Industry Practices Review Committee (IPRC) Decisions/Comments

October 20th 2011 Meeting*

Complaint: Company X (non-member) v. Company Y Inc. re: Product Z (generic)

Complainant: Company X

Allegation: That Company Y violated the Code of Ethical Practices in connection to its campaign (Study 123) to create the false impression among Canadian Health Care Professionals that generic Product Z is less safe, less pure and less effective than its brand Product A.

Decision: No *Infraction.* The IPRC examined the following issues in order to determine that no infraction of the Code had occurred.

Study 123

Company X alleged that Company Y representatives were circulating published scientific literature that negatively compared Product Z to Company Y's Product A.

Company X further alleges that Company Y has violated Guiding Principles 1 and 2 as well as Sections 8.2.4, 8.2.5 and 8.2.6 of the Code of Ethical Practices:

> *All interactions with health care professionals are to be conducted in a highly professional, business like, and ethical manner.*
>
> *All product information provided to health care professionals must be accurate and fair balanced.*
>
> ***8.2.4** Member representatives must display the highest professional and ethical standards at all times. This must be reflected in both their conduct and appearance. Representatives are expected to understand and abide by established codes of conduct and courtesy in physicians' offices, clinics, hospitals, retail pharmacies and wherever they may appear in a professional capacity.*
>
> ***8.2.5** Representatives must provide full and factual information on products, without misrepresentation or exaggeration. Representatives' statements must be accurate and complete; they should not be misleading, either directly or by implication. Their assertions must be scientific and should not vary in any way from the official product monograph and current Canadian medical thinking.*
>
> ***8.2.**6 Member management shall work with representatives on a regular basis to ensure appropriate information exchange occurs as stated in Section 8.2.5.*

Company X suggests that the representatives circulating these materials were not providing full information and were misleading stakeholders as to the true quality of Product Z. It was further alleged that Company Y used this Study as an advertising promotional System (APS).

The IPRC was not able to determine, from the evidence provided by the complainant, that Health Care Professionals were on the receiving end of this Study.

Likewise, there is no evidence provided that there has been a PAAB violation against Company Y.

According to the Rx&D Complaint Procedure rules set out on the Website:

Complainants must set out in writing as much specific information as possible regarding their complaint. Evidence in the form of documentation and/or photographs is permissible, but complainants are advised that Rx&D may not return any materials submitted. Complainants are advised that the provision of timely, clear and accurate information will greatly assist in the processing of the complaint.

The IPRC believes that in light of the absence of documentary evidence, Company X has not met the burden to bring forward sufficient evidence to demonstrate that there has been an infraction of the present Code.

Note:

Under the new Code of Ethical Practices, (in effect on March 31, 2012), should Company X's claims been substantiated, the Study at hand may have been deemed unacceptable and in turn deemed a Code infraction.

***Mr. X, a Member of the Industry Practices Review Committee, is an employee of Company Y. Mr. X recused himself from the proceeding and did not participate in any way, shape or form in the processing of this complaint or in the decision.**