

## **Principles for the consideration of interactions with health care professionals for the purpose of interpreting the MAIF Agreement**

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This document sets out the principles intended to provide guidance to the APMAIF panel to assist in interpreting the MAIF Agreement where interactions between infant formula manufacturers and importers with healthcare professionals and the general public form part of a complaint.

### **Interpretative approach**

Modern marketing environments are complex. In reviewing the interactions of Industry representatives with Health professionals, the Panel can consider:

- intention of the activity;
- environment or context;
- the intention of the MAIF; and
- the outcome of the activity

The result of this approach should be an interpretation that is 'fit for purpose' and interpretations may differ depending on the circumstances of the interaction.

### **General principles to Guide all interactions**

All interactions of Infant formula manufacturers and importers and their interactions with healthcare professionals should:

- be transparent and capable of public and professional scrutiny;
- be carried out by representatives who are aware of the obligations of the MAIF Agreement.
- have the primary objective of providing medical or scientific knowledge and providing factual information about the product.

### **Principles to Guide Specific Activities**

In addition the following principles may be used to guide decisions in relation to specific activities.

**Principle 1: The primary purpose of any interactions between importers and manufacturers with health professionals should be the enhancement of medical or scientific knowledge and/or provision of product information including the correct use of infant formula in accordance with Clauses 4 and 7 of the MAIF Agreement.**

**The primary purpose may be determined by looking at both the *time* allocation of the interaction and the *content* of the interaction.**

**Time Allocation:** A proportional time use analysis may be applied as a starting point. If hospitality or entertainment exceeds 50% of the available time for an educational event, then the primary purpose of the event may have changed. This proportional analysis can be applied to all events where there may be an entertainment or hospitality component and travel and accommodation.

**Content of the interaction:** Educational events are important for the dissemination of scientific knowledge and experience to healthcare professionals, and should have a clear objective of providing current, accurate and balanced medical and scientific education in an ethical and professional manner. The content itself should be the reason that health professionals attend any particular event rather than entertainment or hospitality.

Scientific Sponsorship of educational events by infant formula manufacturers and importers should have as the primary objective the enhancement of medical knowledge.

*Examples: A short educational presentation, of 30 mins may have only light or no refreshments. A longer presentation, may offer a meal. However a 10 minute presentation with a 3 course meal would not be proportionate either in terms of time or educational investment, and analysis may show that the primary purpose of the event is the meal rather than the educational content. A proportional time analysis would place the provisions of hospitality above 50% of the time use.*

**Principle 2: A best practice position for manufacturers and importers interacting with health care professionals is that no gifts, benefits, competitions, incentives, give-aways or items of any value, whether tangible or in kind, should be given or offered to health care professionals at conferences, seminars, educational/information sessions, trade shows or comparable events.**

**Exceptions to this position may be determined on a case-by-case basis after an assessment of one or all of the following elements, namely the:**

- ***intention*** of providing the items or in kind benefit (what are the gifts or benefits being provided for, does it have a function?),
- ***value of the item or in kind benefit,***
- ***targeting of the item or in kind benefit.***

*Example: It is recognised that the common practice of providing free pens and paper given to attendees of conferences and seminars is intended to allow participants to take notes or exchange details. However, if those pens were valuable – for example made of precious metals rather than plastic- it may be viewed as a gift as their value exceeds that needed for the intended function. If the precious metal pens were only given to certain groups of health care professionals, then this could be viewed as conferring a benefit or gift to that group of people.*

In some circumstances culturally respectful and appropriate practices such as mutual gift exchange or a certain standard of hospitality may be expected.

However, these are not blanket exceptions and in such cases the panel may consider each situation as it arises.

*Example: Tradeshow are an increasingly common way of showcasing products and innovations and small gifts and free give-a-ways are commonly distributed. To determine whether the items may constitute a breach of the MAIF, the intention, value and targeting of the items would need to be considered.*

**Principle 3: Any assistance provided to health professionals to attend an event such as a conference or seminar must be *appropriate and practical*.**

Travel and accommodation expenses should be for the purpose of providing practical assistance to attend, rather than being a reason in itself to attend.

Any travel expenses offered or provided should be justifiable by reference to the educational content and the origin of the delegates and able to meet the proportionality test outlined at Principle 1.

Sponsorship provided to a Healthcare professional to attend an educational event should only be provided where the meeting is directly related to the healthcare professional's area of expertise.

*Example: Accommodation and travel provided to delegates' family members would not be appropriate or be of practical assistance in supporting the health care professional to attend the event. This information should be made clear in all invitations to healthcare professionals for educational events.*