

group. An article, originally drafted for health professionals, but published in Reader's Digest, clearly breached the Code. Another breach, identified by several complaints, was offering a 'money-back guarantee' to patients being treated for erectile dysfunction.

The information in the report reveals some of the sophisticated strategies companies can use. One company had used a public relations consultant to manage a campaign about a medicine which had yet to be approved in Australia. This included sponsoring a journalist to attend an overseas conference about the drug. Issuing a media release on an unapproved drug was considered to be promotional activity which breached the Code. The Committee had to grapple with what constitutes excessive

hospitality. One company was fined for providing a function that was not 'simple or modest', while a function at the Crown Towers in Melbourne was ruled to be 'not extravagant'. Perhaps the new requirement for companies to disclose the cost of their promotional functions will help the Code of Conduct Committee decide what is appropriate.

References

1. Medicines Australia. Code of Conduct. 15th ed. 2006. Amended Aug 2007. <http://www.medicinesaustralia.com.au> [cited 2007 Nov 12]
2. Medicines Australia Code of Conduct Annual Report 2006/2007. Canberra: Medicines Australia; 2007. <http://www.medicinesaustralia.com.au> [cited 2007 Nov 12]

The story of one complaint

John S Dowden, Editor

An advertising campaign for vardenafil encouraged men with erection difficulties to seek treatment. The advertisement included the product logo and the name of the company. The imagery, of an upright banana, was also used in the advertising to health professionals. As part of this parallel campaign, doctors and pharmacists were informed that the company would offer a money-back guarantee to patients.

I made a complaint to Medicines Australia as I believed that the advertising to the public would stimulate demand for a particular product and the money-back guarantee could be seen as an inducement. Complaints were also made by two pharmacists and the Australian Consumers' Association.

The Code of Conduct Committee considered my complaint within a month and sent me its decision within six weeks. The ruling was in an extract of the minutes of the Committee's meeting. This showed that there had been a severe breach of the Code of Conduct, but I was asked to keep the ruling confidential in case there was an appeal. As there was no

appeal the complaint was finalised and details appear in the Code of Conduct Annual Report.¹

The Code of Conduct Committee considered that the advertising campaign could have breached nine sections of the Code, however only one breach was confirmed. A majority of the Committee considered that the campaign brought discredit to the industry. This was not because the banana images were in poor taste, but because a money-back guarantee was considered to decrease the value of prescription medicines.

The Code of Conduct Committee did not fine the company for the severe breach, but ordered it to immediately cease the promotion offering the money-back guarantee. Corrective letters had to be sent to all health professionals who received the promotion and corrective advertisements had to be placed in health professional journals which had published advertisements about the money-back guarantee.

Reference

1. Medicines Australia Code of Conduct Annual Report 2006/2007. Canberra: Medicines Australia; 2007. <http://www.medicinesaustralia.com.au> [cited 2007 Nov 12]

Table 1

Breaches of the Code of Conduct July 2006 – June 2007

Company	Drug		Sanction imposed by Code of Conduct Committee
	brand name	generic name	
Abbott Australasia	Lucrin	leuprorelin	Withdraw material Corrective letter \$10 000 fine
Alcon Laboratories	DuoTrav	timolol maleate/ travoprost	Cease program \$10 000 fine
Allergan Australia	Lumigan	bimatoprost	Withdraw material Corrective letter \$15 000 fine