

Brightwhite Teeth Whitening Advertisements were Found to be Unlawful

22 March 2022, Budapest – The Hungarian Competition Authority (GVH) has imposed a fine of HUF 22 million on the distributors of Brightwhite teeth whitening products for intensively and unlawfully advertising their product line - which poses public health risks - despite being banned several times by authorities.

At the end of 2020, the GVH investigated the distributors of the Brightwhite home teeth whitening kits, after they had promoted the product to a wide range of consumers despite the fact it was banned by the National Public Health Center. According to the competent authority, due to its incomplete product documentation, it cannot be excluded that the teeth whitening products contain a substance banned by European sectoral standards and may therefore pose health risks.

During the investigation, the GVH temporarily banned the advertising of the product, then – after the undertakings continued advertising on a new website and with a new product registration – generally extended the ban on its promotion under any name or social registration number.

A recently concluded investigation by the GVH found that the promotion of the teeth whitening products infringed the prohibition of unfair business – to – consumer commercial practices in a total of 11 different ways and also breached EU sectoral rules in 5 ways. The undertakings – besides advertising the product despite a marketing ban by the competent authorities – inter alia, could not properly justify their claims regarding the product’s impact on health, natural content of active substances, bleaching ability. They also failed to prove the fact that it is free from peroxide and bisphenol, misleadingly advertised market dominance and unilaterally filtered negative consumer reviews on their website. The teeth whitening products were also unlawfully advertised in paid posts with the participation of several Hungarian influencers.

The GVH fined the two Hungarian and two Slovakian undertakings distributing the product a total of more than HUF 22 million for the infringements. The decision took into account, among other things, that the undertakings had breached several professional and sectoral information requirements and continued their infringing conduct even after the relevant decisions of the authorities (the opinions of the National Institute of Pharmacy and Nutrition, the decisions of the National Public Health Centre to ban the products and the interim measures of the GVH).

Office Registration Number of the Case: **VJ/45/2020.**

Press Office of the GVH