

ANONYMOUS PRIMARY CARE TRUST PHARMACIST v TRINITY-CHIESI

Letter about Clenil

An anonymous primary care trust (PCT) pharmacist alleged that a letter sent by Trinity-Chiesi, promoting Clenil (beclometasone), was misleading and was neither accurate nor balanced. The data for the cost difference between beclometasone 200mcg and Clenil 200mcg was conveniently missed from a cost comparison chart. The complainant questioned why this had been done when the cost difference here was only 2% - compared to the 20 - 35% differences claimed on the other strengths. The heading referred to substantial savings but the chart did not include data where the difference was only 2%.

The Panel noted that there was no way of knowing how the complainant had received the letter which was for health professionals in Scotland only; PCTs did not exist in Scotland. The letter was not sent to addresses in England. Further the representatives based in Scotland, who had been given copies of the letter to distribute, did not cover English territories.

The Panel noted that the complainant had only provided page 2 of the three page letter. Page one of the letter clearly referred, at the outset, to the Scottish Drug Tariff. The Panel considered that this, together with the distribution of the letter only to Scottish health professionals, put the cost comparison chart in context. There was no price in the Scottish Drug Tariff for a beclometasone 200mcg inhaler and so no comparison could be made of the drug tariff price vs Clenil. Although it might have been helpful if the cost comparison chart had explained this rather than just leaving the relevant section blank, the Panel did not consider that the chart was inaccurate, unbalanced or misleading in this regard as alleged. No breach of the Code was ruled.

An anonymous primary care trust (PCT) pharmacist complained about a letter (ref TRCLE20070433) promoting Clenil (beclometasone) received from Trinity-Chiesi Pharmaceuticals Ltd. The complainant provided a page from the letter which featured a chart comparing the cost of Clenil with that of other beclometasone inhalers of various strengths. The chart was headed 'There are now substantial savings to be made in beclometasone metered dose inhaler prescribing costs by changing generic prescribing to Clenil brand'.

COMPLAINT

The complainant alleged that the letter was

misleading and was neither accurate nor balanced. The data for the cost difference between beclometasone 200mcg and Clenil 200mcg was conveniently missed from the cost comparison chart. The complainant questioned why this had been done when the cost difference here was only 2% - compared to the 20 - 35% differences claimed on the other strengths. The heading referred to substantial savings but the chart did not include data where the difference was only 2%.

When writing to Trinity-Chiesi, the Authority asked it to respond in relation to Clauses 7.2, 7.3, and 7.4 of the Code.

RESPONSE

Trinity-Chiesi stated that the letter was mailed in October 2007 to primary care organizations in Scotland only. Copies of the letter were also supplied to the sales force in Scotland to give to health professionals in that country only. The 200mcg strength of beclometasone was not included in the cost comparison chart on page 2 because the Scottish Drug Tariff did not feature this strength of beclometasone. A print out of the Scottish Drug Tariff for October-December 2007 was provided. As there was no equivalent 200mcg strength, a comparison with this strength was not possible. Therefore, the cost comparison chart (which consisted of strengths at 50mcg, 100mcg and 250mcg) was accurate, balanced and not misleading.

Trinity-Chiesi also provided a copy of a similar letter which was mailed in October 2007 to primary care organizations in England and Wales (TRCLE20070420). In this letter, the cost comparison chart included the 200mcg strength (in addition to the other three strengths), as all four strengths were featured in the Drug Tariff for England and Wales.

Clenil's UK market share for each strength of the beclometasone metered-dose inhalers in units from November 2007 - January 2008 was as follows: Clenil 50mcg, 3%; Clenil 100mcg, 11%; Clenil 200mcg, 4% and Clenil 250mcg, 2%.

These shares reflected the usage pattern by strength of total beclometasone metered dose inhalers in the market.

In response to a request for further information Trinity-Chiesi noted that its mailing records

showed that the letter in question was not posted to any English addresses. Furthermore, although copies of the letter were also given to representatives in Scotland for distribution to Scottish health professionals, none of the representatives in Scotland covered English territories. A copy of the relevant representatives' briefing material was supplied.

PANEL RULING

The Panel noted that the complainant had stated that they were a PCT pharmacist but had provided no contact details. This was unfortunate because there was no way of asking the complainant how (s)he had received the letter in question. The letter was for health professionals in Scotland only; PCTs did not exist in Scotland and so in that regard the complainant should never have received the letter. Trinity-Chiesi had confirmed that the letter was not sent to English addresses and the representatives based in Scotland, who had been given copies of the letter to distribute, did not cover English

territories.

The Panel noted that the complainant had only provided page 2 of the three page letter. Page one of the letter clearly referred, at the outset, to the Scottish Drug Tariff. The Panel considered that this, together with the distribution of the letter only to Scottish health professionals, put the cost comparison chart in context. There was no price in the Scottish Drug Tariff for a beclometasone 200mcg inhaler and so no comparison could be made of the drug tariff price vs Clenil. Although it might have been helpful if the cost comparison chart had explained this rather than just leaving the relevant section blank the Panel did not consider that the chart was inaccurate, unbalanced or misleading in this regard as alleged. No breach of Clauses 7.2, 7.3 and 7.4 was ruled.

Complaint received **17 March 2008**

Case completed **17 April 2008**
