



Ethical Marketing of Drugs

For Mains: Ethical Marketing of Products, Ethics in Human Actions

Why in News?

Recently, [The Central Board for Direct Taxes \(CBDT\)](#) has accused the makers of the **Dolo-650 tablet** of spending **Rs 1,000 crore to distribute freebies to doctors** for prescribing the medicine.

- It is likely to put the stress on making the [Uniform Code for Pharmaceutical Marketing Practices \(UCPMP\)](#) a legally binding code of ethics.

What do we need to know about Freebies in Drug Marketing?

- **About:**
 - **Drug manufacturing companies** have been observed practicing '**Gift-giving**': offering **freebies** ranging from **free dinners and drug samples** to **promotional merchandise** to doctors for their product marketing.
 - In order to promote their products, pharma companies allegedly **arrange accommodation in five-star hotels, local sight-seeing, etc.** in conferences conducted by doctors.
 - This is a **well-oiled racket that sees pharmaceutical (pharma) companies** 'gifting' doctors to push their respective drugs under the guise of marketing.
- **Pharma Company's Stand:**
 - Drug firms would offer **branded souvenirs** like pen stands, calendars, diaries or sanitizers to doctors.
 - The idea is to **ensure top-of-the-mind recall of their brands.**
 - The Indian market is price-controlled. Therefore, the differentiator here is the brands and this is common practice.
 - However, these practices **do not ensure doctors will prescribe their drugs.** It is simply a **marketing strategy.**
 - Around **95% of the items being gifted have a value less than Rs 500.**
 - It does not constitute a bribe. It is done to make the doctor remember a brand among the hundred others with a similar price point.
- **All India Drug Action Network's Stand:**
 - **Ethical marketing and promotion** should be brought within the ambit of the new **Drugs, Medical Devices, and Cosmetics Act** being formulated.
 - It is observed that often, **doctors are made lead investigators** in clinical trials, or made part of committees for which **they earn a hefty fee.**

What is Uniform Code for Pharmaceutical Marketing Practices (UCPMP)?

- **About:**
 - This is a **set of guidelines** published by the **Central Government in December 2014** to the **pharmaceutical industry** for the **promotion and marketing** of drugs and medical

devices.

- However, these guidelines are **voluntary code and not legally binding** on companies.

▪ **Significance:**

- This code governs the **conduct of pharmaceutical companies** in their marketing practices, duly covering the various aspects such as **medical representatives, textual and audio-visual promotional materials, samples, gifts, etc.**
- The code establishes **relationships with healthcare professionals**, wherein the provisions related to travel facilities, hospitality and cash or monetary grants to physicians or their families have been elaborated.

▪ **Key Provisions:**

- According to **Clause 7.2 of the UCPMP**, “companies or their associations/representatives **shall not extend any hospitality like hotel accommodation to healthcare practitioners and their family members** under any pretext”.
- A drug **must not be promoted prior to receipt of marketing approval** by the competent authority.
 - The promotion of the drug must be **consistent with the terms of the marketing approval**.
- **No gifts, pecuniary advantages or benefits in kind** may be offered/supplied to persons qualified to prescribe or supply drugs by a pharmaceutical company.
- Gifts for the **personal benefit of healthcare professionals and family members** are also not to be offered or provided.

Way Forward

- If found guilty of unethically promoting drug brands to doctors, **companies should face the same penal action as is mentioned in the [Indian Penal Code](#)** for bribery and other similar unethical practices.
- The government should make it **mandatory for periodic disclosures of payments** made by companies to doctors and professional bodies, directly or indirectly via other parties, **to be accessible to the public**. The disclosures should include the **amount, purpose of expenditure, and the party paid**.
- The UCPMP should be **legally binding on the companies**. Currently, the codes neither have the power nor the incentive to punish companies
 - It falls upon pharma associations to enforce the voluntary code.

[Source: BS](#)