

(PSEUDO-)MEDICINE AND LAW – IN THE JAWS OF THE MEDIA*

Hajdana GLOMAZIĆ, PhD*
Branislava KNEŽIĆ, PhD*

The subject of this article is the analysis of the role of the media in distributing misinformation or fake information in the realm of medicine, as well as the reactions of the society to ending this phenomenon. The goal of this research is to provide answers to the following questions: which media are dominant in the promotion of pseudo-medical messages non-supported by factual data, compared to accurate medical information; what are some of the consequences of such media activities and what are some of the legal mechanisms of protection. Furthermore, it seems quite logical to ask the question of whether only individuals promoting pseudo-medical information are responsible for the possible consequences in society or whether responsibility is borne by the media, as well. Results of the analysis indicate that this is a global problem and that digital platforms are prevalent in spreading pseudo-medical news. There is not a single solution to this issue, although there is a tendency among the major digital platforms, pressured by relevant institutions, to undertake protection measures and stop the distribution of pseudo-medical news. Special emphasis is laid on reshaping media approach to reporting on issues related to public health.

KEY WORDS: digital platforms / medicine / fake news / public health / legal protection

* The paper represents the result of Project 47011 financed by the Ministry of Education, Science and Technological Development of the Republic of Serbia.

* Research fellow, Institute for Criminological and Sociological Research. E mail: hajdana.ng@gmail.com

* Principle research fellow, Institute for Criminological and Sociological Research and full professor, Department of Pedagogy and Andragogy, Faculty of Philosophy, University of Belgrade. E mail: brknezic@gmail.com

INTRODUCTION

Centuries ago, wise men used to say “Health is not all, but without health, all is nothing”, which means that one’s health has utmost value and is the only thing actually worth having. This is the reason, perhaps, why the issue of health is at the top of the media list of (mis)information, which has become a source of miraculous medications for those who have lost all hope for recovery. Aggressive promotion of fake news and pseudo-medicine lead to the abuse of human vulnerability as well as the lack of relevant knowledge. It has become more frequent that knowledge, professionalism and tolerance of top medical experts are muted by the noise of those who are “vocal” about their cause. This is not only about the media crisis and their (ab)use of medicine, but also about shaping our reality and promoting various pseudo-values in all aspects of life. We are thus looking for answers to the following questions: Do media spread fake news undisturbedly, without any responsibility, control and self-control and to what extent they uphold the development of non-critical public with long-term consequences? To what extent is misinformation about health, sickness and treatment double-checked by professionals and ethically justified?

Authenticity of information obtained via media has been questionable for some time now, while the problem of authenticity spread across the so-called *new media*. The traditional media have not been spared, either. The internet, social media, Google, YouTube and other digital platforms are targeted by criticism due to the distribution of misinformation increasingly referred to as *fake news* in professional literature. Misinformation, fake news or alternative facts are a phenomenon of a post-factum society and depend on the distribution on social platforms (Himma-Kadakas, 2017). They are defined as a tendency of the media to support the circulation of misinformation by those to whom the veracity of reporting is neither a professional nor an ethical choice, but who act motivated by income from online traffic (Álvaro Figueira, Oliveira, 2017). As the authors state, when fake news is incorporated in journalistic content, their veracity is legitimized (Desigaud et al., 2017; Khaldarova, Pantti 2016; Mitrokhin 2015; Thomas, 2014 prema Himma-Kadakas, 2017), yet misinformation is becoming more and more attractive to those journalists from the traditional media, who are looking for easily publishable news. The main reasons why the media are prone to implementing such forms of reporting are: their interest in generating social media interaction, generating web traffic based on fake news, making income from advertisements or damaging someone’s public image or reputation (Álvaro Figueira, Oliveira, 2017).

Distribution of fake news is realised very fast, hence the media can mobilize millions of users in a few minutes. False or distorted information, in this way, gain tremendous potential to spur real consequences to the public (Álvaro Figueira, Oliveira, 2017). In this context, we should estimate the potency of fake information published on social media and digital platforms, as well as their potential for negative impact. Bearing in mind that an increasing number of adults read the news via social media, webpages or portals with fictive, made-up stories present their articles in such a way that it is difficult for one to differentiate between authentic and

fake information (Álvaro Figueira, Oliveira, 2017), which is why this phenomenon ought to be analyzed. There is even a greater reason for concern given that the traditional media take over such content without verifying information or going through the conventional cycle of information processing (Himma-Kadakas, 2017). It is, so, believed that the public is jeopardized by the effects of propaganda and falsehood (Álvaro Figueira, Oliveira, 2017). Distribution of false information may influence the way people shape their attitudes or develop public opinion which is difficult to undo (De keersmaecker, Roets, 2017). Research shows that even in optimal circumstances, the initial impact of misinformation cannot be simply annulled if it is explained to the public that some piece of information is false – therefore, the damage has already been done (De keersmaecker, Roets, 2017). Still, the authors add that the persons who are more susceptible to this form of influence are those who may be characterized as having less developed cognitive skills.

This article investigates the phenomenon of distributing misinformation, fake news and factually or scientifically unsupported data which concern public health and which we call pseudo-medical news (Chou, Oh, Klein, 2018). The main subject is the analysis of the role of the media in spreading misinformation or fake information in medicine, as well as the reactions of the society to ending such practice. The goal of this research is to provide answers to the following questions: which media are dominant in the promotion of pseudo-medical messages non-supported by factual data, compared to accurate medical information; what are some of the consequences of such media activities and what are some of the legal mechanisms of protection. Furthermore, it seems quite logical to ask the question of whether only individuals promoting pseudo-medical information are responsible for the possible consequences in society or whether responsibility is borne by the media, as well. Abuse of the sick and insufficient knowledge of the public is an easy prey to various frauds, medicasters and “profiteers”, which, not only in Serbia, is going to become a dangerous phenomenon, if the authorities fail to react in a corresponding manner.

1. SHARING INFORMATION ON HEALTH-RELATED TOPICS – DIGITALLY AND TRADITIONALLY

Sharing information related to health and treatment via the Internet and social media is nowadays a common way of finding information on medical (health) support. In that respect, the traditional media are behind, to some extent. According to available data, 80% of web search information are related to health, particularly with regard to diagnostics and treatment (Bertlan, 2013). Also, research shows that out of 74% of adults using the Internet, 80% of them seek access to health information online, especially when it comes to specific diseases or treatments (Pew Research Center, 2011). Their activities include reading other people’s comments and experiences pertaining to health issues; communication related to medical problems on a certain web location or a blog; watching video content on health and medical issues; following online reviews of certain medications or medical treatments; getting in touch with others who have similar issues online, as well as Google searches related to rankings of hospitals and other medical institutions (ibid.). What is more, a 2011 survey with internet users across the United States

showed that up to 62% of adult web users use social media as a source of information on health (Ghenai, Mejova, 2018). This means that social media users find information about health issues on platforms such as PatientsLikeMe, while others join social groups dealing with specific diseases, such as TuDiabetes or share their experiences on social media for general purpose (ibid.). Twitter, it seems, has become one of the relevant places to share health-related information, not only with regard to patients, but also to medical workers. Also, as the authors point out, Instagram has become a place of discussion on matters related to health, particularly when it comes to anorexia, due to the nature of the social medium, while some doctors are involved in the discussion as well (ibid.). Facebook is now a place where people talk about health, offering the ability to create groups in which Facebook users debate on more specific health issues. What is more, the YouTube platform also provides its users with the opportunity to share content in the domain of public health.

Television and press, as traditional forms of media, are also a source of information on health. Press media, as well as television, frequently share content published on social media, becoming thereby their “associates”.

2. MEDIA AND THE DISTRIBUTION OF PSEUDO-MEDICAL INFORMATION

On the other hand, one of the problems the health system, and the entire society, are facing, refers to the veracity and accuracy of information published online, on social media and by traditional media, in regard to health and medical issues. The nature of the digital media has brought about fast distribution of news, including misinformation or pseudo-medical news. Publishing pseudo-medical information not supported by conventional medicine may lead to negative consequences not only to individuals with health problems, but also to society as a whole, which is testified in the report of the World Health Organization (WHO, 2019). Channels suitable for the distribution of pseudo-medical news are for the most part social media networks and digital platforms for multimedia content. On looking into the role of Twitter in spreading pseudo-medical news, the researchers came to the conclusion that some of its users are involved in propagating alternative medications which are said to cure cancer (Ghenai, Mejova, 2018), as well as many other diseases. Such phenomena, also called quackery and charlatanism, are very prevalent in the realm of online media, while digital platforms such as Facebook, YouTube and Instagram are useful channels for the distribution of such content.

Nevertheless, in their struggle for ratings and circulation, the traditional media also opt for publishing pseudo-medical content without the regular procedure of editorial check (Himma-Kadakas, 2017), in a sensationalist manner. So, for instance, in a research in which the goal was to analyze how the media treat a rather complex issue of abusing opioid painkillers, a conclusion was reached that informative TV shows in the United States from 1998 to 2012 shifted the focus from the state of health which can be cured (as an affirmative interpretational framework which may contribute to diminishing public stigma and discrimination of persons who belong to this group) to the issue of illegal drug trafficking (McGinty et al., 2016). They laid

particular emphasis on the need to reshape media approach to reporting on issues related to public health.

The authors believe that the amount of false information on health topics is concerning and that we need to undertake certain measures and, as they state, enable ourselves to differentiate between “science and science fiction” (Merchant, Asch, 2018). The basic problem in distributing misinformation and fake medical news lies in the fact that patients may bear negative consequences due to their trust in persons or association which deal with pseudo-medical information. Therefore, researchers point to the findings which show that patients suffering from cancer who use such alternative medicine are more likely to refuse to accept traditional medical treatment. Their mortality rate is also higher in comparison to those patients who do undergo traditional medical treatment (Merchant, Asch, 2018). Researchers from Poland, who investigated the existence of fake health news on social media, realised that 40% of the news mostly shared via links contained information classified as fake news (Waszak, Kasprzycka-Waszak, Kubanek, 2018). They analyzed key words leading to links with medical content, as well as those with the content on public health, such as: cancer, stroke, hypertension, diabetes, vaccination, HIV and AIDS. This content was shared more than 450,000 times, and it was established that more than 20% of the news from the analyzed material had been generated from a single source (ibid.). This piece of information opens a new question of the motives of those who are behind the distribution of such news. The authors warn that one such motive is financial gain (Álvaro Figueira, Oliveira, 2017).

The World Health Organization published an annual overview of the most severe threats to global health, one of which is, along with Ebola and air pollution, an increasing resistance to vaccination (WHO, 2019). One of the reasons behind this is salient distribution of pseudo-medical information propagated by the anti-vaccination movement which, despite all scientific and medical data, keeps spreading information about the detrimental effect of vaccines as well as their ineffectiveness. This anti-vaccination movement is a global phenomenon and is very powerful, even in highly developed countries. In spite of all available data pertaining to the distorted image of vaccines as having a damaging effect, a great number of citizens still refuse to believe in science. Therefore, according to the Centre for Disease Control and Prevention, the percentage of non-vaccinated children has more than quadrupled since 2001 (Futurism, 2018).

In Serbia, apart from social media which are significant channels for the promotion and distribution of pseudo-medical information, television, as a traditional medium, has had a major role, as well. It is on TV channels with a national frequency where it is possible to promote, without any consequences, the attitudes which support pseudo-medicine, quackery and charlatanism. Such information, regardless of whether it is broadcast on television or social media, is also published by the printed media, which means that the public space is, without control, saturated by a myriad of pseudo-medical news. What is more, as stated by the printed media, it is possible, on TV channels with a national frequency, to perform “magic” rituals the goal of which is to convince the public of their medicinal properties (Vreme, 2019). Those same TV channels organize TV shows in which they invite guests falsely presenting themselves as physicians, doctors of the so-called

natural medicine, who come forward with pseudo-medical information. TV channels “Happy” and “Pink” often feature such persons as their guests, some of whom have taken part in their reality TV programs. In such television shows, various medicasters and fortune-tellers from villages, who are entirely unknown to the public, are given media space to become popular and offer whatever service they can in order to convince the gullible viewers of the impossible. If this matter was not about life and health, such form of “media executed experiment” would be less uncertain and it would have fewer negative consequences (some of which have turned into a true epidemic). Such media have become places where ideas detrimental to public health are propagated: ideas such as those that people can be cured by herbs and teas, that official medicine does not cure but kill, that vaccines cause autism in children, and so on. In addition, they advertise products the content of which is questionable, if not dangerous, and recommend them to patients suffering from the most serious diseases. In this way, they delude patients and jeopardize public health. The liability of individuals who do this is irrefutable, as it should be when it comes to the liability of the media, as well, given the fact that they are active participants in spreading misinformation and harmful information. Also, media with the national frequency are a public good and are thus legally obliged to act in compliance with the interest of the public. Nevertheless, regulatory bodies have no response to this. Another problem is undisturbed public engagement of institutions which falsely present themselves as institutions of education, where one can obtain not only an undergraduate diploma, but also a master and doctoral diploma in the field of the so-called natural medicine (BBC News, 2019).¹ In these obscure institutions, quackery and charlatanism are promoted, while, unfortunately, the response of the society is inadequate, or, we can at least say that it does not provide adequate results. On the official webpage of an unaccredited institution of “education” for the so-called natural medicine, one may, among other things, find web links which lead to lectures and shows about “the treatment of terminal diseases”, “treatment of cancer and other diseases in a natural manner”, about “the nation under the control of vaccines” and “treatment of eyesight in a natural manner”.² In the process of transferring responsibility from one institution to another, with regard to the authority over this issue, those who benefit the most are quacks and charlatans. Ministries and relevant institutions are proclaimed unauthorized to solve cases related to pseudo-medicine; hence, according to expert statements from the Medical Chamber of Serbia, they are only authorized to deal with the mistakes of medical workers, not medicasters – persons who are not in the official registry of medical workers (BBC News, 2019), whereas the Ministry of Health does not wish to react to this issue because, allegedly, they are not familiar with such instances, despite their continuous presence in the public; the Ministry of Education, Science and Technological Development is only in charge of institutions registered as institutions of education, and so on, which means that in this vacuum quackery and charlatanism are the ones to blossom. The distribution of this phenomenon in Serbia has reached such extent that one must pose the question of why the government does not wish to react in an efficient way, since the laws exist (Criminal Law, Law on Health Protection, Law on Public Information and the Media...) In Serbia, and the rest of the world, pseudo-medical news is also spread via

¹ See: <https://www.institutpm.com/ipm.php?Predavanja-26=>

² See: <https://www.institutpm.com/ipm.php?Predavanja-26=>

digital platforms with significant “success”. Many groups in which alternative treatment and pseudo-medical products are promoted are extremely influential, including some anti-vaccination groups.

Of course, the Internet has not given birth to medicasters, movements supporting pseudo-medical treatment of some of the most severe health conditions, or anti-vaccination movements, but it has surely facilitated the process of distribution of misinformation by creating algorithms in digital platforms such as YouTube, Facebook, Twitter, Instagram and the like. Even though various analyses indicate there is the other, positive side, of social media which manifests itself in the opportunity for users to create support groups for patients suffering from serious diseases, which have had beneficial effect on the psychological state of the patients (Rus, Cameron, 2016), we shall not focus our attention to such effects as they are beyond the scope of the topic we are dealing with here.

3. RESPONSIBILITY OF THE MEDIA IN THE DISTRIBUTION OF PSEUDO-MEDICAL INFORMATION

Social reactions to the issue of spreading pseudo-medical news which may be detrimental to patients’ health are different. There is not a single answer to the question of who bears the responsibility: whether it is an individual, an institution or a medium itself, and how we can sanction such behavior.

In Serbia, activities of medicasters are regulated by Article 254 of the Criminal Law, stipulating, as follows: 1. “those who offer treatment or other medical services without an appropriate professional training, shall be either fined or sentenced to prison for up to three years. Paragraph 1 of this Article stipulates as well that those who make or issue medications without an appropriate professional background shall also be punished”. Due to medicaster activities, investigations against several persons have been launched.

In regard to causing panic and disorder, Article 343 of the same Law stipulates: 1. “Those who publish or transfer fake news or allegations and thus cause panic, or more serious disorder, or hinder or stop the implementation of decisions and measures set by the state authorities or organizations with public authority shall be punished by an imprisonment of three months to three years and a fine. 2. If an act from Paragraph 1 of this Article has been done via means of public system of informing or other means or at a public gathering, a person who has committed such an act shall be sentenced to six months to five years”. Criminal charges for causing panic and disorder due to public agitation against the vaccination of children have been filed against 43 persons. There is an initiative by a member of Parliament of the Republic of Serbia to investigate criminal liability of not only individuals, but also the media, due to their promotion of medicasters (Autonomija, 2019). She has called upon state authorities to react to this issue in order to stop the trend of the media, above all tabloids and television, of promoting certain individuals – medicasters and their activities, and stop jeopardizing the lives of patients who are fighting for their life. Also, individuals who illegally provide medical services they have not been certified for may be subjected to criminal persecution (Law on Health Protection, Article 41, Articles 217 and 218). In spite of the existing legal system, it is obvious that the legislature is not enough to protect the public from fake news in the sphere

of medicine if the laws are not consistently adhered to and implemented. All calls for morality, raising awareness and having consciousness are pointless when dealing with “frauds” unless some laws are imposed. The lack of medical ethics and the lack of implementation of corresponding legal norms, as well as responsible media reporting, will keep not only medicine and law, but also health and the quality of life in general in the jaws of the media.

In order to prove that there are initiatives for determining the responsibility of the media in distributing pseudo-medical information, it should be mentioned that the journalists of the Guardian informed the Parliament about fake medical news with the aim of having some influence on the legislative branch to take this issue into consideration, but also social media platforms to take on the responsibility for the content (advertisements) placed on certain pages, the same way an editor in chief takes on the responsibility for what is printed in the newspapers he/she manages (Álvaro Figueira, Oliveira, 2017).

In addition, pressured by the public, the creators of this industry, particularly the industry of social media, have started various campaigns for the eradication of misinformation and pseudo-medical information. For this reason, with the aim of stopping further distribution of fake medical news, pertaining to the promotion of distorted attitudes of anti-vaccination lobbies, YouTube has adopted a decision to seize advertising a great number of channels promoting such attitudes (Variety, 2019). YouTube announced that they had taken such a step because many channels in question do support “damaging or dangerous” attitudes, underlining in their announcement that each piece of information which is fake should be a matter of concern. In order to contribute to this fight against the phenomenon, the heads of YouTube also announced that they would try to make all content supporting vaccination, based on valid medical data, available. At the same time, they will try to make sure that all content promoting anti-vaccination, as well as “fake, miraculous medications” for severe illnesses, cannot be found on the lists with suggested videos (ibid.). In addition to this, Pinterest, another popular platform, blocked some search words related to vaccination. The spokesperson of Facebook stated that she was aware of the fact the more needs to be done and that they would soon announce the introduction of additional changes in order to reduce the distribution of misinformation on health (ABC Science, 2019). A day later, Facebook announced on its official blog that it would start its battle against all users who promote anti-vaccination (Facebook Newsroom, 2019). They also announced that they would reduce all content with pseudo-medical news related to the disadvantages of vaccination to the least possible minimum, making sure, at the same time, not to breach anyone’s freedom of expression. The measures undertaken by Facebook with regard to this issue mean a prohibition of anti-vaccination advertisements, while advertisements of the group identifying themselves as “anti-vaxxers” will not be shown. Similar measures have been undertaken for Instagram as well. It is interesting that network users who search for content on anti-vaccination movement will be offered educational content to divert them to scientific and medical facts about vaccines (ibid.).

It must be noted that public pressure on the media for spreading fake medical news has intensified owing to the problems caused by pseudo-medical news about the alleged harmful effect of immunization. Since this behavior threatened to cause

serious consequences to citizens' health, social readiness to react started to grow. For instance, in Australia, a number of measures have been undertaken with the aim of putting an end to this phenomenon. Medical workers promoting anti-vaccination may be subjected to criminal persecution (Futurism, 2016). It is considered that medical workers, as highly distinguished and reliable members of society have major responsibility when it comes to their attitudes expressed in the media, especially when it comes to public health, due to the fact that their advice is taken seriously. Bearing this in mind, their statements should be supported by scientific information on health. On the other hand, according to the law in Australia "No Jab, No Pay", which entered into force in 2016, individuals who "consciously object to" immunization based on their beliefs, may be deprived of social aid given by the government, such as child support and family support. After this measure entered into force, families were given a deadline of three months to finish the process of immunization, if they wanted to have social aid given to them. After ten months, the effects of this measure were visible; therefore, vaccination rate in Australia is now at its highest (Futurism, 2016).

In France, quackery and charlatanism are criminally persecuted because of purposeful jeopardizing of others (Lavaud-Legendre, 2008). In France, fraud is defined in the Code of Medical Ethics as a deed committed by a doctor who offers insufficiently tested medications to his/her patients by presenting them as safe and useful, and it refers to the doctors (ibid.). Criminal punishment varies depending on the consequences, whereas a doctor may be subjected to disciplinary sanctions primarily focused on the protection of patients. Also, if the consequences are graver, they may be liable for criminal offences of jeopardizing others, purposefully incurring physical harm or manslaughter. The authors state that such offences may be extended to the offences committed by any other person promoting such practice and will be sanctioned on grounds of illegal practice of professional activities. Unconventional or alternative medicine is available to non-doctors, but even for them there are regulations stipulating that a provider of services must be previously trained to perform certain activities in compliance with the standards recognized by the state, or that some disciplines in the sphere of alternative medicine may only be performed by individuals with medical education.

CONCLUSION

As was said in the article, the Internet, social media networks and digital platforms for sharing multimedia content introduced new rules of communication. Taking into consideration all the positive aspects of such media and their benefits to the society, additional attention should be paid to the phenomenon of the abuse of public trust, which particularly refers to the placement of misinformation about public health.

Fake or pseudo-medical news have become a global problem, while the practice of spreading misinformation on the anti-vaccination movement has brought about the reaction of the World Health Organization. This has spurred a series of activities organized by management teams of global digital platforms with the aim of stopping further distribution of the activities of individuals and groups promoting the anti-vaccination movement, as well as the content directly advertising medicasters. In

this way, the focus is equally laid on the responsibility of individuals and the media, when it comes to the digital platforms. As for the traditional media, regulatory bodies are in charge of monitoring and have the authority to recommend the adoption of sanctions if it has been confirmed that any content is published or broadcast in disagreement with the existing regulations.

Practice shows that, when it comes to Serbia, regulatory bodies are not conscientious about their incumbent obligations. Without responsibility, control, medical and media ethics and the rights of all who offer, present and spread fake news, individual, health, social and economic consequences will be beyond repair. We are afraid that in Serbia legal practice and implementation seem like an issue standing in a line and waiting for its turn. Research, mostly global, and statistics in this domain are discouraging. The problem in Serbia is the transfer of responsibility from one ministry to another, from one institution to another. Without the professional and ethical cooperation between the media and the health system, pseudo-medicine will keep blooming, while prosecuting those who profit from other people's suffering and who are responsible for offences committed against those who are looking for a last drop of hope and are gullible, will come to a standstill.

LITERATURE

1. ABC Science. (2019) How Facebook's anti-vaccination movement is kept in check by these Aussie volunteers. Available at: <https://www.abc.net.au/news/science/2019-03-07/australian-volunteers-fight-anti-vaccination-facebook/10876744>, accessed 07.03.2019.
2. Álvaro Figueira, A., Oliveira, L. (2017) The current state of fake news: challenges and opportunities. *Procedia Computer Science*, 121, pp. 817-825.
3. Autonomija. (2019) Nataša Mičić: Utvrditi odgovornost medija koji su promovisali nadrilekarstvo. Available at: <http://www.autonomija.info/natasa-micic-utvrditi-odgovornost-medija-koji-su-promovisali-nadrilekarstvo.html>, accessed 21.03.2019.
4. BBC NEWS – Na srpskom. (2019) Nadrilekarstvo u Srbiji: Lečenje bez odgovornosti. Available at: <https://www.bbc.com/serbian/lat/srbija-47068725>, accessed 27.03.2019.
5. Bertalan, M. (2013) *Social Media in Clinical Practice*. London: Springer. Available at: https://link.springer.com/chapter/10.1007%2F978-1-4471-4306-2_1, accessed 17.02.2019.
6. Chou, W.S., Oh, A., Klein, W.M.P. (2018) Addressing Health-Related Misinformation on Social Media. *JAMA* 320 (23), pp. 2417–2418. Available at: http://www.fsk.it/attach/Content/News/6717/o/jama_chou.pdf, accessed 25.02.2019.
7. De keersmaecker, J., Roets, A. (2017) 'Fake news': Incorrect, but hard to correct. The role of cognitive ability on the impact of false information on social impressions. *Intelligence*, 65, pp. 107-110.
8. Facebook Newsroom (2019) Combatting Vaccine Misinformation. Available at: <https://newsroom.fb.com/news/2019/03/combating-vaccine-misinformation/>, accessed 08.03.2019.
9. Futurism. (2016) Australia Will Now Prosecute Nurses Spreading Anti-Vaccination Messages. Available at: <https://futurism.com/56667-2>, accessed 26.02.2019.

10. Futurism. (2018) The Percentage Of Unvaccinated U.S. Toddlers Has Quadrupled Since 2001. Available at: <https://futurism.com/the-byte/percentage-unvaccinated-toddlers-trippled-2001>, accessed 26.02.2019.
11. Ghenai, A., Mejova, Y. (2018) Fake Cures: User-centric Modeling of Health Misinformation in Social Media. *Proc. ACM Hum.-Comput. Interact.* 2 (CSCW), Article 58, 20 pages. Available at: <https://arxiv.org/pdf/1809.00557.pdf>, accessed 25.02.2019.
12. Himma-Kadakas, M. (2017) Alternative facts and fake news entering journalistic content production cycle. *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 9(2), pp. 25-40. Available at: <http://dx.doi.org/10.5130/ccs.v9i2.5469>
13. Krivični zakonik, Službeni glasnik RS, br. 85/2005, 88/2005 - ispr., 107/2005 - ispr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016. Available at: https://www.paragraf.rs/propisi/krivicni_zakonik.html, accessed 09.04.2019.
14. Lavaud-Legendre, B. (2008) Charlatanism and criminal law. *Les Tribunes de la santé*, 3(20), pp. 67-75. Available at: <https://www.cairn.info/revue-les-tribunes-de-la-sante-2008-3-page-67.htm?contenu=article>, accessed 11.03.2019.
15. McGinty, E., Kennedy-Hendricks, A., Baller, J., Niederdeppe, J., Gollust, S., L. Barry, C. (2016) Criminal Activity or Treatable Health Condition? News Media Framing of Opioid Analgesic Abuse in the United States, 1998–2012. *Psychiatric Services* 67(4), pp. 405-411.
16. Merchant, R. M., Asch, D.A. (2018) Protecting the Value of Medical Science in the Age of Social Media and “Fake News”. *JAMA* 320(23), pp. 2415-2416. doi:10.1001/jama.2018.18416
17. Pew Research Center. (2011) The social life of health information. Available at: <http://www.pewinternet.org/2011/05/12/the-social-life-of-health-information-2011/>, accessed 17.02.2019.
18. Rus, H.M., Cameron, L.D. (2016) Health Communication in Social Media: Message Features Predicting User Engagement on Diabetes-Related Facebook Pages. *Annals of Behavioral Medicine*, 50(5), pp. 678-689. <https://doi.org/10.1007/s12160-016-9793-9>
19. Variety. (2019) YouTube Yanks Ads From Anti-Vaccination Conspiracy Channels. Available at: <https://variety.com/2019/digital/news/youtube-anti-vaccination-conspiracy-ads-demonetize-1203146948/>, accessed 26.02.2019.
20. Vreme (2019) Veseli egzorcista. Available at: <https://www.vreme.com/cms/view.php?id=1667295>, accessed 27.03.2019.
21. Zakon o javnom informisanju i medijima, Službeni glasnik RS, br. 83/2014, 58/2015 i 12/2016. Available at: https://www.paragraf.rs/propisi/zakon_o_javnom_informisanju_i_medijima.html accessed 09.04.2019.
22. Zakon o zdravstvenoj zaštiti, Službeni glasnik RS, br. 107/2005, 72/2009 - dr. zakon, 88/2010, 99/2010, 57/2011, 119/2012, 45/2013 - dr. zakon, 93/2014, 96/2015, 106/2015, 113/2017 - dr. zakon i 105/2017 - dr. zakon. Available at: https://www.paragraf.rs/propisi/zakon_o_zdravstvenoj_zastiti.html accessed 09.04.2019.
23. Waszak, P.M., Kasprzycka-Waszak, W., Kubanek, A. (2018) The spread of medical fake news in social media – The pilot quantitative study. *Health Policy and Technology* 7(2), pp. 115-118. <https://doi.org/10.1016/j.hlpt.2018.03.002>
24. WHO (2019) Anti-Vaxxers Now One of The Greatest Threats to World Health. Available at: <https://futurism.com/the-byte/who-anti-vaxxers-greatest-threats>, accessed 26.02.2019.

Hajdana Glomazić

Naučna saradnica, Institut za kriminološka i sociološka istraživanja, Beograd

Prof. dr Branislava Knežić

Naučna savetnica, Institut za kriminološka i sociološka istraživanja i redovna profesorka, Filozofski fakultet Univerziteta u Beogradu

(PSEUDO)MEDICINA I PRAVO: U RALJAMA MEDIJA

Predmet ovog rada je analiza uloge medija u širenju dezinformacija ili lažnih informacija u medicini i reakcije koje društvo preduzima u cilju suzbijanja ove pojave. Cilj rada je pružanje odgovora na pitanja: koji su mediji dominantni u promociji pseudomedicinskih činjenično nepotkrepljenih poruka koje konkurišu ispravnoj medijskoj informaciji; kakve su posledice takvog medijskog delovanja i koji su pravni mehanizmi zaštite od njega. Takođe, čini se logičnim postaviti pitanje da li samo pojedinci koji promovišu pseudomedicinske informacije odgovaraju za eventualne posledice po javnost ili se odgovornost odnosi i na medije. Rezultati analize su pokazali da je reč o globalnom problemu i da su digitalne platforme dominantne u širenju pseudomedicinskih vesti. Ne postoji jedinstveno rešenje za ovaj problem, mada se pod pritiskom referentnih institucija uočava tendencija velikih digitalnih platformi da preduzmu mere zaštite kako bi se sprečilo širenje pseudomedicinskih vesti. Podvlači se potreba za preoblikovanje pristupa medija u izveštavanju o problemima javnog zdravlja.

KLJUČNE REČI: digitalne platforme / medicina / lažne vesti / javno zdravlje / pravna zaštita