CASE AUTH/2078/1/08

HOSPITAL PHARMACIST v PFIZER

Promotion of Ecalta and Celsentri

A hospital pharmacist complained about a letter sent on behalf of Pfizer, which asked the recipient to add Ecalta and Celsentri to the list of available medicines on their electronic prescribing and dispensing system. The letter stated the products' names and their pharmaceutical form.

The complainant regarded the letter as an advertisement and queried whether it should have included prescribing information.

The Panel did not consider the letter in question met the exemption to the definition of promotion for 'factual, accurate, informative announcements and reference material concerning licensed medicines and relating, for example to pack changes, adverse-reaction warnings, trade catalogues and price lists, provided they include no product claims'. The letter was not an announcement, it asked the recipient to facilitate the addition of Ecalta and Celsentri to the list of currently available medicines on the local electronic prescribing and dispensing system. The Panel considered that soliciting such an action would promote the prescription supply, sale or administration of the products. In that regard the Panel noted Pfizer's submission that much of the tracking of ordering, supply, prescribing and dispensing of medicines in secondary care was conducted using computer-based systems. The Panel thus considered that the letter promoted Ecalta and Celsentri and in that regard should have included the prescribing information for each. As no prescribing information was included a breach of the Code was ruled.

A hospital pharmacist complained about a letter he had received on behalf of Pfizer Limited. The letter asked the recipient if they could add Ecalta and Celsentri to the list of available medicines on their electronic prescribing and dispensing system. The letter stated the products' names and their pharmaceutical form. The reader was advised that further information, including full monographs and summaries of product characteristics, were available from Pfizer.

COMPLAINT

The complainant regarded the letter as an advertisement telling him of the availability of two new products and as such queried whether it should have included prescribing information.

When writing to Pfizer the Authority asked it to bear in mind the requirements of Clause 4.1 of the Code.

RESPONSE

Pfizer noted that Clause 4.1 required prescribing information to be provided on all promotional material for a medicine except for abbreviated advertisements and certain promotional aids. Clause 1.2 defines promotion as '… any activity undertaken by a pharmaceutical company or with its authority which promotes the prescription, supply, sale or administration of its medicines'.

In addition, Clause 1.2 listed a number of types of materials and activities which were not covered by this definition, including, '… factual, accurate, informative announcements and reference material concerning licensed medicines and relating, for example, to pack changes, adverse reactions warnings, trade catalogues and price lists, provided they include no product claims'.

Pfizer submitted that much of the tracking of ordering, supply, prescribing and dispensing of medicines in secondary care was conducted using computer-based systems. For such systems to function efficiently all currently available medicines had to be listed appropriately and the databases updated when new medicines became available. Pfizer explained that it had used the services of a specialist agency to ensure that information pharmacists responsible for updating these databases knew that Ecalta and Celsentri were available.

Pfizer considered that the agency had fulfilled its responsibilities in these respects and that neither the method of communication nor the letter itself could be interpreted as promotional. Pfizer therefore did not consider that it was necessary to include prescribing information.

In summary, Pfizer considered that the letter in question was not promotional, as defined by Clause 1.2 of the Code, and therefore the requirements for prescribing information as set out in Clause 4.1 did not apply and no breach of the Code had occurred.

PANEL RULING

The Panel noted that amongst those items not regarded as being promotional under the Code were 'factual, accurate, informative announcements and reference material concerning licensed medicines and relating, for example to pack changes, adverse-reaction warnings, trade catalogues and price lists, provided they include no product claims' (Clause 1.2 refers). The Panel did not consider the letter in question met this exemption to the definition of promotion. The letter was not an announcement, it was a request for

the recipient to facilitate the addition of Ecalta and Celsentri to the list of currently available medicines on the local electronic prescribing and dispensing system. The Panel considered that soliciting such an action would promote the prescription supply, sale or administration of the two products. In that regard the Panel noted Pfizer's submission that much of the tracking of ordering, supply, prescribing and dispensing of medicines in secondary care was conducted using computer-based systems. The Panel thus considered that the letter promoted Ecalta and Celsentri and in that regard should have included the prescribing information for each. As no prescribing information was included a breach of Clause 4.1 was ruled.

Complaint received 15 January 2008

Case completed 14 February 2008