

Case AUTH/3317/3/20

ANONYMOUS v BOEHRINGER INGELHEIM

Failure to include generic names of medicines

A complainant, who described him/herself as a concerned UK health professional, complained that on a Guidelines in Practice webpage which hosted a Respimat video from Boehringer Ingelheim, the generic names for Spiolto Respimat (tiotropium) and Spiriva Respimat (olodaterol) were missing despite reference to both medicines.

The detailed response from Boehringer Ingelheim is given below.

The Panel noted that for electronic advertisements, the Code required the non-proprietary name of the medicine to appear immediately adjacent to the brand name at its first appearance in a size such that the information was readily readable.

The Panel noted that on the webpage at issue, immediately below a link to the Respimat video, were the statements 'View Spiolto prescribing information' and 'View Spiriva prescribing information'. These statements were the only mention of the two medicines on the webpage and so were also the first mention of the brand names; in that regard the non-proprietary names should have appeared immediately adjacent. The non-proprietary names did not appear immediately adjacent to the brand names and so the Panel ruled a breach the Code as acknowledged by Boehringer Ingelheim.

A complainant, who described him/herself as a concerned UK health professional, complained about a webpage on the Guidelines in Practice website which hosted a video from Boehringer Ingelheim. The video was entitled 'Respimat Soft Mist reusable inhaler: patient benefits and environmental impact' (ref PC-UK-102088 V1). The Respimat device was used to deliver a number of medicines used in the treatment of asthma and chronic obstructive pulmonary disease (COPD) including Boehringer Ingelheim's products Spiolto (tiotropium) and Spiriva (olodaterol).

COMPLAINT

The complainant noted that the video contained information on Spiolto Respimat and Spiriva Respimat but the generic names for both were missing.

When writing to Boehringer Ingelheim, the Authority asked it to consider the requirements of Clause 4.3 of the Code.

RESPONSE

Boehringer Ingelheim stated that the Guidelines in Practice website hosted the promotional video about the Respimat inhaler (used with Spiolto and Spiriva). The hosting page was accessible to health professionals who had agreed to be contacted with promotional information from Boehringer Ingelheim; they had been emailed and provided with a link to the video.

Boehringer Ingelheim stated that upon being made aware of the complaint, it immediately took down the website page and investigated the material in relation to the complainant's concern about not meeting the requirements of Clause 4.3. Boehringer Ingelheim acknowledged that, due to an oversight, the material in question had brand names used in the links to prescribing information without inclusion of the non-proprietary names next to brand names, as required by Clause 4.3.

Boehringer Ingelheim stated that it had updated the material in question to add the non-proprietary names and had recertified the content to meet the requirements of Clause 4.3. In order to ensure that Boehringer Ingelheim maintained high standards, the company had also instigated corrective and preventative actions to ensure that the same error had not been made on similar website materials.

PANEL RULING

The Panel noted that Clause 4.3 stated that for electronic advertisements the non-proprietary name of the medicine or the list of active ingredients, as required by Clause 4.3, must appear immediately adjacent to the brand name at its first appearance in a size such that the information was readily readable.

The Panel noted that on the Guidelines in Practice webpage which hosted the promotional video about the Respimat inhaler, readers could click on the video and view its content. Immediately below the video link were the statements 'View Spiolto prescribing information' and 'View Spiriva prescribing information'. These statements were the only mention of the two medicines on the webpage and so were also the first mention of the brand names; in that regard the non-proprietary names should have appeared immediately adjacent. The non-proprietary names did not appear immediately adjacent to the brand names and so the Panel ruled a breach of Clause 4.3 as acknowledged by Boehringer Ingelheim.

Complaint received **9 March 2020**

Case completed **18 June 2020**