

# What Pharmaceutical Companies Can and Can't Say About Their Medicines



Even facts can be promotional if shared by a company with a financial interest. Companies may share information, but only healthcare professionals give medical advice, and treatment decisions are made between patients and their doctors.

## Why this matters

Pharmaceutical companies know the most about the medicines they develop, and with that comes a responsibility to share information clearly, accurately, and responsibly so medicines are used safely and effectively. The law and the Medicines Australia Code of Conduct (the Code) do not allow companies to promote prescription medicines to the public or to patient organisations. This means companies are limited in how much and what kind of information they share with the patient community. At the same time, the Code recognises that companies have an important role to play in supporting the quality use of medicines by providing factual, non-promotional information on their safe and effective use.

### What companies can share

- ✓ **Patient organisations** – Companies can share information about prescription medicines if it responds to the information needs of the organisation, it is factual and non-promotional.
- ✓ **Independent patient advocates or representatives** – What can be shared depends on the situation and purpose. The safest approach is to check with the company, who can then provide information that is right for your role and needs.
- ✓ **Patients or caregivers** – Companies can provide medicine-specific tools or resources (such as apps, devices, or packaging aids) to help with correct use and safe disposal of a prescribed medicine. Companies may respond to questions about their medicine with information from the *Consumer Medicine Information* (CMI), but they do not provide any medical advice. Early access or familiarisation programs may also be available, but these are organised through doctors and often involve extra monitoring.
- ✓ **General public** – Companies can only provide basic factual information, usually limited to official documents such as the CMI, Product Information (PI), or safety/risk minimisation materials.

### What companies cannot share

There are strict limits on what companies can say to patients and the public:

- ✗ **No medical advice** – They cannot diagnose or discuss treatment options and side effects management. Patients must speak with their doctor or healthcare professional.
- ✗ **No promotion of prescription medicines** – Companies cannot advertise or promote prescription medicines directly to the public. Promotion isn't just ads—it includes any statement that could encourage use of a medicine. Because companies profit from their medicines, even sharing factual information can sometimes be considered promotional, depending on the situation.
- ✗ **No confidential information** – Details that are commercially sensitive won't be shared. This could extend to information about medicines in development, results of clinical trials, or future applications. This is a company decision.

# Who handles patient enquiries?

Only trained and qualified company staff provide information to patients or patient organisations. For patients or caregivers, this usually comes from Medical Information or Medical Affairs teams. For patient organisations, contact may also come through Corporate or External Affairs. Sales and marketing representatives will focus on interactions with healthcare professionals, not the public or patients.

## So where can I go for more information?

To avoid the perception of promotion, a company may direct patients to their healthcare provider, or to publicly available, independent sources of information. See below for some helpful online resources:

Clinical trials	Databases that contain active clinical trials: <ul style="list-style-type: none"><li>• <a href="http://australianclinicaltrials.gov.au">australianclinicaltrials.gov.au</a></li><li>• <a href="http://anzctr.org.au">anzctr.org.au</a></li></ul>
Pharmaceutical Benefits Scheme (PBS) information	Monitor the status of a medicine as it progresses through the PBS listing process: <ul style="list-style-type: none"><li>• <a href="https://www.pbs.gov.au/medicinesstatus/home.html">https://www.pbs.gov.au/medicinesstatus/home.html</a></li></ul> Summary of Pharmaceutical Benefits Advisory Committee (PBAC) documents: <ul style="list-style-type: none"><li>• <a href="https://www.pbs.gov.au/pbs/industry/listing/elements/pbac-meetings">https://www.pbs.gov.au/pbs/industry/listing/elements/pbac-meetings</a></li></ul>
Consumer Information about a medicine	Consumer Medicine Information (CMI) explained: <ul style="list-style-type: none"><li>• <a href="https://www.nps.org.au/consumers/consumer-medicine-information-cmi">https://www.nps.org.au/consumers/consumer-medicine-information-cmi</a></li></ul> Find a product's CMI document: <ul style="list-style-type: none"><li>• <a href="https://www.nps.org.au/medicine-finder">https://www.nps.org.au/medicine-finder</a></li></ul>

## Risks of sharing information

The law applies to everyone - not just pharmaceutical companies. Patient organisations and individuals cannot promote prescription medicines either. If a patient group shares company information publicly (for example, posting on social media that a new medicine is effective), it could be considered unlawful promotion, even if the intention was simply to inform the patient community. The TGA regularly issues infringement notices to companies and individuals breaking the law. This can also reflect poorly on the company that provided the information.

Because of these risks, companies may limit what they share and want to know how a patient organisation plans to use any information they provide. Patient organisations are encouraged to seek independent legal advice before publishing prescription medicine information.