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29 June 1995

OUR REFERENCE

OMG

YOUR REFERENCE

**BY FACSIMILE: 957 6204**

**Ms Clare Martin**  
**Proprietary Medicines Association of**  
**Australia Inc**

Dear Clare

**Code of Practice - Authorisation by Trade Practices Commission**

We refer to previous correspondence in relation to the Commission's attitude to the most recent amendments to the Code of Practice.

The Commission has acknowledged what we put in our letter to it of 28 June. The Commission has noted, however, that, at least in theory the second dot point of clause 7.3 of the Code might appear to prevent what would be perfectly acceptable advertising to health professionals of S3 products under section 5.5 of the Code. For example, a company might want to use the information contained in its CPI in material directed to health professionals being material that includes advertising type messages.

We have pointed out to the Commission that we do not believe clause 7.3 would be interpreted in that way. We have said that clause 7.3 will be understood to prohibit advertising to consumers under the guise of CPI and would not be taken as prohibiting otherwise perfectly acceptable advertising to health professionals.

We have also said to the Commission that in our view it is not necessary to try to clarify this matter in clause 7.3 and to do so would be potentially confusing. Also, we have said that we feel the industry would be concerned about adding such material to clause 7.3 as it may tend to suggest the very thing discouraged by clause 7.3 namely use of CPI as an advertising tool.

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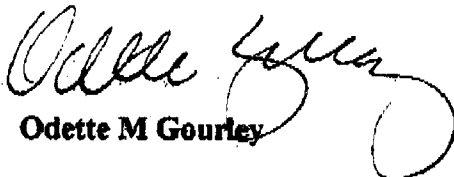
Ms Clare Martin  
29 June 1995

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On this basis, the Commission is satisfied to leave clause 7.3 as it is. However, we agreed with the Commission that we would write to you to note the point so that the PMAA might be aware of the Commission's concern that the CPI provisions not inhibit otherwise acceptable advertising to health professionals.

At the request of the Commission, we are sending a copy of this letter to it.

Yours faithfully  
**MINTER ELLISON**

  
**Odette M Gourley**