

REGULATORY  
AUTHORITY FOR  
ELECTRONIC  
MEDIA

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**Belgrade**

**To the REM Council**

**Subject: Ex officio report about contentious ad for medical device - Elmex toothpaste (Elmex Sensitive Professional) observed in the programme of cable media service providers Pink Movies and Pink Comedy PINK MEDIA GROUP d.o.o.**

The Regulatory Authority for Electronic Media received a complaint of the company Haleon Hungary Korlátolt Felelősségű Társaság from Budapest (1001/2025, 01 September 2025), represented by Advokatsko ortačko društvo SOG from Belgrade, in which it is stated that the broadcasting of an ad for Elmex toothpaste was observed in the programmes of cable media service providers Pink Movies and Pink Comedy on 16 and 17 August 2025. Three broadcasts in total were observed on Pink Movies: one on 16 August 2025 and two broadcasts on 17 August, and one broadcast in the programme of Pink Comedy on 16 August. What is contentious about the ad is that "a person wearing a white coat is shown, without any identification ... giving the impression that they are a healthcare professional." This, according to the complainant, "creates a misleading impression due to the appearance of the person in the advertisements (especially because of the white coat), suggesting that the person is a dentist." This, according to the complainant, may be classified as misleading advertising under Article 11 of the Law on Advertising".

The received complaint has the status of notification, and the report is prepared ex officio.

By reviewing the contents of the programme of the MSP Pink Movies and Pink Comedy for the stated dates, it was observed that Elmex toothpaste ads were broadcast. The complaint listed another ad for this toothpaste, but it was not observed in the programme of the stated MSPs for the stated dates and times.

The ad contained the following spoken text: "There is no need to suffer from tooth sensitivity. Get relief from sensitivity with Elmex Sensitive Professional. Instantly seals sensitive areas and provides lasting relief. Get immediate pain relief with Elmex Sensitive Professional. Before use, read the instructions! Consult a dentist or pharmacist about the purpose and adverse reactions to the medical device."

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In the ad in question for Elmex toothpaste (20-second duration), a woman in a white coat was observed twice (from the 3 to the 6-second mark and at the 14-second mark).

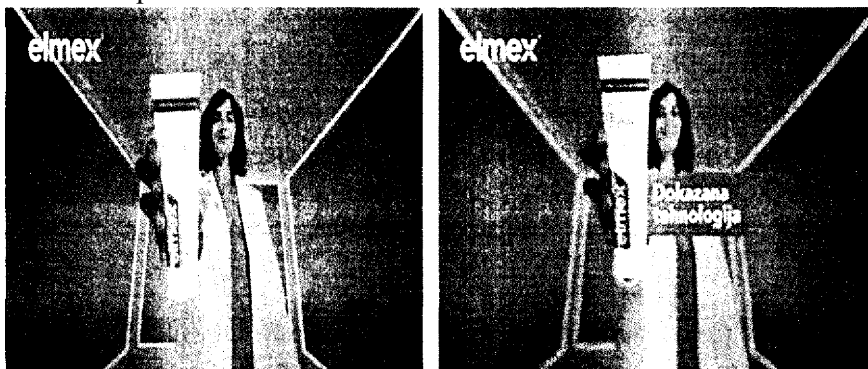
In the first instance (from the 3 to the 6-second mark), the appearance of the woman (in two sequences) was accompanied by a female off-screen voice:

"Get relief from sensitivity with Elmex Sensitive Professional".

First sequence:



Second sequence:



In the second instance, the following frame appeared at the 14-second mark of the ad:



Article 11 of the Law on Advertising regulates misleading advertising as follows:

"Misleading advertising is prohibited.

Misleading advertising shall mean any advertising which in any way, including the manner of its presentation, deceives or is likely to deceive the advertisement recipients and which, by reason of its deceptive nature, is likely to affect their economic behaviour or which, for those reasons, harms or is likely to harm a competitor.

In determining whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning:

- 1) the characteristics of goods or services, such as their: nature, composition, availability, quantity, specification, method of use, fitness for purpose, geographical or commercial origin, method and date of manufacture of goods or method and time of provision of service, results to be expected from the use of goods or services, or results or other indicators of tests or checks carried out on the goods or services;
- 2) the price or the manner in which the price is calculated, and the conditions on which the goods are sold or the services provided;
- 3) business information, attributes and rights of the advertiser, such as his identity and assets, his qualifications, commercial property or intellectual property rights or his awards and distinctions."

The appearance of a woman dressed as a dentist (although she may also be a dental nurse, but also a worker at a pharmaceutical company), in a white coat marked "elmex" on the left side of the coat at chest level, twice and lasting a maximum of 5 seconds in a 20-second ad, in connection with Article 11 of the Law on Advertising, cannot be classified as misleading advertising.

First, it should be determined whether the woman appearing in the ad is a healthcare or pharmaceutical professional. However, regardless of this unknown, the appearance of the person in the previously described manner (whatever her profession) cannot be said to mislead the recipients of the ad and influence their economic behaviour, and especially not that it will harm the advertiser's competitor. It is not disputed that the appearance of a woman in a white coat has a certain suggestive role, but one cannot speak of misleading advertising, especially considering the manner in which the Law on Advertising defines misleading advertising.

Furthermore, attention should be focused on the frame at the 14-second mark of the ad in which, next to the woman in the coat, there is a clearly written text: "Ask your dentist." The appearance of a person in a woman's coat (holding a folder in hand) in this context, can be said to have a primarily illustrative character, because the main message is that the recipients of the ad should ask their dentist about the Elmex Sensitive Professional toothpaste.

The ad also contains a mandatory disclaimer at the end which reads: "Before use, read the instructions! Consult a dentist or pharmacist about the purpose and adverse reactions to the medical device".

Misleading advertising could be said to exist if, for example, it were found that the use of the toothpaste did not result in the following: "Instantly seals sensitive areas and provides lasting relief", as claimed in the ad. This, if proven, would be contrary to Article 11, Paragraph 3, Item 1 of the Law on Advertising in relation to the results that can be expected

from the use of the goods. However, proving the misleading nature of the claim does not fall within the remit of the Regulatory Authority for Electronic Media.

The allegations in the complaint relating to non-compliance with the provisions of the Law on Medical Devices cannot be considered by the Regulatory Authority for Electronic Media because they do not fall within its remit.

**Conclusion:** The appearance of a woman in a white coat in an ad for Elmex Sensitive Professional toothpaste cannot be classified as misleading advertising based on Article 11 of the Law on Advertising.

**Monitoring and Analysis Service**