

CASE AUTH/2084/1/08

NO BREACH OF THE CODE

## ANONYMOUS v NOVARTIS

### Arrangements for a meeting and conduct of representative

An anonymous (non-contactable) complainant claimed to have been at a meeting sponsored by Novartis at which excessive hospitality had been provided and the representatives' conduct had been inappropriate.

The complainant alleged that at the meeting, held at a restaurant in January, two representatives had paid no regard to who was present; no register of attendees was kept and many of the delegates were not health professionals. There appeared to be no control of the budget and people ordered whatever food/drink they wished. The bill of approximately £2,000 for 30 people was totally unacceptable. Six doctors had take-aways of £228 on top of dining in. The two representatives who dined with the meeting also had take-aways for themselves and also took home unopened bottles of wine. One of the representatives proudly stated it was for her husband's supper. The whole evening was a gross abuse of taxpayers' money.

The Panel noted that there appeared to be a difference of opinion regarding the meeting. The complainant was anonymous and non contactable, but appeared to know enough about the meeting such as to suggest that (s)he might have been there on the night.

Novartis submitted that 42 health professionals had attended the meeting which had been held in a separate room in the restaurant, and although they had gone to the main restaurant for dinner at 9pm, the service was poor and the main course had not arrived by 10pm. Some doctors had taken their main course with them when they left.

The Panel was concerned at the arrangements. It noted that according to the agenda dinner would be served at 8.45pm. According to Novartis dinner was served at 9pm. The main course however appeared to have been seriously delayed.

The Panel was concerned that there had been a bar bill of £230.05 given that wine and water had already been provided. The Panel did not know what additional drinks had been ordered. Novartis submitted that this additional bar bill had been limited appropriately but no details were given. However according to Novartis there had been a long delay between the starter and main course in the Panel's view this might have contributed to this bill. The total cost of the meal plus drinks was £38.69 per head.

The Panel considered that the hospitality, particularly the drinks bill (£442.15), was on the outer limits of

acceptability. It was concerned about the impression given by the arrangements. It was also concerned about the discrepancies between the two parties' accounts.

The Panel decided on the evidence before it that the hospitality, on balance was not unacceptable. The attendees were health professionals and the main purpose of the meeting was educational. The costs were on the limit of what health professionals would normally pay if they were paying for themselves. No breach of the Code was ruled.

#### COMPLAINT

The complainant alleged a waste of taxpayers' money and abuse of funding within the company. In particular the complainant noted the weekly meetings held by a named GP sponsored by the company whereby approximately one third of people attending were not from the medical profession including wives, partners, retired doctors etc. There was no control on attendance – the GP announced the next meeting weeks in advance and it was left as a free for all to attend. This was against the Code and the GP should be reprimanded and informed about the Code.

In particular the complainant noted a meeting sponsored by Novartis held at a restaurant on Thursday, 17 January. The complainant alleged that the medical representatives had paid no regard to who were present and no signatures of attendance were asked for. The complainant was not invited to sign any register and was unaware of one. The representatives appeared to have no control of the budget and people ordered whatever food/drink they wished. The total bill of approximately £2,000 was totally unacceptable regarding the reasonable refreshments interpretation of the Code. Six doctors had take-aways of £228 on top of dining in. The two representatives who dined with the meeting also ordered take-aways for themselves and had two large carrier bags waiting on the way out as well as unopened bottles of wine. One of the representatives proudly stated it was for her husband's supper. Such abuse needed reporting to Novartis for it to take action. The whole evening was a gross abuse of taxpayers' money, money that could be better spent on hip operations and such like. £2,000 spent on approximately 10 out of 30 eligible [that being a generous assessment] worked out at about £200 per head.

When writing to Novartis, the Authority asked it to respond in relation to Clauses 2, 9.1, 15.2 and 19.1 of the Code.

## RESPONSE

### Background to the meeting

Novartis submitted that the meeting in question was coordinated and chaired by the GP as one of a series of regular Thursday evening educational meetings. The invitation list was proposed by the GP and each invitee received an invitation outlining the programme and the location of the meeting.

The meeting was held in a private room at the restaurant starting at 7pm. Following a brief introduction by the GP, the guest speaker, a senior consultant nephrologist, spoke until 8.30pm on 'Renin Angiotensin and the Kidney: current and future therapeutic options' in the management of hypertension in the context of current BHS/NICE guidelines. Copies of the speaker's slides were provided. Following a half hour question and answer session the attendees then moved into the main restaurant for dinner at 9pm.

The meeting was coordinated by two experienced representatives both of whom had passed their ABPI examination. In addition all representatives received appropriate internal training in the management of meetings and all arrangements for this meeting, including the attendees list and meeting costs were recorded by the representatives in compliance with the company business process rules.

### Registration of attendees

Novartis noted that the complainant suggested that no register of attendees was collected at the meeting, and that the associated hospitality was extended to a large number of people who were not health professionals including wives, partners and retired doctors. Neither of these assertions was true. A copy of the handwritten register from the meeting, was provided including the status of the attendees, their place of employment and signature. One of the representatives actively sought registration from attendees by circulating around the meeting room to each of the attendees. Only one attendee failed to include themselves on the register - a nursing colleague of one of the consultants attending the meeting and would be followed up with a certificate of attendance already issued and signed by the chair.

Novartis submitted that the register included 35 GPs from the local area, two consultants and three nurses. The register included several pairs of married GPs, one father and son both of whom were local health professionals and one retired GP who did locum work in the area. This was clearly at odds with the complainant's assertion that only ten of the delegates were eligible health professionals.

### Provision of hospitality

Novartis submitted that the hospitality consisted of a set meal for 42, including the 40 delegates in the register plus the speaker and the attendee who as stated above was not listed in the delegate's register. The food was

served as a number of dishes to be shared by each table. As a result a set meal for 42 was shared by 44 including the two representatives. Attendees were not permitted to order any additional dishes.

Each table was provided with a bottle of red wine, a bottle of white wine and a bottle of water. There was also a bar but the representatives limited this appropriately and the costs were included in the overall bill for the hospitality referred to below.

The representatives commented that service at the restaurant was poor with attendees still waiting for the main course an hour after the meal began at 9pm. As a result some of the attendees, including the speaker, who needed to leave the meeting promptly ate their starters but had food from the main course packaged to take away with them. No additional take-aways were purchased as alleged by the complainant. The representatives' report also indicated that they had underestimated the number of vegetarians at the meeting. As a result some meat dishes were left over which the representatives took away themselves rather than see wasted. Similarly one of the representatives took away one bottle of wine which was three quarters full rather than see it wasted.

Novartis submitted that the total bill for the hospitality provided for the 42 attendees plus the two representatives came to £1,702.15 (ie £38.69 per head) inclusive of dinner, drinks from the bar, pre-meeting drinks and snacks and wine and water on each table. A copy of the bill was provided.

### Conclusions

Novartis did not accept the complainant's assertions of breaches of the Code in relation to the management of this meeting.

- The attendees were invited by the company and attendance was recorded. It was not 'a free for all' as suggested.
- The hospitality was clearly secondary to the scientific content of the meeting.
- All attendees were appropriate health professionals and partners and family members did not attend apart from where they were legitimate attendees in their own right.
- The hospitality was at a reasonable cost per head cost (£38.69) and no additional take-aways were purchased for attendees as alleged.
- Due to the delay in service, some attendees needed to leave the meeting promptly and so had food packed up for them to take away but this was not purchased separately.
- Any food taken from the restaurant by the representatives was leftover from the meal because of the unexpected number of vegetarians at two tables and the generous catering of the restaurant.
- Only one opened and part used bottle of wine was taken from the restaurant by a representative to avoid waste.
- Bar costs were carefully monitored by the representatives and were included in the single bill for hospitality.

Novartis did not accept that the arrangements for this meeting reflected poor standards by the company or by the representatives. Novartis also did not accept that the hospitality provided was excessive or provided to non health professionals as alleged based on the clear records maintained by the representatives. Novartis hoped that this information addressed the complainants' concerns.

#### **FURTHER RESPONSE FROM NOVARTIS**

Having given preliminary consideration to the matter, the Panel sought further information from Novartis.

Novartis reiterated that the hospitality associated with the meeting consisted of a set meal for 42 which was shared between 44, the 42 attendees plus the two representatives.

The set meal for 42 was charged at £30 per head (including starter, main course, dessert and coffee) = £1,260.

13 bottles of house wine were charged for at £10.90 per bottle = £141.70.

21 bottles of water were charged for at £3.20 per bottle = £70.40.

Additional drinks bill = £230.05.

Total bill = £1,702.15 inclusive of service and the use of a private room.

#### Meeting attendees

The meeting was coordinated and chaired by a GP as one of a series of regular Thursday evening educational meetings for his local colleagues. The invitees were proposed by the GP and each received an invitation via the post outlining the programme and the location of the meeting. Further invitations were left by the representatives with practice managers to act as a reminder closer to the date of the meeting. As this was a regular programme of scientific meetings, word of mouth would have been instrumental in disseminating information about this event amongst the local healthcare community.

As demonstrated by the meeting register already provided attendees included 35 GPs, two consultants and three nurses.

#### **PANEL RULING**

The Panel noted that Clause 19 required meetings to be held in appropriate venues conducive to the main purpose of the event. Hospitality must be strictly limited to the main purpose of the event and secondary to the purpose of the meeting ie subsistence only. The level of subsistence offered must be appropriate and not out of proportion to the occasion.

The cost involved must not exceed that level which the recipients would normally adopt when paying for themselves. It must not extend beyond members of the health professions or appropriate administrative staff. Spouses or partners of delegates should not be offered hospitality unless they qualified as a proper delegate or participant at the meeting in their own right.

The Panel noted that there appeared to be a difference of opinion regarding the meeting. The complainant was anonymous and non contactable, but appeared to know enough about the meeting such as to suggest that (s)he might have been there on the night.

The Panel noted Novartis' submission that 42 health professionals had attended the meeting which had been held in a separate room in the restaurant. Following the meeting the attendees had gone to the main restaurant for dinner at 9pm. The Novartis representatives stated that service was poor and the main course had not arrived by 10pm. Some doctors had taken their main course with them when they left.

The Panel was concerned at the arrangements. It noted that according to the agenda dinner would be served at 8.45pm. According to Novartis dinner was served at 9pm. The main course, however appeared to have been seriously delayed.

The Panel was concerned that there had been a bar bill of £230.05 given that wine and water had already been provided. The Panel did not know what additional drinks had been ordered. Novartis submitted that this additional bar bill had been limited appropriately but no details were given. However according to Novartis there had been a long delay between the starter and main course. In the Panel's view this might have contributed to this bill. The total cost of the meal plus drinks was £38.69 per head.

The Panel considered that the hospitality, particularly the drinks bill (£442.15), was on the outer limits of acceptability. It was concerned about the impression given by the arrangements. It was also concerned about the discrepancies between the two parties' accounts.

The Panel decided on the evidence before it that the hospitality, on balance was not unacceptable. The attendees were health professionals and the main purpose of the meeting was educational. The costs were on the limit of what health professionals would normally pay if they were paying for themselves. No breach of Clause 19.1 was ruled. The representatives had not failed to comply with the Code so no breach of Clause 15.2 was ruled. The Panel also ruled no breach of Clauses 9.1 and 2.

<b>Complaint received</b>	<b>24 January 2008</b>
<b>Case completed</b>	<b>26 February 2008</b>