

CASE AUTH/2096/1/08

ANONYMOUS v TRINITY-CHIESI**Fostair journal advertisement**

An anonymous complainant alleged that a journal advertisement for Fostair (beclometasone and formoterol) issued by Trinity-Chiesi failed to display the non-proprietary name of the medicine immediately adjacent to the most prominent display of the brand name in the type size required by the Code.

The Panel noted the Code required that the non-proprietary name, or a list of the active ingredients using approved names where such existed appeared immediately adjacent to the most prominent display of the brand name in bold type of a size such that a lower case 'x' was no less than 2mm in height or in type of such a size that the non-proprietary name or list of active ingredients occupied a total area no less than that taken up by the brand name. The Panel noted that neither of these conditions had been met and thus ruled a breach of the Code.

An anonymous (and non contactable) complainant complained about an advertisement for Fostair (beclometasone and formoterol) (ref TRFOS20070526) issued by Trinity-Chiesi Pharmaceuticals Ltd published in Prescriber January 2008.

COMPLAINT

The complainant stated that he/she had recently been made aware of the details of the Code and in particular the need to have the non-proprietary name of the medicine immediately adjacent to the most prominent display of the brand name in bold type of a size such that a lower case 'x' was no less than 2mm high.

The complainant alleged that in the advertisement for Fostair this was not the case.

RESPONSE

Trinity-Chiesi confirmed that the lower case letters in the non-proprietary name, adjacent to the most prominent mention of the brand name, were less than 2mm high.

Trinity-Chiesi noted in the advertisement at issue, the associated text directly underneath the Fostair logo and non-proprietary name restated the non-proprietary name very prominently with lower case letters higher than 5mm. Trinity-Chiesi submitted that this clearly demonstrated that there was no deliberate attempt to make the non-proprietary name less prominent and mislead readers.

Trinity-Chiesi had subsequently taken immediate action to correct the advertisement to ensure that future editions of Prescriber and other journals carrying the same advertisement complied with the Code in this regard.

PANEL RULING

The Panel noted Clause 4.3 of the Code which required that the non-proprietary name, or a list of the active ingredients using approved names where such existed appeared immediately adjacent to the most prominent display of the brand name in bold type of a size such that a lower case 'x' was no less than 2mm in height or in type of such a size that the non-proprietary name or list of active ingredients occupies a total area no less than that taken up by the brand name. The Panel noted that neither of these conditions had been met. It thus ruled a breach of Clause 4.3 as acknowledged by Trinity-Chiesi.

Complaint received	11 February 2008
Case completed	11 March 2008