

Founded in 1958, Washington, DC-based PhRMA (Pharmaceutical Research and Manufacturers of America) represents some of the largest pharmaceutical research and biotechnology firms in the United States, from Amgen Inc. to AstraZeneca Pharmaceuticals LP. With billions in sales, these companies' survival hinges in part on their access to physicians — access that some feel has been abused through a long history of improper gifts and inappropriate payments. Industry firms have responded to these accusations by pointing to surveys by KRC Research Inc., Boston Consulting Group, and others that show just 11 percent of prescribers say that pharmaceutical-company sales representatives greatly influence their drug-prescribing decisions.

But even if the companies' influence was less than the public and politicians perceived, accusations from The New York Times and others circulated that the industry spent more on gifts for doctors than it did on research for drugs. PhRMA understood that, like Caesar's proverbial wife, the industry had to be above suspicion. So on July 1, 2002, it brought out the first PhRMA Code on Interactions with Healthcare Professionals that addressed how companies should interact with health-care professionals in several venues, including trade shows and events. Later, to plug a number of loopholes health-care critics felt the original code left open, PhRMA introduced a revised, 36-page version that went into effect in January 2009.

To check out PhRMA and view the code yourself, visit:

www.phrma.org/code_on_interactions_with_healthcare_professionals

Quiz answers and additional information

1) Promotional giveaways are allowed if they are primarily designed to educate health-care professionals or their patients.

True

According to the code, companies can not offer “items for healthcare professionals’ use that do not advance disease or treatment education,” such as a coffee mugs, pens, and T-shirts, even if those items come with patient- or physician-education materials. Thus, exhibitors must de-fun their giveaways, keeping them strictly informational and educational.

2) Exhibitors can distribute gifts to booth visitors, but the maximum allowable value for any such promotional giveaway is \$100.

True

The code states that unless state law prohibits it, companies can offer health-care professionals educational-related gifts as long as they do not possess “substantial value,” which it defines as \$100 or more.

3) Approved promotional freebies include pens, notepads, coffee mugs, and padfolios with a company or product logo.

False

The code bans “reminder items” — e.g., notepads, coffee mugs, pens — that come emblazoned like NASCAR drivers with company or product logos, because such items may foster misperceptions.

4) General medical tools, such as stethoscopes, and general fitness items, such as pedometers, are forbidden giveaways.

True

Stethoscopes, pedometers, and the like, while certainly beneficial for checking or maintaining patients’ health, aren’t strictly educational. In the case of pedometers, such health equipment could easily be used outside the physician’s office, thus rendering it inappropriate.

5) Exhibitors can offer attendees textbooks, medical journals, and even anatomical models, as long as their purpose is educational.

True

Textbooks, medical journals, and anatomical displays, whether in print or pixel versions, could be of educational benefit to health-care professionals and their patients, so the code permits their use. Like other giveaways, their value cannot exceed \$100.

6) Under the code, doctors who listen to brief sales spiels can still receive traditional industry gifts such as Christmas trees and gasoline.

False

Health-care companies once routinely offered physicians these exceptional gifts, including tickets to Broadway plays. But to maintain the focus on what it labels the “education and informational exchange,” the code forbids providing entertainment or recreational treats. So, no freebie passes to “Wicked.”

7) Candy, snacks, and even cappuccinos can be distributed in the booth, but not carryout meals (such as boxed lunches).

True

Exhibitors can provide light snacks and refreshments, and even what the code terms a “modest meal,” such as sandwiches or pizza. While the code doesn’t expressly mention carryout meals, companies adhering to the code consider such a repast to be generally inappropriate. That’s because attendees could simply come in to your exhibit and walk away with a full meal, instead of a fulsome educational spiel.

8) According to the code, sales reps are not allowed to treat health-care professionals to private dinners off the show floor.

True

Currently, the code suggests that treating health-care clients to such a meal is acceptable only occasionally, such as when the sales rep is conducting an educational presentation in the client’s office or at a hospital. Companies are also allowed to offer modest meals off the show floor at educational events they sponsor.

9) Items like iPads and Kindles are allowable giveaways if they are pre-loaded with medical textbooks because they qualify as educational.

False

While these devices could offer educational content such as the "Pharmacotherapy Handbook," they exceed \$100 in value and could easily be repurposed for noneducational content such as "The Hangover." Therefore, these are not allowed as giveaways.

10) Exhibitors can take physicians on golf outings as long as the health benefits of a drug are formally discussed during play.

False

Under the code, companies may not provide entertainment or recreational activities to health-care professionals. This is true, even if, as is sometimes the case, the professionals are consultants on a company's advisory board, or participating at a speaker-training meeting sponsored by the company in question.

11) A band can play music at an exhibitor's hospitality event, but the band can't take center stage as the main entertainment.

True

One of the code's gray areas, live music is not forbidden nor is its placement at an event regulated. However, companies under the code believe placing entertainment at the center of the event would detract from its educational and informational status, and should therefore be avoided to be on the safe side.

Unfortunately, that means Weird Al Yankovic will probably have to perform “Like a Surgeon” from a corner in the back.

12) Exhibitors are allowed to give clients and prospects tickets to educational symposiums or the theater, but not to sporting events.

False

While the definition of “educational symposiums” might be easier to alter than a starlet on “Nip/Tuck,” the code is adamant that giving out freebies for any of those venues would be inappropriate — even if, as noted above in another example, the health-care professional acts as an advisory-board consultant for the company in question. That means those tickets to the “Body Worlds” exhibit might be fun, but they’re still forbidden.