



australian nursing federation

30 May 2006

Mr Scott Gregson
The General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON NSW 2602

Dear Mr Gregson,

The Australian Nursing Federation (ANF) notes with disappointment the draft determination by the Australian Competition and Consumer Commission (ACCC) to grant interim authorisation to Medicines Australia for Edition 15 of the Medicines Australia Code of Conduct (authorisations A90994, A90995 and A90996).

As outlined in our submission to the ACCC on 3 February 2006, the Australian Nursing Federation's view is that problems with the previous Code have not been addressed by the 15th edition, and we continue to hold concerns that the Code:

- is ineffective in preventing direct-to-consumer advertising (despite being prohibited under the Therapeutic Goods Act 1999);
- contains no conditions prohibiting advertising in prescribing software;
- is ineffective as a self regulatory mechanism as many pharmaceutical companies may not be complying with the Code; and
- that sanctions for breaches of the Code are inadequate, and bear no resemblance to the sales revenue of the product in question.

The Australian Nursing Federation reiterates the point made in our earlier submission that evidence indicates that direct-to-consumer advertising is being conducted in Australia, which leads to patient pressure for these medicines. This may occur even when the therapeutic benefits are questionable. The associated risks are not only that patient may be being prescribed medicines that they do not need, but also that there is substantial financial impost on the Pharmaceutical Benefits Scheme (PBS), currently costing Australian taxpayers around \$6 billion annually.

The Australian Nursing Federation supports the view of the Australian Consumer Association that an independent regulator should oversee the monitoring of the Code. An example of the risk posed to public health from inadequate regulation is clearly illustrated by the misleading promotion of the drug Vioxx, responsible for causing several thousand heart attacks.

The industrial and professional organisation for nurses and midwives in Australia

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As proposed by safe medicine use advocates, Healthy Scepticism, as well as the ACA, the ANF supports the recommendation that the ACCC impose conditions to ensure higher sanctions for breaches of the Code at a level that would reflect the serious and potential harm which can result from misleading advertising. Fines for infringements of the Code should also reflect the sales revenue of the drug in question.

It is the view of the Australian Nursing Federation that the Code in its current form is ineffective as a self regulated Code. Given the concerns expressed by the ACCC that the Code may be ineffective in regulating the conduct of pharmaceutical companies, the ANF urges the ACCC to impose additional conditions before granting full authorisation of the Code.

If you have any further questions please do not hesitate to contact Fiona Armstrong, ANF Federal Professional Officer (03-96395211 fiona@anf.org.au) in the Melbourne office of the ANF.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jill Iliffe', with a stylized flourish at the end.

JILL ILIFFE
Federal Secretary