

# MEMBER OF THE PUBLIC v LILLY

## Erectile dysfunction television advertisement

A member of the public complained about a Lilly television advertisement for erectile dysfunction (ED). The complainant questioned whether such an advertisement was allowed under the Code.

The complainant stated that he was not a doctor, nor did he work in healthcare, but it was obvious from the Lilly Icos logo on the advertisement and the campaign website that Lilly was peddling its ED treatment on UK national television.

The complainant thought that the Code was supposed to prevent advertising to the public and if the Code was defined so vaguely that things like this were allowed, then it was time for another re-write.

The Panel noted that the Code prohibited the advertising of prescription only medicines to the public. It permitted information about them to be made available to the public provided such information was factual and presented in a balanced way. It must not raise unfounded hopes of successful treatment or be misleading with respect to the safety of the product. Statements must not be made for the purpose of encouraging a member of the public to ask their health professional to prescribe a specific prescription only medicine. Supplementary information stated that a company might conduct a disease awareness campaign provided the purpose was to encourage members of the public to seek treatment for their symptoms while in no way promoting the use of a specific medicine.

The Panel noted that there were two television advertisements, both of which referred to the incidence of erectile problems and that they could be a sign of underlying illness. Both stated that there were over ten treatments available but these treatments were neither named nor described. The advertisements concluded by referring viewers to a website or a telephone number for more information.

The website provided more information including a booklet 'Man matters'. The advertisements, the website and the booklet clearly indicated that the materials were sponsored by Lilly. The booklet mentioned treatments and named the medicines taken orally without attaching significance to any of them. Some of the features of the different oral treatments were mentioned without identifying the medicine. Various other available treatments were mentioned. The website did not name the oral treatments but gave the generic name of one of the other medicines for treatment which was available as three different products.

The Panel did not consider either that the television advertisements constituted advertisements for prescription only medicines or that they failed to meet the requirements of the Code. The information provided was factual and would not lead to a member of the public to ask their health professional to prescribe a specific prescription only medicine. The material might lead a member of the public to ask about treatment but not about any specific treatment. No breach of the Code was ruled.

A member of the public complained about a television advertisement for erectile dysfunction (ED) by Eli Lilly and Company Limited.

### COMPLAINT

The complainant noted that the advertisement appeared on Sky Channel One at lunch time on either 26 or 27 June. The complainant questioned whether such an advertisement was allowed under the Code.

The complainant stated that he was not a doctor, nor did he work in healthcare, but it was obvious from the Lilly Icos logo on the advertisement and the campaign website that Lilly was peddling its ED treatment on UK national television.

The complainant thought that the Code was supposed to prevent advertising to the public and if the Code was defined so vaguely that things like this were allowed, then it was time for another re-write.

The complainant alleged that it was an absolute disgrace and irresponsible. A bit like self regulation, really.

When writing to Lilly, the Authority asked it to respond in relation to Clauses 2, 9.1, 20.1 and 20.2 of the Code.

### RESPONSE

Lilly submitted that the advertisement at issue was part of a campaign designed to raise awareness of ED. The advertisement was aimed at female partners of men with ED, and provided balanced, accurate and factual information, including how common the condition was, how it might be a marker of another underlying medical condition such as hypertension or diabetes, and that there were several different treatments available. It did not mention specific treatments by name, and therefore did not constitute advertising to the general public. The campaign encouraged women to talk to their partner about his ED and encourage him to talk to his doctor, not just about the range of different treatment options, but because he could have an underlying illness.

This advertisement offered women two ways of finding out more information on ED; they could either telephone to request a booklet or visit the 'Lovelifematters' website. These sources of information also gave balanced, factual and accurate information on ED.

Lilly submitted that both the Code and the Medicines and Healthcare products Regulatory Agency's (MHRA's) Blue Guide allowed for the provision of information on diseases, and non-promotional information on prescription only medicines to be provided to the general public, although as noted

above the television advertisement mentioned no treatments by name. Sponsorship of the advertisement by Lilly ICOS was declared, as required by the Code and the MHRA guidelines.

Lilly submitted that as it had complied with the Code and the Blue Guide with regard to disease awareness campaigns, it had not brought discredit upon the pharmaceutical industry, the material was of high standard and sponsorship was clearly declared. The television advertisement did not advertise any medicine to the general public nor did it encourage members of the public to ask their health professional to prescribe a specific prescription only medicine. Therefore Lilly did not believe that the advertisement breached Clauses 2, 9.1, 20.1 or 20.2 of the Code.

#### **PANEL RULING**

The Panel noted that Clause 20.1 prohibited the advertising of prescription only medicines to the public. Clause 20.2 permitted information to be made available to the public about prescription only medicines provided such information was factual and presented in a balanced way. It must not raise unfounded hopes of successful treatment or be misleading with respect to the safety of the product. Statements must not be made for the purpose of encouraging a member of the public to ask their health professional to prescribe a specific prescription only medicine. The supplementary information to Clause 20.2 stated that a company might conduct a disease awareness campaign provided the purpose was to encourage members of the public to seek treatment for their symptoms while in no way promoting the use of a specific medicine. Reference was made to the MHRA disease awareness campaign guidelines.

The Panel noted that there were two television advertisements, both of which referred to the incidence of erectile problems and that they could be

a sign of underlying illness. Both stated that there were over ten treatments available but these treatments were neither named nor described. The advertisements concluded by referring viewers to a website or a telephone number for more information.

The website provided more information including a booklet 'Man matters'. The advertisements, the website and the booklet clearly indicated that the materials were sponsored by Lilly. The booklet mentioned treatments and named the medicines taken orally without attaching significance to any of them. Some of the features of the different oral treatments were mentioned without identifying the medicine. Various other available treatments were mentioned. The website did not name the oral treatments but gave the generic name of one of the other medicines for treatment which was available as three different products.

The Panel did not consider that the television advertisements constituted advertisements for prescription only medicines. No breach of Clause 20.1 of the Code was ruled.

The Panel did not consider that the television advertisements failed to meet the requirements of Clause 20.2 of the Code. The information provided was factual and would not lead to a member of the public to ask their health professional to prescribe a specific prescription only medicine. The material might lead a member of the public to ask about treatment but not about any specific treatment. No breach of Clause 20.2 was ruled.

Given its rulings above the Panel considered that there could be no breach of Clauses 2 and 9.1 of the Code and ruled accordingly.

<b>Complaint received</b>	<b>7 July 2006</b>
<b>Case completed</b>	<b>24 August 2006</b>