

# PULMONOLOGIST v BOEHRINGER INGELHEIM

## Scientific symposium

A pulmonologist working in Germany complained about a scientific symposium organised by Boehringer Ingelheim at the European Respiratory Society (ERS) Congress held in Munich.

The symposium was part of the industry sponsored sessions. It was advertised in the official meeting programme as 'Slowing disease progression in IPF [idiopathic pulmonary fibrosis]: New evidence From Phase III clinical trials'.

The complainant stated that his main complaint was that on the main stage, the speakers were allowed to drink beer – with one even dressed in lederhosen. For a serious, fatal condition, this was not appropriate. As two of the speakers were from the UK he assumed the UK rules should apply to them.

The detailed response from Boehringer Ingelheim is given below.

The Panel noted that the Code applied to the promotion to UK health professionals and administrative staff at international meetings held outside the UK. Further, that the Code also applied to some non-promotional activities including the use of consultants in Clause 20. The Panel noted that two of the four speakers at the symposium were UK health professionals and that Boehringer Ingelheim had sponsored UK health professionals to attend the ERS Congress. The Panel therefore considered that at the very least certain aspects of the arrangements had to comply with the Code. It was an established principle under the Code that the UK company was responsible for acts and omissions of its overseas affiliates that came within the scope of the Code.

The Panel considered that the involvement of the UK speakers meant that Boehringer Ingelheim was responsible under the Code for the arrangements for the UK speakers including their travel and subsistence and the impression created by these.

The Panel noted that one of the speakers appeared to be drinking beer on stage during the satellite symposium. The Panel considered that the overall impression given was unacceptable. The subsistence in this regard was inappropriate. The Panel considered that high standards had not been maintained. A breach was ruled.

A pulmonologist working in Germany complained about a scientific symposium organised by Boehringer Ingelheim at the European Respiratory Society (ERS) Congress held in Munich.

The symposium was held on Monday, 8 September as part of the industry sponsored sessions. It was advertised within the official programme for the meeting. The title of the session was 'Slowing

disease progression in IPF [idiopathic pulmonary fibrosis]: New evidence From Phase III clinical trials'.

## COMPLAINT

The complainant stated that at the European Respiratory Society meeting in Munich he attended a symposium arranged by Boehringer Ingelheim on IPF and was hoping to learn about recent clinical trials in IPF.

The complainant stated that his main complaint was that on the main stage, the speakers were allowed to drink beer – with one even dressed in lederhosen. For a serious, fatal condition, this was not appropriate. As two of the speakers were from the UK he assumed the UK rules should apply to them. A photograph of two of the speakers on the stage with a beer was provided.

When writing to Boehringer Ingelheim Limited the Authority asked it to respond in relation to Clauses 7.2, 9.1 and 12.1 of the Code.

## RESPONSE

Boehringer Ingelheim submitted that whilst it was concerned that the individual making the complaint was clearly disappointed by the event, the Code did not apply in this case:

- The event was organised and run by Boehringer Ingelheim GmbH Co KG. This included the selection, invitation, engagement and briefing of the speakers, the content of the event, and the publicising of the event within the confines of the congress guidelines.
- Boehringer Ingelheim UK stated that its involvement was restricted to the approval of the level of honoraria, subsistence and hospitality offered to the speakers from the UK, via a clearing house system, in advance of the event in accordance with the requirements of Clause 19.1.
- No member of Boehringer Ingelheim UK invited any health professionals to this symposium either by email, flyer, letter or any other means. Any delegate who chose to attend this symposium made that choice themselves.
- This symposium was not specifically aimed at a UK audience. The event took place as part of an internationally renowned congress, and the speakers were an international representation of global expertise in the area of IPF. They came from the UK, the US and Canada.

Boehringer Ingelheim identified the health professional with the beer in the photograph.

Boehringer Ingelheim submitted there was no breach of any clause of the Code since the symposium fell outside the scope of the Code. Previous Panel rulings in Cases AUTH/2512/6/12, AUTH/2419/7/11 and AUTH/2406/5/11 all provided relevant precedent.

In response to a request for further information, Boehringer Ingelheim explained two UK doctors were engaged by Boehringer Ingelheim GmbH Co KG to chair and speak.

Boehringer Ingelheim sponsored 63 UK respiratory health professionals to attend the ERS congress; these were a mixture of primary and secondary care physicians and nurses. Ten were specialists in IPF. No individual was specifically sponsored to attend the symposium. Boehringer Ingelheim reiterated the point that it did not specifically invite any congress delegates to attend the symposium and confirmed that none of their colleagues at Boehringer Ingelheim GmbH Co KG, or any other affiliate, specifically invited any UK delegates to attend the symposium by letter, email, flyer, verbal invitation or inclusion in any company-produced agenda or itinerary. Over 21,000 delegates attended the ERS congress in Munich in 2014, of which 1800 were registered from the UK, representing 8.3% of the total attendees. Over 600 delegates attended the symposium in question however no specific information was collected to identify the country of origin of the attendees so they were not able to state how many were from the UK; it was likely to be a similar proportion as attended the overall congress.

#### **PANEL RULING**

The Panel noted Boehringer Ingelheim, contrary to the Case Preparation Manager's and Panel's requests, did not respond to the allegations as in its view the complaint was outside the scope of the Code as all aspects of the satellite symposium in question were organised by its parent company in Germany, Boehringer Ingelheim GmbH.

The Panel did not accept Boehringer Ingelheim's submission about the symposium and the scope of the Code. The Panel noted the supplementary information to Clause 1.1, Scope of the Code, stated, *inter alia*, that the Code applied to the promotion to UK health professionals and administrative staff at international meetings held outside the UK. Further,

that the Code also applied to some non-promotional activities including the use of consultants in Clause 20. The Panel noted that two of the four speakers at the symposium were UK health professionals and that Boehringer Ingelheim had sponsored 63 UK health professionals to attend the ERS Congress. The Panel therefore considered that at the very least certain aspects of the arrangements had to comply with the Code. It was an established principle under the Code that the UK company was responsible for acts and omissions of its overseas affiliates that came within the scope of the Code. If it were otherwise UK companies would be able to rely on such acts and omissions as a means of circumventing the Code.

The Panel considered that the involvement of UK speakers at the meeting in question meant that Boehringer Ingelheim was responsible under the Code for the arrangements for the UK speakers including their travel and subsistence and the impression created by these.

The Panel noted that one of the speakers appeared to be drinking beer on stage during the satellite symposium. The photograph which had been provided showed three health professionals sitting in a row on stage, above their heads the edge of the screen showing part of a slide was visible. A table between two of the health professionals had two small bottles of water, beside one of these was a large pint glass which appeared to contain some sort of beer. The glass was not full to the top and was close to the UK speaker. Only part of the table was visible. It was unclear from the photograph whether the third health professional had been provided with any subsistence. The supplementary information to Clause 19.1 included the need to keep in mind the impression created by the arrangements for any meeting and Clause 9.1 required that high standards must be maintained at all times. The Panel considered that the overall impression given was unacceptable. The subsistence in this regard was inappropriate. The Panel considered that high standards had not been maintained. A breach of Clause 9.1 was ruled.

<b>Complaint received</b>	<b>16 September 2014</b>
<b>Case completed</b>	<b>19 January 2015</b>