HUNGARIAN COMPETITION AUTHORITY

# The GVH Makes Proposals to Raise Consumer Awareness in the Market for Rapid Coronavirus Antibody Tests

**28 March 2022, Budapest – The Hungarian Competition Authority (GVH) has concluded its accelerated sector inquiry into the domestic market for COVID-19 antibody rapid tests. On the basis of the inquiry, the GVH has made recommendations to market players and competent authorities for better consumer information. Actors in the sector have eight days to comment on the public results of the inquiry.**

The GVH decided in late February to analyse the domestic market for COVID-19 rapid antibody tests in an accelerated sector inquiry. The GVH examined the relevant market from both consumer and competition policy perspectives, collecting data from, among others, its actors, from health sector authorities, and national and EU consumer protection bodies. The GVH also reviewed publicly available user guides and communications, and carried out spot checks on individual online shops.

The analysis found that the domestic communication environment may have created misleading consumer perceptions of the product range. Rapid antibody tests only detect the presence or absence of the antibody in the body, but not its quantity – while there is still no scientific consensus on what level of antibodies is considered protective. A positive result in a rapid test does not automatically mean that the consumer is protected – contrary to what has been claimed in some product communications (e.g. *„Check your antibody immunity”, „suitable for the detection of post-vaccine immunity from all vaccines”*). The GVH therefore recommends that merchants avoid making references to the link between antibody production and the existence of immunity. For the same reason, the GVH also recommends that the term "immunity" should not be used in relation to rapid antibody tests in general by those providing consumer information, e.g. by pharmacy professionals and authorities.

The GVH recommends that merchants should avoid using health professionals, well-known people and influencers when advertising rapid antibody tests, as this is prohibited by sector regulations for this product category.

The GVH also recommends that the relevant competent authorities should develop guidance documents in line with the latest scientific findings as the outbreak progresses. These should contain the expectations with regard to the advertisements of rapid antibody tests to which merchants can adapt. From the same perspective, a review of the relevant instructions for use by the OGYÉI may also be warranted.

The inquiry also found that some market players also sell rapid antibody tests for professional use to the general public, which is contrary to the law and also deprives consumers of detailed instructions for use. Active action by the competent authorities is needed to tackle this. In order to ensure that, on the basis of the accelerated sector

inquiry, the relevant market players review their market practices of concern as soon as possible, the GVH also sends its comments and suggestions directly to stakeholders, and then actively monitors the development of the practices in question so that it can use the instruments provided for in the law to take action where necessary.

The draft report on the results of the inquiry was made available for public consultation on the Authority's website. Market players have eight days to comment. After the deadline, the GVH issued a report on the outcome of the accelerated sector inquiry and will publish a summary of the comments received and, if requested, the full comments on its website. The draft report of the fast-track sector inquiry is available here in Hungarian:

https://www.gvh.hu/dontesek/agazati_vizsgalatok_piacelemzesek/agazati_vizsgalatok/jelentes-tervezet-a-covid-19-antitest-gyorstesztek-hazai-piacan-lefolytatott-gyorsitott-agazati-vizsgalatrol

Press Office of the GVH