



Media relations
P.O. Box, 9023 St. Gallen

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Media Release

regarding judgment C-3035/2022 of 14 April 2025

Prohibition on advertising medicinal products disregarded

A newspaper article violated the prohibition against advertising medicinal products which may only be supplied on a prescription to the general public. Media reports on such prescription drugs must not leave the average reader with the general impression that they are promotional. The Federal Administrative Court rejected the appeal against the publishing prohibition and the erasure of the online article.

In a newspaper article published in print as well as online, a journalist reported about her own personal experience with a prescription drug. Based on an interview with a specialist physician, she covered aspects such as the incidence of the disease in the population, sick leaves from work, treatment options, and the state of research. Following a complaint from a third party, Swissmedic, the Swiss Agency for Therapeutic Products, initiated proceedings and decided to prohibit the article in question. Moreover, the Agency ordered the media company to remove the online version of the article from its website. The media company lodged an appeal against the decision with the Federal Administrative Court (FAC).

Violation of the prohibition on advertising to the public

In its Judgment, the FAC establishes that advertising directed at the general public for prescription medicinal products is unlawful pursuant to the Therapeutic Products Act. Media reports about prescription drugs directed at the general public are only lawful if they contain general information about health or diseases which are not directly or indirectly related to specific drugs.

The article in question gives the name of a prescription drug, indicates its active ingredient and the name of the holder of the marketing authorisation. According to the FAC, the article clearly reflects the journalist's personal preference for the innovative new drug. The positive presentation is liable to influence consumer behaviour, conceals possibly severe side effects, implies its superiority over other treatments or medicinal products, and places the drug in an especially favorable light. The Court holds that the report on the personal experience with the prescription drug is one-sided and, therefore, incomplete, as well as neither factual nor well-balanced. In summary, the article leaves the average reader with the general impression that it is promotional; therefore, it no longer qualifies as information of a general nature. As a result, it is in violation of the absolute

prohibition of advertising to the public for medicinal products which may only be supplied on a prescription. The appeal of the media company is rejected.

This judgment may be appealed to the Federal Supreme Court.

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About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007.

With its staff of 395 employees (334 FTE) and its 78 judges (70 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities.

Recourse actions are also reviewed by the Court. The FAC is composed of six divisions.

It renders an average of 6,500 judgments every year.