

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.

## Allergan Limited, Shire Pharmaceuticals Limited, Gedeon Richter and Sanofi have breached the ABPI Code of Practice for the Pharmaceutical Industry and brought discredit upon, and reduced confidence in, the pharmaceutical industry. In addition, Allergan has been publicly reprimanded.

### Allergan – Case AUTH/2460/11/11

For successively failing to comply with an undertaking by continuing to claim that Vistabel/Botox was clinically more potent than Bocouture/Xeomin, Allergan 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 25** - Failing to comply with an undertaking.

Allergan was also publicly reprimanded by the Code of Practice Appeal Board.

### Allergan – Cases AUTH/2487/3/12 and AUTH/2489/3/12

For again successively failing to comply with an undertaking by continuing to claim that Vistabel/Botox was clinically more potent than Bocouture/Xeomin, Allergan was ruled in breach of the following clauses of the Code:

**Clause 2** - Bringing discredit upon, and reducing confidence in, the pharmaceutical industry.

**Clause 25** - Failing to comply with an undertaking.

Allergan was also publicly reprimanded by the Code of Practice Appeal Board.

### Shire – Case AUTH/2593/4/13

For distributing a journal reprint that contained a bar chart which gave an incorrect and misleading comparison between Shire's medicine and that of a competitor (the journal reprint included a corrected bar chart), and for not ensuring that readers were aware of the error, Shire 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 misleading claims.

**Clause 7.3** - Making a misleading comparison.

**Clause 7.4** - Making claims incapable of substantiation.

### Gedeon Richter – Case AUTH/2612/6/13

As a result of a third party engaged by Gedeon Richter, but without a formal agreement regarding the third party's use of Twitter, sending a tweet which promoted Gedeon Richter's prescription only medicine to the public, Gedeon Richter 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 22.1** - Advertising a prescription only medicine to the public.

### Sanofi – Case AUTH/2619/7/13

For failing to comply with an undertaking by using a claim in a press release similar to one previously ruled in breach of the Code, Sanofi 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 25** - Failing to comply with an undertaking.

### Sanofi – Case AUTH/2622/7/13

For one of its representatives persuading an NHS administrative assistant to send, on his/her behalf, a promotional email via the NHS.net system to local GP practices, Sanofi 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 9.9** - Failing to obtain prior permission from the recipients to use email for promotional purposes.

**Clause 12.1** - Disguising promotional materials.

**Clause 15.2** - Failing to maintain a high standard of ethical conduct.

The full case reports were published in the PMCPA November Code of Practice Review and are also available at [www.pmcpa.org.uk](http://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](mailto:complaints@pmcpa.org.uk).

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