

## **PAGB Summary Report: Formal Complaint**

### **Professional advertising - Nurofen Plus - trade publication - produced by RB seen August 2017**

On 14 September, having first attempted inter-company dialogue, Perrigo raised formal concerns with PAGB about professional advertising from RB's 'Not All Pain Killers Are Equal' campaign for their Nurofen Plus product, seen in a trade publication in August 2017.

Perrigo queried whether "Nurofen Plus is clinically shown to provide longer lasting and greater pain relief vs Solpadeine Plus Soluble" was a balanced, fair and supportable comparisons. In particular, Perrigo requested clarification on whether it was appropriate to compare products with different levels of active ingredients and omit information about the amounts from the ad.

Perrigo also queried whether "Low sodium content" was a balanced and fair comparison and was denigratory. Perrigo considered that comparing the sodium content of the two products was not relevant to professionals or the majority of the population, especially given the Solpadeine product is intended for 3 day use only and information is provided on labelling and in the product's SmPC. They were also concerned that the use of red in the comparison implied 'danger'.

In their response, RB explained their understanding that the Professional Code did not require comparisons to be with products with the same level of active ingredients – only that they are licensed for the same indication. RB also felt professionals would be sufficiently familiar with the compared products. RB contended that the use of red only indicated that the %RDI was exceeded.

Perrigo's complaint was considered formally by members of the PAGB Senior Management Team ("PSMT") on 9 October against PAGB Professional Code rules 22 and 23. The PSMT concluded there were no breaches of the Code.

The PSMT noted that PAGB had, in a previous complaint from 2015, concluded that very similar claims were not misleading. They considered the products were well established and that healthcare professionals would be very familiar with them and their attributes and that HCPs expertise and knowledge enables them to critically assess the information provided in promotional materials. PSMT also noted there is no explicit requirement in the Professional Code to compare products with similar levels of active ingredients, and that in this case the study via which HCP's can obtain further information about the featured products was clearly referenced. They did not consider that the claim in the current ad was materially different from the previous claim and noted there had not been a change in MHRA policy since the previous complaint. Although it was noted that the basis of this complaint was different to that of that of the previous one PSMT did not consider there was cause to revise the previous PAGB position with regards to these aspects of the comparison.

PSMT considered that RB's contention that the use red for the 'low sodium' claim only indicated the level exceeded the %RDI was arguably echoed in the well-

understood the food traffic light labelling system. They also noted that an equivalent to Consumer Code Rule 40 is not present in the Professional Code and that there is greater freedom afforded to marketers generally when referencing excipients. The PSMT felt that, in light of their expertise and knowledge, a professional was unlikely to conclude as a result of the ad that the sodium level in Solpadeine Plus was dangerous. They therefore felt it reasonable to conclude the claim was not denigratory or misleading.

Although PAGB can choose to go beyond the law in its interpretation of the Codes, PSMT felt this should only be done in exceptional circumstances and with agreement of the members. The Codes already restrict comparative advertising to a greater extent than the law and we do not think it is necessary to go further.

More information about the PAGB Complaints Procedure is available [here](#).