

Dr Agnes Vitry
Quality Use of Medicines and Pharmacy Research Centre
Sansom Institute
University of South Australia
GPO Box 2471
Adelaide SA 5001

9th November 2009

Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition &
Consumer Commission
GPO Box 3131
Canberra, ACT, 2601

Dear Dr Chadwick,

Re: Pre-decision Conference; Medicines Australia Code Reauthorisation (A91150)

I would like to attend the pre-decision conference. An Adelaide venue would be convenient.

My interest in these matters stems from my long-standing involvement in several organisations concerned by misleading promotional practices of pharmaceutical companies such as Health Action International and Healthy Skepticism. I am particularly concerned by the growing influence of pharmaceutical companies on health consumers and health consumer organisations.

Disease awareness campaigns

Despite that the Australian legislation prohibits direct-to-consumer advertising (DTCA) of prescription medicines, several complaints have been sent to Medicines Australia about unbranded product advertising and disease-awareness campaigns in the last 10 years (see <http://www.australianprescriber.com/magazine/27/1/4/6/>). To my knowledge, they have never been upheld despite the obvious link between the consumer campaign and a specific prescription product even if the name of the advertised product was not explicitly mentioned. These consumer awareness campaigns would never be run by drug companies if they were not expecting financial benefits by expanding markets for their products. Patients' requests for medicines are a powerful driver of prescribing decisions. In New Zealand 69% of the general practitioners who responded to a survey reported that they had been under pressure from their patients to prescribe advertised medicines, even if they felt that these medicines offered little added benefit over drugs they would normally use. My paper published in Crickey on the 7th October 2009 (<http://www.crikey.com.au/2009/10/07/ban-on-prescription-medicine-advertising-is-a-joke/>) described two ongoing *de facto* DTCA campaigns in Australia. Pfizer is currently running the "Master" marketing campaign for Champix (varenicline), a new drug marketed for smoking cessation. Another ongoing DTCA campaign, the Bayer's campaign on how "low

testosterone can take the life out of you” is typical of a disease awareness campaign that is used as a strategy to extend the boundaries of illness and to indirectly promote the use of the testosterone prescription products marketed by Bayer.

New provisions of the 16th Ed of Medicines Australia Code go a step further and institutionalize such “disease education activities” in the media. I believe that disease education activities are breaking the current Australian regulations and should be banned by Medicines Australia Code unless there is evidence that the drug company involved has no financial interest in promoting one or more of its products for the disease advertised.

Relationship with health consumer organisations (HCO)

The relationship with health consumer organisations (HCO) and patients is also an important concern as HCOs and patients have become legitimate participants into Australian health policy decisions at federal, state and local levels. The new provisions of the 16th Ed of Medicines Australia Code are insufficient. I propose that each Member Company should provide a report to Medicines Australia on all relationships with HCOs and all patient support programs with a sufficient level of details. Medicines Australia should make publicly available this information on its website.

Reporting on educational events

An analysis just published of the mandatory disclosure of pharmaceutical industry-funded events for health professionals concluded that the Australian reporting standards are deficient in not including details that enable a judgement about the educational value of company sponsored events¹. The authors suggested that the reporting scheme should require the following details: the names of the speakers presenting, whether sponsors played a role in suggestion or selection of speakers or the development of the content of presentations, and the nature of any direct or indirect financial ties between the speakers and the sponsors.

I hope that these issues could be examined during the Pre-decision Conference.

Yours sincerely,

Dr Agnes Vitry

1. Robertson J, Moynihan R, Walkom E, Bero L, Henry D, 2009 Mandatory Disclosure of Pharmaceutical Industry-Funded Events for Health Professionals. PLoS Med 6(11): e1000128. doi:10.1371/journal.pmed.1000128