

# ANONYMOUS, NON-CONTACTABLE v SANOFI

## Representatives' business cards

**An anonymous, non-contactable complainant alleged a breach of the Code as business cards used by key account managers (KAMs) at Sanofi featured the brand name of the medicine being promoted. The non-proprietary name was given and there was no prescribing information.**

The detailed response from Sanofi is given below.

**The Panel noted that the complainant was anonymous and non-contactable. Like all complaints, anonymous complaints were judged on the evidence provided. The complainant bore the burden of proving his/her complaint on the balance of probabilities.**

**The business card in question carried the company name, the company representative's name and job title 'Clexane Key Account Manager'. The product name was given as part of the job title. It was not in logo format nor were any claims made about the product. Contrary to the complainant's statement, the non-proprietary name was not included. The Panel noted the promotional role of representatives however in the absence of any detailed information about the use of these specific business cards by the representative it did not consider that the item was promotional as alleged.**

**The Panel did not consider that the requirement to include prescribing information applied. No breach of the Code was ruled.**

An anonymous, non-contactable complainant complained about business cards used by key account managers (KAMs) at Sanofi. The two business cards provided by the complainant featured the company name and company logo in the top centre. On the left side of the card was printed a KAM's name under which appeared 'Clexane Key Account Manager'. This was followed below by the KAM's contact details. Clexane (enoxaparin) was indicated for a number of conditions including various thromboembolic disorders.

### COMPLAINT

The complainant alleged a breach of the Code as the business cards featured the brand name of the medicine being promoted. The non-proprietary name was given and there was no prescribing information.

When writing to Sanofi, the Authority asked it to

respond in relation to Clause 4.1 of the Code.

### RESPONSE

Sanofi noted that the complainant referred to the non-proprietary name being stated on the business cards. It was not.

Sanofi stated that it considered that a business card was non-promotional material. Therefore, as directed by Clause 4.1, it did not believe that it required prescribing information. A business card was non-promotional because, as per Clause 1.2, it was 'a factual, accurate, informative announcement'.

Sanofi stated that the purpose of a business card was to identify the representative, contemporaneously or in the future; it provided a health professional with clarity regarding with whom they were speaking. Given that it was non-promotional, it followed that it did not require certification under Clauses 14.1 and 14.3 and therefore Sanofi did not hold a certificate on file.

### PANEL RULING

The Panel noted that the complainant was anonymous and non-contactable. Like all complaints, anonymous complaints were judged on the evidence provided. The complainant bore the burden of proving his/her complaint on the balance of probabilities.

The business card in question carried the company name, the company representative's name and job title 'Clexane Key Account Manager'. The product name was given as part of the job title. It was not in logo format nor were any claims made about the product. Contrary to the complainant's statement, the non-proprietary name was not included. The Panel noted the promotional role of representatives however in the absence of any detailed information about the use of these specific business cards by the representative it did not consider that the item was promotional as alleged.

The Panel did not consider that the requirement to include prescribing information applied. No breach of Clause 4.1 was ruled.

**Complaint received 3 July 2015**

**Case completed 22 July 2015**