



David Gallagher
Chairman and Managing Director
Tel +61 2 9850 3333
Fax +61 2 9850 3646

Pfizer Australia Pty Ltd
38 - 42 Wharf Road
West Ryde NSW 2114
Australia

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Dr Richard Chadwick
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
23 Marcus Clarke St
Canberra ACT 2600

Via email: adjudication@accc.gov.au

Dear Dr Chadwick

Medicines Australia Limited application for revocation of authorisations A91316- A91320 and substitution of new authorisations A91436-A91440 – draft determination

Pfizer Australia (Pfizer) welcomes the opportunity to provide a submission in relation to the Medicines Australia Limited - Revocation and Substitution - A91436 - A91440 application- draft determination.

Pfizer strongly supports increased transparency in our industry. We believe it is important that we work with healthcare professionals to provide them with information about the safe, effective and appropriate use of our medicines. At the same time we acknowledge the community's desire to have confidence in the relationships between pharmaceutical companies and healthcare professionals.

Authorisation Condition

(148)... member companies must not make a transfer of value to a HCP, unless they have either obtained the HCP's consent to disclosure or have taken steps to give notice of the disclosure obligation so that the HCP would reasonably expect the disclosure. In this way, member companies will be able to report all transfers made

Pfizer entirely supports Medicines Australia's position on this condition

This condition creates a fundamental change in the manner in which companies may engage with healthcare professionals. The submitted 18th Edition of the Code required a healthcare professional's consent for the transfer of value to be disclosed. The ACCC condition alters this dynamic to mandate that a company must not make a transfer of value to a healthcare professional unless the transfer will be disclosed.

Pfizer is mindful of the fact that it is Medicine Australia members who are moving to enhance the transparency of payments to healthcare professionals. It is vital that we engage respectfully with healthcare professionals to bring them along this path to the reporting of their personal information. During the development of the 18th Edition of the Code over the last two years, there has been no stakeholder consultation regarding mandated disclosure.

Pfizer respects and supports the position outlined by the AMA in their submission to the ACCC following the draft determination:

This will be the first time in Australia that the private income of individuals in a professional class will be subject to public scrutiny. A twelve month delay in implementing the ACCC's condition would allow health practitioners to think about and plan for their ongoing relationships with pharmaceutical companies.

Ethical relationships between health practitioners and the pharmaceutical industry benefit patients: pharmaceutical industries can receive advice from practitioners about use of medicines in a real-life practice setting and practitioners can be fully informed about using medicines new to the market. There is a risk that practitioners may not engage in productive relationships because they lack confidence in the new Code.

A twelve month delay in implementing the ACCC's condition would also allow both Medicines Australia pharmaceutical companies and affected health practitioners time to understand and fully comply with the new requirements.

Hospitality

The Code provides clear requirements and restrictions on how and when companies may provide hospitality to healthcare professionals. The hospitality limit for meals proposed ensures that these meals are not lavish, and other provisions of the Code (such as the prohibition of entertainment during company initiated educational events) ensure that the meeting conduct is appropriate.

The Educational Event Reports published on the Medicines Australia website include expenditure on meals at, or in some cases above, the \$120 limit. Stakeholders have not raised any concerns regarding the provision of meals at this cost. Some submissions have cited the influence that very frequent provision of hospitality may have on a healthcare professional. In reality healthcare professionals do not have the time to engage in very frequent interactions with the industry. Even if this were not the case the main focus of healthcare professional engagement for the industry is education. The Code clearly sets out the requirements for hospitality provided at educational meetings:

Educational events are important for the dissemination of knowledge and experience to healthcare professionals. The primary purpose of an educational meeting must be the enhancement of medical knowledge and the quality use of medicines.

Company involvement in these events must have the objective of providing current, accurate and balanced medical education in an ethical and professional manner. When organising or sponsoring educational events, it is also important to ensure an appropriate balance between the duration of educational content and any hospitality provided to delegates

Additional conditions

Pfizer maintains that no additional conditions are warranted. The late inclusion of additional conditions which have not been broadly discussed and carefully considered, may have unintended consequences. For example, including the medicine name, where applicable, may seem straightforward; however this is in fact a complex issue. Healthcare professionals may object if they consider the naming implies their endorsement and the TGA could view the naming as a form of direct to consumer advertising. In some cases, such as with healthcare professional sponsorship to a major

international scientific meeting, the relevant list of medicines could be extensive and may include unregistered medicines for which even greater concerns regarding 'advertising' arise.

The current level of detail and scope of captured transfers of value has been arrived at after extensive consultation and discussion. There will always be calls from interested parties to include more information and greater detail. More detailed disclosure introduces much greater complexity and may not be of meaningful value to consumers who counselled *don't sweat the small stuff*.

Importantly, the focus at this time for the industry must be the effectively implementation of the new transparency measures and the development of a single repository for the reports. Collaborative, concerted efforts and considerable resources will be required to inform and engage with healthcare professionals, to establish systems to capture the data, and to deliver a single point of access for interested parties to access the information. Additional conditions could adversely impact upon industry's capacity to focus on overcoming current challenges to deliver enhanced transparency in a manner that addresses with stakeholders concerns and their desire for accessible information.

Pfizer agrees to have this submission published on ACCC site.

Yours sincerely



David Gallagher