

Pharmaceutical Society of Australia

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2 April 1993

Mr J P O'Neil
Senior Assistant Commissioner
Mergers and Adjudication Branch
Trade Practices Commission
PO Box 19
BELCONNEN ACT 2616

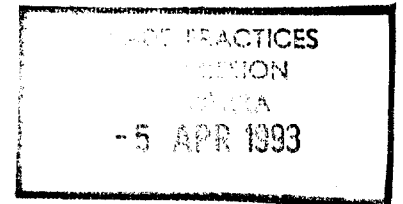
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Attention: Garry Hones

Dear Mr O'Neil,



TRADE PRACTICES ACT 1974.

APPLICATION FOR AUTHORISATION A90549.

THE PROPRIETARY MEDICINES ASSOCIATION OF AUSTRALIA INC (PMAA).

Your letter CA93/4 JS:GH

Thank you for the opportunity to comment on this matter and for the seven day extension of time in which to do so.

The Society supports the application by the PMAA for authorisation of its Code. The Society believes that the public benefits which arise from the Code far outweigh any anti-competitive aspects of it.

The Society offers the following specific comments.

1. Definitions

The definition of "advertisement" describes the range of communication forms which could be used for advertisements but does not say what an advertisement actually is. We would suggest inserting a new first sentence along the following lines

"An advertisement is a public notice or announcement drawing attention to, or describing favourably, goods or services for the purpose of promoting sales."

This definition is compatible with the definitions of "advertise" and "advertisement" in the Australian Concise Oxford Dictionary.

6. Promotion

We would suggest adding the words "and the health professions." to the end of sentence 6.1.1.

6.3 Children.

This seems to be a potentially problematic area of the Code. The statement "No member shall promote any proprietary medicine to children" seems to leave open several questions. It is not clear to us for example, how "children" is defined. Attitudes towards medicine taking are formed at an early age. Would the effect of the Code be to prevent advertising of proprietary medicines in *any* situation where children say less than 16 years old could be exposed? The Pharmaceutical Society would foresee problems if this provision were interpreted too strictly.

Sanctions and Coverage

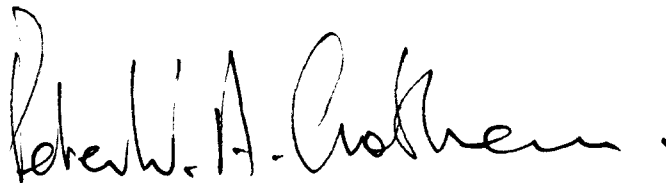
The Society believes it would be appropriate to provide the PMAA with clear-cut jurisdiction over non-member companies and to increase the range and weight of sanctions available to it in applying the Code.

Advertisements and Promotions to Sales Assistants

The Society notes that advertising and promotion to sales assistants of *scheduled* substances is covered in the Code. The Pharmaceutical Society has encountered problems of a more general nature with some promotions to pharmacy sales assistants involving *unscheduled* medicines. These relate to sales assistants being encouraged to engage in symptom assessment and product selection in a way which exceeds their level of competence. The Society will be raising this issue with the PMAA with a view to incorporating amendments into future versions of the Code.

Notwithstanding these comments, the Society supports authorisation of the PMAA Code of Practice under Section 88(1) of the Trade Practices Act for the reasons outlined in the PMAA's Application A90549.

Yours sincerely

A handwritten signature in black ink, appearing to read "Peter W. A. Crothers". The signature is written in a cursive style with a period at the end.

Peter Crothers
DEPUTY NATIONAL DIRECTOR