

The Power of Advertising in the Pharmaceutical Industry

PHARMACEUTICAL ADVERTISING IS a legal minefield for companies that make prescription products and the response and approach to regulating it by international governments varies dramatically.

The internet has opened up a myriad of censorship issues as more

and more individuals are doing their own research about the types of treatment available. This has led to debates throughout the world about the way that the current regime can be relaxed without compromising the safety of both the consumer and the manufacturer. Acquisition International speaks to the experts.



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KNP LAW is an independent Hungarian law firm serving international and domestic clients. The firm was founded by Dr. Kornelia Nagy-Koppány in 2006. Prior to establishing KNP LAW, Dr. Nagy-Koppány practiced law for several years in the United States at leading global law firms.

KNP LAW is a mid-sized, gradually growing, positively aggressive firm, able to deliver the highest quality services with an incredibly short turnover time. The wide international network of the firm guarantees high quality client service in multiple jurisdictions all over the world. KNP LAW maintains an up-to-date knowledge of the constantly changing developments of international and domestic life sciences industry and legal trends. The firm has built an extensive network of leading life sciences professionals in both the private and public sectors. KNP LAW promotes life sciences industry efforts by supporting government relations activities of trade associations. The firm maintains exemplary professional relationship founded on mutual respect with decision-makers.

How do you keep up with changes in advertising law and advances in the field to ensure your clients get the most accurate information? How is this information passed on to your clients?

"We follow changes of laws and regulations from the first draft until publication in the

Hungarian Official Journal. We constantly monitor government health action plans, press releases, communications and news items. We regularly publish life sciences newsletters."

How is Internet advertising regulated? What rules apply? How successfully has this been controlled?

"Internet advertising of medicines is not regulated separately. The specific rules of pharmaceutical advertising and the general rules of internet advertising apply simultaneously. Enforcement is somewhat difficult because authorities often cannot locate the advertiser."

Has your national code been amended in order to implement the current version of the EFPIA Code of October 2007?

"The Hungarian national code, the Code of Ethics for Pharmaceutical Communication as in force since July 3, 2008, is in compliance with the minimum requirements of the EFPIA Code of October 2007."

Which products are in the scope of pharmaceutical advertising?

"Besides medicines, certain rules of pharmaceutical advertising also apply to medical appliances and dietary food."

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Dr Rosanna Cooper is Global Head of RT Coopers. She is in charge of pharmaceutical and the regulatory department acting on behalf of pharmaceutical and biotech companies.

Under the expertise of Dr Rosanna Cooper, the firm has been advising and assisting pharmaceutical, biopharmaceutical and biotech companies since early 2002, with obtaining marketing authorisations, informed consents, advising on virtual trading in pharmaceutical products, advertising on the Internet and more recently advertising and data protection issues.

The firm receives daily alerts on changes in the law and those are reviewed on a daily basis. The firm publishes regular legal updates and alerts for clients as well as a newsletter.

When advertising on the Internet, a pharmaceutical company can only place factual information on its website regarding non-prescription medicines. Advertising medicines which have not been granted a marketing authorisation or advertising prescription only

medicines (POMs) to the public is banned. The advertisements cannot exaggerate the properties of such non-prescription medicines and cannot be misleading. No benefits can be included on websites about POMs especially the risk of such medicines as they are regarded as promotional claims. The promotion of POMs to the public on the Internet is prohibited.

The two main legislation governing advertising of medicines are The Medicines (Advertising) Regulations 1994 (SI 1994/1932); the Medicines (Monitoring of Advertising) Regulations 1994 (SI 1994/1933), both as amended ("Advertising Regulations") prohibit advertising of POMs to the public. The Advertising Regulations prohibit advertisements directed exclusively or principally at children (under-16s). In the UK, the advertising of POMs is governed by the Association of the British Pharmaceutical Industry (ABPI) Code of Practice ("Code"), which is regulated by the Prescription Medicines Code of Practice Authority ("PMCPA"). Consumers must not be misled with regard to the benefits of the medicine in comparison to other similar products.