

## Medicines Australia Code of Conduct: breaches

### Key words

Medicines Australia, breaches

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The Medicines Australia Code of Conduct guides the promotion of prescription products by pharmaceutical companies.<sup>1</sup> Each year Medicines Australia publishes a report, from its Code of Conduct Committee, which details all the complaints that have been received about advertising and other promotional activities.

There were 18 new complaints and 10 of these were considered and finalised by the Code of Conduct Committee in 2012–13. It could not consider one complaint because it was about a company which was not a member of Medicines Australia.

Only three complaints were made by health professionals. The majority of complaints came from rival pharmaceutical companies.

The Table shows the complaints where at least one breach was identified, and more details can be found in the full report.<sup>2</sup> One complaint was held over from 2011–12. The manufacturer of atorvastatin wanted to inform patients that its brand was still available after the arrival of generic competition. However this 'community service announcement' was ruled to be

promoting the product to the general public, resulting in a \$50 000 fine.

The largest fine this year also involved a complaint about providing information to the public. An educational booklet about multiple sclerosis provided unbalanced information which could encourage patients to seek a prescription for a specific product.

Another company was questioned about its use of social media to interact with the public. The Code of Conduct Committee recognised that material that is linked by someone else to information provided by a company could be promoting the drug. It agreed that the Code applies to social media. Although the company was not found to have promoted the drug to the public, other elements of its marketing were found to be false or misleading.

The Monitoring Committee of Medicines Australia reviewed over 10 000 educational events organised by 36 companies in 2011–12. None of these were referred to the Code of Conduct Committee.

**Table Breaches of the Code of Conduct July 2012 – June 2013**

Company	Brand (generic) name	Material or activity	Sanction
Abbott Australasia	Lipidil (fenofibrate)	Misleading claims in promotional materials	\$100 000 fine Claims not to be used again
Biogen Idec	-	Promotion to the general public Misleading claims in promotional material	\$150 000 fine Booklet to be withdrawn and not to be used again
Merck Sharp and Dohme (MSD)	Vytorin (ezetimibe and simvastatin)	Misleading claim in promotional activities	\$125 000 fine Claim not to be used again Corrective letter
	Zoely (norgestrel and oestradiol)	Misleading claims in detailing aids	\$75 000 fine Claims not to be used again Corrective letter
Pfizer Australia	Celebrex (celecoxib)	Misleading claims in promotional material	\$85 000 fine reduced on appeal to \$35 000 Claims not to be used again
	Lipitor (atorvastatin)	Promotion to the general public	\$50 000 fine Claim not to be used again
	Prevenar 13 (pneumococcal 13-valent conjugate vaccine)	Misleading claim in promotional material	\$10 000 fine Claim not to be used again

### REFERENCES

1. Medicines Australia. Code of Conduct. 17th ed. 2012. [www.medicinesaustralia.com.au/files/2010/01/20130328-PUB-Edition17-FINAL.pdf](http://www.medicinesaustralia.com.au/files/2010/01/20130328-PUB-Edition17-FINAL.pdf) [cited 2013 Nov 7]
2. Medicines Australia. Code of Conduct Annual Report 2012–13. [www.medicinesaustralia.com.au/files/2010/01/20131021-PUB-CoC-AnnualReport-2012\\_2013.pdf](http://www.medicinesaustralia.com.au/files/2010/01/20131021-PUB-CoC-AnnualReport-2012_2013.pdf) [cited 2013 Nov 7]