NFTHD #54: Scientific exchange in New Zealand; a key difference

With Australia and New Zealand so close, this Note from the Help Desk examines whether it's permissible to discuss sponsor medicines in New Zealand that are approved by the TGA but not yet approved there. If allowed, under what conditions can these discussions take place? Let's take a closer look at how the regulations differ 'across the ditch.'

A potential scenario: You are sponsoring a conference in New Zealand, the event is designed purely for medical information and scientific exchange with a healthcare professional audience. As part of your engagement, you would like to include information about your sponsor medicine. This would be incorporated as part of a medical education program, delivered by appropriate medical personnel, balanced alongside other medicines in that same therapeutic area and also with all the ample safety and efficacy information.

In an Australian setting, exchanging information about unregistered medicines is understood as scientific exchange; whilst this activity comes with some strict guardrails, it is possible. However, the rules in New Zealand are ever so slightly different to those in Australia. For this example, what could be done in Australia cannot be done in New Zealand. This has caused some challenges in the past, given how close we are and how many organisations are cross-border.

Section 20 of the New Zealand Medicines Act 1981 prohibits the promotion of unregistered medicines, and the law applies on a territorial jurisdictional basis as the law of the land. Medsafe (the NZ Regulator) has produced guidance concerning Marketing Products Which Are Not Approved Medicines and part of their interpretation of Section 20 is that "Provision of any information relating to unapproved medicines, or the potential availability of medicines in the future at scientific / clinical / professional conferences would be regarded as a breach of the Medicines Act, regardless of the content or audience."

General advice provided by Medicines New Zealand with regard to medical education events in NZ is that whilst Medical Department personnel can reactively address any unsolicited requests for information about unregistered medicines/indications that they receive from an HCP who is attending the event, there should not be proactive communication/provision of information about these unregistered medicines/indications to event attendees. So, a key difference in this particular scenario is the issue of proactive and reactive.

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How about if the audience was just limited to the travelling Australian-based HCP's in attendance? As the meeting would be happening on NZ soil, then legally the prohibition in the Medicines Act 1981 still applies - even if you were to restrict attendance at the event to attendees only from Australia.

In line with our ethical commitments, interactions with our stakeholders should always be consistent with all legislative requirements; and that translates to any relevant regulations in place where we travel and operate.

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