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Pharmacy advertising – a new chapter... and new opportunities

The Act of 22 October 2026 amending the Pharmaceutical Law with regard to pharmacy advertising has just been signed by the President and will come into force on **3 December 2026**. Any activity that encourages customers to make use of a pharmacy's services and is intended to increase sales of its product range, services or treatments shall constitute pharmacy advertising.

The most significant change

The amendment moves away from a general ban on pharmacy advertising. Advertising will, in principle, be permitted, but must not contravene the specific prohibitions set out in the Act.

The new rules apply not only to pharmacies

Liability for infringements may also be incurred by any entity that conducts, finances or organises the advertising, such as a pharmaceutical company or an advertising agency.

Why are the regulations changing?

The amendment is a response to the judgement of the Court of Justice of the European Union of 19 June 2025 (C-200/24). The Court ruled that a total ban on advertising by pharmacies was disproportionate. EU Member States may restrict the content and form of advertising, but should not ban it entirely.

What activities will be prohibited?

Advertising by pharmacies will be permitted, but subject to numerous restrictions – it will not be allowed to:

- **Offer benefits in return for a purchase,** such as a discount, loyalty points, a gift or any other benefit for making a purchase or presenting proof of having taken up an offer; the ban will cover loyalty schemes.
- **Compare offers or be misleading**; nor may it be aggressive or contrary to public decency.
- **Be directed at persons under the age of 18** or use their image or voice.
- **Use celebrities, doctors or people suggesting they have medical training.**
- **Use the image or voice of a pharmacist or persons suggesting they have such qualifications, nor refer to their recommendations in a manner that breaches the rules governing the practice of the profession**, particularly its independence, dignity and prestige, professional confidentiality and integrity towards patients and other members of the profession.
- **Use digitally generated images or voices of the aforementioned persons**, e.g. using AI.
- **Induce fear regarding health,** e.g. by suggesting that failure to take up the offer will result in a deterioration in health or a lack of improvement.
- **Be combined with content unrelated to the pharmacy's activities**.

Pharmacy advertising versus advertising of medicines within a pharmacy

This distinction remains crucial. The new regulations apply to the advertising of the pharmacy as a business, not to every advertisement visible within the pharmacy.

Pharmacy advertising	Advertising of an OTC medicine in a pharmacy
Promotes the pharmacy, its offering, product range, services or activities.	Promotes a specific OTC medicinal product and is carried out by the marketing authorisation holder or on its behalf.
It is subject to the restrictions set out in the new Article 94a of the Pharmaceutical Law.	It remains permissible under the existing rules governing the advertising of medicinal products.
Practical rule: a message about a specific OTC medicine should not be combined with an offer of prohibited benefits, such as discounts, loyalty points or gifts, in return for making a purchase at a specific pharmacy.	

What do the new regulations mean for pharmaceutical companies?

A pharmaceutical company may be held liable for unlawful advertising if it conducts, finances or organises such advertising. This also applies where the campaign is initiated by a pharmacy, a pharmacy chain or a third party.

Pharmaceutical companies should, as a matter of priority, check:

- agreements with pharmacies and pharmacy chains,
- agreements with agencies, loyalty scheme operators and influencers,
- online campaigns and social media activities,
- promotional campaigns and other marketing activities.

Penalties – up to 1 million PLN per pharmacy store

Conducting, financing or organising advertising in breach of the new prohibitions will be punishable by a fine of up to PLN 1,000,000. If a campaign breaching these prohibitions involves several pharmacy stores, the fine may be imposed separately for each pharmacy and each pharmacy store.

The same maximum fine will apply for failure to comply with an order to cease advertising or for resuming advertising covered by a decision of the competent authority.

Importantly, proceedings initiated under the existing regulations which have not resulted in a final decision before the amendment comes into force are to be discontinued. An exception is made for proceedings concerning the advertising of non-pharmacy stores relating to medicinal products, which will be conducted under the existing regulations.

Experts from the Life Sciences Practice



Dr Mateusz Mądry
Partner | Head of Practice

E: mateusz.madry@dzp.pl
T: +48 660 440 383



Michał Komar
Senior Associate

E: michal.komar@dzp.pl
T: +48 780 115 027