

# ANONYMOUS NON-CONTACTABLE v MERCK SHARP & DOHME

## Conduct of representative

An anonymous, non-contactable complainant, who stated he/she was a general practitioner, submitted a complaint about a named representative who previously worked for Merck Sharp & Dohme, alleging that the representative would bring her daughter to meetings. A verbal complaint was made to her manager and she left that company.

The detailed response from Merck Sharp & Dohme is given below.

The Panel noted Merck Sharp & Dohme's submission that no verbal or written complaint had been received by the manager concerning the alleged attendance of the representative's daughter at any meetings or functions.

The Panel considered that the complainant had not shown, on the balance of probabilities, that the representative had not maintained a high standard of ethical conduct and therefore ruled no breach of the Code. The Panel did not consider that in the circumstances Merck Sharp & Dohme had failed to maintain a high standard nor had it brought discredit upon or reduced confidence in the industry. The Panel therefore ruled no breach of the Code including Clause 2.

An anonymous, non-contactable complainant, who stated he/she was a general practitioner, submitted a complaint about a local named representative who had worked for Merck Sharp & Dohme Limited.

### COMPLAINT

The complainant stated that he/she had known the representative and her family for many years. The complainant alleged that when the representative worked for Merck Sharp & Dohme, she would bring her daughter to meetings. A verbal complaint was made to her manager and she left that company.

In writing to Merck Sharp & Dohme, the Authority asked the company to bear in mind Clauses 2, 9.1 and 15.2 of the Code.

### RESPONSE

Merck Sharp & Dohme stated that it took compliance with the Code very seriously and acknowledged

the high standard of ethical conduct required in all activities undertaken by its sales force.

Merck Sharp & Dohme confirmed the dates that the representative was employed. Following an interview with her line manager and a review of her human resource file, Merck Sharp & Dohme stated that no verbal or written complaint was received by the manager concerning the alleged attendance of the representative's daughter at any meetings or functions and that no disciplinary proceedings were brought against her. Merck Sharp & Dohme confirmed that the representative terminated her employment when she voluntarily resigned to take a position at another company.

Merck Sharp & Dohme did not believe that the conduct of the representative breached Clauses 15.2, 9.1 and 2 of the Code.

### PANEL RULING

The Panel noted that the complainant was anonymous and non-contactable. The Constitution and Procedure stated that anonymous complaints would be accepted, but that like all other complaints, the complainant had the burden of proving his/her complaint on the balance of probabilities. All complaints were judged on the evidence provided by the parties. The complainant could not be contacted for more information.

The Panel noted Merck Sharp & Dohme's submission that no verbal or written complaint had been received by the manager concerning the alleged attendance of the representative's daughter at any meetings or functions.

The Panel considered that the complainant had not shown, on the balance of probabilities, that the representative had not maintained a high standard of ethical conduct and therefore ruled no breach of Clause 15.2 of the Code. The Panel did not consider that in the circumstances Merck Sharp & Dohme had failed to maintain a high standard nor had it brought discredit upon or reduced confidence in the industry. The Panel therefore ruled no breach of Clauses 9.1 and 2 of the Code.

<b>Complaint received</b>	<b>14 December 2016</b>
<b>Case completed</b>	<b>20 January 2017</b>