

Our Ref: 53542  
Contact Officer: Tanya Hobbs  
Contact Number: 02 6243 1029



**Australian  
Competition &  
Consumer  
Commission**

23 December 2013

Mark McCowan  
Partner  
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Dear Mr McCowan

**Third line forcing notification N97164 lodged by Janssen-Cilag Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 20 December 2013. The notification has been placed on the ACCC's public register.

Janssen-Cilag Pty Ltd (Janssen-Cilag) proposes to offer discounted Zytiga cancer treatment to patients with a particular class of prostate cancer on condition that the patients acquire the treatment from a centralised dispensing pharmacy, East Gosford Pharmacy, and utilise program administration services from Vivacity Health. Zytiga is approved for use by this class of patients by the Therapeutic Goods Administration but this use is not subsidised under the Pharmaceutical Benefits Scheme (the PBS). Janssen-Cilag proposes to continue this offer until Zytiga is listed on the PBS for the use of this class of patients.

Legal protection conferred by the notification will commence on 3 January 2013.

On the basis of the information that you have provided it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the legal protection provided by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that Janssen-Cilag, East Gosford Pharmacy and Vivacity Health will disclose all relevant terms and conditions to prospective customers.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Tanya Hobbs on 02 6243 1029.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick'.

Dr Richard Chadwick  
General Manager  
Adjudication Branch