

HEALTH PROFESSIONAL V NOVO NORDISK

Promotion of Saxenda at a medical aesthetic event

An anonymous individual, who described him/herself as a health professional, complained about the promotion of Saxenda (liraglutide) directly to the public by Novo Nordisk. Saxenda was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in certain adult patients.

The complainant stated that in October 2019 he/she attended a medical aesthetic exhibition which was attended by health professionals, as well as very large numbers of aesthetic practitioners who were not medical or health professionals. The complainant noted that Novo Nordisk, had a large stand which promoted the prescription only medicine Saxenda and that Saxenda leaflets were given to visitors at the stand. Although several other pharmaceutical companies exhibited, no other promoted a prescription only medicine. The complainant stated that although he/she did not take much notice of it at the time, numerous clients at his/her clinic had now asked for this medicine. The complainant stated that he/she was very uncomfortable that a long-established company was so brazen as to promote its medicine at an event which was clearly attended, in large numbers, by those who were not health professionals.

The detailed response from Novo Nordisk is given below.

The Panel considered that it was very important that the arrangements for exhibition stands promoting prescription only medicines at meetings with a mixed audience of health professionals and others were such that prescription only medicines were not promoted to the public.

The Panel noted that according to the conference group organiser, of the 3,754, 2019 conference attendees 84% were health professionals. The remaining 16% included press (2%) and 'other' (14%). The 'other' category was comprised of supplier, nutritionist, association, marketing/PR and receptionist/PA. The Panel noted that it appeared that not all of the conference attendees were health professionals or other relevant decision makers. The Panel noted Novo Nordisk's submission that all delegates had access to the exhibition area but Novo Nordisk staff scanned the delegates' badges to confirm whether a delegate was a health professional or other relevant decision maker before having a discussion about Saxenda with them. According to Novo Nordisk, the only materials available on the stand were copies of the Saxenda SPC; a single copy was displayed on the stand and copies were provided on request to health professionals visiting the stand. The Panel did not have a copy of representatives' briefing material for those manning the exhibition stand.

The Panel noted that the Novo Nordisk exhibition stand would be seen by all congress attendees irrespective of whether they attended the stand. The exhibition stand was

headed 'The first GLP-1 analogue that is indicated for weight management as an adjunct to exercise' followed by 'Help your patients WITH OBESITY get the WEIGHT REDUCTIONS they need' in larger blue font. The stand included a number of claims for Saxenda including secondary improvements in cardiometabolic risk factors which meant that Saxenda had been promoted to the public and a breach of the Code was ruled. On appeal by Novo Nordisk, noting all the circumstances and on balance, the Appeal Board did not consider that on the evidence available that Novo Nordisk had in the particular circumstances of this case promoted Saxenda to the public. The Appeal Board ruled no breach of the Code. The appeal on this point was successful.

The Panel considered that it was difficult to understand why if the company had taken steps to ensure that promotional conversations were only held with health professionals it had considered that it was acceptable to use a promotional stand which included eye catching visuals and claims about a prescription only medicine visible to all, including those who were not health professionals or other relevant decision makers. It was foreseeable that such individuals might attend an aesthetics event. The Panel considered that high standards had not been maintained and a breach of the Code was ruled. On appeal by Novo Nordisk, the Appeal Board upheld the Panel's ruling in this regard.

The Panel noted its comments in relation to its ruling of failing to maintain high standards. The Panel noted that the exhibition panel in question was certified in October 2018 as a promotional stand for 'conferences, lunchtime meetings and exhibitions'. It had thus been certified for general promotional use and it did not appear that consideration had been given to the use of the stand at the event in question where it might be seen by members of the public. The Panel was very concerned about the use of the stand at the meeting in question. The Panel considered that the particular circumstances of this case warranted a ruling of a breach of Clause 2 the Code and, on balance, a breach was ruled. On appeal by Novo Nordisk, the Appeal Board did not consider that the circumstances warranted such a ruling and thus ruled no breach of Clause 2.

An anonymous individual, who described him/herself as a health professional, complained about the promotion of Saxenda (liraglutide) directly to the public by Novo Nordisk. Saxenda was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in certain adult patients.

COMPLAINT

The complainant stated that in October 2019 he/she attended CCR (Clinical, Cosmetic, Regenerative – a medical aesthetic exhibition) in London. The exhibition was attended by health professionals, as well as very large numbers of aesthetic practitioners who were not medical or health professionals. The complainant explained that he/she attended the exhibition with two of his/her colleagues but only he/she was a health professional, the two colleagues were not. The complainant noted that Novo Nordisk, had a large stand which promoted the prescription only medicine Saxenda and that Saxenda leaflets were given to visitors at the stand. Although several other pharmaceutical companies exhibited, no other promoted a prescription only medicine. The complainant stated that although he/she did not take much notice of it at the time, numerous clients at his/her clinic had now asked for this medicine. The complainant stated that he/she was very uncomfortable that a long-established company was so

brazen as to promote its medicine at an event which was clearly attended, in large numbers, by those who were not health professionals. The complainant stated that he/she had never come across so many patients coming and asking for a medicine nor seen a pharmaceutical company in the UK promoting to those who were not health professionals.

When writing to Novo Nordisk, the Authority asked it to consider the requirements of Clauses 26.1, 9.1 and 2 of the Code.

RESPONSE

Novo Nordisk stated that the CCR conference was a medical aesthetic conference aimed at surgical and non-surgical medical aesthetic practitioners. Saxenda was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in adult patients with an initial body mass index (BMI) of $\geq 30\text{kg/m}^2$ (obese), or $\geq 27\text{kg/m}^2$ to $< 30\text{kg/m}^2$ (overweight) in the presence of at least one weight-related comorbidity such as dysglycaemia (pre-diabetes or type 2 diabetes mellitus), hypertension, dyslipidaemia or obstructive sleep apnoea. A copy of the Saxenda summary of product characteristics (SPC) was provided.

Novo Nordisk stated that Saxenda was not currently available on prescription from the NHS, and therefore it was prescribed in private clinics which offered weight management services. Many of these clinics also offered medical aesthetic treatments, and the health professionals who prescribed Saxenda in private clinics were the type to attend the CCR conference. Novo Nordisk had an exhibition stand at the CCR conference to engage with those relevant health professionals who ran weight management services.

The CCR conference group produced a post-event report for the 2019 conference (copy provided) which noted that of the 3,754 attendees, 84% were health professionals. The remaining 16% included press (2%) and 'other' (14%). The 'other' category was comprised of supplier, nutritionist, association, marketing/PR and receptionist/PA. It was clear that this conference was intended for, and attended by, health professionals working in the medical aesthetics area. Novo Nordisk disagreed with the complainant's assertion that the conference was attended by very large numbers of aesthetic practitioners who were not medical or health professionals.

Novo Nordisk explained that all delegates had access to the exhibition area. Each exhibitor was provided with a barcode scanner by the conference organisers and could scan the badges of the delegates who visited the stand. This provided information about their profession. Novo Nordisk staff who manned the exhibition stand were fully briefed on this process to ensure that any and all conversations about Saxenda took place with health professionals only. Novo Nordisk staff scanned the badges and confirmed the delegate was a health professional or other relevant decision maker before having a discussion with them. The materials on the stand were copies of Saxenda SPC only; there were no other materials on the stand.

Novo Nordisk categorically refuted that it had promoted a prescription only medicine to the public and therefore it was not in breach of Clause 26.1. In addition, high standards were maintained at all times and therefore there was no breach of Clauses 9.1 and 2.

Novo Nordisk took all complaints extremely seriously.

FURTHER INFORMATION FROM NOVO NORDISK

In response to a request for further information Novo Nordisk submitted that one copy of the Saxenda SPC was displayed on the exhibition stand, and copies were then provided on request to health professionals visiting the stand.

Copies of the certified job bag for the exhibition stand and the final form hard copy approval were provided which showed a photograph of the exhibition stand and a map of the exhibition space showing the position of the exhibition stand. The Novo Nordisk exhibition stand was on the first-floor gallery level.

PANEL RULING

The Panel noted that Clause 26.1 prohibited the promotion of prescription only medicines to the public. The Panel considered that it was very important, therefore, that the arrangements for exhibition stands promoting prescription only medicines at meetings with a mixed audience of health professionals and others were such that prescription only medicines were not promoted to the public.

The Panel noted that according to the CCR conference group, of the 3,754, 2019 conference attendees 84% were health professionals. The remaining 16% included press (2%) and 'other' (14%). The 'other' category was comprised of supplier, nutritionist, association, marketing/PR and receptionist/PA. The Panel noted that it appeared that not all of the conference attendees were health professionals or other relevant decision makers. The Panel noted Novo Nordisk's submission that all delegates had access to the exhibition area but Novo Nordisk staff scanned the delegates' badges to confirm whether a delegate was a health professional or other relevant decision maker before having a discussion about Saxenda with them. According to Novo Nordisk, the only materials available on the stand were copies of the Saxenda SPC; a single copy was displayed on the stand and copies were provided on request to health professionals visiting the stand. The Panel did not have a copy of representatives' briefing material for those manning the exhibition stand.

The Panel noted, however, that the Novo Nordisk exhibition stand was positioned in front of a catering area and would be seen by all congress attendees irrespective of whether they attended the stand. The exhibition stand was headed 'The first GLP-1 analogue that is indicated for weight management as an adjunct to exercise' followed by 'Help your patients WITH OBESITY get the WEIGHT REDUCTIONS they need' in larger blue font. The stand included a number of claims for Saxenda including secondary improvements in cardiometabolic risk factors which meant that Saxenda had been promoted to the public and a breach of Clause 26.1 was ruled.

The Panel considered that this meant that Novo Nordisk had failed to maintain high standards. It was difficult to understand why if the company had taken steps to ensure that promotional conversations were only held with health professionals it had considered that it was acceptable to use a promotional stand which included eye catching visuals and claims about a prescription only medicine visible to all, including those who were not health professionals or other relevant decision makers. It was foreseeable that such individuals might attend an aesthetics event. A breach of Clause 9.1 was ruled.

The Panel noted that Clause 2 was used as a sign of particular censure and reserved for such use. The Panel noted its comments in relation to its ruling of a breach of Clause 9.1. The Panel noted that the exhibition panel in question was certified in October 2018 as a promotional stand

for 'conferences, lunchtime meetings and exhibitions'. It had thus been certified for general promotional use and it did not appear that consideration had been given to the use of the stand at the event in question where it might be seen by members of the public. The Panel was very concerned about the use of the stand at the meeting in question. The Panel considered that the particular circumstances of this case warranted a ruling of a breach of Clause 2 and, on balance, a breach was ruled.

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During its consideration of this case the Panel was concerned to note that the fact that a promotional exhibition panel was used on the stand in question had not come to light until the Panel had specifically asked to see it. The company's response to the Panel implied that the only promotional communications at the stand were one-to-one conversations with health professionals and that was not so. The Panel asked that Novo Nordisk be advised of its concerns.

APPEAL BY NOVO NORDISK

Novo Nordisk appealed the Panel's ruling of a breach of Clauses 26.1, 9.1 and 2.

Background

Novo Nordisk submitted that the Clinical Cosmetic Regenerative (CCR) conference was a medical aesthetic conference aimed at health professionals, in particular surgical and non-surgical medical aesthetic practitioners. Novo Nordisk chose to exhibit at the conference as Saxenda was prescribed by health professionals who had private practices, many of which also offered medical aesthetic treatments.

CCR Conference

Novo Nordisk submitted that the conference was aimed at health professionals working in the medical aesthetics area, as shown in the screenshot of the conference website and the agenda (copies provided). In 2019, The British Association of Aesthetic Plastic Surgeons (BAAPS) Annual International Conference took place at CCR for its 5th year, along with the International Society of Aesthetic Plastic Surgery (ISAPS) Symposium UK. The screenshot also showed that the conference was supported by The British Association of Aesthetic Plastic Surgeons (BAAPS). BAAPS was part of the Royal College of Surgeons. The conference was also supported by the British Association of Cosmetic Nurses (BACN) and the British College of Aesthetic Medicine (BCAM). All BCAM members were also GMC registered.

Novo Nordisk submitted that the CCR conference was a highly respected and important medical conference for health professionals working in the area of medical aesthetics. It was not a conference attended by patients or carers. The small percentage (14%) of 'others' as described in the post event breakdown were roles which were clearly involved in the medical aesthetics industry, as well as the 2% of media. It was very typical at any medical professional conference that there was a small percentage of such roles attending.

Novo Nordisk provided a summary of and the percentage of non-health professional delegates at a representative selection of medical congresses held in the UK across different therapeutic areas. These congresses were all aimed at health professionals and were all supported by a

large number of pharmaceutical companies with promotional exhibition stands. In this sample, between 9% and 38% of the delegates could be described as non-health professionals (such as scientists, staff working in the pharmaceutical industry and agency support staff). Novo Nordisk submitted that it was not suggesting that pharmaceutical companies would have promoted prescription only medicines to these non-HCP delegates, but provided the information to demonstrate that it was typical that almost all medical conferences would have a number of non-health professionals in attendance who would have access to the exhibition area. Copies of the event brochures from which the figures were taken were provided.

Novo Nordisk's exhibition stand

Novo Nordisk submitted that the Saxenda exhibition stand was appropriate to be used as a basis to exhibit at this medical conference regardless of where it was positioned. However, it was not positioned in front of an operational catering area, as stated in the PMCPA's ruling. It was positioned on the first-floor gallery of the exhibition area, in the far left-hand side corner, set back above the main exhibition area (map provided). The stand area was 3 metres by 5 metres and was one of the smaller exhibition stands. The sizes of the exhibition stand areas could be seen on the map of the exhibition space. A photograph showing the view of the exhibition area from the first-floor level and taken from the opposite corner to where the Novo Nordisk stand was positioned was provided. The central staircase was visible in the photograph, the Novo Nordisk stand was to the left of the staircase. The Novo Nordisk stand was not visible in this photograph, Novo Nordisk provided it to give an overview of the exhibition area and the other exhibitors stands, many of which were larger than the Novo Nordisk stand.

Novo Nordisk submitted that the map of the exhibition area showed that a catering kiosk was situated behind the exhibition stand. It was behind a grey line, indicating that it was not part of the conference exhibition area. It was built into the structure of building, and in fact was not open at all for the duration of the conference. Another photograph provided showed the position of the kiosk in relation to the exhibition stand, and that it was not open. The conference catering area was on the ground floor to the right of the visitor entrance (map provided). Therefore, the Novo Nordisk exhibition stand would not have been seen by all congress attendees irrespective of whether they attended the stand. Due to its position, congress attendees would not have seen the stand unless they were in close vicinity.

Novo Nordisk staff

Novo Nordisk submitted that whilst it was clarified in advance that members of the public would not be present at the conference, the Novo Nordisk employees presented at the exhibition stand were fully briefed in writing that promotional conversations regarding Saxenda must take place with health professionals only. The certified briefing document was provided in advance to the staff present at the exhibition stand. As directed in the briefing document, staff scanned the badges of all attendees who came to speak to staff at the stand. Of the 22 delegates who came up to the stand, 17 were health professionals. The staff did not discuss Saxenda with the 5 who were not. The list of everyone who came to the stand was provided.

Conclusion

Novo Nordisk submitted that there was absolutely no evidence provided by the complainant that promotion of Saxenda took place to members of the public, and the company categorically refuted that this occurred. The allegation by the complainant that they had seen an increase in

requests for treatment from their patients which they alleged was as a result of the conference was not evidenced by the delegate breakdown for the conference. There were no patients or patient groups listed on the delegate breakdown.

Novo Nordisk therefore, appealed the ruling of a breach of Clause 26.1. Novo Nordisk submitted that it had attended the conference because it was for a health professional audience. This was evident to Novo Nordisk in its liaising with the conference organisers. Other pharmaceutical companies with prescription only medicines exhibited at the conference. Novo Nordisk submitted that high standards were maintained and appealed the ruling of a breach of Clause 9.1. The conference was for health professionals and the exhibition stand was acceptable for use at this conference, therefore Novo Nordisk categorically refuted that use of the stand at this conference brought discredit upon and reduced confidence in the industry, and therefore appealed the ruling of a breach of Clause 2.

COMMENTS FROM THE COMPLAINANT

The complainant noted that CCR was a 2-day exhibition, attended by 3,754 delegates and alleged that it was absurd for Novo Nordisk to suggest or claim that only 22 delegates visited the stand over the 2 days. Furthermore, the list of the delegates provided did not include the complainant's details or that of his/her colleagues who were with him/her discussing Saxenda.

With regard to Novo Nordisk's submission that one copy of the Saxenda SPC was displayed on the stand, and copies were then provided on request to health professionals visiting the stand, the complainant stated that although he/she was not sure what query this was in response to, additional materials were present and provided. The complainant stated that the delegates were given a full demonstration on how to inject Saxenda and how it worked. The delegates were also given the following items to take with them:

- a box of sample pens
- triangular pads to inject the samples in
- some needles
- brochures which contained information on Saxenda which could be requested to be given to patients.

The complainant stated that although there was no way he/she could provide evidence of the brochures and samples that were given to the delegates, the photograph from CCR congress – Saxenda exhibition stand provided by Novo Nordisk clearly showed an open box of Saxenda (on the floor next to the white chair), a couple of triangular pads used in the demonstration (placed on the right hand side of the table), as well as what looked like a pile of brochures behind it. Most of the table was hidden by the two men standing in front of it, however it was evident from what could be seen from the photograph that there was clearly more than just one copy of the SPC displayed on the stand, and the space taken up by Novo Nordisk seemed significantly larger than the size it had claimed. Novo Nordisk was clearly deliberately providing false and misleading statements.

The complainant noted that Novo Nordisk had claimed that only a small percentage (14%) of the attendees were described as 'other', ie non-health professionals. The complainant stated that this equated to 526 attendees which was a significantly large number and could not be dismissed as being a 'small percentage'.

The complainant noted that Novo Nordisk had submitted that the stand was not positioned in front of an operational catering area. The complainant alleged that the stand was clearly and prominently visible from the entrance and main catering area on the ground floor, which was located directly opposite the stand. The catering area in the photograph provided by pure chance happened to be closed at that time. Otherwise the stand was indeed placed directly opposite it.

The complainant noted that Novo Nordisk provided a photograph showing the view of the exhibition area from the first-floor level which was taken from the opposite corner to where the Novo Nordisk stand was positioned. The complainant questioned the intent of and wondered why a photograph was not provided from another angle where the stand was more prominent. Clearly, this was not a small stand. There seemed to be further attempts to mislead.

The complainant noted Novo Nordisk's submission that Saxenda was not currently available on prescription from the NHS, and therefore it was prescribed in private clinics which offered weight management services. The complainant alleged that the statement which was given to the delegates at the conference by the company representatives was that Saxenda was available to prescribe on the NHS. They did however state that prescribing was limited as it was not yet on any formularies. They also stated that although it could not be prescribed and dispensed within hospitals, the doctors usually wrote a letter to the patients GP or wrote an FP10 for that patient. That way the cost of Saxenda was paid from the CCG budget and 'under the radar'. The complainant was not sure which statement was correct. Maybe investigation into whether Saxenda was available on the BNF or drugs tariff would provide clarity.

The complainant alleged that in conclusion, it was extremely disappointing that Novo Nordisk, instead of doing the right thing and accepting there had been a mistake and providing assurance that this would not be repeated in the future, it decided to provide false and misleading information and statements.

APPEAL BOARD RULING

The Appeal Board noted that it was Novo Nordisk's first attendance at the CCR conference which according to Novo Nordisk was aimed at health professionals working in the medical aesthetics area. The Appeal Board noted Novo Nordisk's submission regarding the educational content of the conference agenda and that the conference was supported by The British Association of Aesthetic Plastic Surgeons (BAAPS) and the British College of Aesthetic Medicine (BCAM).

The Appeal Board understood from Novo Nordisk that at the time of the conference Saxenda (liraglutide) for weight loss was not recommended for prescribing on the NHS. Novo Nordisk stated that it chose to exhibit at the conference as Saxenda was prescribed by health professionals who had private practices many of which offered medical aesthetic treatments available on a private prescription. Victoza (liraglutide) was available on the NHS for the treatment of certain patients with type 2 diabetes. In the Appeal Board's view, it was possible that GPs might prescribe Saxenda for its weight loss indication.

The Appeal Board noted that Novo Nordisk's representatives at the appeal confirmed that whilst its exhibition stand was next to a catering outlet, it had been closed for the duration of the conference. The Novo Nordisk stand was upstairs and towards a corner. The Appeal Board noted that its location was likely to have affected the number of visitors to the stand. However,

the Appeal Board also noted that in response to questioning at the appeal the company representatives accepted that the location of a VIP suite on the first floor was such that visitors to that suite would walk past and be able to see the company stand. Novo Nordisk explained that the VIP suite was run by another organisation and as far as it was aware entrance was by invitation only to a select group.

The Appeal Board noted that for the appeal Novo Nordisk provided a copy of the written briefing material for the representatives working on the stand. The briefing material, which had not been provided to the Panel, stated that promotional conversations regarding Saxenda must only take place with health professionals. In this regard, the representatives were required to scan delegates' barcoded badges to confirm that they were health professionals before such conversations took place. The Appeal Board noted that any of the delegates could have viewed the stand, not just those who were health professionals. It further noted Novo Nordisk's submission that of the 22 delegates who attended the stand, 17 were health professionals and that Saxenda was not discussed with those 5 who were not. The Appeal Board considered that given the location of the exhibition stand and the likelihood of giveaway items on other non-pharmaceutical company stands in this therapeutic area, it was not necessarily surprising that attendance at the Novo Nordisk stand was low.

The Appeal Board noted the participant breakdown of the conference in that of the 3,754 attendees 84% were listed as healthcare professionals. Of the remaining 16%, 2% were media and 14% (526 as cited by the complainant) were "other" described by Novo Nordisk as 'supplier, nutritionist, association, marketing/PR and receptionist/PA'. Further Novo Nordisk submitted that these 'others' were professional roles clearly involved in the medical aesthetics industry. The Appeal Board queried whether there was sufficient evidence to make that assertion.

The Appeal Board noted that the term 'general public' was not defined in the Code. Clause 1.4 defined the term 'health professional' as including 'members of the medical, dental, pharmacy and nursing professions and any other persons who in the course of their professional activities may administer, prescribe, purchase, recommend or supply a medicine.' Clause 1.5 stated 'The term 'other relevant decision makers' particularly includes those with an NHS role who could influence in any way the administration, consumption, prescription, purchase, recommendation, sale, supply or use of any medicine but who are not health professionals.' In that regard the Appeal Board noted that within the aesthetics area this definition might include a proportion of those attendees who were not health professionals and fell within the 'other' group. It was not certain whether all those in the 'other' group would be seen as other relevant decision makers such as the receptionist/PA, and it was also unclear whether such individuals had an NHS role as referred to in Clause 1.5. The Appeal Board noted that the conference was restricted to registered delegates who wore barcoded badges which were scanned before they were allowed in the exhibition area and that such registered delegates included individuals who were not health professionals.

The Appeal Board was very concerned that Novo Nordisk had not been sufficiently clear to either the Panel or the Appeal Board as to the arrangements and materials for Novo Nordisk's participation at the meeting. The Appeal Board noted the Panel's comments above that details of the content of the exhibition panel used on the stand had not been provided until the Panel had specifically asked to see it and that certain important and relevant matters only came to light on questioning by the Appeal Board. The case preparation manager had asked for, as a minimum, copies of the material at issue. When questioned at the appeal the Novo Nordisk representatives said that this was due to its narrow interpretation of the required materials at

issue being leaflets referred to by the complainant. In that regard the Appeal Board noted that the complaint clearly referred to Novo Nordisk's large stand promoting Saxenda as well as Saxenda leaflets which were being given to visitors to the stand. The Appeal Board was further concerned to note that only after persistent questioning following the company's presentation at the appeal which commented on the transparency of Novo Nordisk's response, had it become clear that in addition to copies of the Saxenda SPC being available from the stand, updated prescribing information for the stand panels was available on the representatives' iPads. In addition injection pads and demonstration pens were available for representatives to use when discussing Saxenda. Novo Nordisk submitted that these were not to be given away from the stand. The Appeal Board was concerned that comprehensive, accurate information had not been provided at the outset. Novo Nordisk's responses in this regard were extremely poor.

The Appeal Board noted from the Novo Nordisk representatives that no other promotional material was available on the exhibition stand as there had not been time to update materials with the latest prescribing information following a recent change. This was despite the representative briefing material stating 'Please bring along your fully charged company iPad with up to date app containing the latest iDetailer to utilise if required on the stand'.

The Appeal Board considered that the CCR conference was not the same as a medical speciality conference endorsed by a royal society. It accepted that there would be attendees at conferences who were not health professionals however companies must be confident that such individuals clearly fell within the definition of other relevant decision makers and very importantly prescription only medicines were not promoted to the public. This might be more difficult at medical aesthetic events where devices were also likely to be promoted to a mixed audience for use at private clinics. In the Appeal Board's view companies should be particularly careful to ensure that prescription only medicines were not promoted to the public at such conferences and the Appeal Board queried whether Novo Nordisk had exercised sufficient caution in adapting its promotional material to a different audience and setting. The stand panel had been certified for promotion to a health professional audience. In that regard there were a number of delegates attending the conference and stand who were not health professionals.

The Appeal Board noted that the complainant had not provided any evidence that Saxenda leaflets were handed out at the stand or that members of the public had asked for Saxenda as alleged.

The Appeal Board noted Novo Nordisk's submission that its staff had established whether the visitors to the Novo Nordisk stand were health professionals prior to conversations about Saxenda and that the access to the conference was limited to the delegates. The Appeal Board noted that Clause 26.1 prohibited the promotion of prescription only medicines to the public. The Appeal Board noted all the circumstances set out above. On balance the Appeal Board did not consider that on the evidence available that Novo Nordisk had in the particular circumstances of this case promoted Saxenda to the public and no breach of Clause 26.1 was ruled. The appeal on this point was successful.

The Appeal Board noted its comments and concerns above and consequently considered that Novo Nordisk had not maintained high standards and therefore upheld the Panel's ruling of a breach of Clause 9.1. The appeal on this point was unsuccessful.

The Appeal Board noted that Clause 2 was used as a sign of particular censure and reserved for such use. The Appeal Board noted its comments above and it did not consider that the

circumstances of this case warranted a breach of Clause 2 and no breach was ruled. The appeal on this point was successful.

Complaint received **20 April 2020**

Case completed **9 December 2020**