

DomZdrowia.pl awaiting court verdict

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The Warsaw Administrative Court (WSA) is to issue its verdict in the case of **DomZdrowia.pl**, an internet pharmacy run by a company called **Mito**, on 4 April, Jacek Denkowski, Mito's vice-president, revealed to *Pharma Poland News*. The verdict may be a precedent for other subjects selling medicines via the internet in Poland.

The court will rule in response to Mito's two-part complaint: regarding the ban imposed by the Main Pharmaceutical Inspectorate (GIF) on DomZdrowia's activity of mail dispatch of OTC medicines, and regarding the GIF ban on sales of OTC and Rx medicines by DomZdrowia in the form of authorised sales.

The former was questioned by DomZdrowia as not compliant with EU legislation, which allows mail dispatch of OTC medicines. The latter is an issue of the interpretation of the sales model adopted by the company, i.e. whether it constitutes mail dispatch of medicines or trading in medicines via an agent.

The Malopolski Pharmaceutical Inspectorate and then the Main Pharmaceutical Inspectorate (GIF) ordered Mito to terminate mail dispatch of medicines last year, arguing that such activity contravenes art. 68 of the Pharmaceutical Act, which forbids mail dispatch of pharmaceuticals. The GIF claimed that Mito's pharmacy point sends customers medications ordered previously on the internet – not only OTC drugs but also Rx (prescription) drugs and reimbursed drugs.

The company appealed against the GIF's decision to the court. In its opinion, its activity should not be qualified as mail dispatch but as authorised sales, and it maintains that the procedures it uses ensure safety. The customer authorises the vendor or courier to send the drugs and must send the original prescription if they want to buy an Rx drug. There is no ban in Polish law on asking another person to buy prescription drugs.

However, the GIF argues that this is still mail dispatch and the procedure used by Mito is just a cover and a way of circumventing the ban in the Pharmaceutical Act.

Oryginalny tekst:

http://www.polishmarket.com/48013/DomZdrowia_pl_awaiting_court_verdict.shtml