

ANONYMOUS DOCTOR v LUNDBECK

Conduct of representative

An anonymous and uncontactable complainant writing as a hospital doctor alleged that the conduct of one of Lundbeck's representatives had been unprofessional and unethical in that she had been accompanied on her visit to him by a representative from another named company. The representatives had spoken about their respective competitor products.

The detailed response from Lundbeck is given below.

The Panel noted that the Authority had not taken this matter up with the other company as the name of its representative was not known.

The complainant had made a very specific complaint about the conduct of a Lundbeck representative but had provided few details. As the complainant was anonymous and non contactable the Panel could not obtain further information. The Panel noted that Lundbeck submitted that its representative had never made a joint visit with a representative from the named company. The Panel noted that the Code was silent on the matter of representatives from competitor companies making joint visits although in its view it would be highly unusual for them so to do. The Panel considered that it had not been provided with any information to show that the Lundbeck representative had breached the Code. No breaches of the Code were ruled.

An anonymous and uncontactable complainant writing as 'a doctor at a [city] hospital', wrote to Lundbeck Ltd, copying his letter to the ABPI which passed his letter to the Authority, which treated the letter as a complaint. The complainant alleged that the behaviour described was unprofessional and unacceptable.

COMPLAINT

The complainant stated that he had been visited by one of Lundbeck's hospital representatives. Under normal circumstances this was appropriate; however he was concerned that a representative from another named company had accompanied the Lundbeck representative. The two representatives had spoken about their respective competitor products and asked the complainant to use whichever one of the two.

The complainant stated that this approach was completely unprofessional and unethical. Never as a doctor had he come across this situation, and been put in an awkward position.

He did not raise his concerns at the time, as he was in utter shock as to what had happened. Colleagues had assured him that this was not allowed by the Code.

The complainant stated that a copy of his letter to the ABPI would name the representative who accompanied the Lundbeck representative.

As a reputable company, the complainant hoped that Lundbeck would take this matter seriously and reprimand/re-train its representative so that this circumstance should not arise in the future.

Doctors' time was precious in treating/saving patients' lives, and situations like this did not bear well in how effectively time was spent. The complainant hoped this was an isolated representative in Lundbeck and not a general tactic.

* * * * *

Contrary to what the complainant stated above, his letter to the ABPI did not name the representative said to have accompanied the Lundbeck representative.

* * * * *

When writing to Lundbeck, the Authority asked it to respond in relation to Clauses 15.2 and 15.9 of the Code.

RESPONSE

Lundbeck stated that it had met with the named representative and with a number of other Lundbeck employees in the area. Lundbeck had spoken to the named company.

Lundbeck's representative stated categorically that she had never made a joint visit to a customer with a representative from the named company and that in all her years of service she had never made a joint call on a customer with a representative from another company. Lundbeck submitted that of 15 customer visits made by the representative in the relevant area in the past three months four had been accompanied calls; one with her manager and three with other Lundbeck representatives. Lundbeck interviewed those involved in the joint calls and none had ever worked for the named company. The representative in question did not know the named company's local representative.

Without further information it was not possible for Lundbeck to comment further.

PANEL RULING

The Panel noted that the Authority had not taken this matter up with the named company as the identity of its representative was not known.

The complainant had made a very specific complaint about the conduct of a Lundbeck representative but had provided few details. As the complainant was anonymous and non contactable the Panel could not obtain further information. The Panel noted that Lundbeck submitted that its representative had never made a joint visit with a representative from the named company. The Panel

noted that the Code was silent on the matter of representatives from competitor companies making joint visits although in its view it would be highly unusual for them so to do. The Panel considered that it had not been provided with any information to show that the Lundbeck representative had breached the Code. No breach of Clauses 15.2 and 15.9 was ruled.

Complaint received **27 November 2009**

Case completed **11 January 2010**
