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PROHIBITION OF PHARMACY ADVERTISING – ANALYSIS OF THE NEED FOR CHANGES AND POTENTIAL DIRECTIONS OF REFORMS



ABSTRACT

The aim of the study is to define within the de lege ferenda postulates the direction and nature of possible changes in the prohibition of pharmacy advertising. An analysis of the law in force is used as the basic research method. It has allowed a review of current legal regulations concerning pharmacy advertising. The paper also uses the case-work method, thus allowing reference to and investigation of specific cases addressing pharmacy advertising. The paper offers a conclusion that changes in the absolute ban on pharmacy advertising must be introduced. The findings reveal, first, the need to introduce the definition of the concept of pharmacy advertising into the normative act, and secondly, the need to make comprehensive changes in implementing the possibility to advertise pharmacies, subject to necessary restrictions. Advertising as one of the basic marketing tools is an important element of the free market economy, based primarily on equal access to the market. The categorical prohibition of pharmacy advertising is contrary to allowing the advertising of medicinal products, which may constitute a manifestation of unequal treatment of pharmacy operators against marketing authorization holders. Moreover, advertising, apart from its persuasive character, is very often an important source of information for the recipient, which in the case of pharmacy advertising may be significant in terms of services and products provided and offered by them, respectively, that are not medicinal products.

KEYWORDS: advertising, pharmacy advertising, advertising law, freedom of establishment, prohibition of advertising

INTRODUCTION

Advertising is one of the most popular forms of marketing today. Undoubtedly, it has many advantages, including the possibility of presenting a product or service without the presence of both parties in one place and at one time. It has an almost unlimited territorial scope, which is extremely valuable in the current economic development (R.F. Taflinger, 1996). One of its basic functions is to influence the recipient, which is reflected both in the Polish legal scholarship and judicial decisions (A. Kraus, F. Zoll, 2020, p. 595; Judgement of the Supreme Administrative Court of 16 February 2023, II FSK 1835/20, Legalis; Judgement of the Supreme Administrative Court of 11 March 2015,

II GSK 168/14, Legalis). The informational function should not be omitted either. Naturally, advertising is an economic phenomenon, but in addition to the economic aspect itself, it is very often also intended to provide recipients with specific information about what its subject matter is. The very influencing of the recipient is crucial, because it allows a distinction between advertising and *pure* information. Economic literature even points out that advertising does not have to contain information at all, it may only be a persuasive message (G.S. Becker, K.M. Murphy, 1993, p. 941.). However, this is not reflected in the Polish judicature, where there are positions claiming that advertising should always contain information on the product or service presented in it (Judgment of the Supreme Administrative Court in Łódź of 13 February 2003, I SA/Łd 929/01; Judgment of the Supreme Administrative Court in Poznań of 24 September 1998, I SA/Po 140/98, Legalis). Regardless of the discrepancy of opinion among marketing scholars and the position of the Polish judicature, advertising has been inscribed in the current reality for good, its role in trade is significant, and its influence on the recipient, combined with its informational function, implies it needs to be regulated. The legislator's interference in this area is intended to limit, and ideally eliminate, advertising activities that could violate the principles of fair competition, consumer rights and, last but not least, superior values such as human life or health. All in accordance with the principle of freedom of establishment.

When it comes to these superior values, which may be violated by advertising, there are a number of special laws in Poland intended to safeguard them. One such act is the Act of 6 September 2001 Pharmaceutical Law (consolidated text, Dz. U. (Journal of Laws) of 2024 item 686; hereinafter: PhL). Naturally, the scope of regulation of the said act is not limited to advertising; nevertheless, it is an important element of it. The Pharmaceutical Law contains regulations concerning two types of advertising (referring this to the objects of this advertisement) – advertising of medicinal products and advertising of pharmacies. It is the latter that will be investigated in this study.

One should start from the fact that since 2012 there has been an absolute ban on pharmacy advertising in Poland. In fact, it has been raising considerable controversy in terms of its legitimacy and adequacy since its very entry into force, especially when confronted with, albeit limited,

allowed advertising of medicinal products. The Complaint by the European Commission to the Court of Justice (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202403062 [access 18.01.2024]) (it should be pointed out that the European Commission already asked Poland in 2019 to change its regulations concerning the absolute ban on advertising of pharmacies) (https://poland.representation.ec.europa.eu/news/reklama-polskich-aptek-w-trybunale-2023-07-14_pl [accessed 18.01.2025])) and the consultations initiated by the Ministry of Health on possible changes to the regulations on pharmacy advertising (<https://www.gazetaprawna.pl/firma-i-prawo/artykuly/9499313,zakaz-reklamy-aptek-zostanie-zlagodzony.html> [accessed 18.01.2025]) are an ideal premise to analyse the current legal situation in the above-mentioned issues and to try to answer the question whether ban-related changes are necessary. If the answer is affirmative, some thought should be given to what direction these changes should take.

Considering the above, legal regulations concerning the advertising of pharmacies have been chosen as the research area of this study. The main angle for looking at these regulations here is from the perspective of protection of recipients of pharmacy advertising and the protection of superior values. The primary objective was to define, within the *de lege ferenda* postulates, the direction and nature of possible changes in the prohibition of pharmacy advertising. The main problem posed in the study is presented in the form of a question – should there be changes in the prohibition of pharmacy advertising, and if so, what should be their scope?

The method of the analysis of the law in force is used as the basic research method. The presentation of the main research problem and the main objective determined the choice of the research method based on a logical-linguistic analysis. It allowed an analysis of current legal regulations concerning pharmacy advertising. The paper also uses the case-work method, thus allowing reference to and investigation of specific cases relating to pharmacy advertising.

PHARMACY ADVERTISING – UNDERSTANDING

In order to talk about the prohibition of pharmacy advertising, it is first of all necessary to start from what pharmacy advertising is. It would seem that the question of the mere scope of the concept of pharmacy advertising will not cause major problems, given the prevalence of advertising as a general phenomenon. However, despite said prevalence, defining the concept of pharmacy advertising may, and in practice does, cause some difficulties.

First, it should be pointed out that the advertising of pharmacies itself is referred to in Article 94a PhL. The problem, however, lies in the fact that the legislator does not offer a definition of this concept in this regulation. It is not included in other parts of PhL either. This means that in order to determine the meaning of pharmacy advertising it necessary to refer to the body of legal literature and commentary and judicial decisions.

There are various interpretative approaches to defining this concept which reflect different theoretical and practical perspectives. One of them is the perception of the definition of pharmacy advertising broadly as any activity intended to influence the recipient so that he uses the services of a given pharmacy (Judgment of the Supreme Administrative Court of 10 October 2023, II GSK 1992/22, Legalis; Judgement of the Supreme Administrative Court of 10 October 2023, II GSK 1912/22, Legalis). Referring to one of the rulings of the Supreme Administrative Court, *any action directed to the public, regardless of the method and means of its implementation, should be considered as advertising the activities of a pharmacy, if its purpose is to increase the sales of medicinal products and medical devices offered in a given pharmacy and regardless of whether it is carried out inside or outside the pharmacy* (Judgement of the Supreme Administrative Court of 26 September 2024, II GSK 661/21, LEX no. 3780635). The above expresses what is indicated in the introduction of this study – advertising, through its persuasive character, should affect the recipients, while in the case of pharmacy advertising the form and method of getting the message across is not of much importance.

The Polish judicature also features the practice of referring, in the case of defining the concept of pharmacy advertising, to the definition of advertising contained in Directive 2006/114/EC of the European Parliament and

of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21) (Judgment of the Supreme Administrative Court of 10 October 2023, II GSK 1992/22). When referring to Directive 2006/114/EC, the courts point out that *advertising means any activity aimed at encouraging potential customers to buy specific goods or to use certain services* (Judgment of the Supreme Administrative Court of 25 July 2024, II GSK 392/24, LEX no. 3770351). Such action is the result of the lack in the Polish legal system of a single general definition of the concept of advertising, which could be the basis for defining it against specific acts. It is worth adding in this place that although Directive 2006/114/EC has been fully implemented into the Polish legal system, the Polish legislator did not decide to include in the implementing law the definition of the concept of advertising contained in the Directive. Naturally and expressly, it is not wrong to refer to the definition of the concept of advertising under Community law. However, the legislator's greater diligence in the implementation of Community law would certainly contribute to increasing the coherence of the Polish legal system.

However, it cannot be considered correct to refer to the definition of the concept of advertising of medicinal products by creating a definition of the concept of advertising of pharmacies (e.g. Judgment of the Supreme Administrative Court of 1 June 2023, II GSK 43/20, LEX no. 3604463; Judgment of the Voivodeship Administrative Court in Warsaw of 7 August 2013, VI SA/Wa 1660/13, LEX no. 1368285). Olszewski notices this practice by expressing his disapproval for it because the definition of the concept of advertising medicinal products contained in Article 51(1) of PhL should be applied only to this category of advertising and should not be extended to cover other categories in accordance with the principles of legislative technique (W.L. Olszewski, 2016, Article 94a.).

It should be noted that in the vast majority of cases, pharmacy advertising is defined broadly, both in judicial decisions, as presented above, an in legal scholarship – as any action aimed at increasing the sale of services or products of a given pharmacy (J. Stefańczyk-Kaczmarzyk, 2016, Article 94a.).

In addition, it should be emphasized that when defining pharmacy advertising in judicial decisions, the question of the beneficiary, i.e. the recipient of the advertisement, is not relevant. As the Supreme Administrative Court

points out, *the prohibition of advertising the activities of pharmacies applies regardless of whether the advertising is directed to the public and regardless of products it refers to* (Judgement of the Supreme Administrative Court of 27 August 2014, II GSK 1000/13).

The form of advertising and the place where it is placed is also not important. According to the courts, pharmacy advertising can take any form (judgment of the Voivodeship Administrative Court in Warsaw of 17 October 2008, VII SA/Wa 698/08, Legalis). Moreover, according to the courts, it does not matter whether the pharmacy advertisement is carried out outside its premises or inside it (Judgement of the Supreme Administrative Court of 29 October 2024, II GSK 831/21, LEX no. 3778417). As the established line of judicial decisions emphasizes, the legislator has not in any way limited the ban on pharmacy advertising, so there are no grounds to do so in practice. This raises serious concerns about the legitimacy of such a rigorous and broad approach to the issue of advertising measures concerning pharmacies.

The above-mentioned ways of understanding the concept of pharmacy advertising indicate that courts, in their decisions, and legal scholars and commentators alike interpret this term extremely broadly, which is intended to fully implement the statutory prohibition. Nevertheless, this leads to the conclusion that there is a need for a legal definition of pharmacy advertising, in line with the approach adopted by the legislator for advertising medicinal products. Although the relevant body of judicial decisions is extensive, the lack of uniformity in the interpretative analogies used leads to an impression of inconsistency, which undermines the principle of legal certainty.

PROHIBITION OF PHARMACY ADVERTISING

As already indicated, there is an absolute ban on pharmacy advertising in Poland, which is expressed in Article 94a PhL – *It is forbidden to advertise pharmacies and pharmacy outlets and their activities. Information about the location and opening hours of a pharmacy or a pharmacy outlet is not an advertisement.*

The courts point out that the prohibition of pharmacy advertising should be understood strictly – *the rigour of this understanding must always refer to the*

potential or actual economic benefits that may be associated with information provided and concerning the activities of the pharmacy, and in particular the sale of products offered by the pharmacy. Given the above, any action that goes beyond provision of information about the opening hours or a pharmacy's location should always be considered as illegal advertising of a pharmacy.

Referring to one of the judgments of the Supreme Administrative Court – *All promotional activities, including those relating to prices and discounts, are advertising of the goods and the company that makes them. (...) a listing of medicines at a reduced promotional price by comparing the lower price applied by the pharmacy opposite a higher price, referred to as “regular price, old price or otherwise suggesting that the pharmacy sells a particular medicine at a reduced promotional price for a certain period of time constitutes an advertisement for both medicines and the pharmacy selling them. (...) such action constitutes a de facto attempt to circumvent the prohibition on pharmacy advertising (...)*” (Judgement of the Supreme Administrative Court of 13 June 2024, II GSK 2025/23, LEX no. 3749848.). The presentation of a voucher to be used for subsequent purchases (Judgment of the Voivodeship Administrative Court in Warsaw of 17 October 2008, VII SA/Wa 698/08, Legalis), which marketing scholars would not define as advertising but as sales promotion, was also considered advertising (P. Kotler, 2005, p. 620). As seen from the above, the prohibition of pharmacy advertising is a very strict and absolute ban, leaving in principle no freedom to pharmacy operators in terms of possible marketing activities. Although in the marketing science angle advertising should be distinguished from other marketing activities, such as sales promotion, competitions, loyalty programs (J. Kall, 2010, p. 15), Polish jurisprudence interprets any action that recipients as advertising. This, in turn, may be primarily a consequence of the legislator's failure to define the concept of pharmacy advertising.

The only thing that has been removed from the ban is providing information about the location and opening hours of a pharmacy. However, it needs to be noted that this information cannot be accompanied by any other messages. As the Supreme Administrative Court points out in this regard, *the legislator has not specified the form of permissible information or the place and time of its dissemination. Also, he does not specify that, due to the intentions contained,*

the information about a pharmacy's opening hours or its location may constitute prohibited advertising. Nor does the legislator give any normative guidelines as to the size, appearance or place of placing the permitted information. Since such information has been excluded from the prohibition of advertising pharmacies and their activities and since the legislator has not indicated the acceptable forms in which messages about the location and opening hours of a pharmacy can be placed in the public space, it means that for the assessment by the authority of whether, in specific circumstances, the concept of advertising referred to in the second sentence of Article 94a(1) of PhL is excluded, circumstances such as the intentions of the information provider, the visibility and extent of the information medium and the form in which the information is placed are irrelevant. Even in a broad understanding of "pharmacy advertising (Judgement of the Supreme Administrative Court of 16 April 2024, II GSK 116/21, LEX no. 3719441.).

LEGITIMACY OF THE PROHIBITION OF PHARMACY ADVERTISING

The explanatory memorandum to the Act of 14 June 2012 on amending the act on the health care activity and certain other acts (Dz. U. (Journal of Laws) of 2012, item 742) does not indicate why changes in the regulation of pharmacy advertising were made. According to the Supreme Administrative Court, pharmacy advertising may pose a real threat to health, while the purpose and task of the legislator is to take actions serving the said protection. *This protection can undoubtedly be affected not only by the lack of sufficient access to medicines, but also when access to medicines is too easy, through all kinds of systems of incentives, promotional offers or subliminal attention grabbing, which could even lead to their abuse. The advertising of both medicines and pharmacies undoubtedly leads to this* (Judgement of the Supreme Administrative Court of 10 October 2023, II GSK 619/23, Legalis). A similar position is also expressed by legal commentators – *the ratio legis of the introduction to the normative text of the limitation of advertising of medicines and the prohibition of pharmacy advertising intends precisely to protect human health* (M. Majak, 2018, p. 582).

This raises a question about the legitimacy of an absolute ban on the advertising of pharmacies, especially when confronted with limited yet possible advertising of medicinal products. In Chapter IV PhL devoted to the advertising of medicinal products the legislator indicates that medicinal products may be advertised. Naturally, this is not unlimited. This chapter lists many restrictions on the advertising of medicinal products (W. Woźna-Burdziak 2023, pp. 151-153), compliant on top of this with 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 (OJ L 311, 28.11.2001, pp. 67–128 as amended).

Confronting this with the aforementioned judgment of the Supreme Administrative Court, doubts arise from the fact that the Polish legislator has introduced a total ban on pharmacy advertising, being guided by the protection of superior values such as health or life, while maintaining the possibility of advertising medicinal products in the name of the protection of the same values. Of course, it is understandable that interference of the legislator is necessary in the case of advertising of a specific character, which undeniably includes advertising of medicinal products and advertising of pharmacies. However, it should be adequate and proportionate to the objective to be achieved by the restriction. Moreover, pursuant to Article 2 of the Act of 6 March 2018, the Entrepreneurs Law (consolidated text, Dz. U. (Journal of Laws) of 2024 item 236 as amended), *the taking up, exercise and termination of a business is free for everyone on equal terms*. There is a serious doubt here whether pharmacy operators and marketing authorization holders are treated equally as far as advertising measures are concerned.

It is rightly pointed out in the judicature that medicines should be purchased when they are objectively needed, and not as a result of the influence of advertising. One should certainly be aware that medicinal products are not ordinary food products, and pharmacies are not ordinary outlets. However, the Supreme Administrative Court points out that *the legislator, by limiting the admissibility of advertising medicines and prohibiting advertising of pharmacies, has the protection of human health in mind, and is therefore guided by an important public interest within the meaning of Article 22 of the Constitution of the Republic of Poland of 2 April 1997 (Dz. U. (Journal of laws) of 78 item*

483 as amended). *The framework of a properly functioning health care system should feature mechanisms that allow the purchase of medicines when they are really necessary, and not when such a temptation arises due to advertising. For these reasons, advertising of medicines and pharmacies cannot be considered as an activity explicitly aimed at the well-being of patients. For the above reasons, according to the Supreme Administrative Court, the prohibition of pharmacy advertising contained in Article 94a PhL is not contrary to the principle of freedom of establishment, subject to restrictions provided for in Article 22 of the Constitution (Judgement of the Supreme Administrative Court of 25 August 2016, II GSK 59/15, LEX no. 2142327).* The above somehow expresses the fact that the absolute prohibition of pharmacy advertising is equated with the possibility of (limited) advertising of medicinal products, while there is no equal distribution of the restriction.

The European Commission referred to the above in its action, pointing out, inter alia, that “(...) prohibition restricts freedom of establishment and freedom to provide services beyond what is necessary to achieve the objective of public health protection in the Republic of Poland. The prohibition thus formulated hinders, among other things, the activity of pharmacies from other Member States which intend to provide their services in the Republic of Poland (restriction of freedom to provide services) and limits the freedom of pharmacies to set up new business units or to continue their activities and offer their services to customers in that country (restriction of freedom of establishment) (Action brought on 13 March 2024 – European Commission v Republic of Poland (Case C-200/24)). The European Commission has no doubt that the prohibition in Article 94a is too far-reaching and unnecessarily restricts freedom of establishment. The EC also stresses that the solution adopted by the Polish legislator constitutes to be a significant obstacle to starting an activity that involves running a pharmacy by entities from outside Poland.

Moreover, similar observations have also appeared in legal commentary and scholarship. For example, Banaszek points out that *a total ban on advertising is neither a necessary nor the only possible determinant for the introduction of equal conditions of competition (...)* (B. Banaszek, 2017, p. 439).

In the face of the above, it becomes reasonable to demand that the regulations concerning the prohibition of pharmacy advertising be amended.

The reasons for such a proposal, however, are not limited to the question of the dubious justification of the implementation of an absolute ban, but also to the failure to define the normative concept of pharmacy advertising, which raises the problem of maintaining an analogy in terms of creating the definition of this concept, but also of too strict an approach to the issue of non-compliance with the prohibition of advertising of pharmacies.

CONCLUSIONS

Considering all that has been indicated above, first of all, it should be noted that the prohibition of pharmacy advertising may constitute a manifestation of unequal treatment by the legislator of entities operating pharmacies in relation to marketing authorization holders who may advertise medicinal products. The prohibition of pharmacy advertising and restrictions of advertising medicinal products are intended to protect the same good, i.e. health. In addition, pharmacies are outlets that mainly sell medicinal products and thus it is difficult to find a justification as to why the product itself may be advertised while an outlet may not. Since advertising medicinal products is allowed, a total ban on pharmacy advertising is therefore far too restrictive (similarly A. D. Wiśniewska, 2018, p. 423–433). Moreover, it is doubtful whether the lack of pharmacies-promoting advertisements in the public space actually contributes to the protection of public health when medicinal products are also sold at other outlets. Furthermore, there is no justification to indicate that advertising of pharmacies is potentially more likely to be detrimental to health or life than advertising of medicinal products. Especially when it is pointed out in the judicature that both types of advertising can affect the recipient equally negatively.

Secondly, apart from medicinal products, pharmacies sell other products and provide additional services too. Therefore, not every pharmacy advertisement would have to carry the risk of promoting the consumption of medicines without a legitimate need. On the other hand, a total ban on pharmacy advertising, with the absolute approach taken by the Polish courts, prevents entities operating such outlets from undertaking any marketing activity,

even though such advertising would not be aimed at encouraging the purchase of specific medicinal products.

Therefore, responding to the main problem posed in this study – changes in the prohibition of pharmacy advertising are definitely necessary. The most rational way to address these changes would be to adopt a system that applies to the advertising of medicinal products. First, it is necessary to introduce a definition of the concept of pharmacy advertising, which will allow clear and unambiguous distinction of advertising from other marketing activities. Secondly, appropriate advertising limits should be introduced, and, naturally, those limits should be compatible with the restrictions on advertising of medicinal products. In this respect, it would be necessary to create a catalogue of restrictions relating to both the content of advertising and the services or products advertised (e.g. allowing only non-medicinal products to be advertised). Changes of this direction and nature could, above all, help to eliminate from the legal order a ban which restricts freedom of establishment too far. In addition, they could allow patients to be more aware of services or products offered by pharmacies (not necessarily medicinal products).

It should not be forgotten that advertising (any illegal form of it) may pose a real threat to the recipient, but it is also an important source of information and one of the key elements of modern competition. Restrictions on pharmacy advertising should be developed in a comprehensive manner so that they truly and effectively protect superior values, but without prejudice to the right to equal participation in trading. It is not always a categorical ban that is the only good and right solution, which is clearly confirmed in this discussion.

REFERENCES

- Banaszek, B. (2017). O zgodności z Konstytucją RP bezwzględnego zakazu reklamy aptek. *Monitor Prawniczy*, 8, 439.
- Becker, G. S., & Murphy, K. M. (1993). A simple theory of advertising as a good or bad. *The Quarterly Journal of Economics*, 108(4), 941.
- Jaworska-Dębska, B. (1993). Wokół pojęcia reklamy. *Przegląd Ustawodawstwa Gospodarczego*, 12, 21.
- Kall, J. (2010). *Reklama*. PWE.
- Kotler, P. (2005). *Marketing* (R. Bartoń & M. Sicińska, Trans.). Dom Wydawniczy Rebis.
- Kraus, A., & Zoll, F. (1929). *Polska ustawa o zwalczaniu nieuczciwej konkurencji z objaśnieniami*. Wojewódzki Instytut Wydawniczy Poznań.
- Majak, M. (2018). Zasada wolności gospodarczej a działalność związana z obrotem produktami leczniczymi. In Z. Duniewska, M. Stahl, & A. Krakala (Eds.), *Zasady w prawie administracyjnym: Teoria, praktyka, orzecznictwo* (p. 582). Wolters Kluwer.
- Modrzejewska, M. (2020). Prawo handlowe. In M. Stec (Ed.), *System Prawa Prywatnego*, Vol. 5B, *Prawo umów handlowych* (p. 595). C.H. Beck.
- Olszewski, W. L. (Ed.). (2016). *Prawo farmaceutyczne. Komentarz* [art. 94a]. Wolters Kluwer.
- Stefańczyk-Kaczmarzyk, J. (2016). Prawo farmaceutyczne. Komentarz. In M. Kondrat (Ed.), *Prawo farmaceutyczne. Komentarz* [art. 94a]. Wolters Kluwer.
- Taflinger, R. F. A definition of advertising. Retrieved from <https://public.wsu.edu/~taflinge/addefine.html>
- Wiśniewska, A. D. (2018). Zakaz reklamy aptek i punktów aptecznych jako przykład nieuzasadnionej ingerencji w swobodę działalności gospodarczej? In M. Zdyb, E. Kruk, & G. Lubeńczuk (Eds.), *Dysfunkcje publicznego prawa gospodarczego* (pp. 423–433). C.H. Beck.
- Wózna-Burdziak, W. (2023). Reklama produktów leczniczych a ochrona interesu konsumenta. *Acta Iuris Stetinensis*, 46(5), 151–153.

LEGAL ACTS

- Act of 6 March 2018 Entrepreneurs Law, consolidated text, Journal of Laws (Dz. U.) 2024 item 236 as amended.
- Act of 6 September 2001 Pharmaceutical Law, consolidated text, Journal of Laws (Dz. U.) 2024 item 686.
- Constitution of the Republic of Poland of 2 April 1997, Journal of Laws (Dz. U.) 78 item 483 as amended.
- Council Directive 2001/83/EC, 2001 O.J. (L 311) (on the Community code relating to medicinal products for human use).
- Council Directive 2006/114/EC, 2006 O.J. (L 376) (concerning misleading and comparative advertising).
- European Commission v. Republic of Poland, Case C-200/24, 2024 O.J. (C/2024/3062) (action brought 13 March 2024).

COURT JUDGMENTS

- Judgement of the Supreme Administrative Court of 1 June 2023, II GSK/43/20, LEX no. 3604463.
- Judgement of the Supreme Administrative Court of 10 October 2023, II GSK 1992/22, Legalis.
- Judgement of the Supreme Administrative Court of 10 October 2023, II GSK 1912/22, Legalis.
- Judgement of the Supreme Administrative Court of 10 October 2023, II GSK OSK 619/23, Legalis.
- Judgement of the Supreme Administrative Court of 11 March 2015, II GSK OSK 168/14, CBOSA.
- Judgement of the Supreme Administrative Court of 13 June 2024, II GSK 2025/23, LEX no. 3749848.
- Judgement of the Supreme Administrative Court of 16 April 2024, II GSK 116/21, LEX no. 3719441.
- Judgement of the Supreme Administrative Court of 16 February 2023, II FSK OSK 1835/20, CBOSA.
- Judgement of the Supreme Administrative Court of 25 August 2016, II GSK 59/15, LEX no. 2142327.
- Judgement of the Supreme Administrative Court of 25 July 2024, II GSK 392/24, LEX no. 3770351.
- Judgement of the Supreme Administrative Court of 26 September 2024, II GSK 661/21, LEX no. 3780635.
- Judgement of the Supreme Administrative Court of 27 August 2014, II GSK 1000/13.
- Judgement of the Supreme Administrative Court of 29 October 2024, II GSK 831/21, LEX no. 3778417.
- Judgement of the Supreme Administrative Court in Łódź of 13 February 2003, I SA/Łd, 929/01.
- Judgement of the Voivodeship Administrative Court in Poznań of 24 September 1998, I SA/Po 140/98, Legalis.
- Judgement of the Voivodeship Administrative Court in Warsaw of 17 October 2008, VII SA/Wa, 698/08, Legalis.
- Judgement of the Voivodeship Administrative Court in Warsaw of 7 August 2013, VI SA/Wa 1660/13, LEX no. 1368285.

NETOGRAPHY

- https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C_202403062
- https://poland.representation.ec.europa.eu/news/reklama-polskich-aptek-w-trybunale-2023-07-14_pl
- <https://www.gazetaprawna.pl/firma-i-prawo/artykuly/9499313,zakaz-reklamy-aptek-zostanie-zlagodzony.html>