

Freebies to MDs targeted as drug industry starts publicizing CME fines

Canada's drug companies are now getting their knuckles rapped publicly if they violate industry rules concerning the CME events they sponsor. Several rulings made by the Marketing Practices Review Committee of Canada's Research-Based Pharmaceutical Companies (Rx&D, formerly the Pharmaceutical Manufacturers Association of Canada), are published in the latest issue of the organization's newsletter, *Update* (www.canadapharma.org).

President Murray Elston says the organization, which represents 63 drug firms, is publishing the detailed reports because it wants to be more transparent about the committee's work. "Transparency is the word these days," he said. "We are trying to inform both our member companies and the public."

When shown the *Update* report, Dr. Joel Lexchin, a Toronto physician who keeps a critical eye on company-sponsored CME (see *CMAJ* 1999;160[11]:1556), said he is "all in favour of more transparency. However, will it do anything to achieve the ultimate objective, that companies not attempt to bribe doctors?"

Elston says the heightened publicity means that Rx&D members will now have an easier time tracking violations and ensuring that they don't break the same rules when promoting their own CME events. The rules applied by the review committee are contained in the organization's 15-page Code of Marketing Practices (www.canadapharma.org/en/publications); complaints that companies have broken the rules are usually lodged by other companies or by doctors who attended the events. Elston, who served as Ontario's minister of health in the mid-1980s, said companies are fined \$1000 for a first violation, \$5000 for a second, \$10 000 for a third and \$15 000 for a fourth. After a fourth violation, they must also go before the Rx&D board to face further action. "One rule of membership is that you have to abide by the Code of Marketing Practices," he

said, and if rules are violated repeatedly, "we may need to be more aggressive."

Cases outlined in the most recent issue of *Update* indicate that the most common violation is that the "E" in CME too often stands for entertainment, not education.

- Bayer Inc. was fined \$15 000 because its CME event at a golf and country club contained only 50 minutes of education and well over 4 hours of entertainment, including a round of golf, tour of a brewery and dinner.
- Merck Frosst was ordered to pay \$1000 because its CME event in Coquitlam, BC, "did not adhere to all the principles of adult learning for continuing health education." In this case, the presentation lasted 30 minutes less than the free dinner.
- SmithKline Beecham was fined \$1000 because it invited physicians to attend the Royal Winnipeg Ballet's presentation of *The Nutcracker*. Spouses were welcome, and there was discussion on "published clinical evidence on rosiglitazone — soon to be available in Canada." The committee ruled that the company broke the rules "because of the imbalance between educational and social components of the program" and because it paid for a social activity other than meals.
- SmithKline Beecham was hit with a \$5000 fine after its CME event on type 2 diabetes, held at Toronto's Berlin Restaurant and Night Club, featured a 1-hour lecture beginning

at 6 pm, followed by a "salsa lesson" at 7 pm and dinner at 8. The company was found guilty of "an imbalance between social and educational components."

Lexchin, who described the Rx&D monetary sanctions against drug companies as "meaningless," said the organization shouldn't have to rely on complaints before it acts. "It should go out and monitor proactively," he said.

He also thinks physicians have to take some responsibility for choosing to participate in events that obviously violate the CMA's 1994 guidelines on CME (*CMAJ* 1994;150[2]:256A-256C), and that the CMA itself should be more "aggressive" about promoting its own CME policy. "When you publish guidelines you have to get in their [doctors'] face and make them part of the CME events."

He would like to see more physicians lodge CME-related complaints with Rx&D (info@canadapharma.org). "What Rx&D is doing has to be picked up on and followed," he said. "I think *CMAJ* should devote a page to this every time a list of these offences is published."

Dr. Gordon Crelinsten, who chairs the CMA Committee on Ethics and represents the CMA on Rx&D's Marketing Practices Review Committee, described efforts to publicize the committee's decisions as "an important step forward. The important thing is that this committee does meet, that these companies have a code they're accountable to and that they are allowing physician input." — *Patrick Sullivan, CMAJ*

Fitness-to-drive guide flying off shelf

Physicians are snapping up copies of the CMA's new *Determining Medical Fitness to Drive: A Guide for Physicians*. Within 3 weeks of publication, more than 1800 CMA members had ordered their free copy. The revised book reflects changes in medications, the transportation industry and the legal system over the past decade. CMA members can order their copy by calling 888 855-2555, or 613 731-8610, x2307. The book is available to nonmembers for \$34.95.

