

# VOLUNTARY ADMISSION FROM ViiV HEALTHCARE

## Number of pages of advertising in one journal

ViiV Healthcare UK voluntarily admitted that the International Journal of STD and Aids (February 2015) included a double-page advertisement for Triumeq (dolutegravir/abacavir/lamivudine) plus a belly band wrapper around the outside of the journal. This exceeded the 2 page limit allowed under the Code.

As Paragraph 5.6 of the Constitution and Procedure required the Director to treat a voluntary admission as a complaint, the matter was taken up with ViiV Healthcare.

ViiV Healthcare explained that the advertisement and wrapper had appeared together in one issue of the journal due to a scheduling error for which the publisher had taken full responsibility. The publisher had reviewed its internal working processes and would ensure that relevant staff were aware of the Code requirements regarding the frequency of advertisements. ViiV Healthcare recognised that whilst the publisher made the error, it had overall responsibility and it had reviewed its own working practices and implemented changes.

The response from ViiV Healthcare is given below.

The Panel noted that ViiV Healthcare planned to use a Triumeq belly band around the journal at issue only when it otherwise contained a one page advertisement for the medicine. The company had never planned to use a belly band for the February 2015 edition. A belly band originally scheduled for January had been postponed for use until March. A letter from the publisher to the media agency, however, stated that due to human error, the cancellation of the Triumeq belly band in the February issue had not been registered on the publisher's system and thus it had been included. This was confusing as there had never been a belly band scheduled for February. The Panel considered that however the error had occurred, ViiV Healthcare had been let down by the publisher. A breach of the Code was ruled as acknowledged by ViiV Healthcare.

ViiV Healthcare UK Ltd voluntarily admitted that the February 2015 printed edition of the International Journal of STD and Aids included advertisements for Triumeq (dolutegravir/abacavir/lamivudine) which exceeded the limit allowed under the Code.

As Paragraph 5.6 of the Constitution and Procedure required the Director to treat a voluntary admission as a complaint, the matter was taken up with ViiV Healthcare.

### VOLUNTARY ADMISSION

ViiV Healthcare stated that on Thursday, 12 March its media-buying agency advised that it had identified

an error in the printed February 2015 edition of the International Journal of STD and Aids in that the journal had a double page spread advertisement for Triumeq (ref UK/TRIM/0022/14a(1)) as well as a Triumeq belly band advertisement (ref UK/TRIM/0022/14b) wrapped around the outside. The approval certificates for both advertisements were provided. ViiV Healthcare submitted that the advertising in the journal thus exceeded the maximum number of two pages for a particular product (Clause 6.3) as it contained two pages and the loose wrap advertisement. The online issue of the journal was not affected as the wrap advertisement was a printed item only. ViiV Healthcare submitted that the publisher had taken full responsibility for this scheduling error and had reviewed its internal working processes and would ensure that relevant staff were aware of the Code requirements regarding the frequency of advertisements.

ViiV Healthcare submitted that it had a longstanding relationship with the media agency which secured advertising space on its behalf and this was the first issue with any placement the agency had made for the company. ViiV Healthcare referred to a detailed UK specific project agreement which outlined the activities the agency was to undertake on behalf of ViiV Healthcare in 2015 and a reminder of the requirement to adhere to all elements of the Code.

On detailed review of the causative factors, it appeared the original documented schedule agreed between ViiV Healthcare and the agency was correct. Artwork delays on the belly band advertisement caused some knock-on changes in scheduling in late December 2014 which the journal publisher did not enter into the system used to manage advertising bookings. This administration error by the publisher caused the two advertisements to appear in the same journal.

ViiV Healthcare recognised that whilst the publisher made the error, it had overall responsibility for promotional activity relating to this incident, and responsibility for actions made by the media-buying agency (liaising with the publisher) on its behalf. As a result of this error, ViiV Healthcare had reviewed its own working practices and those with third party agencies, and had implemented the following actions and controls:

- Immediate review of any current advertisements placed by ViiV Healthcare which were in print and those remaining on the agreed schedule. Schedule to be reconfirmed with the agency and the publishers involved.
- The publisher of the journal at issue had confirmed that it had reviewed its working practices and made a number of changes to avoid any reoccurrence of this event.

ViiV Healthcare stated that it took its responsibilities under the Code very seriously and sincerely regretted the publisher's unfortunate error.

When writing to confirm that the matter would be taken up under the Code, the Authority asked ViiV Healthcare to respond in relation to Clause 6.3.

#### **RESPONSE**

ViiV Healthcare provided a copy of the original advertising schedule which showed that the belly band wrapper was only planned for use when a single page advertisement was planned for the inside of the journal. Belly bands had been planned for January and March 2015. The advertising schedule was subsequently updated and the January belly band cancelled; the rescheduled slots for the belly band were March and May 2015. Correspondence between the publisher and the agency showed the original bookings for January and March together with the cancellation order for January and the new booking for May.

#### **PANEL RULING**

The Panel noted that the International Journal of STD and Aids was the official journal of the British Association for Sexual Health and HIV and the International Union against Sexually Transmitted Infections. The publisher, editor and deputy editors were based in the UK and it was a Royal Society of Medicine Journal. In the Panel's view, advertisements for medicines placed in the journal came within the scope of the Code.

The Panel noted that ViiV Healthcare had planned to use a Triumeq belly band around the journal at issue only when it otherwise contained a one page advertisement for the medicine. The company had never planned to use a belly band for the February edition of the journal. A belly band originally scheduled for January had been postponed for use until March. A letter from the publisher to the media agency, however, stated that due to human error, the cancellation of the Triumeq belly band in the February issue of the journal had not been registered on the publisher's system and thus it had been included. This was confusing as there had never been a belly band scheduled for February. The Panel considered that however the error had occurred, ViiV Healthcare had been let down by the publisher; advertising schedules clearly showed that it had never intended a belly band to be used with a journal which also contained a double-page spread. Nonetheless, it was an accepted principle under the Code that pharmaceutical companies were responsible for the acts or omissions of those who worked with their authority. That the journal at issue contained a double-page spread and incorporated a belly band for Triumeq, was a clear breach of Clause 6.3 as acknowledged by ViiV Healthcare; the Panel ruled accordingly.

**Complaint received**                      **20 March 2015**

**Case completed**                              **13 April 201**