

Industry Practices Review Committee (IPRC) Decisions/Comments – October 20th, 2011 Meeting*

Issue #1: Purdue Pharma v Janssen: Janssen voucher program re: Nucynta CR and Jurnista

Complainant: Purdue Pharma

Allegation: That the Janssen voucher program re: Nucynta Cr and Jurnista (the Janssen voucher program) violates Guiding Principle 1 of the Rx&D Code of Ethical Practices (Code).

Decision: *Infraction.* Guided by the Appeal Panel decision referenced below, the Industry Practices Review Committee (IPRC) determined that the Janssen voucher program contravenes Guiding Principle 1 of the Code. The IPRC notes that, since there was no change under the Janssen voucher program, there would have been no infraction on the basis of the December 1, 2010 IPRC decision, which was upheld on Appeal but for different reasons.

Guiding Principle 1: The IPRC disagrees with Janssen’s statement that “*offering the voucher to patients with a private drug plan is not discriminatory, as it was designed to ensure equality of access to the universe of patients who are able to access medications.*”

In light of the decision of the Appeal Panel dated July 20, 2011, (the Appeal decision) the Janssen voucher program violates Guiding Principle 1 of the Code which states: “The Health and well-being of patients and all Canadians is our first priority.” The Janssen voucher program “treats insured and uninsured patients differentially” as stated in paragraph 49 of the Appeal decision.

In light of the Appeal decision, the IPRC did not consider arguments made in relation to the Mission Statement and Mission Overview.

Other Issues: Given the issues that both these decisions (July 20th, 2011 Appeal Decision and this Decision) raise, the IPRC recommends that the Industry Practices Committee (IPC), examine and consider modifications to Section 3 Clinical Evaluation Packages of the Code of Ethical Practices.

***Please note:** Mr. Ken Burns is a Member of the Industry Practices Review Committee. A complaint against Purdue (December 1, 2010) was brought by Mr. Burns concerning similar subject matter to that being dealt with in this case. Consequently, Mr. Burns recused himself from participating in any way, shape or form in the processing of this complaint or in the decision.