

PROMOTION OF PHARMACEUTICALS AND MEDICAL DEVICES
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GENERAL
1. What laws and codes of practice govern the promotion and advertising of pharmaceuticals and medical devices in your jurisdiction? Please also include any relevant industry and self-regulatory codes.
<p>At federal level, the following apply across the Emirates.</p> <ol style="list-style-type: none"> 1. The Code of Ethical Practice for the Promotion and Distribution of Medical Products, issued under Ministerial Resolution No 1412 of 2017 (the Code): <ul style="list-style-type: none"> • In particular, Article 15.1 of the Code, states – ‘Each company shall ensure that its sales representatives, including employees hired under contracts with others, or any other representatives of the company who visit the healthcare specialists, pharmacies, hospitals, or other healthcare institutions with regard to the marketing of medical products are aware of the requirements of this manual and all the company’s applicable regulations. They shall also be well trained and have sufficient scientific knowledge which enables them to provide accurate and full information about the promoted medical products.’ • The Code regulates such interactions, including the offering/accepting of payment of commission, gifts, hospitality, or other inducement. Market authorisation holders as well as distributors are prohibited from supplying, offering, and promising healthcare professionals, including pharmacies, monetary advantage or benefit as an inducement to prescribe, supply, sell or administer a medicine. • The Code also contains specific provisions regarding the marketing, licensing and the approval of medical products, the nature of the promotional material that can be made available, the content of the marketing materials and regulations regarding the distribution and transparency of promotional material when being marketed to healthcare facilities or pharmacies that must be adhered to by all medical/pharmaceutical companies’ sales representatives. 2. Health Advertisements Regulations, being: (a) Federal Law No 15 of 1980, Regarding Printed Matters and Publications (Publications and Publishing Law); Cabinet Resolution No 7 of 2007 Regarding Health Advertisements Regulation (Cabinet Resolution) and the related Ministerial Health Advertisement Regulations of 2007 – Ministerial Resolution No 430 of 2007 (Ministerial Resolution). These regulations together are known as the ‘Health Advertisement Regulations’. 3. Federal Law No 8 of 2019 on Medical Products, Pharmacy Profession and Pharmaceutical. 4. Establishments, and its Executive Regulations issued by Cabinet Resolution No 90 of 2021 (Pharmaceutical Law). <p>Moreover, the Emirates of Dubai and Abu Dhabi have their own regulations that apply to the granting of advertising licences, such as the Department of Health Abu Dhabi (DOH) Resolution Concerning the Regulations of Health Advertisement and Media and the Dubai Health Authority (DHA) Guidelines for Social Media Advertisement.</p>
2. How is ‘advertising’ defined? If relevant in your jurisdiction, what is the difference between promotion and advertisement of pharmaceuticals? Of medical devices?
<p>At Federal level, advertising is defined as any information about a ‘medical product’ in written, photographic and broadcasting form, in the form of a design, in the form of a product packaging in any of the media whether audio, visual and printed, in the form of posters in public places or in promotional form through the means of personal, technical or electronic messages communication.</p> <p>There are no differences between promotion and advertisement.</p>
3. Which are the regulatory and supervisory authorities that regulate and enforce the promotion and advertisement of pharmaceuticals and medical devices? What is the relationship, if any, between any self-regulatory process and the supervisory and enforcement function of the competent authorities?
<p>The regulatory authority concerning the promotion and advertisement of pharmaceuticals at the federal level is the Ministry of Health and Prevention (MOHAP). In addition, within the Emirate of Abu Dhabi, the</p>

DOH regulates advertisements of health products and services, and grants the necessary permits. In the Emirate of Dubai, the DHA is the local regulatory body for the same.
4. Are there other product types that fall under the same regulations on promotion (and advertisement) as pharmaceuticals, such as food supplements, special nutritional products? If so, are there any special considerations for the promotion (and advertisement) of such other product types?
Yes, everything that works in or is linked to the human health, such as medicines and drugs – including herbal medicines, health foods, nutritional supplements – medical apparatus, and supplies fall under the aforementioned regulations.
CONSUMER MARKETING
5. Is it possible to promote (or advertise) all forms of pharmaceuticals and medical devices (eg, prescription only or professional use products) directly to the public? Are there restrictions on public promotion (advertisements) in your country and, if so, which ones?
Only non-prescription medical products can be promoted/advertised to the public, after obtaining prior approval from MOHAP, and the DHA or DOH as relevant. There are no such restrictions when it comes to the promotion/advertisement to HCPs in scientific resources or magazines intended for HCPs only (in all cases, only with the approval of MOHAP, and DOH or DHA as relevant). In general, in relation to pictures: <ul style="list-style-type: none">• pictures included should be related to the ad subject, and to serve its purpose only;• pictures that breach the UAE culture and Islamic teachings are not allowed;• pictures should not contradict UAE common interest and policies;• pictures should not use sovereignty symbols of the UAE without prior approval from the concerned authority;• photographs of government officials could be accepted only in press release or inauguration ceremonies;• pictures that shows intimacy or sex appeal are not allowed;• establishment should sign declaration taking the responsibility of photographs of individuals in the design;• pictures of packages or containers of product that carry unaccepted pictures are not allowed to be included in the advertisement;• pictures that breach medical ethics are not allowed;• before and after picture are allowed and the paragraph 'no guarantee that result will be the same as it might vary from one individual to another' should be included clearly and in an average font size of the rest of the advertisement; and• pictures that encourage unhealthy, risky behaviour and habits are not allowed. Expressions and statements not allowed in medical advertisements include all of those below, and all other similar meanings: <ul style="list-style-type: none">• exaggeration and alarming expressions, such as <i>unique, incomparable, unprecedented, best product, beware of imitations, veracious, magic, miraculous, assured success, very limited quantity, seize the opportunity, guaranteed, pain free, safe, has no side effects, get money back, 100%, immediate results</i>;• negative statement (a statement preceded by without...);• absolute statements, such as 'cures completely certain illness or disease' should be replaced by 'helps to', 'in most cases' should be replaced by 'relatively', etc.;• original, or naming the product or methodology after a certain establishment or staff could not be advertised without the submission of what proves the reality of the claim through a document from an official concerned authority in country of origin supported by formal attestation;• numerical expressions such as time to recover or amount of weight to be lost;• expressions which mean stability or permanent effect like, permanent, eternal, life-long, fixed, does not change, get rid completely, will not come back;• fight old age, but expression such as 'helps to fight old age signs' could be used;• sexual or expressions direct or implied;• health educational paragraphs to be added to the advertisement:

<ul style="list-style-type: none"> • cosmetic procedures – we advise to benefit cosmetic procedures only for therapeutic or reconstructive reasons for procedures but not their benefits; • complementary medicine services – we advise to consult your doctor; • slimming and weight control – we advise daily exercise and healthy eating habits; • pain management products – we advise to consult your doctor should symptoms persist. • diet supplement compounds – diet supplement does not replace balanced diet and healthy lifestyle; and • herbal products – we advise consulting your doctor before use. <p>The MOHAP application fee is AED100 (approximately US\$27) and the fees for licensing healthcare advertisements depend on the type of advertisement (print, audio, audio-visual), see https://mohap.gov.ae/assets/download/f5daf87c/health%20Advertisement%20Fees%20-%20English_637720409406252869.pdf.aspx.</p>
<p>6. Is promotion (and advertising) of pharmaceuticals and medical devices through the internet and social media regulated in your jurisdiction? If so, what are the rules and related restrictions?</p>
<p>Yes, the promotion and advertising of pharmaceuticals and medical devices through the internet and social media is regulated in the UAE, in the same way as printed materials. Those posting must also obtain an advertising licence from MOHAP, and DOH or DHA as relevant.</p> <p>The MOHAP application fee is AED100 (approximately US\$27). The monthly licence for healthcare advertisement on social media costs AED1,000 (approximately US\$270) per month and an annual licence for healthcare advertisement on social media costs AED3,000 (approximately US\$817) per year.</p>
<p>7. Must promotions (and/or advertisements) receive prior approvals from regulators before use and if so, what is the procedure (please provide a high-level description)?</p>
<p>All promotions and/or advertisements for medical products must have a prior approval from MOHAP, and the DOH or DHA as relevant. Each authority has an online portal for submitting the application and necessary documents.</p> <p>It is important to note that all medical products must be registered and have a specific market authorisation issued by MOHAP, prior to the marketing of such product. Once registered, the relevant medical product is only permitted to be promoted for the purposes for which it was duly authorised.</p>
<p>8. May information on unauthorised pharmaceuticals and/or off-label information be promoted (advertised)? If so, in what circumstances and under which modalities?</p>
<p>No, it is not allowed. However, this does not restrict scientific and the non-marketing exchange of information in scientific journals, industry/HCP magazines, and scientific conferences aimed at HCPs, not the general public.</p>
<p>9. What rules govern comparative advertisements? Is it possible to use another company's information (including brand name) as part of that comparison? If so, which information and under which conditions? Would it be possible to refer to a competitor's product or indication which has not yet been authorised in your jurisdiction?</p>
<p>Below are the rules governing the comparative advertisements:</p> <p>According to the Health Advertisements Regulations, comparative advertisements must be well balanced and not misleading whether with regard to the pharmaceutical products advertised for, the medical products or categories of medical products with which they are compared. The points of comparison shall be real and reflect scientific proof. The comparisons shall not prove that the other medical products or categories of medical products are harmful or ineffective.</p> <p>All advertising shall characterised by the following:</p> <ul style="list-style-type: none"> • Evidence – all claims contained in the advertisement shall be proved and sustained with scientific studies. • Comparative advertising – the recommendations shall not include comparisons with medical products or related products unless scientifically substantiated. • Use of scientific data – the advertisements shall not exploit the ignorance of the public by introducing scientific data that are difficult to be verified by the general public.

- Language – medical advertisements shall be made in an accessible and easily understood language and avoid the difficult medical jargon.
- Research results shall not be misused through the use of excerpts not revealing other realities or the use of adaptations from the technical and scientific bulletin.
- Logos, initials and trademarks – the advertisement shall not contain the logo, initials or trademark of any party unless authorised in writing by such party.

According to the Code, any comparison between different medical products shall be based on relevance and comparable aspects of such products. Comparative advertisements shall not be misleading or belittling to other products.

The Pharmaceutical Law states that comparative advertisements are permissible, so long as they:

- a. do not unfairly criticise, discredit, or denigrate other 'Licensees' or their services, products, trademarks, trade names or other distinguishing marks;
- b. refrain from judgements and opinions about the other 'Licensees' or their products or services;
- c. rely solely on objective statements and facts that can be clearly substantiated, and which are not been unfairly selected or presented;
- d. address either comparable offers or comparable services.

Further, according to the Pharmaceutical Law, if the comparison is only valid in limited circumstances, it should be avoided unless this can be clearly explained in the advertisement. Where for example the comparison is only valid if the user calls at a particular time of day, during a limited period or to a particular country, then this limitation shall be clearly stated in all materials featuring the comparison.

Finally, if a comparative advertisement compares prices with different charging mechanisms, the difference shall be clearly explained in all materials featuring the comparison.

Advertisers should always exercise the utmost care when using Comparative Advertising.

DEALING WITH HEALTHCARE PROFESSIONALS AND HEALTHCARE INSTITUTIONS

10. How are healthcare professionals defined in your jurisdiction? Is there any regulation that restricts promotional (advertisement) communications directed to healthcare professionals? If so, what are those restrictions?

'Healthcare Professional' is defined as a person who is qualified to provide healthcare clinical services through practicing the healthcare profession based on his degrees, training, certification and licences; and includes all individuals and entities involved in the prescription, dispensing, purchase, enlisting and reimbursement of medical products in the private and governmental sectors (covering all medical and pharmaceutical facilities) (HCP).

Medical product companies (MPCs) include all entities involved in the promotion of medical products in UAE, including and not limited to: marketing authorisation holders, and whoever acts on their behalf; distributors; marketing consultants; etc.

Below are the restrictions under the Code:

- a. No gift, privilege, or pecuniary benefit may be given, offered, or promised to be given to the HCP, with a view to encouraging him to prescribe, supply, sell, or use in treatment any medical product.
- b. No educational materials and/or gifts in the form of cash, or cash equivalent (such as debit cards, gift cards, vouchers, loyalty cards, gift certificates, or any similar materials) may be given. It is fully prohibited to give any cash or cash equivalents.
- c. Promotion material of low value may be given in small quantities to HCPs if they are related to their work. A promotion material is anything given for the purpose of marketing and has no cash value. Examples of promotion material of reasonable costs are pens, books, conference bags, notebooks, paperweights, mouse pads, paper wallets, laser pointers, prescription books, and business card wallets. These materials shall be of low value and small quantity. Publicity on promotion material shall be limited to the company's name and logo, and, as regards medical products, its international name which is not subject to proprietary rights, if any, or its trademark.
- d. Information or educational materials and other materials of medical usage may be given to HCPs, provided being –
 1. of reasonable cost,

<p style="margin-left: 40px;">2. directly related to their work, and 3. of direct benefit in caring for patients.</p> <p>e. MPCs may not give HCPs who work as consultants or spokesmen any gift, in lieu of paying professional fees for their services.</p>
<p>11. Are there specific rules governing promotional (and advertising) activity conducted virtually, including online interactions with healthcare professionals, virtual meetings and participation in virtual congresses and symposia?</p>
<p>There are no separate rules governing virtual advertisement. The same rules apply as in person interactions.</p> <p>The Code does state that data privacy of healthcare professionals should be observed, and should not be distributed or shared with any party. The use of fax, emails, automated calling systems, text messages and other electronic data communication tools for promotion requires the prior permission or request of the healthcare professionals. Further, mailing, email, or similar contact lists must be kept up to date. While healthcare professionals' wish to be excluded from the promotional mailing list must be respected, full mailing list should be maintained to permit provision of important information concerning warnings, serious adverse reactions, product recall, etc.</p>
<p>12. Are there any restrictions to the inclusion of endorsements by healthcare professionals in promotional (advertising) materials? If so, which ones and how may such endorsements take place?</p>
<p>As per the Ministerial Resolution, only healthcare specialist can provide testimonials in promotion/advertising materials. Specifically, the advertisements may comprise an authentication by experts in medical care in their professional capacity or by approved medical entity in the country, provided that the advertiser produces a written consent on the authentication.</p>
<p>13. Is it possible to provide healthcare professionals with samples of medicinal products? Of medical devices? If so, what restrictions apply? Is it possible to give gifts or donations of money to healthcare professionals? If so, what restrictions apply? If monetary limits apply, please specify.</p>
<p>Yes, it is possible as per the Code:</p> <ol style="list-style-type: none"> a. Samples of each product, provided being clearly marked as samples, may be provided in reasonable quantities to HCPs qualified to prescribe such medical product, in order to make them familiar with the product. Such provision may be provided on their initiative or on request from HCPs. b. The distributed quantity of samples shall be limited. Each company shall set a maximum limit, to be revised annually, for distribution of samples. c. No person may sell, purchase, or trade in the samples or offer to do the same. Samples may not be used for commercial purposes or as a part of a drug safety monitoring study. d. It shall be written on each sample in a clear, indelible writing the following statement 'A free medical sample – not for sale' in both Arabic and English on the outer and inner packs. A copy of the insert shall be attached thereto. The sample may not be larger than the smallest package or unit available on the market. e. MPCs should adopt appropriate regulations for documenting, overseeing, accountability, tracing, and monitoring samples which they distribute directly or through their authorised representatives. f. Samples shall be transported and stored in a manner consistent with the storage conditions set out on the product card, and consistent with the quality assurance requirements. g. Provision of sample products and/or specimen shall not inappropriately encourage HCPs and/or healthcare institution to purchase, lease, recommend, prescribe, use, supply, or acquire the products or services of MPCs. h. MPCs may provide specimens of their products for HCPs and/or medical healthcare institutions in the form of specimens (such as non-sterilised products which are used for one time only) used for educating and training HCPs. <p>According to the Code, it is not allowed to give gifts or donations of money to healthcare professionals:</p> <ol style="list-style-type: none"> a. No educational materials and/or gifts in the form of cash, or cash equivalent (such as debit cards, gift cards, vouchers, loyalty cards, gift certificates, or any similar materials) may be given. It is fully prohibited to give any cash or cash equivalents. b. Except for the foregoing, no cash or equivalent benefits, such as additional bonuses, deductions or any other form of financial benefit, may be given to pharmacies or healthcare facilities to

perform regular activities, including without limitation – permitting medical representatives to enter into the facility, paying visits to HCPs, listing the products on the prescription, and making the products available on shelves ...etc.

- c. Private sector pharmacies and hospitals are obliged to make the registered drugs available for their patients based on the needs of patients and doctors' prescriptions. It is fully prohibited for any pharmacy to link making drugs available to the provision of free-of-charge goods, insertion fees, cash benefit, or any.

It is important to note that where a pharmaceutical is price controlled, as per the Code, MPCs can offer a quantity of free of charge (FOC) goods (bonus) up to 15 per cent of the invoiced quantity to pharmacies. No price discount can be given. Only FOC goods can be provided, and the quantity of the FOC goods provided may not exceed 15 per cent of the invoiced quantity. This clause applies to marketing authorisation holders and their distributors when they give commercial conditions to pharmacies.

14. What rules govern the offering of hospitality to healthcare professionals?

Below are the rules that govern the offering of hospitality to healthcare professionals, as per the Code:

Events and hospitality

- a. All meetings; conferences; marketing, scientific, educational, professional or other seminars; and other similar occasions (including without limitation consultancy board meetings; visits to research, manufacturing, speaker-training facilities; clinical experiment researcher meetings and non-interventional studies; and round-table discussions) (each one is referred to as 'an Event'), which are organised or sponsored by, or on behalf of, MPCs, shall be held in an 'appropriate' place which serves the main objective of the Event. Hotels known as recreational places – such as resorts, health clubs, golf hotels, and hotels known for their leisure services – are not accepted under these regulations.
- b. During such Events, the MPCs may only offer hospitality when hospitality is appropriate.
- c. Such events –
 - 1. shall be limited to transfer of sufficient data and provision of scientific or educational value;
 - 2. shall focus on raising the attendees' awareness of the presented topics;
 - 3. the attendees shall be selected according to objective standards for qualification to attend such events.
- d. The MPCs may not organise or sponsor any Event, or participation by the HCPs in Events, held outside UAE (International Events), except where –
 - 1. most of attendees are from other countries;
 - 2. the Event is to be held in a foreign country because the relevant resources or expertise which constitutes the objective or subject-matter of the Event exist in such country.
- e. As regards marketing, professional, or scientific Events (whether international or local), hospitality shall be limited to the real expenses of travel, meals, stay, and registration fees.
- f. MPCs may only pay the reasonable and actual travel fees. The travel expenses provided for HCPs shall not include a stay period exceeding the official period of the Event.
- g. In case of travel by air, selection of the travel class shall be based on the policy, if any, developed by the management of the authority or the facility where the Healthcare Specialist works. Otherwise, the decision of the travel class shall be made based on the period of the air flight. All MPCs are expected to have pre-defined conditions for promotion from the tourist class to business class and from business class to the first class.
- h. Hospitality shall be limited to HCPs only and may only include persons qualified to participate themselves and may not extend to include the spouses of HCPs or other guests. This does not apply to the meals, but applies also to the stay expenses and any travel expenses.
- i. Nature of hospitality – All forms of hospitality provided for HCPs shall be reasonable and limited only to the main objective of the Event. As a general rule, hospitality shall not exceed the class for which the HCPs are ready to pay.
- j. MPCs may not provide or pay for any entertainment or any other entertainment activities or social activities. Only secondary entertainment/hospitality related to the main objective of the event shall be considered appropriate, provided being of a modest nature and accompanied with meals. However, the secondary entertainment shall not dominate or affect the whole scientific content or the programme. It shall also be presented in times which don't coincide with the time of a scientific session. However, entertainment should not be the main attraction to the event.
- k. Discussions and meetings aiming at exchange of information between medical representatives and HCPs shall be held in the meeting rooms at the healthcare facility where the HCP works. In

<p>this case, the healthcare facility shall not charge the medical company any fees for renting the place or any other fees related to using the facilities.</p> <p>l. Information provided in such meetings shall be transparent and substantiated.</p> <p>m. MPCs' internal meetings, which are limited to the employees of the company, do not fall within the scope of these provisions and shall be administered in accordance with the policy and regulations of the company.</p>
<p>15. Are donations made by permit/authorisation holders to healthcare institutions or organisations considered a promotional (advertising) tool? Is there a special regulation on donations?</p>
<p>Yes, the Code sets out that grants, donations, and benefits may only be given to institutions, organisations, or associations that have HCPs, or which provide health care or conduct researches, if:</p> <ol style="list-style-type: none"> a. they are provided for the purpose of supporting healthcare, the need of patients, researches, or educational Events which are organised by other entities, or for the participation of the Healthcare Specialist in an educational Events organised by other entities, scholarships, fellowship programmes, or public awareness campaigns; b. they are documented and entered into the donor's records; c. they do not constitute an encouragement to recommend, prescribe, purchase, supply, sell, or use in treatment, certain medical products; d. they are provided for institutions only and not for individuals; and e. MPCs shall adopt an independent revision method to take decisions in order to limit, prevent, and mitigate the risks of bribes and corruption resulting from provision of grants or charitable donations to a specific entity. <p>The purpose of the educational grant must be for the purpose of training and education. The amount can only be paid to institutions/facilities' through the highest level of management (CEO or equivalent) to support education or fellowship programmes. Selection of beneficiary HCPs is solely achieved by the institution. Educational grants can be offered proactively by the company or on request of the institution/facility.</p> <p>Regarding the events that MPCs hold or sponsor to update HCPs on latest developments in diseases and their management or to promote their products efficacy and safety, support to HCPs can be covered, in line with the Code, and MPCs must respect the policies set by the institution/facility, if such policies exist.</p> <p>In order to avoid any improper influence, MPCs must have robust objective selection criteria for HCPs (academic background, experience in the field, current clinical activity) to assess eligibility for attendance. These selection criteria must be followed by the company in case direct communication with the HCP is allowed by the facility/institution policy. The selection criteria should be communicated to the management of the hospital, in case the management is the decision maker regarding the selection of the participants to the event. Furthermore, HCPs are expected to abide by their employers' policies (to declare or get approval for such participation) as required by the institution/facility policy. Except in the case of self-employed HCPs, MPCs must encourage HCP to get employer approval, if necessary, and this must be documented in the invitation letters and the contract, where a contract is in place.</p>
<p>16. Can pharmaceutical laboratories or medical device manufacturers or their licensees support scientific or educational meetings? If so, is there any difference between these two sectors from the perspective of rules on the promotion of products?</p>
<p>Yes, pharmaceutical laboratories or medical device manufacturers, or their licensees, can support scientific or educational meetings.</p> <p>There are no differences between these sectors from the perspective of rules on the promotion of products.</p>
<p>17. Please provide an overview of the rules around the industry and patient organisations' relationships, including funding.</p>
<p>All patient support programme (PSP) must be approved by the competent health authorities (depending on the location of the PSP, this would be the DHA, MOHAP, or the DOH). A method for the measurement of outcomes including and not limited to medical, financial and patient satisfaction indicators must be determined prior to the start of the programme. These indicators should be reported periodically to the health authority concerned. The health authority will have its own implementation mechanism for submissions and approvals.</p>

18. Is it possible to delegate promotional (advertising) activities to a third party through a service agreement? If so, under which conditions? Is co-promotion regulated in your jurisdiction and if so, how?
<p>Yes, delegation of promotion (advertising) activities may be delegated to a third party through a service agreement under the condition that the third party has the appropriate corporate licences, registrations, and approvals to engage in such activities. Given the below mentioned limitation, co-promotion is not possible in the UAE.</p> <p>A facility which has not been licensed by the MOHAP cannot undertake the marketing on behalf of the UAE marketing authorisation holder, UAE distributor/agent, or a scientific office/marketing firm, nor in relation to the products of other UAE marketing authorisation holders, UAE distributor/agent, or scientific offices/marketing firms. In other words, there is a MOHAP requirement for the employees who market the products of their employer (or for which their employer is an agent) to be directly employed by the UAE marketing authorisation holder, UAE distributor/agent, or the scientific office/marketing firm that they represent during the sales/marketing activities.</p> <p>Only a UAE marketing authorisation holder, UAE distributor/agent, or SO is allowed to promote or market their own products. It is currently forbidden for a UAE marketing authorisation holder, UAE distributor/agent, or scientific office/marketing firm to enter into an agreement with a marketing agency or third party that does not have a MOHAP licence (or in the event the entity has a MOHAP licence, is not a UAE marketing authorisation holder, UAE distributor/agent, or scientific office/marketing firm for the products it is promoting) in order to market their products to pharmacists or healthcare practitioners in the UAE.</p>
19. Is it mandatory in your country to report transfers of value made by permit/authorisation holders to healthcare professionals?
No, there is no obligation to report to any regulatory authority the transfers of value made by permit/authorisation holders to HCPs.
ENFORCEMENT
20. What penalties and other sanctions are associated with violations related to product promotion (advertisement)? Do supervisory authorities actively impose penalties and other sanctions? Are these penalties and other sanctions announced publicly?
<p>From the MOHAP perspective, imprisonment for between six months and a year, and/or a fine of not less than AED50,000 (approximately US\$13,600) and not exceeding AED200,000 (approximately US\$54,450) may be imposed against whoever breaches any violations related to product promotion.</p> <p>Yes, the authorities actively impose penalties and other sanctions.</p> <p>These penalties and other sanctions are not announced publicly on a regular basis; occasional press releases are issued by the authorities.</p>
21. Who is responsible for enforcement, and how strictly are the rules enforced? To what extent may competitors take direct action through the courts in relation to promotion (advertising) infringements?
<p>MOHAP (and the relevant health authorities, such as DHA and DOH) is the responsible for enforcement, and we have seen that enforcement is strict. We have not seen that competitors take direct action through the courts for a violation of law but rather competitors have been known to inform the regulator of breaches, in which case MOHAP then takes action.</p> <p>Incompliant practices can be reported to the 'Pharmaceutical Licensing Committee' at MOHAP. The Committee reviews complaints on weekly basis, an investigation team is involved and corrective or disciplinary measures can be taken as deemed necessary.</p>
FUTURE DEVELOPMENTS
22. Are any significant developments in the field of pharmaceutical or medical device promotion (advertising) expected in the next year or so? Are there any general practice or enforcement trends that have become apparent in your jurisdiction over the last year or so?
N/A