



Pub. Ref. C131017

Complaint between a Former Employee and Sanofi Egypt

1. Background

In November 2013, IFPMA received a complaint from a former Sanofi employee (“complainant”) relating to a promotional offer used by Sanofi sales representatives in Egypt. According to that promotion, pharmacist-purchasers would receive a digital blood pressure monitor if a threshold of certain over-the-counter (OTC) medicines (Bronchicum, BiProfenid, and Novadol) were bought from Sanofi OTC sales representatives. It would appear that this promotional offer was sent internally to Sanofi employees in October 2012 and immediately withdrawn. However, evidence may indicate that at least one healthcare professional (HCP) received a digital blood monitor. The blood pressure monitor is estimated to cost about £17-25.

The complainant reported this promotional offer to Sanofi’s Local Compliance Officer in March 2013. Sanofi launched an internal investigation relating to this promotion and issued warning letters to the marketing manager and business unit head in May 2013. Relevant refresher compliance trainings were also provided.

2. Outcome

This complaint raises two issues related to Articles 7.5.3 and 12.1 of the IFPMA Code of Practice. In relevant part, those Articles provide:

Article 7.5.3

In accordance with local laws and regulations, items of medical utility may be offered or provided if such items are of modest value, do not offset routine business practices and are beneficial to enhancing the provision of medical services and patient care.

Article 12.1

Companies should establish and maintain appropriate procedures to ensure compliance with relevant codes and applicable laws and to review and monitor all of their activities and materials in that regard.

A. IFPMA Ad Hoc Adjudication Group Decision

An initial decision was reached by IFPMA’s Ad Hoc Adjudication Group on 27 February 2014. The Group found that Sanofi did not breach Article 7.5.3 because there was not sufficient evidence to indicate that HCPs received blood pressure monitors according to the promotional offer. However, the Group noted that Sanofi’s policies and procedures for complying with IFPMA’s Code of Practice were of concern. The Group decided that Sanofi breached Article 12.1 because it found Sanofi’s compliance enforcement and reporting mechanisms inadequate. That decision rested primarily on the fact that Sanofi required seven months to issue remedial action from the time the promotional offer message was circulated.

International	Ch. Louis-Dunant 15	Tel: +41 22 338 32 00
Federation of	P.O. Box 195	Fax: +41 22 338 32 99
Pharmaceutical	1211 Geneva 20	www.ifpma.org
Manufacturers &	Switzerland	
Associations		



B. IFPMA Ad Hoc Appeal's Group Decision

Sanofi appealed the Ad Hoc Adjudication Group's decision pursuant Article 2.6 of the IFPMA Code of Practice Operating Procedure. The Ad Hoc Appeal Group issued a final decision on 25 September 2014 and found that Sanofi (1) breached Article 7.5.3.; and (2) did not breach Article 12.1.

The Ad Hoc Appeal Group found that Sanofi's compliance procedures were appropriate. Once reported, Sanofi conducted an internal investigation on the issue according to their compliance procedures. At the conclusion of that investigation, Sanofi issued warning letters to appropriate employees and required relevant sales employees to attend compliance refresher trainings. From the time the incident was reported, Sanofi investigated the matter and took appropriate compliance measure within three months. Sanofi complied with Article 12.1 of the IFPMA Code of Practice.

It was determined that Sanofi breached Article 7.5.3 because on appeal Sanofi indicated that digital blood pressure monitors were provided to pharmacies as an "item of medical utility" so that pharmacists may provide medical-related services to their customers. Therefore, the Appeal Group had confirmation that the blood pressure monitor was provided to at least one HCP. It was determined that a digital blood pressure monitor, with an estimated price of £17-25, was not of "modest value" in Egypt pursuant Article 7.5.3 of the IFPMA Code of Practice. In reaching this decision, the Appeal Group consider the local economic environment in determining "modest value."

Published: 14 November 2014