

## Davis, Bronwyn

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**From:** Simmonds, Martine on behalf of Adjudication  
**Sent:** Wednesday, 24 May 2006 9:21 AM  
**To:** Arnaud, Isabelle  
**Cc:** Davis, Bronwyn  
**Subject:** FW: Submission re Medicines Australia Code of Conduct [SEC=UNCLASSIFIED]

**Categories:** SEC=UNCLASSIFIED  
**ACCC Classification:** SEC=UNCLASSIFIED

Hi there,

Could you please advise if for PR or PR/Int and put in the appropriate tray!

Thank you  
Martine

-----Original Message-----

From: Peter Mansfield [mailto:peter.mansfield@adelaide.edu.au]  
Sent: Tuesday, 23 May 2006 7:40 PM  
To: Adjudication  
Cc: 'Viola Korczak'; fiona@anf.org.au; twoodruff@bigpond.com;  
k.harvey@medreach.com.au; Davis, Bronwyn; Jon Jureidini (CYWHS)  
Subject: Submission re Medicines Australia Code of Conduct

Herewith a submission from Healthy Skepticism Inc in response to the ACCC draft determination regarding the Medicines Australia Code of Conduct (the Code).

Healthy Skepticism supports the submission made by the Australian Consumers Association. We agree that the Code should not be authorised because it likely to do more harm than good.

We note with concern that the ACCC has not adequately considered the public detriment that arises from inadequate regulation of misleading drug promotion. A recent example is several thousand heart attacks with hundreds of deaths caused by misleading promotion of Vioxx.

If the Code is to be authorised then ACCC should make conditions that would improve the Code of Conduct to the point where it would be likely to do more good than harm.

Here are some suggestions for conditions that would improve the Code of Conduct:

The Monitoring Committee should be required to publish a list of all promotional materials and events that it has examined and its determinations about those materials and events. (This condition would enable independent groups to examine a sample of those materials and events so as check if the Monitoring Committee's determinations were appropriate or not.)

The Code of Conduct Committee should include a majority of people with expertise at evaluating pharmaceutical promotion who have no competing interests during the past 5 years involving any pharmaceutical company.

There should be at least one person with expertise in each of the following fields: clinical pharmacology, informal logic, ethics, marketing, advertising, public relations and the psychology of influence.

If a promotional item or event is found to be misleading then a corrective statement should always be required.

Fines for infringements of the Code should not be less than one half the sales revenue of the drug promoted during the time that the promotion occurred.

regards,

Peter

Dr Peter R Mansfield

GP

Director, Healthy Skepticism Inc. Countering misleading drug promotion.

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