
CASE AUTH/1882/8/06

GENERAL PRACTITIONER v SANOFI-AVENTIS

Acomplia page tag

A general practitioner complained about an Acomplia (rimonabant) page tag issued by Sanofi-Aventis and attached to a full page MIMS advertisement for Acomplia. The tag, which featured the product name, did not have the approved name on it. It was clearly for promotional purposes since it pointed the way to the advertisement.

The Panel disagreed with Sanofi-Aventis' submission that the page tag was a promotional aid. It was not provided as a stationery item and it drew attention to the advertisement. Given its purpose and the fact that it included the brand name the Panel's view was that the page tag constituted an advertisement and thus required prescribing information and the non-proprietary name of the medicine. It was a detachable, separate item and thus could not rely on the prescribing information in the actual advertisement. It had to stand alone with regard to all of the requirements of the Code. Breaches of the Code were ruled.

A general practitioner complained about the promotion of Acomplia (rimonabant) by Sanofi-Aventis. The material at issue was a page tag which featured the product name and appeared in MIMS August 2006 attached to a full page advertisement for Acomplia.

COMPLAINT

The complainant explained that the page tag was attached to page 227 in MIMS which was a full page advertisement for Acomplia. Page 226 contained the MIMS entry for Acomplia. The problem was that the

tag did not have the approved name on it. It was clearly for promotional purposes since it pointed the way to the advertisement. The complainant alleged a breach of the Code.

When writing to Sanofi-Aventis the Authority asked it to respond in relation to Clauses 4.1 and 4.3 of the Code.

RESPONSE

Sanofi-Aventis explained that the page tag was attached to the September 2006 edition of MIMS as a page-marker for the published entry for Acomplia, directing the reader to this information; it was a simple detachable page-marker, containing only the brand name of the product, Acomplia. This was a minor stationery item containing the name of the product only, with no other information such as indication or claim being present. The tag was detachable and reusable and not designed to be an integral part of the advertisement to which it was attached. As a reusable minor stationery item, this was clearly a promotional aid, meeting the requirements of Clause 18.3 of the Code which stated specifically that 'the brand name or the non-proprietary name' was to be used on such an item. To have included the non-proprietary name, as suggested by the complainant, would have been a breach of this clause. Had an indication also been included, that would then have constituted an advertisement and be subject to the requirements of Clause 4 of the Code.

In summary, Sanofi-Aventis submitted that this item complied with the Code and that high standards had been maintained.

PANEL RULING

The Panel noted that the page tag, which appeared to be similar to a Post-it index tab, was stuck to a full page advertisement for Acomplia. The MIMS entry for Acomplia was on the opposite page. The page tag featured no information other than the brand name. It was detachable and could easily be removed and placed elsewhere. Sanofi-Aventis referred to it as being reusable.

The Panel did not agree with Sanofi-Aventis' submission that the page tag was a promotional aid.

It was not provided as a stationery item and it drew attention to the advertisement. Given its purpose and the fact that it included the brand name the Panel's view was that the page tag constituted an advertisement and thus required prescribing information and the non-proprietary name of the medicine. It was a detachable, separate item and thus could not rely on the prescribing information in the actual advertisement. It had to stand alone with regard to all of the requirements of the Code. Breaches of Clauses 4.1 and 4.3 were thus ruled.

Complaint received	10 August 2006
Case completed	26 September 2006