

## Code of Conduct

Medicines Australia's Code of Conduct sets the standards for the ethical marketing and promotion of prescription pharmaceutical products in Australia. It complements the legislative requirements of the Therapeutic Goods Regulations and the Therapeutic Goods Act.

Code provisions include standards for appropriate advertising, the behaviour of medical representatives and relationships with healthcare professionals and members of the general public. Medicines Australia's Code of Conduct, which was established in 1960, has been revised on a regular basis.

The Code of Conduct has two arms, firstly the adjudication of complaints undertaken by the Code of Conduct Committee and secondly the proactive monitoring of promotional activities undertaken by the Monitoring Committee.

Areas covered by the Code of Conduct include:

- Nature and availability of information and claims
- Advertising
- Promotional material including brand name reminders, gifts and competitions
- Medical representatives training
- Product starter packs (samples)
- Involvement in educational meetings
- Sponsorship
- Trade Displays
- Relationships with healthcare professionals including travel, hospitality and entertainment
- Relationships with the general public

### What does the Code of Conduct Committee do?

Complaints regarding promotional activities are accepted from any individual or organisation. Assistance can be provided to those individuals who are unsure of how to complain or what a complaint should contain.

Once a complaint is received it is sent to the company whose promotional activities are being questioned and this company provides a response to the issues raised in the complaint.

The complaint and response are considered by the independent Code of Conduct Committee. The Committee is comprised of the following members:

### Full Members

- Chairman, a lawyer with Trade Practices experience
- Representative of the Australian Medical Association (AMA)
- Representative of the Royal Australian College of General Practitioners (RACGP)
- Representative of the Australian Divisions of General Practice (ADGP)
- Representative of a patient support group, preferably with specialist qualifications
- Representative of the Australasian Society of Clinical and Experimental Pharmacologists and Toxicologists (ASCEPT)
- Representative of a consumers' organisation
- Three Medicines Australia Association Representatives
- Two Medicines Australia Medical or Scientific Directors

### Advisors

- Code of Conduct Secretary
- Medicines Australia CEO or delegate
- Medicines Australia officer responsible for Scientific and Technical Affairs

### Observers

- Representative of the Therapeutic Goods Administration (TGA)
- A member of the Medicines Australia Marketing Committee
- Two employees of Medicines Australia member companies
- An observer interested in the Code process.

The Committee determines whether a breach of the Code of Conduct has occurred and if so the appropriate sanction that should be imposed.

An independent Appeals Committee also exists to consider appeals by companies if their promotional materials or activities have been found in breach of the Code.

### What does the Monitoring Committee do?

To enhance the success of the Code of Conduct, a Monitoring Committee reviews promotional material for compliance with the provisions of the Code of Conduct, provides relevant advice on current marketing practices and trends to Medicines Australia and, if deemed necessary, submits any complaints as a result of its findings to the Code of Conduct Committee.

Medicines Australia member companies are required to submit to the Committee selected types of promotional material used during a nominated three month period for the product category under review. The Committee, which includes representatives from the AMA, RACGP, an expert in the therapeutic category under review, and a member of the relevant patient support group reviews this material to determine whether it is compliant with the provisions of the Code of Conduct.

### To whom does the Code of Conduct apply?

Compliance with the provisions of the Code of Conduct is mandatory for members of the Medicines Australia. However, should a complaint be lodged against a non-member company and that company refuses to have the matter considered by the Code of Conduct Committee, Medicines Australia reserves the right to refer such matters to the Therapeutic Goods Administration (TGA) or the Australian Competition and Consumer Commission (ACCC).

### What type of sanctions can be imposed?

The Code of Conduct contains a variety of sanctions if a promotional activity is found to be in breach. These sanctions include the immediate withdrawal or cessation of the promotional activity, the publication of corrective advertising, the requirement to send a corrective letter, the imposition of fines up to \$200,000 and suspension or expulsion from the Medicines Australia membership.

### Standing

In November 2003, Edition 14 of the Medicines Australia Code of Conduct received authorisation from the ACCC. The Commission considered that the sections of the Code regulating the provision of information to healthcare professionals about prescription medicines generate a small public benefit by supplementing the provisions in the Trade Practices Act prohibiting false and misleading representations.

The Commission granted authorisation to the Code, subject to the conditions outlined below, for three years:

- That the expanded role of the Monitoring Committee with regard to the provision of benefits to doctors continues, and the results of its activities be made publicly available;
- That Medicines Australia publish full details of all breaches of the Code on its website; and
- That any amendments to the Guidelines accompanying the Code are provided to the Commission on an annual basis.

### How do you find out more about the Code?

The full text of the Medicines Australia Code of Conduct together with Guidelines that accompany the Code and the Code of Conduct Annual Report are included on the Medicines Australia website:  
[www.medicinesaustralia.com.au](http://www.medicinesaustralia.com.au)

For specific information on the Code or for information on how you can lodge a complaint please contact the Secretary of the Code of Conduct Committee

Phone: 02 6282 6888

Mail: Level 1, 16 Napier Close  
Deakin ACT 2600

Email: [secretarycodecommittee@medicinesaustralia.com.au](mailto:secretarycodecommittee@medicinesaustralia.com.au)