



ASOCIACIÓN NACIONAL
DE
MÉDICOS FORENSES

Spanish Journal of Legal Medicine

Revista Española de Medicina Legal

www.elsevier.es/mlegal



LETTER TO THE EDITOR

Ethical and legal aspects of Aesthetic Medicine's advertising in social media in Spain[☆]



Aspectos éticos y legales sobre la publicidad de Medicina Estética en redes sociales en España

Dear Editor,

The aesthetic medicine discipline encompasses minimally invasive procedures, such as neuromodulators or facial fillers, aimed at improving the physical appearance and satisfaction of those who request them.¹ Its use is booming in Spain, partly because doctors themselves use social networks as a platform to disseminate these services and it is not uncommon to find videos with real patients, special offers, and even raffles for “following and sharing content.” We appreciate that since this practice can bias the patient, the legal and ethical aspects that regulate health advertising in Spain need reviewing.

Firstly, General Health² Law 14/1986 of April 25, establishes that public administrations are responsible for monitoring the advertising of everything that concerns health (Art. 27) and authorising the messages included (Art. 102). In addition, Royal Legislative Decree 1/2015, of July 24, approves the consolidated text of the Law on guarantees and rational use of medicines and health products.³ This determines that only those medications that do not require intervention or prescription by a doctor can be advertised (Art. 80.1). Also, expressions that ensure healing, testimonials and the use of public figures in the advertisement must be avoided (Art. 80.2). Any type of bonus or contest that encourages product purchase is prohibited (Art. 80.5).

Furthermore, all Spanish doctors are obliged to comply with the Code of Medical Ethics.⁴ This allows the use of

social networks for health advertising if they comply with deontological standards (Chap. XXIII, Art. 84.1). It also contains a section for advertising that constitutes a doctor's right to publicise their practice and its services (Cap. XXV, Art. 87). The appearance of public figures or patients in the advertisement is contrary to Deontology (Art. 89.3), and so too the offering of a medical service as a prize or contest (Art. 89.2).

In consideration of that previously stated, aesthetic medicine procedure advertising must maintain a balance between offering visibility to a service and ensuring the public interest. Reporting on the available therapeutic possibilities, the scientific evidence behind them and their limitations would be deemed appropriate. What should not be given is a sample of the drug itself or videos on how the procedure is being performed on a patient, in order to show fast benefits. Collaborations with people in the public eye should not be used, and neither should raffles or sales. Shared responsibility between authorities and health professionals is required to avoid the existing irregularities and stop distorting the image of the doctor for an underlying economic benefit.

Funding

No funding was received for this study.

Conflict of interests

The authors have no conflict of interests to declare.

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[☆] Please cite this article as: Antonio, L-PM, David P-DR, Begoña M-J, Mercedes R-S. Ethical and legal aspects of Aesthetic Medicine's advertising in social media in Spain. *Revista Española de Medicina Legal*. 2024. <https://doi.org/10.1016/j.remle.2024.05.003>.

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