

**CONCEPT PAPER ON A COMMON LOGO FOR LEGALLY-OPERATING ONLINE
PHARMACIES: BEUC RESPONSE TO THE PUBLIC CONSULTATION**

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Brussels, 17 January 2013

Dear Sir/Madam,

The European Consumer Organization (BEUC) welcomes the opportunity to contribute to the public consultation on the concept paper regarding the common logo for legally operating online pharmacies¹.

Counterfeit medicines put consumers' health at risk and BEUC supports any measure to combat this criminal activity and to increase consumer safety.

Internet-based sales of pharmaceuticals are by far the major source of counterfeit medicines, threatening those who seek cheaper, stigmatized or unauthorized treatments².

BEUC members in different countries tested sales of medicines on the internet to verify the safety and reliability of this supply channel. They also made laboratory analyses to assess the quality of the products they purchased. The results³ are worrying: in most cases they managed to buy prescription-only medicines without prescription, the laboratory tests revealed major quality problems, the medicines were not accompanied by the package leaflet and by any safety information.

The on line sale of prescription medicines is legal only in some member states (e.g. UK, Netherlands and Germany) while in other member states the on line sale is authorized only for non-prescription medicines (e.g. Belgium, Ireland) or in the form of mail order when the web site is linked to a "bricks and mortar pharmacy" (e.g. Denmark, Portugal).

While acknowledging that both the national list of all legally-operating online pharmacies/retailers and the logo could be themselves counterfeit and that the reciprocal link system might be hijacked, we consider the provisions of the Directive 2011/62/EU (Title VII A of the consolidated version of Directive 2001/83/EC) at least an attempt to provide consumers with some tools to identify legal sources in those countries where on line sales of medicines are authorized.

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¹ http://ec.europa.eu/health/files/falsified_medicines/commonlogo_consult.pdf

² BEUC position on counterfeit medicines, X/85/2009.

³ See for example Consumentenbond, October 2009 and Salutest, Altroconsumo n.210, December 2007.

Awareness campaigns

In point 15 of the concept paper the Commission proposes to organize campaigns in cooperation with the European Medicines Agency and with Member States in order to inform the general public that the simple presence of the logo on a webpage will not be sufficient to ensure that the online pharmacy/retailer is authorized, as the logo may have been copied. We believe that this information might undermine the usefulness of the logo and that more efforts should be placed in improving the technical requirements to ensure that the logo cannot be easily falsified. It is also necessary to inform consumers more generally about the implications of buying medicines online. For example consumers should be informed about the fact that it is always essential to seek information from their doctor and/or pharmacist especially regarding safety aspects and possible interactions with other medications.

Consumers should also be informed about how and to whom they can report suspected unlawful sale of medical products on the internet (for example to the competent health authorities or to their pharmacists). In the US the Food and Drug Administration (FDA) has a dedicated toll-free information line for these cases.

Consumers' organisations also have a role to play in informing the public.

Logo

For a logo to be valuable for and understood by consumers it should be tested among a representative group of people and it should be cross culturally tested as to avoid possible misunderstanding and confusion with other logos used at national level or by a specific groups. We consider the public consultation as a tool used by the Commission to meet these requirements and we hope that the contributions received will be representative and useful to identify potential problems. Unfortunately following consultation with our members, representing consumers in different EU Member States, it was not possible to identify one option that was preferred by a significant majority. Consumers themselves seemed to be divided. For example, our Greek Member EKPIZO conducted a flash online survey among consumers. Among 329 consumers who accessed the survey, only 207 expressed a preference and 107 of them chose option 2 but it was a very thin majority (51.44%).

In any case, we encourage the Commission to take into account that the medical cross used in both options is usually associated by consumers with the medical profession and it is a guarantee of medical supervision and of the respect of certain professional and deontological requirements. This perception might not reflect reality in the case of some retailers such as supermarkets that in some countries are legally selling medicines on line and that would have to adopt the logo.

The accompanying sentence proposed in point 25 could be made more explicit by indicating *"click here to check if this pharmacy is authorized »*

We don't see the added value of introducing an animation as proposed in point 27 as this can generate confusion.

We remain at your disposal should you require further information.

Yours Faithfully,

Ilaria Passarani
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