

Gifts, Offers, and Company Branded Items

KEY PRINCIPLES

- Companies undertake activities that support the quality use of medicine; working in a transparent manner to ensure trust and confidence in the industry.
- Companies must avoid participating in activities that inappropriately influence or create a perception of inappropriate influencing HCPs and their prescribing/administration habits. As such, companies do not offer any items or services to HCPs that could be a gift.
- Reasonably priced items that promote medical education or improve health outcomes such as medical text books, medical literature, company-branded educational materials, etc., are not considered gifts and may be provided to HCPs.
- Context plays a very important role when determining what and when items can be provided to HCPs. Company-branded items, of low monetary value, relevant to the conduct of the educational meeting, such as pens and notepads, may be given to HCPs attending an educational meeting but must only be distributed in a way that limits the supply.

WHAT IS A GIFT? WHAT IS A PROMOTIONAL AID? BRAND-NAME REMINDER?

Gifts for the personal benefit of healthcare professionals (HCPs), (such as sporting or entertainment tickets, electronics items, social courtesy gifts, etc.) are prohibited regardless of whether provided directly or through clinics or institutions. Cash, cash equivalents or personal services are not to be offered or provided. Even if the gift has low monetary value and is a cultural courtesy item, it is not appropriate. Materials provided to HCPs must relate to the practice of medicine and be of reasonable value to the practice of medicine.

The Code also extends this to other items, for example promotional aids and brand-name reminders. Whilst the Code doesn't specifically define these, they are intended to prevent the provision of non-monetary items given for a promotional purpose, include an item designed to remind HCPs of the existence of a product. They include items such as post-it notes, bags, binders, calendars, stationery items, trinkets, non-disposable coffee cups or water bottles – and the list goes on.

Items of stationery required for notetaking at a congress can be provided but the supply must be restricted to serve the purpose of note taking at the congress. It is not appropriate to distribute these items at a congress booth.



Consistent with our ethical undertakings, nothing is to be offered or provided by a Company in a manner or with conditions that would have an inappropriate influence on the approval, recommendation, prescribing, and/or use of a product

CODE OF CONDUCT EDITION 20, OVERARCHING PRINCIPLE 5

WHY?

Undue influence: The Pharmaceutical industry places great reliance on its professional relationship with healthcare professionals and ensuring that Australian patients receive optimal care. With integrity and trust as the foundational principles, our relationships and activities should never appear to place undue influence over the independence of prescribing decisions. Nor should we be subsidising any clinical practice, hence the reason why provision of clinical supplies is also inappropriate.

Trivialises relationship: With that, our industry is committed to ensuring that the relationships between our companies and healthcare professionals are based on medical and scientific value which has the purpose of supporting the quality use of medicines. Providing promotional aids to healthcare professionals does not advance disease or treatment education.

Harms reputation: Promotional aids may lead to the misperception that company interactions with healthcare professionals are not based on informing them about medical and scientific issues. The relationship between industry and healthcare professionals must withstand public scrutiny. Our Code aims to foster an environment where the general public can be confident that choices regarding their treatment are being made on the basis of the merits of each product and the healthcare needs of patients.



Companies undertake activities that support the Quality Use of Medicines ... and we work in a transparent manner to ensure trust and confidence of the industry ...

CODE OF CONDUCT EDITION 20, ELEMENTS FROM OVERARCHING PRINCIPLES 1 & 2

EVOLUTION OF THIS APPROACH

Societal expectations of the pharmaceutical industry continue to evolve, and the Code of Conduct and associated tools keep pace with that change. This approach is aligned with other global Codes and ensures we maintain a consistent world-leading ethical approach. Furthermore, Medicines Australia is a contributor and signatory to the IFPMA Code of Practice and Ethos. The global IFPMA approach, also prohibits providing healthcare professionals with promotional aids in relation to the promotion of prescription only medicines.

QUESTIONS TO ASK YOURSELF

- Does it have independent value?
- Can it be re-purposed and used beyond the original intent?
- Is it consumed or disposed of at the meeting, or returned at the meeting? (is it likely to make its way outside the HCP-only audience).
- Does it trivialise our industry and the relationships we have with healthcare professionals?
- Is it extra-fancy beyond its original intent? Does it have special design features that gives it additional intrinsic value?
- How would it be perceived by the public?
- Does it enhance patient care?
- How is it given/provided?
- Who is the recipient?

HOW TO COMPLY WITH THE CODE

Any items provided to healthcare professionals must be consistent with Sections 3 and 5 of Edition 20 of the Code, as well as Overarching Principles 1, 5, 6, and 9.

Medical educational materials

The Code (Section 3) details a company may provide educational material and items of value directed at a healthcare professional and/or for use with educating patients. Therefore, informational items provided to HCPs for their education or for the education of patients on disease and its treatments may be offered by member companies provided that the items are primarily for educational purposes.

These informational and educational items can include the company name, but must not be product branded, unless the product's name is essential for the correct use of the item by the patient. These should not have an independent value and should themselves be of modest value. They can include items such as resources, reprints and meeting proceedings, and may be physical or digital materials.

How about textbooks?



Textbooks for educational purposes that are relevant to the healthcare professional's area of practice align with the Code's principles. Companies should take care that the value of the textbook is reasonable and appropriate, and the manner in which it is distributed could not be considered a gift or inappropriately influencing.

Promotional items which are not appropriate

It is not considered appropriate for companies to provide items to healthcare professionals that would be considered promotional aids or brand name reminders. Regardless of their value, or whether they are branded with the company name or not, such items are inappropriate:

- Lanyards
- Stationery supplies such as sticky notes, mouse pads, calendar and diaries
- Coffee mugs, reusable water bottles
- Clinic supplies (eg. hand wash, bed sheets, tongue depressors, machine cuffs)

The examples above are not exhaustive.



How about tote bags to hold educational or promotional material?

A tote bag might have a purpose relevant to the meeting, but it does have intrinsic value outside the meeting and can be repurposed by the healthcare professional, which slides it closer to being understood as a gift. Companies are encouraged to think about more appropriate methods to provide healthcare professionals with materials that align with the Code's principles.



How about USB's to supply the educational or promotional material?

Clearly the go-to solution for transferring materials electronically, if they are used for this purpose and relevant to the meeting, they are appropriate. However their storage capacity needs to be consistent with the data being provided and not be excessive. Be mindful that USBs do have intrinsic value outside the meeting and can be repurposed by the healthcare professional, so keep it simple.

Single-use consumable items and returnable items

If an item, relevant to the conduct of the meeting, is provided to the healthcare professional for the meeting and then returned at its conclusion, this is not generally considered a gift. For example, it is appropriate to provide lanyards for meeting identification, registration or security purposes at a meeting if you were to have a robust mechanism for actively collecting them at the end of the event. This ensures lanyards were not unintentionally gifted to healthcare professionals.

Similarly, companies may provide modest items, relevant to the conduct of the meeting, that are consumed at an educational event. These may be company-branded. For example, disposable coffee cups, sugar sachets and napkins.

Context is key

Remember context is key – the way they are provided is important to whether they could be interpreted as a gift, or not.

For example, whilst company-branded pens and notepads, of low monetary value, may be given to HCPs attending an educational meeting, the intention is for the healthcare professional to take notes during the meeting. The context is therefore important. By way of example, company-branded pens can be provided at an educational meeting/conference if they are provided on chairs/tables or as part of a satchel insert but if they were provided in a 'goodie bag' or left out on a table at a conference booth, then they could be considered a gift and therefore, not provided in this way.

Competitions may be run by member companies but no prizes may be offered. Companies may participate in 3rd party competitions as part of a sponsorship but only if the competition supports the educational content (e.g. congress passport activities) and if the prize is of reasonable value and would not bring the industry into disrepute.

"The pharma industry is unlike any other. Its innovations can prolong and save lives. We hold ourselves to higher standards than other industries. We owe it to the patients who rely on our medicines."

- The IFPMA Code of Practice

More info

Code Help Desk: codehelpdesk@medicinesaustrala.com.au

IFPMA Code: <https://www.ifpma.org/publications/ifpma-code-of-practice-2019/>

IFPMA Webinar: <https://ifpma.org/resources/ifpma-code-of-practice-2019-key-changes-recorded-webinar/>

IF IN DOUBT, REACH OUT

- Download Edition 20 of the Code of Conduct from our [website](#)
- SCAN THE QR CODE to send an email to the [Code Help Desk](#)

