

The ABPI Code of Practice for the Pharmaceutical Industry sets standards for the promotion of medicines for prescribing to health professionals and the provision of information to the public about prescription only medicines. Publicity is the main sanction when breaches of the Code are ruled. The latest cases ruled in breach of Clause 2 of the Code (a sign of particular censure) are highlighted below.

Galderma UK Ltd has breached the ABPI Code of Practice for the Pharmaceutical Industry and brought discredit upon, and reduced confidence in, the pharmaceutical industry. In addition Galderma was also publicly reprimanded.

Galderma – Case AUTH/2684/12/13

For sending promotional emails without the prior permission of the recipients, Galderma was ruled in breach of the following clauses of the Code:

- Clause 9.1** - Failing to maintain high standards
- Clause 9.9** - Failing to obtain prior permission from the recipients to send promotional emails.

The Code of Practice Panel ruled no breach of Clause 2 as the matters were not such as to bring discredit upon or reduce confidence in the pharmaceutical industry. The Panel was concerned about the difficulty in obtaining the relevant information from Galderma and considered that its responses demonstrated a general lack of understanding of the applicability of the Code. The Panel reported Galderma to the Code of Practice Appeal Board which publicly reprimanded the company; it also required an audit of Galderma's procedures. Galderma subsequently declined the audit and indicated that it no longer wished to accept the jurisdiction of the Authority. The Appeal Board removed Galderma from the list of non member companies that have agreed to comply with the Code and accept the jurisdiction of the Authority. The PMCPA thus can no longer accept responsibility for Galderma under the Code. The Medicines and Healthcare Products Regulatory Agency (MHRA) has been so informed.

Galderma – Case AUTH/2685/12/13

For offering a pecuniary advantage to health professionals in connection with attendance at a promotional meeting, Galderma was ruled in breach of the following clauses of the Code:

- Clause 2** - Bringing discredit upon, and reducing confidence in, the pharmaceutical industry
- Clause 9.1** - Failing to maintain high standards
- Clause 18.1** - Offering a pecuniary advantage to health professionals in connection with the promotion of medicines.

The Code of Practice Panel was concerned about Galderma's poor knowledge of the Code and/or a reckless attitude towards its application. The Panel reported Galderma to the Code of Practice Appeal Board which publicly reprimanded the company; it also required an audit of Galderma's procedures. Galderma subsequently declined the audit and indicated that it no longer wished to accept the jurisdiction of the Authority. The Appeal Board removed Galderma from the list of non member companies that have agreed to comply with the Code and accept the jurisdiction of the Authority. The PMCPA thus can no longer accept responsibility for Galderma under the Code. The Medicines and Healthcare Products Regulatory Agency (MHRA) has been so informed.

Merck Serono has breached the ABPI Code of Practice for the Pharmaceutical Industry and brought discredit upon, and reduced confidence in, the pharmaceutical industry.

Merck Serono – Case AUTH/2705/3/14

For sending out a press release about Erbitux clinical trial data which, by the inclusion of misleading and exaggerated claims, provided the public with unbalanced information about survival rates in metastatic colorectal cancer, Merck Serono was ruled in breach of the following clauses of the Code:

- Clause 2** - Bringing discredit upon, and reducing confidence in, the pharmaceutical industry
- Clause 7.2** - Making a misleading claim

- Clause 7.3** - Making a misleading comparison
- Clause 7.10** - Making an exaggerated claim
- Clause 9.1** - Failing to maintain high standards
- Clause 10.2** - Providing a misleading quotation
- Clause 22.2** - Making information available to the public which was not factual or presented in a balanced way.

The full case reports and the public reprimands for Galderma were published in the PMCPA November Code of Practice Review and are also available at www.pmcpa.org.uk

The Prescription Medicines Code of Practice Authority (PMCPA) administers The Association of the British Pharmaceutical Industry's (ABPI) Code of Practice for the Pharmaceutical Industry at arm's length from the Association itself. The Code covers the promotion of medicines for prescribing to health professionals and the provision of information to the public about prescription only medicines.

If you have any concerns about the activities of pharmaceutical companies in this regard, please contact the **PMCPA at 7th Floor, 105 Victoria St, London, SW1E 6QT** or complaints@pmcpa.org.uk.

The Code and other information, including details about ongoing cases, can be found on the PMCPA website.