible, but subject to certain requirements. The TV commercial must contain at least the following information:

- Name of the preparation (brand) and name of the marketing authorisation holder
- At least one indication or possible use
- TV commercials for medicinal products with package leaflet: Note at the end: "This is an authorised medicinal product. Please seek advice from a healthcare professional and read the package leaflet". The information must be displayed legibly on a neutral background in a font block size of at least one third of the overall picture and at the same time be spoken in an easily understandable manner. In the case of silent advertising, the insertion of the notice is sufficient.
- TV commercials for medicinal products without package leaflet: Note at the end: "This is an authorised medicinal product. Please seek advice from a specialist and read the information on the package". The notice must be displayed legibly on a neutral background in a font block size of at least one third of the total image and at the same time spoken in a clearly understandable manner. In the case of silent advertising, the insertion of the notice is sufficient.

Advertising is permitted for dispensing category E (medicinal products available over the counter).

Offers for sale of therapeutic products or medical treatments are not permitted.

Further advertising regulations can be found in the Therapeutic Products Act (HMG, SR 812.21) and the Medicinal Products Advertising Ordinance (AWV, SR 812.212.5). See also the Swissmedic checklist "Review Publikumswerbung":

<https://www.swissmedic.ch/swissmedic/en/home/humanarzneimittel/marktueberwachung/anzneimittelwerbung/anleitungen.html>