

## PHARMACEUTICAL SERVICES BRANCH

The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
Dickson ACT 2602

**By facsimile (02) 6243 1211**

**16 JAN 2006**

Dear Sirs

**Application for revocation and substitution (A90994-6) lodged by  
Medicines Australia Inc – Substantive Application**

The Department refers to your letter dated 5 December 2005 concerning the above application by Medicines Australia Inc under Section 91C of the *Trade Practices Act 1974*.

The Department provides the following submission in respect of the substantive application made by Medicines Australia Inc. concerning its revocation of the authorisation in respect of Edition 14 of its Code of Conduct ("**Code**") and substitution of a replacement authorisation of Edition 15 of its Code.

The Department considers the Code is effective in regulating the marketing of prescription products to health professionals in that it ensures such promotion is carried out in a balanced manner and has a scientific basis.

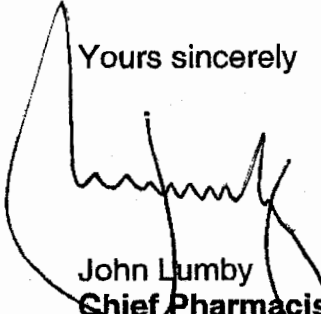
The Code also aims to ensure that information provided to the public on request for prescription products is educational and is not promotional. This complements the legislative prohibition on the advertising of prescription medicines to the general public yet enables the public to obtain current, balanced and accurate information on products if required.

Edition 15 of the Code extensively modifies the existing Code in respect of the distribution of samples to health professionals. This aims to ensure that samples provided to healthcare professionals have been stored in such a manner that their effectiveness will not be compromised. This modification was a recommendation of the Council of Australian Governments Review of all state and territory drugs and poisons legislation (the Galbally review). Consideration is being given to adopting this section of the Code under NSW legislation for the regulation of medicines.

Building 29, Gladesville Hospital  
Cnr. Punt & Victoria Roads  
Gladesville NSW 2111  
PO Box 103 Gladesville NSW 1675  
Telephone (02) 9879 3214 Facsimile (02) 9859 5165

Given the above, the Department considers that public benefits will flow from the Australian Competition and Consumer Commission's revocation of Edition 14 of the Medicines Australia Code of Conduct and its substitution with Edition 15.

Yours sincerely



John Lumby

**Chief Pharmacist,  
Director Pharmaceutical Services Branch**