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LETTER TO THE EDITOR

Legal aspects of the presence of minors in social networks and the promotion of cosmetic products in Spain ☆

Aspectos legales sobre la presencia de menores en redes sociales y la promoción de productos cosméticos en España

Dear Editor,

Adolescence is a period of life change, when roles change and a person's identity is created. Concern for personal care increases, and people acquire their first beauty products, all of which are influenced by the media.¹ Social media channels have become a new showcase for cosmetic products and aesthetic procedures.²

The Spanish press has warned of a new trend among young people: cosmeticorexia. It seems that children and adolescents have begun to use multiple cosmetics with active anti-ageing ingredients, which can result in eczema, acne-like reactions, or pigmentation changes.³ The origin of this trend lies in social media, where other users who are sometimes also minors, share their beauty routines without sufficient scientific knowledge and even for undeclared commercial purposes. The objective of this article was to review the legal aspects surrounding the presence of minors on social media and the promotion of cosmetic products in Spain.

The transfer of data for the creation of online accounts is permitted from the age of 14 (Organic Law 3/2018, of December 5, on the protection of personal data and the guarantee of digital rights, art. 7⁴). Otherwise, those who hold parental authority or legal guardianship must provide consent. Furthermore, the dissemination of images or data of a minor that may undermine their privacy, honour, or reputation may result in the intervention of the Public

Prosecutor's Office, regardless of whether the minor or their guardians have consented (Organic Law 1/1996, of January 15, on the legal protection of minors, partially amending the Civil Code and the Civil Procedure Law, art. 4⁵).

The new draft Organic Law for the Protection of Minors in Digital Environments⁶ seeks to raise the age for data disclosure to 16. Furthermore, public educational and administrative centres must educate minors on the safe and healthy use of new technologies (Articles 6 and 8).

Advertising that seeks to influence minors to purchase a product, taking advantage of their lack of knowledge, is considered unlawful (General Advertising Law 34/1988, of November 11, Art. 3⁷). Advertisers must also clearly warn of the advertising nature of the advertising (Article 9). Failure to comply with these conditions may result in the suspension or prohibition of advertising and may even result in compensation for damages (Unfair Competition⁸, Law 3/1991, of January 10, Art. 32). Similarly, the Spanish Code of Medical Ethics^{9,10} states that covert or misleading advertising of a product is contrary to professional ethics (Article 79.3). It is the physician's duty to inform the medical association of publications that generate risky behaviour in the population (Article 79.4)).^{9,10}

In conclusion, social media can be the source of viral trends and challenges that are dangerous for minors, as appears to be the case with cosmeticorexia. There are legal and ethical regulations regarding their use by minors and the promotion of products on social media. Parents, physicians, authorities, and social media owners have a shared responsibility and must ensure the well-being of minors.

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Conflict of interests

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