

Merck Sharp & Dohme, Gilead Sciences Europe, Daiichi-Sankyo and Allergan have breached the ABPI Code of Practice for the Pharmaceutical Industry and brought discredit upon, and reduced confidence in, the pharmaceutical industry. In addition, Daiichi-Sankyo was publicly reprimanded.

Merck Sharp & Dohme – Case AUTH/3236/8/19

For disclosing a transfer of value against an individual who had not received such a transfer for a second time, Merck Sharp & Dohme 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** - Publishing inaccurate and misleading information
- Clause 9.1** - Failing to maintain high standards
- Clause 24.1** - Disclosing a transfer of value for an individual who had not received such a transfer

Gilead Sciences Europe – Case AUTH/3282/11/19

For continuing to use a claim for Biktarvy (bictegravir/emtricitabine/tenofovir) which had previously been ruled to be in breach of the Code, Gilead Sciences Europe 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 29** - Failing to comply with an undertaking

Allergan – Case AUTH/3291/12/19

For promoting Botox (botulinum toxin type A) to the public via corporate and personal Instagram accounts, 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 26.1** - Promoting a prescription only medicine to the public

Daiichi-Sankyo – Case AUTH/3285/12/19

For failing to have adequate processes in place to correctly disclose transfers of value in relation to support to health professionals to attend conferences in 2018, 2017 and 2016, Daiichi-Sankyo 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 22.5** - Failing to publicly disclose financial details of sponsorship of health professionals in relation to attendance at meetings
- Clause 24.1** - Failing to document and publicly disclose certain transfers of value to health professionals
- Clause 24.4** - Failing to disclose transfers of value annually within the first six months after the end of the calendar year in which the transfers of value were made
- Clause 24.6** - Failing to document all disclosures and retain the records for at least five years after the end of the calendar year to which they relate
- Clause 24.7** - Failing to aggregate by category and have available itemised transfers of value to individual health professionals
- Clause 24.9** - Failing to disclose transfers of values on an aggregate basis when unable to disclose on an individual basis

In addition, the Code of Practice Appeal Board required Daiichi-Sankyo to be publicly reprimanded for its fundamental systemic failure to have adequate processes in place to correctly disclose transfers of value over a three-year period; the company was also required to be audited.

The case reports are available at www.pmcpa.org.uk.

The Prescription Medicines Code of Practice Authority (PMCPA) was established by The Association of the British Pharmaceutical Industry (ABPI) to operate the ABPI Code of Practice for the Pharmaceutical Industry independently of the ABPI. The PMCPA is a division of the ABPI. 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 email: complaints@pmcpa.org.uk.

The Code and other information, including details about ongoing cases, can be found on the PMCPA website: www.pmcpa.org.uk.