

HEALTH PROFESSIONAL v ASTRAZENECA

Alleged promotion to the public

A complainant who described him/herself as a health professional with a named clinical commissioning group (CCG) stated that he/she was amazed that at a meeting which took place in May 2016 at a named restaurant, the pharmaceutical companies' exhibitions were in full view of the public. The restaurant was open to the public and the area where the stands were was visible from outside.

The detailed response from AstraZeneca appears below.

The Panel noted AstraZeneca's submission that the doors to the private room, which was signposted for the meeting, were closed and there was a manned registration desk inside. From photographs provided by AstraZeneca, the doors to the private room appeared to be frosted glass with a small band of unfrosted glass in the middle. The Panel noted AstraZeneca's submission that the lower sections of the windows between the restaurant and the private room were also frosted as was the lower section of the windows in the private room to the outside of the restaurant and there were net curtains on the full length of these windows. From the room plan provided by AstraZeneca the exhibition stands were positioned by the windows at the far end of the meeting room, facing into it; even if the door was open, it appeared that the stands would not be visible without stepping into the room and turning to the right.

The Panel noted that the complainant, as set out in the introduction to the Constitution and Procedure, had the burden of proving his/her complaint on the balance of probabilities. The complainant had provided little information and no evidence to support his/her position.

The Panel considered that the fact that a restaurant was open to the public at the same time that a meeting was held in a private room was not, in itself, unacceptable. Appropriate precautions needed to be taken particularly if the public was able to see into a room where prescription-only medicines were being advertised. The Panel considered that there was no evidence that prescription-only medicines had been promoted to the public. Further, there was no evidence to support the allegation that AstraZeneca's stand was in full view of the public and visible from the outside. The Panel did not consider that a prescription only medicine had been promoted to the public. No breaches of the Code were ruled including Clause 2.

A complainant who described him/herself as a health professional with a named clinical commissioning group (CCG) complained about a meeting which took place in May 2016 at a named restaurant.

COMPLAINT

The complainant attended the meeting and stated that he/she was amazed that the pharmaceutical companies' exhibitions were in full view of the public. The complainant explained that there were a number of companies present including AstraZeneca. The restaurant was open to the public and the area where the stands were was visible from outside.

When writing to AstraZeneca the Authority asked it to respond in relation to the requirements of Clauses 2, 9.1 and 26.1.

RESPONSE

AstraZeneca submitted that the meeting described by the complainant was a local health professional group meeting held two months prior to the complaint. Approximately twenty-four health professionals attended.

AstraZeneca had a stand and two representatives present at the meeting, representative A and representative B. AstraZeneca interviewed both representatives. AstraZeneca also reviewed the information contained within its customer relationship management system regarding the meeting. AstraZeneca stated that it had made several unsuccessful attempts to speak to the health professional responsible for organising the meeting.

The group was a newly established group of general practitioners and secondary care doctors. The meeting in May was its first meeting. The person organising the meeting contacted representative A to discuss AstraZeneca supporting the meeting. This communication was mainly by telephone but emails between the meeting organiser and representative A were provided. The agenda consisted of a fifteen minute introduction to the association, a forty-five minute presentation on 'Chronic obstructive pulmonary disease (COPD) - updates and new management techniques' and thirty minutes for a practical group session, case studies and questions and answers. The agenda also contained the statement 'This is a medical educational meeting and open to health care professionals only'.

Representative A was familiar with the venue and he/she considered that the restaurant was suitable to hold the meeting as it was centrally located, had car parking facilities and a private function room. Representative B was not involved in arranging AstraZeneca's attendance at the meeting but was invited by representative A. Representative A knew that the restaurant would be open to the public on the evening of the meeting but was informed that the event would take place in the private room.

AstraZeneca had a Duaklir Genuair (aclidinium/formoterol) promotional stand at the meeting

and the representatives used the Duaklir Genuair interactive detail aid and leavepiece with health professionals. Before the presentations at the meeting commenced, the stand was taken down.

AstraZeneca stated that its stand was located in the private room, along with the stands of the other pharmaceutical companies supporting the meeting. The meeting organisers decided where the stands were placed inside the private room but the exact location of the AstraZeneca stand in relation to the other pharmaceutical company stands was decided by the AstraZeneca representatives. Both representatives were comfortable that the location of the stand meant that it was not visible to members of the public.

Restaurant staff directed anyone entering the restaurant to the meeting room or to the public area of the restaurant, as appropriate. Outside the room was a sign that it was for the meeting; the doors to the room were closed and there was a registration desk inside, next to the door, manned by the meeting organisers. The doors to the private room were frosted glass with a small band of unfrosted glass in the middle. The lower section of the windows between the restaurant area and the private room were also frosted so people in the restaurant could not see into the meeting room from the general dining area. Both representatives stated that the restaurant was very quiet when they passed through it to access the private room. The windows in the private room to the outside of the restaurant were also frosted on their lower section and they also had full length net curtains. As the venue was on a roundabout there was no public pathway outside that area.

AstraZeneca provided an approximate plan of the venue, photographs of the private room and submitted as the stand and material were located in the private room, they were not visible to the public as alleged.

Both representatives at the meeting knew that promotion to the public constituted a breach of the Code. This was detailed in AstraZeneca's Ethical Interactions Standard Operating Procedure. Furthermore, AstraZeneca's salesforce meetings compliance guide stated that exhibition stands and AstraZeneca material must not be displayed where they might be viewed by the public, non-health professionals, or people who did not attend the meeting.

AstraZeneca stated that it took its compliance with the pharmaceutical industry codes of practice very seriously; its stand and material were displayed to health professionals in a private room and not in full view of the public as alleged. AstraZeneca thus denied breaches of Clauses 26.1, 9.1 and 2 of the Code.

PANEL RULING

The Panel examined the agenda provided to AstraZeneca by the meeting organiser. This version of the agenda named three pharmaceutical companies in addition to AstraZeneca and another company named by the complainant. The case preparation manager had taken the matter up with each company named by the complainant.

The Panel noted that Clause 26.1 stated, *inter alia*, that prescription only medicines must not be advertised to the public. The Panel noted AstraZeneca's submission that the doors to the private room, which was signposted for the meeting, were closed and there was a manned registration desk inside the room next to the door. From the photographs provided by AstraZeneca, and seemingly taken when the restaurant and room were empty, the doors to the private room appeared to be frosted glass with a small band of unfrosted glass in the middle. The Panel noted AstraZeneca's submission that the lower section of the windows between the restaurant and the private room were also frosted. The Panel estimated from the photographs supplied that the frosting went to about head height; above the frosting the glass was clear. The Panel further noted AstraZeneca's submission that the lower sections of the windows in the private room to the outside of the restaurant were also frosted and there were net curtains on the full length of these windows. From the room plan provided by AstraZeneca the exhibition stands were positioned by the windows at the far end of the meeting room, facing into it; even if the door was open, it appeared that the stands would not be visible without stepping into the room and turning to the right.

The Panel noted that the complainant, as set out in the introduction to the Constitution and Procedure, had the burden of proving his/her complaint on the balance of probabilities. The complainant had provided little information and no evidence to support his/her position.

The Panel considered that the fact that a restaurant was open to the public at the same time that a meeting was held in a private room was not, in itself, unacceptable. Appropriate precautions needed to be taken particularly if the public was able to see into a room where prescription-only medicines were being advertised. In the circumstances, the Panel considered that there was no evidence that prescription-only medicines had been promoted to the public. Further, there was no evidence to support the complainant's allegation that AstraZeneca's stand was in full view of the public and visible from the outside. The Panel did not consider that a prescription only medicine had been promoted to the public. No breach of Clauses 26.1, 9.1 and 2 was ruled.

Complaint received **25 July 2016**

Case completed **8 September 2016**