

Summary of findings of Code of Practice Standing Committee findings-Complaint #142 under the Code of Practice (v.15)

Pfizer New Zealand Limited and GlaxoSmithKline New Zealand Limited

Code of Practice Standing Committee: Catherine Garvey, Associate Professor Michelle Glass, Dr Jocyn Wood, Mr Darren Antaki-Smith, Dr David Poppelwell.

Hearing: 17 June 2014.

Complaint: All three elements of the complaint by Pfizer dated 14 April 2014 are addressed to an insert placed in the NZ Doctor Magazine July 2013 by GlaxoSmithKline.

The Committee found as follows:

1. *"A claim of improved prevention of pneumococcal disease with Synflorix compared to Prevenar."*

The submissions by Pfizer alleged that this comparative claim was made on the front page of the insert with the use of the words *"Clinical Update. Improving Prevention of Pneumococcal Disease in New Zealand"* with the Synflorix logo placed directly underneath these words.

The Committee did not uphold this complaint.

2. *"Claims of reductions in serotype 19A invasive pneumococcal disease (IPD) with Synflorix."*

This complaint related to a graph on page 2 of the insert entitled *"Early indications of a decrease in 19A IPD in <5 year olds."* The graph covers the period January 2011 to January 2013, named the vaccines in use over that period along the base of the graph, and used a large blue arrow in the same blue used for Synflorix to visually highlight the decrease asserted in the title.

The Committee upheld this complaint. There was no explicit reference to the acknowledged lack of statistical significance of the figures shown. In written submissions GlaxoSmithKline produced a graph showing the related statistics from 1999 which established to the Committee's satisfaction that any claim of a decrease was not consistent with those statistics. The Committee was satisfied that the impression from the graph and words were to assert that Synflorix was responsible for the alleged "early indications of a decrease..." and that this was misleading.

3. *"Claims of special merit of Synflorix in protection against ear disease and predictions of effectiveness against ear disease."*

This complaint relates to page 3 of the insert and in particular the statements under the heading *"Prevention of ear infections is better than treatment."* The Committee held as follows:

- The statement that *“Synflorix...is the only vaccine that covers up to 80% of the causes of bacterial ear infections”* was misleading, and upheld this aspect of the complaint;
- The claim that *“It’s anticipated we will see a reduction of up to one-third for acute episodes of ear infections...”* was not inconsistent with the data sheet and the use of the word *“anticipated”* qualified the statement sufficiently so that it was not misleading.

Remedy

The Committee found that as the majority of the complaint was upheld and the complaint was reasonably made, Pfizer should receive costs to reflect the fee for filing the complaint (\$7,000 plus GST).
