

Not quite Botox, ASA (and MCC) rules



By [Herman Manson](#)

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Local pharmaceutical distributor Pharmaplan has landed in hot water with the Advertising Standards Authority (ASA) of South Africa after promoting Dysport - approved only for treating a rather specific foot deformity - as a viable alternative to Botox. According to the complaint lodged, Dysport was sold as a "new wrinkle relaxer approved in the USA" in a brochure used to promote the product.

The Medicines Control Council (MCC) had already ordered Pharmaplan to remove any advertising material recommending its Dysport product for crow's feet (facial wrinkles around the eye area), forehead lines, frown lines and excessive sweating of the armpits, palms or the soles of your feet. Dysport is produced by Ipsen but distributed locally by Pharmaplan.

Already implemented ruling

Pharmaplan did advise the ASA that it had already implemented the MCC's ruling by removing all the offending information from its advertising.

The ASA found that not all the claims and issues raised by the complainant, identified by SAPA as the distributors of Botox - Genop Healthcare, were dealt with by the MCC directive in question. These included Pharmaplan marketing material allegedly promoting using the product on the corners of the mouth, wrinkles beside the nose, for a brow lift, on smoker's lines and smile lines or the "cost benefit ratio" comparison between Dysport and Botox.

As Pharmaplan had undertaken to remove the advertising in question, the ASA did not make a ruling.

Gert Hoogland, executive director at Pharmaplan, failed to respond to a query as to why Pharmaplan produced marketing material contravening regulations to such an extent that the MCC had to step in to stop it.

"The complaint to the ASA was made by a competitor company. The issue has been resolved to the satisfaction of all parties involved. Thanks for your interest," Hoogland responded to Bizcommunity's media query. Asked if this means that since the complaint (to ASA) was lodged by a competitor, Pharmaplan is disputing its relevance or veracity, he responded - wait for this - "Indeed."

Both valid and relevant

While Genop Healthcare may or may not have been using the ASA to get another punch in at Pharmaplan, which has already been ordered to remove the advertising in question, the fact stands that the MCC found the original complaint both

valid and relevant - unlike Hoogland. There must be some doubt as to whether consumers who purchased Dysport, based on the (now withdrawn) advertising in question, all view the issue as 'resolved'.

From Europe, Ipsen seemed tight-lipped on the matter. It also seemed to grapple with the English language. Asked if Ipsen endorses the product uses proposed by Pharmaplan for Dysport, it said in a statement “Under no circumstances [sic], Ipsen does endorse the use of its drugs outside the registered indications.”

One hopes this is merely a Freudian slip. Did it approve the advertising material in question and, if not, why does it not monitor claims made about its products by third party distributors?

“The interaction between Ipsen and Pharmaplan are set forth in an agreement which is of a confidentiality [sic] nature,” responds Ipsen. “Consequently, Ipsen can not comment further on that specific topic.”

Affect its relationship?

Will this affect its relationship with Pharmaplan? “Pharmaplan is still the only partner of promotion and distribution of Dysport in South Africa,” Ipsen confirms.

So while Ipsen (at a guess) doesn't approve distributors making unsubstantiated claims about the products it manufactures, it doesn't seem to have a process in place to monitor whether information on its products are legal and valid, while finally confirming that it's business as usual for Pharmaplan in spite of the controversy. South African consumers deserve some answers - not to mention a public apology from Pharmaplan and a proper investigation by Ipsen.

ABOUT HERMAN MANSON

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