

# What to watch out for when promoting medical devices and health products

The amendment to the Advertising Regulation Act is effective from 26 May 2021

- 1 Attention to the formalities**

Make sure your medical device advertisement to the general public contains all the **necessary content**. Does the advertisement make it clear that the product is a medical device? Does the advertisement contain the trade name of the medical device, its purpose and other necessary information?
- 2 Watch out for references to studies**

It is not possible to refer to **government bodies** in advertising for medical devices. **Clinical trials** can only be referred to if the advertisement is directed at professionals.
- 3 Watch out for waiting rooms**

It is no longer permitted to present medical devices intended only for use by a health care professional or a medical device that can only be dispensed on a voucher or request form **in the waiting room of a doctor's office or other place open to patients/public**.
- 4 Beware of celebrity recommendation**

Now it is not possible to promote a medical device by referring to the **recommendations** of scientists, health professionals or **CELEBRITIES** or **INFLUENCERS** as persons who, by virtue of their status, could promote the use of the medical device.
- 5 Beware of the value of gifts**

It is prohibited to **offer, promise or give gifts or other benefits** to health care professionals in connection with the advertising of medical devices, unless they are of negligible value and relate to the professional activity carried out by the professional.
- 6 Watch out for congresses and sponsorship**

Sponsors or organisers of scientific congresses or demonstrations on medical devices may only provide **reasonable hospitality, accommodation and transport** free of charge to the expert. If the expert has a companion with him/her, the companion will not receive any benefits.
- 7 Watch out for samples**

Samples of a medical device must **not be provided to a patient** or other person who is not a health care professional.
- 8 Beware of stories**

Personal stories in advertising naturally attract attention. However, medical device advertising must now **not detail the specific course of a particular case**.
- 9 What is a health-targeted product**

If you have not been involved in advertising for medical devices, **check** whether your products fall into the new category of "**health-targeted products**". This category of products is also newly regulated and the amendment to the Advertising Regulation Act introduces a number of prohibitions that must be respected.
- 10 Watch out for deadlines**

If you have entered into a contract for the implementation or dissemination of advertising before 26 May 2021 and this advertising is in breach of the new legislation, you have **until 26 November 2021 to put things right**. Ads ordered after 26 May 2021 already comply with the new rules.

Do you want to revise your documents or marketing communications? Contact [info.cz@bnt.eu](mailto:info.cz@bnt.eu).