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13 November 2012

**John Latham**  
Chairman and Managing Director

The Commissioners  
Adjudication Branch  
Australian Competition and Consumer Commission

Via Email [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

Dear Commissioners

**Draft determination Medicines Australia Code of Conduct edition 17 - Authorisation numbers: A91316 - A91320**

Pfizer contends that the Code complaints procedure for non-Medicines Australia members (eg Healthcare Professionals, non-member organisations etc) is not onerous, and may indeed be too lax.

This position is primarily driven by Pfizer's observation that the Medicines Australia guidelines for Code complaints (enforced for member complainants) are not necessarily enforced for non-member complainants (see example below).

As a result, Pfizer believes that a large volume of *spur-of-the-moment, ill-thought through, poorly-researched and formulated, and difficult-to-interpret* complaints may be received by member companies, all of which require lengthy, detailed and time-consuming responses, regardless of their merit or validity.

Example:

The complaint below was recently received by Pfizer from a HCP. While it probably took the complainant only a short while to compile, Pfizer spend many hours on a written repose, an appeal response, and a presentation to Medicines Australia. The complainant chose not to appear at the Appeal hearing either. Two of the three complaints were not upheld.

<p>Please state what your complaint is, including, where possible, the section of the Medicines Australia Code of Conduct breached.</p> <p>A copy of the Code can be found on the Medicines Australia website at <a href="http://www.medicinesaustralia.com.au">www.medicinesaustralia.com.au</a> or by calling the office on 02 6122 8500</p> <p>If you require any assistance with this section please contact the Secretary of the Code of Conduct Committee at Medicines Australia on 02 6122 8500 or via email at <a href="mailto:secretarycodecommittee@medicinesaustralia.com.au">secretarycodecommittee@medicinesaustralia.com.au</a></p>	<p>Cover graphic implies arthritic burden causes the other conditions, not just merely associated.</p> <p>P.2 use of 'unsurpassed' is annoying as it could well be 'equivalent'</p> <p>P.3 Comparison to opioids in management post-op pain irrelevant to</p>
<p>Please provide details of any communication you have had with the advertiser or sponsor company</p>	<p>N/C</p>
<p>Are you aware of any legal action in relation to this material? If so please give details.</p>	<p>NO</p>

ad for celebrex & ipsi facts, implies we could consider product for this indication, which is misleading, + dangerous (bleeding etc)

**Complainant Details**

Name:	
Address	
Telephone:	
Fax:	
Email:	
Date:	19.06.2012

If you do not wish your name and contact details to be given to the other party/sponsor company please tick the box

Various aspects of this complaint illustrate Pfizer's concerns outlined above:

1. Complainant anonymity may encourage vexatious complaints and poorly written/ formulated arguments.
2. A lack of mandated, pre-complaint dialogue between both parties may result in unnecessary complaints (ie as evidenced by this complainant's lack of knowledge of the full Celebrex indications)
3. No requirements for a typed or legible complaint may encourage difficult-to-interpret complaints which can also be generated on a whim.

Yours sincerely



**John Latham**