

GENERAL PRACTITIONER v ALK-ABELLÓ

EpiPen 'Dear Doctor' letter

A general practitioner complained about the strapline 'Curing Allergy' in a 'Dear Doctor' letter for EpiPen (adrenaline (epinephrine) auto-injector) sent by Alk-Abelló. The complainant knew of no method of curing any allergic disease and wondered if there was any evidence to substantiate this dramatic claim. The complainant alleged that the claim was unsubstantiated and could be untruthful.

The Panel noted that the 'Dear Doctor' letter headed 'Expect the unexpected' discussed anaphylactic reactions and promoted the EpiPen twin pack. The strapline 'Curing Allergy' formed part of the company logo and appeared beneath the company name.

EpiPen was for immediate self-administration in the emergency treatment of allergic anaphylactic reactions. The Panel considered that whilst the strapline 'Curing Allergy' was part of the corporate logo it was nonetheless an integral part of the promotional material and thus amounted to a product claim. The Panel noted the company's explanation that its printers had mistakenly inserted the strapline at issue in place of 'United Kingdom'. The claim at issue implied that EpiPen cured allergy and that was not so. The claim was inaccurate and incapable of substantiation as alleged; breaches of the Code were ruled as acknowledged by Alk-Abelló.

A general practitioner complained about a 'Dear Doctor' letter (ref 077E) for EpiPen (adrenaline (epinephrine) auto-injector) sent by Alk-Abelló Ltd.

COMPLAINT

The complainant noted that the company logo at the bottom left hand corner of the letter featured the strapline 'Curing Allergy' and queried the validity of this claim. There was nothing in the letter or the other material enclosed in the mailing to suggest that EpiPen cured anaphylaxis; it simply treated the symptoms.

The complainant knew of no method of curing any allergic disease and wondered if Alk-Abelló had any evidence to substantiate this dramatic claim. The complainant alleged that the claim was unsubstantiated and could be untruthful.

Alk-Abelló was asked to respond in relation to Clauses 7.2 and 7.4 of the Code.

RESPONSE

Alk-Abelló acknowledged that it was not possible for anaphylaxis to be cured by the use of EpiPen and it apologised that the inclusion of this particular strapline was missed by its normally rigorous internal procedures. This was not intentional and this particular strapline reflected the company's raison d'être and vision.

The company submitted that its sign-off processes had been followed; however the printers replaced the strapline 'United Kingdom', which should have been used, with 'Curing Allergy' by mistake. Alk-Abelló accepted that the inclusion of this strapline breached the Code; the letter had already been withdrawn and measures taken to prevent this from happening again.

PANEL RULING

The Panel noted that the 'Dear Doctor' letter headed 'Expect the unexpected' discussed anaphylactic reactions and promoted the EpiPen twin pack. The strapline 'Curing Allergy' formed part of the company logo and appeared beneath the company name in the bottom left hand corner of the letter.

The Panel noted that EpiPen was indicated for immediate self-administration in the emergency treatment of allergic anaphylactic reactions. The Panel considered that whilst the strapline 'Curing Allergy' was part of the corporate logo it was nonetheless an integral part of the promotional material and thus amounted to a product claim. The Panel noted the company's explanation that its printers had mistakenly inserted the strapline at issue in place of 'United Kingdom'. It was, however, an established principle under the Code that companies were responsible for acts and omissions of third parties acting on their behalf. The claim at issue implied that EpiPen cured allergy and that was not so. The claim was inaccurate and incapable of substantiation as alleged; breaches of Clauses 7.2 and 7.4 were ruled as acknowledged by Alk-Abelló.

Complaint received 26 February 2007

Case completed 5 April 2007