National Office of Animal Health

Promotion of Animal Medicines and the NOAH Code of Practice

Briefing Document No.15

Introduction and History

The NOAH Code of Practice for the Promotion of Animal Medicines has its origins in the Veterinary Code established in June l974 by the Animal Health Register of the Association of the British Pharmaceutical Industry (ABPI). In September 1978 that was replaced by the ABPI's Code of Practice for the Promotion of Animal Medicines.

NOAH was formed in 1986 and in 1987 became independent from the ABPI, and adopted its own Code of Practice for the Promotion of Animal Medicines in October 1987. As technologies, strategies and expectations in the marketing world continue to evolve, so too have the Rules of the Code, which has been amended regularly. The latest edition of the Code can always be found on the NOAH website.

The Code also incorporates the provisions of the European Code of Practice for the Animal Health Industry, adopted by IFAH-Europe. The European Code, together with the Introduction to the NOAH Code are deemed part of the Provisions of the Code and its Rules of Procedure.

As with any industry, marketing animal health products is a key factor in spreading information about the benefits of their use, as well as promoting sales. All advertising is subject to the rules of the Advertising Standards Authority, but – as with human pharmaceuticals – promotion of animal medicines is regulated. There are special requirements in the law, in addition to which this industry Code of Practice is obligatory on all NOAH members and has also been endorsed by several non-member companies.

Why Promote?

Many animal medicines owe their existence to research carried out by their manufacturers or to the development by them of results of academic research. Before an animal medicine is placed on the market the company will have accumulated considerable toxicological, pharmacological and clinical evidence and will have met all the statutory requirements for the testing, manufacture, and marketing of that product, including compliance with the prevailing international requirements of 'Good Manufacturing Practice' and 'Good Laboratory Practice'.

With the full co-operation of the industry, comprehensive national and European Community legislation has been introduced to safeguard the public by ensuring that all medicines marketed meet standards of purity, effectiveness and safety which are acceptable in the state of present knowledge and experience.

It is necessary, however, for the company, operating as it does in a keenly competitive industry and providing a range of products in respect of which freedom of choice is essential, to draw attention to the existence and nature of a particular product; for example, by appropriate promotional measures and the dissemination of further knowledge and experience gained in widespread use.

Self Regulation

While it is possible to legislate satisfactorily for the testing, manufacture and control of animal medicines, NOAH believes appropriate standards of marketing conduct cannot readily be defined by the same means. For this reason responsible companies have agreed to be part of and abide by the Code of Practice.

The Code emphasises the importance in the public interest of providing accurate, fair and objective information on animal medicines so that rational decisions for prescribing and use can be made. Moreover, the Code accepts the principle that such information should be presented in a form and by ways and means which conform not only to legal requirements but also to ethical standards and canons of good taste.

The Code, therefore, represents an act of self-discipline and participants are encouraged to resolve differences between themselves. Acceptance and observance of its provisions are a condition of membership of NOAH. Member companies also acknowledge that the Code itself is to be applied in the spirit, as well as in the letter. Animal medicine companies outside NOAH are invited to accept and observe the Code because it is considered that ethical standards should be followed throughout the whole industry if it is to maintain the confidence of all the interests which it serves. Everyone who participates in the NOAH Compendium of Data Sheets for Animal Medicines, for example, has to agree to abide by the Code.

NOAH member companies recognise that for the Code to operate effectively, they must accept and abide by the decisions of the Committee without delay.

National Office of Animal Health Limited, 3 Crossfield Chambers, Gladbeck Way, Enfield, Middlesex EN2 7HF
Telephone 020 8367 3131 Fax 020 8363 1155 Email: noah@noah.co.uk Website: www.noah.co.uk and www.noahcompendium.co.uk
Registered No: 2145809

The Committee

The Code is administered by a Committee set up by the Board of Management of NOAH. The Committee consists of:

- an independent legally qualified Chairman from outside the industry, currently a barrister
- seven further independent members not engaged in the industry including four veterinarians and two livestock farmers
- and eight members who are drawn from the senior management of member companies of NOAH including at least four veterinarians

The Chairman has general authority to obtain expert assistance in any field, and has an original and a casting vote.

The Committee will meet to deal with complaints, to secure compliance with the Code, and to make such recommendations as it deems fit for the amendment of the provisions of the Code.

The Code

The term "promotion" means those marketing activities under a company's control which do or may encourage the prescribing, supply or use of its products. This includes, for example, various aspects of sales promotion such as journal and direct mail advertising including 'teaser' campaigns; the use of films and other audio-visual material and exhibitions; the provision of samples, gifts and hospitality; and responses to technical enquiries if such responses do or may encourage the prescribing supply or use of the company's products.

Dependent on the form of promotion, certain basic data must be included, such as: the brand name; a list of the active ingredients; indications for use; the possible side effects, precautions and contra-indications; the legal category; the name and address of the producer; and, when promoting POM-V or POM-VPS to people other than those legally allowed to prescribe them, the promotion should include the clear instructions that advice on the use of this or alternative medicines must be sought from the medicines prescriber.

Promotions for POM-V medicines aimed at people other than those legally allowed to prescribe them must include a focus on education and/or disease information. By law, POM-V medicines may not be advertised to the general public.

Perhaps the most important doctrine of the code is that "The methods of promotion must never be such as to bring discredit upon, or reduce confidence in, the industry". There are sections of the code detailing how promotion should be carried out and what may or may not be permitted. These are:

- Nature and Availability of Information
- Claims and Comparisons
- Disparaging References
- Printed Promotional Material
- References to Official Bodies
- Distribution of Printed Promotional Material
- Reprints, Abstracts and Quotations
- Audio-Visual Material
- Material Reproduced on Television Apparatus, Visual Display Units and the like
- Radio and Television Promotion
- Sales Representatives
- Samples
- Market Research
- Relations with the General Public and the Communication Media
- Sponsorship, gifts, hospitality

In all these sections the fundamental advertising principles "legal, decent, honest and truthful" apply.

How it works

Before the case - A complaint about an animal health product promotion can be made by anyone, *the complainant*. The Code encourages complainants to try and settle their differences directly. Only when such private contacts fail should a case be passed to the committee. The complaint must be formally presented in writing and sent to the Code of Practice Secretary. Once the complaint has been received, a formal letter is sent to the company responsible for the promotion, *the respondent*. After a reply has been received from the respondent the case papers are circulated to the committee. Both parties are informed, and the respondent and complainant are invited to appear at the meeting.

During the case - If a member of the committee is from either of the parties involved in the case they are asked to leave the hearing, so there can be no accusations of biased decisions. After reviewing the case papers, the committee invites the complainant and respondent to make a statement and answer questions. Once the committee has heard from the parties they must deliberate on whether or not the Code of Practice has been breached.

After the case - After the decision has been made, if any breach has been found, a short press release is issued, summarising the committee's findings. Any party found in breach is required to give an appropriate undertaking not to repeat the activity.

The minutes, giving the full background and reasons for the decision, follow as soon as possible thereafter. A précis of each case is produced: this is put on the NOAH website and sent to all companies that are subject to the code.

Fees and Penalties

Over and above the costs involved in losing a case, the real 'teeth' of the code result from the ruling of the committee - a company can be required to immediately withdraw an advertisement or leaflet and must sign an undertaking not to repeat the practice. As the results of all cases are made public, the publicity itself acts as an effective deterrent.

Finally, any company refusing to comply with a ruling may be suspended or expelled from NOAH.

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