

Legal regulation of dietary supplements advertising

Abstract

The thesis analyses and summarizes the legal regulation of dietary supplements advertising. It deals with the assessment of the effectiveness of the current legal regulation in the given area from the point of view of consumers, as the most frequent addressees of advertising and tries to answer the question whether this regulation provides sufficient protection for consumers or whether it rather restricts them too much from receiving valuable information. The issue is also approached through the lens of food business operators and the question is raised whether the strictness of the legal regulation does not exclude or excessively prevent them from advertising a dietary supplement.

In the first chapters, the dietary supplement is characterised, while an introduction to the legal regulation of dietary supplements as such is defined. This is followed by a definition of advertising and its typical aspects and an introduction to the legal, as well as extra-legal, instruments for its regulation.

The core of the thesis is in third chapter, which deals with the analysis of the individual rules set out in the Advertising Regulation Act No 40/1995 Coll. and the relevant directly applicable EU regulations, as these rules are specific to the field of dietary supplements. The main focus of this chapter is on the possibility and conditions of claiming health and medical claims, which in practice is a challenging issue in terms of application and especially for food business operators a source of controversy.

A substantial part of the work consists of a description and analysis of decisions of supervisory authorities in the field of advertising regulation, national courts and the Court of Justice of the European Union, which demonstrate the application of the rules in practice.

The issue of unfair competition and unfair commercial practices is not left aside. The thesis discusses the differences between these institutes and the significance of their application in the individual application of consumer rights in the case of unlawful advertising. At the same time, the most common merits linked to advertising are given, including examples from practice.

Keywords: advertising regulation, dietary supplements, consumer protection