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Republika Srbija
Regulatorno telo za elektronske medije
Bрој: 1001/2025
Datum: 6. 10. 2025.

+1050

SOG a.o.d.
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Za:

Republika Srbija

Regulatorno telo za elektronske medije

Trg Nikole Pašića 5, 11103 Beograd

For:

Republic of Serbia

Regulatory body for electronic media

Trg Nikole Pašića 5, 11103 Beograd

Podnosilac:

Haleon Hungary Korlátolt Felelősségű Társaság,
sa registrovanim sedištem u Mađarskoj, na adresi H-1124, Csorsz utca 43, Budimpešta, matični broj: 01-09-199206 ("**Podnosilac**") koje zastupa SOG a.o.d, sa registrovanim sedištem u Beogradu, na adresi Bulevar Mihajla Pupina 6/4, Novi Beograd, odnosno ponasob advokati navedeni u punomoćju u prilogu.

Prilog br.1: Punomoćje.

Submitter:

Haleon Hungary Korlátolt Felelősségű Társaság,
with registered seat in Hungary, at H-1124, Csorsz utca 43, Budapest, registration number: 01-09-199206 ("**Submitter**") represented by SOG a.o.d, with registered seat in Belgrade, at Bulevar Mihajla Pupina 6/4, i.e. the attorneys listed in the attached power of attorney individually.

Schedule no.1: Power of Attorney.

**Predmet: PRIJAVA OGLAŠAVANJA
MEDICINSKOG SREDSTVA KOJE JE SUPROTNO
ZAKONU**

**Subject: NOTIFICATION ON ADVERTISING OF A
MEDICAL DEVICE THAT IS CONTRARY TO THE
LAW**

Poštovani,

Obraćamo Vam se ovim putem u svojstvu punomoćnika Podnosioca, po punomoćju u prilogu, u vezi sa reklamnim sadržajem koji se emituje na YouTube kanalu:
<https://www.youtube.com/watch?v=iwm9hXmAGmA>
<https://www.youtube.com/watch?v=rtEzA2clgDg>

i na televizijskim kanalima u Republici Srbiji i to: (i) Pink Movies, dana 16.08.2025. godine, u 07:18 časova, dana 17.08.2025. godine, u 01:11 časova i u 07:15 časova, (ii) Pink Comedy, dana 16.08.2025. godine, u 07:16 časova, a odnosi se na proizvod Elmex Sensitive Professional ("**Proizvod**"), čiji je proizvođač privredno društvo Colgate-Palmolive Manufacturing (Poland) Sp. z o.o, sa sedištem u Poljskoj, na adresi Aleja Colgate 2, 58-100 Swidnica ("**Proizvođač**"), koji Proizvod je, prema podacima

Dear,

I am writing to you in my capacity as a representative of the Submitter, based on the attached power of attorney, in connection with the advertising content broadcast on YouTube channel:
<https://www.youtube.com/watch?v=iwm9hXmAGmA>
<https://www.youtube.com/watch?v=rtEzA2clgDg>

and on the TV channels in the Republic of Serbia namely: Pink Movies, on 16.08.2025, at 07:18 a.m., on 17.08.2025, at 01:11 a.m. and 07:15 a.m., (ii) Pink Comedy, on 16.08.2025, at 07:16 a.m., which refers to the product Elmex Sensitive Professional ("**Product**"), whose manufacturer is the company Colgate-Palmolive Manufacturing (Poland) Sp. z o.o., with its registered seat in Poland, at Aleja Colgate 2, 58-100 Swidnica ("**Manufacturer**"), which Product, according to the information of the Agency

Agencije za lekove i medicinska sredstva Srbije („**Agencija**“), registrovan kao medicinsko sredstvo.

Ovlašćeni predstavnik Proizvođača u Republici Srbiji je privredno društvo AWT INTERNATIONAL D.O.O. BEOGRAD, sa registrovanim sedištem u Beogradu, na adresi Batajnički drum 283f, 11080 Zemun („**Predstavnik Proizvođača**“).

Video reklame Proizvoda sadrže niz elemenata za koje postoji osnovana sumnja da su nesaglasni sa odredbama Zakona o medicinskim sredstvima ("Sl. glasnik RS", br. 105/2017), Pravilnika o oglašavanju medicinskih sredstava ("Sl. glasnik RS", br. 102/2018 i 105/2018 - ispr.), kao i Zakona o oglašavanju ("Sl. glasnik RS", br. 6/2016 i 52/2019 - dr. zakon), a kako je niže detaljno obrazloženo.

Prilog br.2: Video reklame Proizvoda na USB-u.

1. ČINJENIČNO STANJE I PRAVNA OCENA

1.1 Obmanjujuće korišćenje osobe u belom mantilu u reklamama

U spornim reklamama Proizvoda je prikazana osoba obučena u belom mantilu, bez ikakve identifikacije (imena, profesionalne titule ili akreditiva), što ostavlja utisak da je u pitanju zdravstveni radnik. Ovo stvara obmanjujući utisak zbog izgleda osobe u reklamama (posebno zbog belog mantila), sugerišući da je ta osoba zubar.

Takvo oglašavanje može se klasifikovati kao obmanjujuće oglašavanje prema članu 11. Zakona o oglašavanju.

1.2 Isticanje preporuke stomatologa u Nemačkoj

U reklamama za Proizvod je navedeno da Proizvod preporučuju stomatolozi u Nemačkoj.

Ovakav način reklamiranja je suprotan članu 110 stav 1. tačka 3) Zakona o medicinskim sredstvima, kojim je predviđeno da se prilikom

for Medicines and Medical Devices of Serbia ("**Agency**"), is registered as a medical device.

The authorized representative of the Manufacturer in the Republic of Serbia is the company AWT INTERNATIONAL D.O.O. BEOGRAD, with registered seat in Belgrade, at the address Batajnički drum 283f, 11080 Zemun ("**Manufacturer's Representative**").

Product video advertisements contain a number of elements for which there is reasonable suspicion that they are inconsistent with the provisions of the Law on Medical Devices ("Official Gazette of RS", no. 105/2017), the Rulebook on Advertising of Medical Devices ("Official Gazette of RS", no. 102/2018 and 105/2018 - corrected), as well as the Law on Advertising ("Official Gazette of RS", no. 6/2016 and 52/2019 - other law), as explained in detail below.

Schedule no.2: Product video advertisements on USB.

1. FACTUAL STATE AND LEGAL ASSESSMENT

1.1 Misleading use of a person in a white coat in advertisements

The advertisement features a person dressed in a white coat, without any identification (name, professional title, or credentials), giving the impression of a healthcare professional. This creates a misleading impression due to the appearance of the person in the advertisements (especially because the white coat), suggesting that the respective person is a dentist.

Such advertising can be classified as misleading advertising under Article 11 of the Law on Advertising.

1.2 Highlighting the recommendation of dentists in Germany

The advertisements for the Product stated that the Product is recommended by dentists in Germany.

This manner of advertising is contrary to Article 110 paragraph 1 point 3) of the Law on Medical Devices, which stipulates that when advertising

reklamiranja medicinskog sredstva opštoj javnosti ne mogu da se ističu preporuke zdravstvenih ili naučnih radnika o performansama, odnosno karakteristikama medicinskog sredstva koje podstiču korišćenje medicinskog sredstva.

1.3 Navođenje opšte javnosti da je Proizvod pasta za zube broj 1

U reklamama za Proizvod je naznačeno da je proizvod pasta za zube broj 1.

Navedena izjava je suprotna članu 109. stav 1. tačka 5) Zakona o medicinskim sredstvima, kojim je predviđeno da se prilikom reklamiranja medicinskog sredstva opšta javnost ne može da se navodi na utisak da je određeno medicinsko sredstvo najbolje, odnosno bolje od drugih medicinskih sredstava.

2. ZAHTEV ZA POSTUPANJE

Imajući u vidu sve navedeno, smatramo da postoji osnovana sumnja da su predmetna oglašavanja u suprotnosti sa članom 11. Zakona o oglašavanju i članovima 110. stav 1. tačka 3) i 109. stav 1. tačka 5) Zakona o medicinskim sredstvima.

U skladu sa članom 118. Zakona o medicinskim sredstvima, kojim se uređuju nadležnosti inspekcije i mere koje se mogu preduzeti u slučaju nepravilnosti, predlažemo da izvršite inspeksijski nadzor i da ukoliko se utvrdi da predmetno reklamiranje Proizvoda nije u skladu sa zakonom preduzmete odgovarajuće mere i to:

- i. da zabranite oglašavanje Proizvoda koje se vrši suprotno uslovima propisanim ovim zakonom i propisima donetim za njegovo sprovođenje od strane svih pravnih ili fizičkih lica koja učestvuju u postupku oglašavanja Proizvoda, kao i da na osnovu podataka koje Agencija dostavlja Ministarstvu zdravlja u skladu sa ovim zakonom, naložite zabranu oglašavanja, odnosno upotrebe materijala koji se koristi u postupku

a medical device to the general public, the recommendations of health or scientific workers about the performance, that is, the characteristics of the medical device that encourage the use of the medical device cannot be highlighted.

1.3 Indicating to the general public that the Product is the number 1 toothpaste

The advertisements for the Product indicated that the Product is No. 1 toothpaste.

Mentioned statement is contrary to Article 109 paragraph 1 point 5) of the Law on Medical Devices, which stipulates that when advertising a medical device, the general public cannot be led to the impression that a certain medical device is the best, or better than other medical devices.

2. A REQUEST FOR PROCEDURE

Bearing in mind all of the above, we believe that there is a well-founded suspicion that respective advertisements is contrary to Article 11 of the Law on Advertising and Articles 110, paragraph 1, point 3) and 109, paragraph 1, point 5) of the Law on Medical Devices.

In accordance with Article 118 of the Law on Medical Devices, which regulates the powers of inspection and the measures that can be taken in case of irregularities, we suggest that you carry out an inspection and that if it is determined that the advertising of the respective Product is not in accordance with the law, you take appropriate measures, namely:

- i. to prohibit the advertising of the Product that is carried out contrary to the conditions prescribed by this law and the regulations adopted for its implementation by all legal or natural persons participating in the procedure of advertising the Product, as well as to, based on the data submitted by the Agency to the Ministry of Health in accordance with this law, order a ban on advertising, i.e. the use of material used in the procedure of advertising

oglašavanja Proizvoda i druge dokumentacije koja se odnosi na oglašavanje Proizvoda;

- ii. da podnese zahtev nadležnom javnom tužiocu za pokretanje postupka za privredne prestupe protiv svih odgovornih pravnih lica i odgovornih lica u tim pravnim licima pred nadležnim sudom, zbog učinjenog privrednog prestupa iz člana 126. stav 1. tačka 7) Zakona o medicinskim sredstvima.

the Product and other documentation related to the advertising of the Product;

- ii. to submit a request to the competent public prosecutor to initiate proceedings for economic offenses against the all responsible legal entities and responsible persons in those legal entities before the competent court, due to the committed economic offense referred to in Article 126, paragraph 1, point 7) of the Law on Medical Devices.

Predlažemo i da u skladu sa Zakonom o oglašavanju, podnesete zahtev za pokretanje prekršajnog postupka prema svim odgovorim pravnim licima i odgovornim licima u tim pravnim licima, zbog učinjenog prekršaja iz člana 78. stav 1. tačka 2) Zakona o oglašavanju.

We also suggest that in accordance with the Law on Advertising, you submit a request to initiate misdemeanour proceedings against all responsible legal entities and responsible persons in those legal entities, due to the offense committed under Article 78, paragraph 1, point 2) of the Law on Advertising.

Molimo Vas da nas obavestite o rezultatima inspeksijskog nadzora i da nam dostavite zapisnik o izvršenom inspeksijskom nadzoru, kao i rešenje koje bude doneli u vezi sa ovom prijavom na sledeće email adrese: ana.arambasic@kinstellar.com i milan.samardzic@kinstellar.com.

Please inform us about the results of the inspection and provide us with the report of the inspection, as well as the decision made in connection with this notification to the following email addresses: ana.arambasic@kinstellar.com i milan.samardzic@kinstellar.com.

Ova prijava sačinjena je u dvojezičnom obliku, na srpskom i engleskom jeziku. Verzija na engleskom jeziku je informativnog karaktera i u slučaju neslaganja između dve verzije merodavna će biti verzija na srpskom jeziku.

This notification has been made in bilingual form, in the Serbian and the English language. The English language version is of informative nature and in case of any discrepancy between the two versions, the Serbian language version shall prevail.

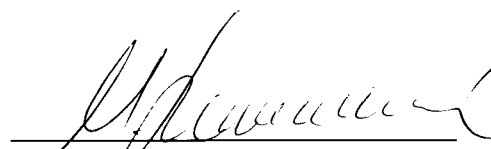
U Beogradu, dana 27.08.2025. godine

In Belgrade, on 27 August 2025

S poštovanjem, / Yours sincerely,

Za / On behalf of:

Haleon Hungary Koriátolt Felelősségű Társaság


Milan Samardžić,
Advokat / Attorney-at-Law

Advokatsko oruđsko preduzeće
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