

27 July 2009

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

By email to: adjudication@accc.gov.au

Dear Dr Chadwick,

Medicines Australia application for revocation and substitution A91150 –
Submission of Janssen-Cilag Australia

I refer to your letter dated 7 July 2009.

Janssen-Cilag Pty Ltd (Australia) (“JCA”) is pleased to comment on the application of Medicines Australia Limited (“MA”) for reauthorization of its Code of Conduct Edition 16. JCA is a member company of MA.

We submit that to the best of our knowledge and belief, Edition 16 of the Code of Conduct would result in greater public benefit than Edition 15 and that it will not result in any material anti-competitive detriment or other public detriment.

Code of Conduct Edition 16 sets even higher standards for the advertising and promotion of pharmaceuticals and JCA is committed to such.

JCA notes and concurs with MA's assertions that Edition 16 of the Code incorporates many improvements including to:

- Raise the already high standard for medical and promotional claims;
- Substantially increase fines for breaches of the Code;
- Increase consumer representation on the Code, Appeals and Monitoring Committees;
- Further limit advertising by member companies by absolutely banning advertising in prescribing software and limiting the provision of brand name reminders to health care professionals to practice-related items; and
- Increase transparency of the relationships between pharmaceutical companies and health consumer organizations (“HCOs”) by requiring publication on a company's website of a list of HCOs to which it provides support and the nature of that support.

In our view, for these reasons, among others, Edition 16 would result in greater public benefit than Edition 15.

JCA also notes the reasons outlined by the Australian Competition Tribunal in *Re Medicines Australia Inc* [2007] ACompT 4 in its finding that Edition 15 did not result in any material anti-competitive detriment or other public detriment.

We submit that those reasons stand in relation to Edition 16. In fact those reasons are strengthened by Edition 16.

Finally, in our view, the MA Code, and presently Edition 16, would be effective and is desirable as a matter of public policy.

We therefore support MA's application for revocation and substitution (A91150) and submit that the Australian community will be well served by the ACCC reauthorizing the MA Code of Conduct Edition 16.

We would be pleased to clarify or amplify this submission, including verbally, if required.

Thank you again for the opportunity to comment.

Yours sincerely



Bruce Goodwin
MANAGING DIRECTOR