

Newsletter 22 April 2026

Annual Report 2025

ENLI has published its annual report, which is available at www.enli.dk.

The number of cases where a breach has resulted in a fine remains low. In 2025, pharmaceutical companies reported 4,990 activities to ENLI, and random checks were carried out on approximately 35% of all reported activities. Of these, 15 cases resulted in a fine and 10 cases resulted in a reprimand. The majority of reprimands were administrative in nature (late notification, missing documents, etc.).

In addition, ENLI dealt with four appeal cases in 2025, three of which resulted in fines. The final appeal was rejected. A total of 18 fines were thus issued in 2025, compared with 15 in 2024.

Information on donations and collaborations with patient organisations

ENLI has received reports from its member companies regarding their donations to hospitals and collaborations with patient organisations. These have been published in a consolidated version at www.enli.dk.

Claims about climate and the environment in advertising material

In early 2026, ENLI ruled on two cases concerning climate and environmental claims. One was a request for a pre-assessment, which was rejected by the Investigator Panel and appealed to the Appeals Board. The other case was selected for random inspection by the Investigator Panel and resulted in a fine.

Appeal case

In mid-December 2025, the Investigator Panel rejected a request for pre-approval from the pharmaceutical company, but stated that it saw a possibility that a revised version of the advertisement could be brought into line with the Promotion Code. In connection with the decision, the Investigator Pa-

nel noted that the advertising material had been assessed on the basis of whether the statements regarding environmental and climate issues, in terms of their content, presentation and placement, could be regarded as secondary and supplementary information, or whether, from the target audience's perspective, they appeared as a particularly prominent and central message in the advertisements. Based on an overall impression, the Investigator Panel found that the message regarding environmental and climate issues in all three versions appeared as a central and prominent element of the marketing and was thus regarded as a primary intention of the advertising material. This assessment was supported in particular by the use of eye-catching elements, including the term 'new', the graphic emphasis, and the significance of the placement for the immediate perception of the advertisements. The climate and environmental information was therefore not regarded as being solely of a supplementary nature.

The Appeals Board upheld the decision and noted in this connection:

"According to Section 4(2) of the Promotion Code, advertising for a medicinal product must be comprehensive and factual. This means, among other things, that the advertisement must be based on medically relevant information about the medicinal product, including, in particular, information about its efficacy and safety profile.

In connection with an appeal case in August 2022, the Appeals Board has permitted the use of information on the environment and climate in medicinal product advertisements, provided that such information is of a secondary nature in relation to other clinically relevant information about the medicinal product. The primary message in the medicinal product advertisement must continue to relate to the medicinal product's efficacy and safety profile.

In [Company's] proposed versions A and C of the [medicinal product] advertisement, the information regarding the new [...] and its allegedly lower global warming potential features as one of the advertisement's main messages. This is emphasised by the prominent placement of the reference to [...] and the graphic highlighting of [...]. In both versions of the [medicinal product] advertisement – most notably in version C – the mention of the new [...] goes significantly beyond what can be described as secondary in relation to the other health-related information about the medicinal product.

[The company's] proposals for [medicinal product] advertisements therefore do not meet the requirement for objectivity in Section 4(2) of the Promotion Code."

Fine imposed over climate claims

The Investigator Panel selected a piece of advertising material for random review. All statements in the advertisement, including the headline, concerned claims regarding the medicinal product's lower environmental impact. The advertisement contained no information regarding the biological effect in the treatment of asthma.

The following is stated in the decision, which can be read in full at www.enli.dk:

"The Investigator Panel understands that pharmaceutical companies wish to use environmental considerations as a differentiating factor; however, it is important to bear in mind that an advertisement must always be factual, which means that an advertisement must always: "be based on professional and relevant information about the medicinal product", cf. the Guidance on Section 4(2) of the Promotion Code.

Sources that do not meet the documentation requirement in Art. 7(5) of the Promotion Code cannot therefore be used to substantiate the medicinal product's properties, including its efficacy and safety profile. Such sources may therefore only be used to provide factual information relating to the medicinal product.

If a factual statement is given such a prominent position in advertising material that it appears as a highlighted element in the advertisement and constitutes a claim regarding the medicinal product, this constitutes a breach of Art. 7(5), as information regarding, for example, the medicinal product's reimbursement status will not be apparent from a source that meets the reference requirements in Art. 7(5), cf. KO-2025-3174.

Factual information may thus be included in a medicinal product advertisement, but must remain entirely objective and neutral, and should therefore not appear in the advertisement in such a way that it could be perceived as promoting the medicinal product in question. This may, for example, include information about the price of the medicinal product or the fact that a particular medicinal product has been granted a specific reimbursement status following a decision by the Danish Medicines Agency. For statements concerning climate and the environment, please refer to the comments in the guidance notes to Art. 8(1) of the Promotion Code.

The Investigator Panel can confirm that it is permissible to include environmental considerations in a medicinal product advertisement, provided that these are not the primary distinguishing feature of the advertisement, but are used solely as secondary and supplementary information to other relevant technical information about the medicinal product. The same applies, for example, to factual information regarding the Danish Medicines Council's recommendations on medicinal products.

Advertisements for medicinal products must therefore be based primarily on information regarding the medicinal product's efficacy, including its safety profile. Other factual information about a medicinal product may therefore only be provided as supplementary information.

The criterion of objectivity set out in Art. 4(2) of the Promotion Code ensures that the primary purpose of an advertisement is always to provide factual, comprehensive and relevant information about medicinal products, which the Investigator Panel considers essential, particularly in the case of comparative advertising. This is particularly important to avoid advertisements in which medicinal products with potentially inferior or lower efficacy than the product being compared are marketed on the basis of parameters that are irrelevant when healthcare professionals are assessing the therapeutic efficacy of the medicinal product in relation to the patient.

It is against this background that the Investigator Panel assesses that the advertisement contravenes articles 4(2), 7(3), 7(5) and 8(1) of the Promotion Code, as it uses environmental considerations as the primary differentiating factor. Under the rules, environmental considerations must not constitute the main element of a medicinal product advertisement or be emphasised more than information about the medicinal product's properties, including its efficacy and safety profile.

In determining the sanction, the Investigator Panel has taken into account the fact that clear guidance exists which unequivocally prohibits the use of environmental considerations as a central element in marketing, and that the primary information in the advertisement does not relate to technical or relevant information about the medicinal product, but is intended solely to highlight the climate-impacting effects, which constitute the entirety of the advertisement's content."

The case was settled with a fine of 70,000 Danish kroner.

Revision of the guidelines for the Promotion Code

ENLI has revised the guidelines for the Promotion Code, and the revised version is now available at www.enli.dk in both Danish and English.

A change log is included at the end of the guidelines [only the Danish version].

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