



Company gets a fine for misleading advertising of their laser machine



Ulrik Bangsbo Hansen
Partner, Head of Life Sciences,
Denmark



Anette Moll Berg
Partner

Background and the rules

In December 2023, the Consumer Ombudsman reported a supplier of skin treatment apparatus to the Danish police for violation of the Danish Marketing Practices Act (§ 20). According to this, a trader's commercial practice must not be likely to mislead in a way that can be assumed to influence the economic behaviour of other traders or harm a competitor.

The concrete case

The Danish Consumer Ombudsman filed the police report on November 11, 2021, because of the company's misleading marketing of a laser machine to be used for skin care treatment (Xenia e-Motion SHR) on the website.

The Consumer Ombudsman took up the case after a complaint from the Danish Patient Safety Authority informing that treatment with laser machines may only be performed by dermatologists who are registered with the Authority, as stated in the Executive Order on Cosmetic Treatment.

The Consumer Ombudsman considered that this is an essential information that must be given in connection to the marketing of the machines, and that the company also had given wrong information on their website. The company argued that the laser machine was not covered by the executive order on cosmetic treatment. This was misleading as it may lead the consumer to believe that the laser machines can be used by everyone.

The Consumer Ombudsman has emphasized that there is a risk of skin cancer being undetected by improper handling of the machine. This can lead to an incorrect diagnosis and affect consumers' ability to heal. Improper handling can also result in burns or eye injuries to consumers and practitioners.

The fine

The company was sentenced with a fine of DKK 80,000 for the violation.

The press releases

The press release from the police reporting can be read [here](#) (Only in Danish).

The press release about the fine can be found [here](#) (Only in Danish).

Fagområder International handel, regulatoriske og offentlige forhold

Sektorer Life Sciences
