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**MEDICAL MACHIAVELLIANISM – THE DARK SIDE OF ADVERTISEMENTS:
“MEXICAN ASPIRIN¹” IN POLAND – PYRALGINUM (METAMIZOLUM
NATRICUM² 500MG – OTC³)**

Introduction

An advertisement of a medicinal product⁴ consists in actions aiming at informing about the product or encouraging its use, which in turn aims at: increasing the number of issued prescriptions, supply level, sales or consumption of medicines and may consist in: sales or medical representatives visiting people entitled to issue prescriptions or people dealing with selling medicinal products; providing drug samples; sponsoring promotional events for people entitled to issue prescriptions or people dealing with selling medicinal products; sponsoring academic conferences, symposiums, and congresses for people entitled to issue prescriptions or people dealing with selling medicinal products; distributing advertising materials (small ads, commercials, etc.) in mass media.

Such advertising may be handled only by an authorized entity or an entity commissioned to do so.

We can divide advertisements of medical products into advertising: directed at the public, and directed at people entitled to issue prescriptions or people dealing with selling medicinal products. Each of the above mentioned forms of advertising may be executed in audiovisual, sound, or visual form.⁵

In Poland there is a constant increase in the number of advertisements concerning prescription free drugs and dietary supplements which is confirmed for example by the “Emisja przekazów handlowych produktów zdrowotnych i leków w programach telewizyjnych” (“Broadcasting commercial messages of health products and drugs in television programs”) report prepared for the National Broadcasting Council which states that the number of advertisements concerning health products and drugs broadcasted in the four national television channels has increased between 1997 and 2015 more than 20 times [...] keeping in mind that [...] Irresponsible advertising of prescription free drugs leads to their overuse and increasing the number of complications resulting from it. In the 2001/83/WE directive dated November 6th 2001 concerning the common code referring to medical products used with people, the European Parliament and Council have indicated that advertising addressed at the society as a whole, even that concerning only

¹ Dorr, V. J., & Cook, J. (1996). Agranulocytosis and near fatal sepsis due to 'Mexican aspirin'(dipyron). Southern medical journal. 1996, 89(6), 612-614

² List of withdrawn drugs (From Wikipedia): Dipyron (Metamizole) 1975 UK, US, Others. Remarks: Agranulocytosis, anaphylactic reactions, Fung, M.; Thornton, A.; Mybeck, K.; Wu, J. H.-h.; Hornbuckle, K.; Muniz, E. (1 January 2001), "Evaluation of the Characteristics of Safety Withdrawal of Prescription Drugs from Worldwide Pharmaceutical Markets-1960 to 1999". Therapeutic Innovation & Regulatory Science. 35 (1): 293-317 (09.2017)

³ Over the Counter (in Poland)

⁴ According to the Chief Pharmaceutical Inspector of Poland (09.2017.)

⁵ <https://www.gif.gov.pl/pl/nadzor/reklama-produktow-leczn/476,Reklama-produktow-leczniczych.html> (09.2017)

prescription free medicines, may have a negative impact on the public health if it is overused or prepared incorrectly⁶ [...].

Taking the above into consideration, the Presidium of the Supreme Medical Council holds the position that it should be considered to introduce a ban for prescription free drugs, medical products, and dietary supplements in Poland. At the same time, if implementing such changes requires to change the law of the European Union then, due to seriousness of the problem, actions should immediately be undertaken, aiming at changing the regulations in such a way as to provide member states with the right to limit the advertising of such products, including a complete ban of advertising aimed at the general public. If advertising drugs, medical products, and dietary supplements aimed at the society as a whole is permitted, then it must be under strict supervision in terms of the honesty of its message and the genuineness of the included information⁷ [...]

An analysis of the selected advertising spot, broadcasted in Poland

In the article we are presenting an analysis of a fragment of an advertisement concerning the Pyralgina drug, addressed at the general public. We will try to indicate the elements of a dishonest medical information, which may pose a threat to the patient.

In order to conduct an analysis of the advertisement's content it is needed to remind the legal regulations which should constitute the main idea behind creating marketing campaigns (social responsibility), or be used as a reference point in the process of control. In the analysis we will focus on the regulation concerning advertising medicinal products (Article 53 of the Pharmaceutical Law),⁸ which states that an advertisement of a medicinal product can not be misleading, should present the medicinal product in an objective manner and inform about its rational use – we will accept the information included in a leaflet, which according to the Chief Pharmaceutical Inspector must include all information concerning the safe and efficient action of the drug, as a reference point. The content of the leaflet is addressed at the patient⁹ – just like the analyzed advertisement.

⁶ The standpoint and pleas of the NRL Presidium presented on September 16th 2016: on September 16th 2016 the Presidium of the Supreme Medical Council has presented its decision concerning advertising drugs, medical products, and dietary supplements.

⁷ <http://www.nil.org.pl/aktualnosci/apel-prezydium-nrl-podjete-16-wrzesnia-2016-r.> (09.2017)

⁸ Journal of Laws 2016.0.2142, meaning the Act from September 6th 2001 – Pharmaceutical Law Art. 53; legal status as of: 01.09.2017

⁹ <https://www.gif.gov.pl/pl/nadzor/sfalszowane-produkty-le/informacje-ogolne/bezpieczny-lek-bezpiecz/481,Bezpieczny-lek-bezpieczny-zakup.html> (09.2017)

Figure 1: a frame from the Pyralgina advertisement



Source: <https://vimeo.com/143748796>¹⁰

In describing the advertisement we will take advantage of the ideas which Lisowska-Magdziarz has used in her characteristics of advertising spots¹¹

“Opus B – Pyralgina – Spadochron (2015)¹²”

The 30 seconds-long “Polpharma Pyralgina Spadochron” spot broadcasted since 2015 ending with a displayed and read out loud slogan “Pyralgina niezastąpiony sprzęt przeciwbólowy” (Pyralgina an irreplaceable painkilling tool) consists mostly of one scene¹³ divided into a total of 22 shots,¹⁴ which constitutes an extraordinarily fast montage, with its pace comparable to that of fight scenes in action movies or “handheld” battle scenes in contemporary war movies. The shots are various, not equally long, presenting the entire silhouette of the main character walking across the room, just her hands, or a pocket with a box of Pyralgin being put inside. Although, the shots might be repeated directly one after another. This generally creates a very uneven and quick pace (two shots are a bit longer so that

¹⁰ Client: Polpharma; Agency: Opus B; Title: Pyralgina Spadochron 30 sec TVC; Dir: D. Zatorski; D.o.P.: T. Augustynek, <https://vimeo.com/143748796> (09.2017)

¹¹ In the book “Bunt na sprzedaż. Przemysł muzyczny – reklama – semiotyka”, Kraków 2000, UJ Publishing House, where an analysis has been carried out in terms of for example music videos including the motif of youth rebellion (for example pp 162-172), and advertising videos of products designed for the youth.

¹² <https://vimeopro.com/opusb/aktualnoci-latest-projects/video/151119654> (09.2017)

¹³ I’m quoting a well known definition from Wikipedia “Scene – a dynamic building unit of a film; a compositionally distinguished fragment of the film consisting of at least one shot characterized by the unity of time, space, and action. In the case of scenes consisting in very long shots (lasting up to even 10 minutes – so called master shots or long takes) the line between a shot and scene becomes blurred”.

¹⁴ I quote as above: “Shot – the smallest dynamic building unit of a film included between the two closest editorial cuts; a section of the stock including the image from a camera from the moment it was turned on until it has been turned off.”

the character may articulate her short sentences). Such editing introduces the atmosphere of being in a hurry and time running quickly – something supposedly normal in our contemporary and modern world.

Because the character is young, athletic, beautiful (with a rather natural beauty), and an efficient aviator preparing for a flight with a sport plane, we receive following suggestions associating the drug with youth, beauty, health, modernity, and feminine innovativeness (the profession of an aviator is generally regarded as a male one), but primarily richness because it is a flight in a one-person plane and only rich people are able to own a sport plane, not to mention that even participating in such a sport with a club-owned plane costs much.

The character, preparing for her flight, first prepares her parachute (the details are presented), then – ready to fly (with the last element of the preparation being placing a box of the medicine in a zipper-locked pocket of her overalls¹⁵) she approaches the machine. This ends the preparation scene. Then there are also two very short, two-shot scenes. The character takes her place in the cabin behind the controls, and in the end the camera shows her start and an even (therefore – surely thanks to Pyralgina – calm) flight at a mountain landscape.

The final scenes are silent, and during the first and a bit longer one the character articulates the following line:

“Maybe it will work, maybe not.. that’s not for me. Certainty is key! That’s why – Pyralgina. That’s my irreplaceable painkilling tool when fighting strong pain. It’s like my parachute! I know it’s going to work! Pyralgina is a medicine recommended for strong pains, because like in the air, when it comes to pain there is no place for attempts.”

Then during the “silent” scenes a vice over states the mandatory “Before use consult the leaflet contained in the package or consult a doctor or pharmacists. Remember that medicines may prove dangerous to your health or life when used improperly.”

The commercial ends with a static image in which a box of the medicine is presented by the nose of the plane as seen from the cabin, and an inscription “Pyralgina number 1 for strong pain. Pyralgina, an irreplaceable painkilling tool” appears – in the background the voice of the character states the slogan “Pyralgina, an irreplaceable painkilling tool”. At the bottom of the screen, completely unreadable, a following inscription required by the law appears (the small and barely visible letters appear only for a short moment) – we don’t take it into consideration.

From the point of view of the art of advertising the commercial has to be assessed very highly. The sole form of narration has been selected in an especially interesting manner. The character speaks directly, addressing the camera, seemingly as if answering interview questions concerning Pyralgina in a hurry just before the flight. The hypothetical questions are not known – but the manner

¹⁵ Following connotations: therefore, owning Pyralgina is a necessary complementation of the preparations – without the Pyralgina in her pocket, the character would not feel safe, and it is uncertain whether the flight could take place without the drug. Furthermore, Pyralgina is valuable, can not be lost, and at a critical moment it must be available at hand – like a gun for a military officer, or a knife for a scuba diver. And because it is placed in an arm pocket, it seems that access to it must be easy and quick.

of speaking suggests that there is an interlocutor (therefore she executes the so called dramatic monologue – a valued literary technique has been used¹⁶).

This way the character's authority is created¹⁷ – because only important people give interviews, especially "last minute, in a hurry" which means that they are very popular and "desirable". And if the character answers in such a careless way the viewer has the right to suppose that she is so well-known and important that media interviews are nothing special for her.

Secondly, the significance of the subject has been emphasized. As it can be seen, the problem of using painkillers – including Pyralgina – is incredibly significant, if a Very Important Person has to talk about it seconds before a flight.

Thirdly, it is highly possible that the commercial will be remembered. The beginning surprises the viewer. The words "maybe it will work, maybe not" spoken in a slightly bored and irritated voice are accompanied by a scene of preparing the parachute lines, a key action for the jumper's safety. Therefore, the viewer may feel the absurdity of the situation: "Is it possible that she neglects her own safety??? That's impossible... What is this commercial all about???" The following part quickly and clearly explains the misunderstanding, but the initial sensation surely has the chance to remain with the viewer.

Therefore, generally speaking the piece is successful in factual terms. It also confirms the professionalism of its creators. Although, in our opinion it raises certain doubts.¹⁸ And it is not only about it making it seem as if a medicine present on the market since 1920 is something new.

Commercial and knowledge about the drug

The advertisement unequivocally suggests that Pyralgina is an "irreplaceable painkilling tool" – but is it really? Can we state that the advertisement is not misleading, presents the medicinal product in an objective manner, and informs about its rational use (Art. 53 of the Pharmaceutical Law)? It seems not because the manufacturer includes a description of the product, on its website (Image 2), completely different from the recommendations and suggestion presented in the advertisement.

¹⁶ M. Głowiński, *Narracja jako monolog wypowiedziany* (in:) M. Głowiński, *Prace wybrane, t. II: Narracje literackie i nieliterackie*. Kraków 1997, p. 85-113

¹⁷ Therefore, a peculiar, modern version of "argumentum ad verecundiam" ("argument from authority") has been used as one of the sophists of classic, but also advertising, rhetoric. See Mirosław Korolko, "Sztuka retoryki. Przewodnik encyklopedyczny", Warszawa 1990, p. 95. Jerzy Bralczyk ("Język na sprzedaż", Warszawa 1996) treats introducing statements advocating in favor of a fictional product "dressed in the clothes" of authorities, as "judgments which absoluteness does not come from on objective and evident genuineness, but the inability to state that it is otherwise" (38) and comments on that advertising custom in such a way: "One of the most frequent gimmicks reflecting the allegation of a falseness of an advertising message is introducing clearly subjective assessments and characteristics, spoken by specific characters: real people, with a name and surname; ordinary but unnamed identifiers; real or masked specialists: doctors, housewives, scientists, businessmen; children; actors acting as themselves or fictional characters; talking animals; animated and talking objects" (38-39)

¹⁸ Of course, all true or untrue suggestions concerning the medicine are introduced via presuppositions and implicatures, most often only raising associations (see Bralczyk: op. cit. p. 64); surely these are stated nowhere with complete assertion or so unequivocally that someone might later prove that the creators of the spot lied or tried to mislead the viewers.

Figure 2: screenshot of the Pyralgina manufacturer's website

The screenshot shows the Polpharma website for the product Pyralgina 500 mg x 12 tabl. The navigation menu on the left includes categories like 'Wszystkie', 'Żywność specjalnego przeznaczenia medycznego', 'Na receptę', 'Bez recepty', 'Suplementy diety', 'Dietetyczne środki spożywcze specjalnego przeznaczenia medycznego', 'Wyroby medyczne', 'Kosmetyki', 'Produkty API', and 'R&D Pipeline'. The main content area has tabs for 'Informacje ogólne', 'Ulotka', and 'Więcej informacji medycznych'. The 'Ulotka' tab is active, displaying the product image and key information: BLOZ: 4224203, EAN: 5903060605312, Metamizolum natrium, 500 mg, tabletki, and 'Lek dostępny w opakowaniach po 6 tabletek'. The 'WSKAZANIA' section contains the text: 'Ból różnego pochodzenia o dużym nasileniu, gorączka (gdy zastosowanie innych środków jest przeciwwskazane lub nieskuteczne)'. A blue arrow points to this section. The 'PRZECIWWSKAZANIA' section is also visible below.

Source: Polpharma¹⁹

Accordingly with the leaflet, the manufacturer includes a warning (marked with the arrow) stating that the drug is recommended to be used in case of various and strong pains as well as fever, **when using other drugs is not recommended or inefficient**".

Entry from the Pyralgina²⁰ leaflet (selected fragments)

What is Pyralgina and when to use it: Pyralgina is a non-opioid painkiller drug, from the group of pyrazolone derivatives with analgesic and antipyretic effects. It also has a diastolic effect on smooth muscles. Pyralgina is recommended in treating: various strong pains and high fever, **when using other drugs is not recommended or ineffective.**

Warnings and safety measures: before using Pyralgina consult it with a doctor or pharmacist:

- If the patient experiences blood pressure lower than 100 mm Hg, heart diseases and circulatory disorders (for example a heart attack, coronary disease, or injuries of multiple organs), narrowing intracerebral vessels, lowered volume of circulating blood, and also with dehydrated patients as the drug may lower blood pressure;
- if the patient suffers from high fever;

¹⁹ https://www.polpharma.pl/produkty-polpharmy/?brand_guid=pyralginum&term_guid=bez-recepty (09.2017)

²⁰ https://www.polpharma.pl/products/pil/pil-pyralgina-tbl-2017-05pl_659.pdf, Leaflet update date: May 2017; Responsible and manufacturing unit Zakłady Farmaceutyczne POLPHARMA SA, ul. Pelplińska 19, 83-200 Starogard Gdański (09.2017)

side effects of an unknown frequency (the frequency can not be defined basing on available data):

- nausea, vomiting, stomach ache, stomach irritation, diarrhea, dry mouth; liver damages; headaches and dizziness, hemolytic anemia, aplastic anemia, bone marrow damage, **sometimes leading to death**. In patients with a Glucose-6-phosphate dehydrogenase deficiency the drug causes blood hemolysis, red urine (after using high dosages of metamizolum).

An interesting text²¹ titled “Pyralgina w Polsce bez recepty, w innych krajach wycofana” (“Prescription free Pyralgina in Poland withdrawn in other countries”) has been presented (January 9th 2004) by the www.rmf24.pl portal, and touches upon the problem of the risk of using painkillers. It has been noticed that Pyralgina – a drug of the name metamizolum – is available in Poland without a prescription while being withdrawn in other countries. Furthermore, Metamizolum has been withdrawn for example in the USA, Denmark, or Sweden. In all European countries, except for Spain, it is available only with a prescription. The portal states that some experts claim that the drug should be used only under a doctor’s surveillance. Whereas, even a single oral application by a patient outside of the hospital always evokes a concern in the doctor, that a very serious side effect may occur – meaning bone marrow damage – as explained by Professor Tadeusz Chruściel, pharmacologist (see: www.rmf24.pl).

This illness is agranulocytosis, consisting in lowering the production of white blood cells which prevent inflammatory states in the organism. As research show, this illness may be deadly. This drug has been withdrawn because this illness has been diagnosed inter alia after taking metamizolum.

There is no threat in Poland – claims a different expert, Professor Jacek Sławiński: It poses a minor threat, comparable with the risk posed by Paracetamol. However, in 1997 Jacek Sławiński voted to remove Pyralgina from the Polish market.²² Why did he change his mind? Polpharma – the manufacturer of the drug – has commissioned a research to an external company, which shown that in Poland the drug is completely safe.

This is not a medical article to question the reliability of that research, but its credibility should be analyzed in detail. Just as an updated leaflets for the drug should be introduced, meaning to add that some side effects do not concern Poles [...] After all, examples of a deadly cooperation between scientists and business are well known, and described for example by Peter Whoriskey (2012) in his article: As drug industry’s influence over research grows, so does the potential for bias. The Washington Post. Manipulating medical information, for example hiding side effects of the drugs may have tragic consequences for the patients. And if this drug is really so safe for the Polish people – then why aren’t there any information on it in Pyralgina’s leaflet?

²¹ <http://www.rmf24.pl/ekonomia/news-pyralgina-w-polsce-bez-recepty-w-innych-krajach-wycofana,nld,80148>

²² It is interesting that in 1998 it has been decided to withdraw the drug. After the withdrawn the manufacturer was granted a 3 year period to sell the stocks. However, between 2001 and 2002 when Mariusz Łapiński was in charge of the resort and the drug policy was handled by Aleksander Naumann – well known people – a decision has been made to sell Pyralgina without a prescription.

Summary

Generally speaking, medicine advertisements should be forbidden, or as a last resort undergo a detailed and severe control in terms of their honesty concerning the presented medical information and possible interpretations by the patient. The Chief Pharmaceutical Inspectorate, Chief Sanitary Inspectorate and UOKiK²³ constitutes the entity responsible for supervising the broadcasting of marketing messages. An example of its intervention was the decision number RGB-1 /2017²⁴ (protecting the common interests of consumers) concerning Olimp Laboratories sp. z o.o. with a registered office in Nagawczyzna.

Figure 3: A fragment of the decision number RGB-1 /2017²⁵



**PREZES
URZĘDU OCHRONY KONKURENCJI I
KONSUMENTÓW
DELEGATURA W BYDGOSZCZY**
ul. Długa 47,85-034 Bydgoszcz
Tel. 52 345-56-44, Fax 52 345-56-17,
E-mail: bydgoszcz@uokik.gov.pl

Bydgoszcz, dnia 8 lutego 2017r.

Znak: RGB-610-502/16/JM/MCh-S

Decyzja nr RGB- I/2017

I. Na podstawie art. 28 ust. 1 i ust. 2 ustawy z dnia 16 lutego 2007 r. o ochronie konkurencji i konsumentów (tj. Dz.U. z 2017r., poz. 229) oraz stosownie do art. 33 ust. 4, 5 i 6 tej ustawy - po przeprowadzeniu wszczętego z urzędu postępowania w sprawie podejrzenia stosowania praktyk naruszających zbiorowe interesy konsumentów przez przedsiębiorcę Olimp Laboratories sp. z o.o. z siedzibą w Nagawczyźnie

- działając w imieniu Prezesa Urzędu Ochrony Konkurencji i Konsumentów -

po uprawdopodobnieniu stosowania przez Olimp Laboratories sp. z o.o. z siedzibą w Nagawczyźnie praktyk naruszających zbiorowe interesy konsumentów polegających na:

1. Zastosowaniu w reklamach radiowych suplementu diety Chela Mag B6 sformułowań, iż jest on „najczęściej polecany przez farmaceutów magnezem na rynku” i „najczęściej polecanym przez farmaceutów preparatem magnezowym w Polsce” bez wskazania jakie są podstawy takich twierdzeń tj. bez podania informacji o badaniu opinii farmaceutów, co może stanowić nieuczciwą praktykę rynkową polegającą na rozpowszechnianiu prawdziwych informacji, w sposób mogący wprowadzać w błąd, to jest naruszać art. 5 ust. 1 i ust. 2 pkt 2 w zw. z art. 4 ust. 2 ustawy z dnia 23 sierpnia 2007r., o przeciwdziałaniu nieuczciwym praktykom rynkowym (tj. Dz. U. z 2016r., poz. 3 ze zm.) i stanowić praktykę naruszającą zbiorowe interesy konsumentów, o której mowa w art. 24 ust. 1 i 2 pkt 3 ustawy z dnia 16 lutego 2007r. o ochronie konkurencji i konsumentów (tj. Dz.U. z 2017r., poz. 229),
2. Odwoływaniu się w reklamie radiowej suplementu diety Chela Mag B6 do auryzetu zawodowego farmaceuty w ten sposób, że osoba grająca w tej reklamie farmaceutkę spośród dostępnych na rynku preparatów magnezowych poleca wyłącznie Chela Mag B6m co może sugerować konsumentom szczególną rekomendację tego produktu przez farmaceutów, budząc skojarzenia z produktami leczniczymi, a przez to stanowić nieuczciwą praktykę rynkową wprowadzającą w błąd, to jest naruszać art. 5 ust. 1 w zw. z art. 4 ust. 2 ustawy z dnia 23 sierpnia 2007r., o przeciwdziałaniu nieuczciwym praktykom rynkowym (tj. Dz. U. z 2016r., poz. 3 ze zm.) i stanowić praktykę naruszającą zbiorowe interesy konsumentów, o której mowa w art. 24 ust. 1 i 2 pkt 3 ustawy z dnia 16 lutego 2007r. o ochronie konkurencji i konsumentów (tj. Dz.U. z 2017r., poz. 229),

Source: UOKiK²⁶

3. Zamieszczeniu na stronie internetowej www.chelamagb6.pl dotyczącej suplementu diety Chela Mag B6 prowadzonej przez Olimp Laboratories sp. z o.o. sformułowania: „(...) Farmaceutci uznali produkt za najbardziej godny polecenia pacjentom”, podczas gdy w ramach badania opinii farmaceutów wykazywali dowolną liczbę preparatów magnezowych, które zamierzają polecać, bez wskazywania preparatu najbardziej godnego polecenia, co może stanowić nieuczciwą praktykę rynkową polegającą na rozpowszechnianiu nieprawdziwych informacji, to jest naruszać art. 5 ust. 1 i ust. 2 pkt 1 w zw. z art. 4 ust. 2 ustawy z dnia 23 sierpnia 2007r., o przeciwdziałaniu nieuczciwym praktykom rynkowym (tj. Dz. U. z 2016r., poz. 3 ze zm.) i stanowić praktykę naruszającą zbiorowe interesy konsumentów, o której mowa w art. 24 ust. 1 i 2 pkt 3 ustawy z dnia 16 lutego 2007r. o ochronie konkurencji i konsumentów (tj. Dz.U. z 2017r., poz. 229)

i po przyjęciu przez Prezesa Urzędu Ochrony Konkurencji i Konsumentów **zobowiązania** złożonego przez Olimp Laboratories sp. z o.o. z siedzibą w Nagawczyźnie do podjęcia następujących działań zmierzających do usunięcia skutków opisanych wyżej naruszeń zbiorowych interesów konsumentów tj.:

- A. wyemitowania przez okres 2 tygodni w godzinach od 10:00 do 18:00 w następujących rozgłośniach radiowych: RMF FM, Radio ZET, Program I Polskiego Radia, Program III Polskiego Radia, co najmniej 80 razy w każdej stacji, komunikatu radiowego, o czasie emisji nie krótszym niż 30 sekund, o następującej treści:

„Olimp Laboratories oświadcza, że reklama radiowa suplementu diety Chela Mag B6 emitowana w latach 2015 - 2016 mogła wprowadzać niektórych konsumentów w błąd. W reklamie nie występowała farmaceutka. Polecenie suplementu diety Chela Mag B6 zostało oparte o wyniki badania ankietowego przeprowadzonego w 2015 roku wśród farmaceutów w całej Polsce. Szczegóły badania i treść decyzji Prezesa Urzędu Ochrony Konkurencji i Konsumentów na chelamagb6.pl”.
- B. opublikowania treści decyzji zobowiązującej Prezesa Urzędu Ochrony Konkurencji i Konsumentów na stronach internetowych www.chelamagb6.pl i www.olimp-labs.pl w taki sposób, że link do pełnego tekstu decyzji Prezesa UOKiK będzie znajdował się na pierwszej odsłonie każdej ze wskazanych powyżej stron internetowych i będzie oznaczony tekstem o treści: „Decyzja Prezesa UOKiK z dnia [wskazania daty wydania decyzji] dotycząca reklamy suplementu diety ChelaMagB6” i utrzymania tej informacji na ww. stronach przez okres 3 miesięcy.

nakłada się na Olimp Laboratories sp. z o.o. z siedzibą w Nagawczyźnie obowiązek wykonania tego zobowiązania w terminie:

- 1) odnośnie zobowiązania określonego w pkt A - 2 miesiące,
- 2) odnośnie zobowiązania określonego w pkt B:
 - a. w zakresie publikacji treści decyzji na stronach internetowych - 2 tygodni
 - b. w zakresie utrzymania informacji o treści decyzji na stronach internetowych - 4 miesiące,

liczonych od dnia uprawnomocnienia się niniejszej decyzji.

II.

Na podstawie art. 28 ust. 3 ustawy o ochronie konkurencji i konsumentów nakładają się na Olimp Laboratories sp. z o.o. z siedzibą w Nagawczyźnie obowiązek przekazania, w terminach:

1. odnośnie zobowiązania określonego w pkt A - 3 miesiące;

²³ <https://www.uokik.gov.pl/> (09.2017)

²⁴ https://decyzje.uokik.gov.pl/bp/dec_prez.nsf/UOKIK?openform&przeds=5928BEE6E36AD56CC12581080037ADE4&act=decyzjekontr (09.2017)

²⁵ http://olimp-labs.com/Decyzja_UOKiK.pdf (09.2017)

²⁶ https://decyzje.uokik.gov.pl/bp/dec_prez.nsf/UOKIK?openform&przeds=5928BEE6E36AD56CC12581080037ADE4&act=decyzjekontr (09.2017)

It has to be mentioned that UOKiK to some degree tries to control the advertising of dietary supplements – the Office has informed that (17.02.2017) it initiated proceedings against: Aflofarm Farmacja Polska (Magma) and Logihub (Green Magma). The Office had doubts for example with assigning medical properties to these products and presenting them as a panacea for various illnesses. For example, Aflofarm Farmacja Polska suggests an absolute efficiency of Magma jellies. The advertisement states that children who use them deal with stress in a more efficient manner and focus better. Whereas, the reasons may be various just like the methods of eliminating them. Furthermore, the message intends to be authenticated by the authority of a school counselor who advises to use this supplement, despite this not being a part of the scope of his activities. The Office initiated proceedings against: Aflofarm Farmacja Polska (Magma) and Logihub (Green Magma), who recommends using this supplement despite this not being a part of the scope of his activities.²⁷

But the situation concerning controlling the campaigns for medicines does not look so optimistic – concerning this we count on systemic solutions and efficient methods of diligent control, or a complete ban of OTC – meaning prescription free – drugs.

Summary

The article presents a selected analysis of a Pyralgina (Metamizolum natrium – a medicine available without a prescription) advertisement which is addressed at the general public. We indicate elements of dishonest medical information which may pose a threat for the patient. In our opinion, the advertisement for the drug raises doubts, not only those concerning the information claiming that the medicine available on the market since 1920 is something new, but also because the advertisement clearly suggests that Pyralgina is “an irreplaceable painkiller” – but is it really? Can we state that the advertisement for this drug is not misleading and presents the medical product in an objective manner informing about its rational use (Article 53 of the Polish Pharmaceutical Law)? It seems not because the manufacturer includes completely different information concerning the drug on its website and leaflet than that included in the advertisement, such as for example: the drug Pyralgina is recommended in treating: various and highly intense pains and fever, when other drugs are not recommended or inefficient. Nothing is also said about the possible side effects (an entry in the drug’s leaflet) such as hemolytic anemia, aplastic anemia, bone marrow damages sometimes leading to death. Of course, all true or untrue suggestions concerning the medicine are introduced via presuppositions and implicatures, most often only raising associations, but in our opinion no one clearly states these with complete assertion or so unequivocally that someone might later prove that the creators of the commercial lied or tried to mislead the viewers.

Key words: medical information manipulation, medical Machiavellianism, Pyralgina, metamizolum natrium, metamizole, dipyrrone, metamizole, Mexican Aspirin

²⁷ https://uokik.gov.pl/aktualnosci.php?news_id=12958&print=1 (09.2017)

Streszczenie

W artykule prezentujemy wybraną analizę fragmentu reklamy leku Pyralgina (Metamizolum natrium – dostępnego bez recepty lekarskiej), która jest adresowana do publicznej wiadomości. Wskazujemy elementy niezetelnej informacji medycznej, która może stanowić zagrożenie dla pacjenta. Reklama Pyralginy naszym zdaniem, budzi wątpliwości i nie chodzi przy tym tylko o to, że czyni wrażenie, jakoby lek obecny na rynku od 1920 roku był czymś nowoczesnym, ale że reklama jednoznacznie sugeruje, iż lek Pyralgina jest „niezastąpionym sprzętem przeciwbólowym” – ale czy na pewno? Czy możemy uznać, że reklama tego leku nie wprowadza w błąd i prezentuje produkt leczniczy obiektywnie oraz informuje o jego racjonalnym stosowaniu (Art. 53. polskiego prawa farmaceutycznego). Wydaje się, że nie, ponieważ producent na swojej stronie internetowej oraz ulotce leku zamieszcza całkowicie różniący się od reklamowych zapewnień opis wskazania dot. użycia leku, tj. lek Pyralgina wskazany jest w leczeniu: bólu różnego pochodzenia o dużym nasileniu oraz gorączki, gdy zastosowanie innych środków jest przeciwwskazane lub nieskuteczne. Nic również nie wspomina o możliwych skutkach ubocznych (zapis w ulotce leku) takich jak niedokrwistość hemolityczna, niedokrwistość aplastyczna, uszkodzenie szpiku, niekiedy kończące się zgonem. Oczywiście wszystkie nieprawdziwe czy prawdziwe sugestie dotyczące leku wprowadzone są za pomocą presupozycji i implikatur, najczęściej tylko budząc skojarzenia na pewno nigdzie nie wypowiada ich się z pełną asercją, ani na tyle jednoznacznie, by w naszym odczuciu ktoś potem mógł w sensie prawnym udowodnić twórcom spotu kłamliwość i chęć wprowadzania widzów w błąd.

Słowa kluczowe: manipulacja informacją medyczną, makiawelizm medyczny, Pyralgina, metamizolum natrium, metamizole, dipyrone, metamizol, Mexican Aspirin

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