

CASE AUTH/3545/7/21

COMPLAINANT v NOVO NORDISK

Use of business rate telephone number

A complainant who described him/herself as a concerned UK health professional, complained that on the Novo Nordisk Limited website for Saxenda (liraglutide) (www.saxenda.co.uk), a premium telephone contact number was given for the reporting of side effects.

The complainant referred to Case AUTH/3281/11/19 which related to requiring patients and members of the public to pay for premium numbers to contact the company.

The complainant referred to the patient overview page of the Saxenda website which included under a heading 'Reporting of side effects' that, *inter alia*, 'Adverse events should also be reported to Novo Nordisk Limited (Telephone Novo Nordisk Customer Care Centre 0845 ...)'.

The complainant alleged that Novo Nordisk had failed to maintain high standards.

The detailed response from Novo Nordisk is given below.

The Panel considered that the common perception of an 0845 number was that it would incur an additional cost and that might, in itself, deter certain callers. Given the importance of a medical information service, particularly with regard to matters of patient safety and the reporting of side effects, the Panel considered that there should be no perceived barrier to patients wishing to use it; these telephone lines should be easily accessible. The Panel noted Novo Nordisk's submission that before this complaint was received it had begun to introduce a freephone number and eventually the business rate number would cease to be used but that that process was not complete. The Panel noted Novo Nordisk's submission that it was a major logistical challenge to update the number on materials currently in use and might present a patient safety issue if the line were suddenly no longer an option to use. Novo Nordisk submitted that the freephone number was on its corporate website, and had been updated on other relevant websites, including the eMC. In that regard, the Panel queried why the number had not been updated on the Saxenda website.

The Panel noted that when callers dialled the 0845 number they were told that calls would incur the caller's network access charge (there was no additional service charge) but that they could alternatively use a freephone number which was provided. The Panel noted, however, that information about the cost of the 0845 call was not included in the statement on the Saxenda website and that some callers would not use it because of the expected cost of such (ie the access charge plus the service charge) and thus never hear the message about the freephone number.

In general terms, the Panel considered that given the potential deterrent effect that the use of an 0845 number might have on potential callers, it was particularly important that any associated charges (service and access) were made clear in all written material at the outset.

The Panel considered that, taking all the circumstances into account, the use of an 0845 number, in the absence of information on the website about the cost of such calls, might be perceived as a barrier to patients wishing to access Novo Nordisk's medical information service and report side-effects to the company. In that regard, Novo Nordisk had failed to maintain high standards and the Panel ruled a breach of the 2021 Code.

A complainant who described him/herself as a concerned UK health professional, complained that on the Novo Nordisk Limited website for Saxenda (liraglutide) (www.saxenda.co.uk), a premium telephone contact number was given for the reporting of side effects.

Saxenda was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in certain adult patients.

COMPLAINT

The complainant noted that Case AUTH/3281/11/19 related to requiring patients and members of the public to pay for premium numbers to contact the company. Given that was appealed, it was as close to case law as these matters could get.

The complainant referred to the patient overview page of the Saxenda website which included:

'Reporting of side effects

If you get any side effects, talk to your doctor, pharmacist or nurse. This includes any possible side effects not listed in the package leaflet. You can also report side effects directly via the Yellow Card Scheme at [address given and details of app store]. Adverse events should also be reported to Novo Nordisk Limited (Telephone Novo Nordisk Customer Care Centre 0845 6005055). Calls may be monitored for training purposes.'

The complainant alleged that Novo Nordisk had failed to maintain high standards and that the matter should be investigated.

When writing to Novo Nordisk the Authority asked it to consider the requirements of Clauses 5.1 and 6.1 of the 2021 Code.

RESPONSE

Novo Nordisk submitted that its use of a business number as an option to contact the Customer Care line was perfectly lawful and complied with the Code. Novo Nordisk confirmed this with legal advice. The webpage at issue was an overview page on a website which was intended to be a resource for patients who had been prescribed Saxenda.

Novo Nordisk referred to a range of options for contacting its Customer Care line which included a medical information service and provided details which included an email address, direct freephone number, the switchboard, fax number and a direct 0845 business number.

Novo Nordisk explained that when calling the direct business number (0845 6005055) for the Customer Care team, a caller would hear the following:

‘Thank you for calling the Novo Nordisk Customer Care line. Calls to this number are charged at your telephone network’s access charge. You may also contact us by calling our freephone number 0800 0232573. However, if you wish to be connected now, please remain on the line.’

The message alerted callers that they would be charged by their network provider, as well as offering a freephone alternative. As outlined in the screenshot from Ofcom’s website, which was provided [by the case preparation manager] as an enclosure with the complaint, charges to a business rate number (084) were made up of a service charge set by the company being called and an access charge which was charged by the caller’s network provider. Novo Nordisk did not now charge a service charge for the call. The caller’s network provider might charge from 8p/minute to 65p/minute. These costs were when calling from a landline and a mobile line.

Following a recent review of the provision of the Customer Care line service, and before this complaint was received, a freephone telephone number had been set up. Due to the use of the business number on non-electronic items such as medication packaging, promotional materials, and patient literature, it was a major logistical challenge to update the number on materials currently in use and might present a patient safety issue if the line were suddenly no longer an option to use. Hence a message was given when calling the 0845 number to alert callers to the charge by their network and giving them the option to dial the alternative freephone number.

Novo Nordisk stated that it had previously decided that the 0845 number would be replaced with the 0800 number on all materials and would eventually cease to be used. The freephone number was on the Novo Nordisk corporate website, and had been updated on other relevant websites, including the electronic medicines compendium (eMC). This was an ongoing project which must be handled in a structured and detailed manner to ensure patient safety.

With regard to the complainant’s reference to premium numbers, Novo Nordisk clarified that 0845 numbers were categorised as business rate or service rate numbers, not premium numbers. Premium numbers could incur a higher cost to call than a business rate number. In addition, as outlined above, there was no requirement for patients or members of the public to pay to contact the Novo Nordisk Customer Care line as there were a number of options which were free of charge.

Novo Nordisk submitted that with regard to Case AUTH/3281/11/19, the circumstances of its case were very different. There were a number of routes to access the Customer Care line, including free of charge options, as outlined above.

Novo Nordisk submitted that there was no evidence to suggest that the use of a business rate number as one option to reach the Customer Care team had deterred a member of the public, patient or health professional from contacting the service, or was a barrier to those who wished to access the service.

PANEL RULING

The Panel noted the call charges and phone numbers section of the gov.uk website and the Ofcom site guidance accessed during its consideration of this case. The government guide indicated that an 0845 number was a business rate number and that such numbers were made up of a service charge set by the organisation being called plus an access charge from the caller's telephone provider.

The Panel noted that in Case AUTH/3281/11/19 a breach of Clause 9.1 of the 2019 Code was ruled by the Panel, and upheld on appeal, with regard to a company's use of a business rate number for medical information enquiries without making the cost of those calls clear to users. That case completed in January 2021 and was published and e-alerted on 20 July 2021. This complaint, Case AUTH/3545/7/21, was received three days later when the Novo Nordisk Customer Care Centre 0845 number was in use on the Saxenda website as a contact number for patients wishing to report side-effects to the company. The Panel noted Novo Nordisk's submission that the Customer Care line included a medical information service.

The Panel considered that the common perception of an 0845 number was that it would incur an additional cost and that might, in itself, deter certain callers. Given the importance of a medical information service, particularly with regard to matters of patient safety and the reporting of side effects, the Panel considered that there should be no perceived barrier to patients wishing to use it; these telephone lines should be easily accessible. The Panel noted Novo Nordisk's submission that before this complaint was received it had begun to introduce an 0800 freephone number and eventually the business rate number would cease to be used but that that process was not complete. The Panel noted Novo Nordisk's submission that due to the use of the business number on non-electronic items such as medication packaging, promotional materials, and patient literature, it was a major logistical challenge to update the number on materials currently in use and might present a patient safety issue if the line were suddenly no longer an option to use. Novo Nordisk submitted that the freephone number was on its corporate website, and had been updated on other relevant websites, including the eMC. In that regard, the Panel queried why the number had not been updated on the Saxenda website.

The Panel noted that when callers dialled the 0845 number, as referred to in the statement on the patient overview page of the Saxenda website, they were told that calls to that number would incur the caller's network access charge (there was no additional service charge from Novo Nordisk) but that they could alternatively use a freephone number which was provided. The Panel noted, however, that information about the cost of the 0845 call was not included in the statement on the Saxenda website and that some callers would not use it because of the expected cost of such (ie the access charge plus the service charge) and thus never hear the message about the freephone number. It appeared to the Panel that the complainant had not used the 0845 number and so did not know about the alternative freephone number.

In general terms, the Panel considered that given the potential deterrent effect that the use of an 0845 number might have on potential callers, it was particularly important that any associated charges (service and access) were made clear in all written material at the outset.

The Panel considered that, taking all the circumstances into account, the use of an 0845 number, in the absence of information on the website about the cost of such calls, might be perceived as a barrier to patients wishing to access Novo Nordisk's medical information service

and report side-effects to the company. In that regard, Novo Nordisk had failed to maintain high standards and the Panel ruled a breach of Clause 5.1 of the 2021 Code.

The Panel did not consider that Clause 6.1 was relevant in relation to the complainant's allegation and thus it ruled no breach of Clause 6.1.

Complaint received **22 July 2021**

Case completed **8 September 2021**