

# What can the MCA do for you? An update on our progress



**Dr Haseena Gani**  
*Executive Officer*  
*SAPRAA, June 2014*

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# GRANTLAND®

T1554E

TO ALL OF THE AGENCIES WHO  
WORK SO HARD AND FAST  
TO WRITE THE REGULATIONS  
I HAVE TO COMPLY WITH, I  
JUST WANT TO SAY ONE  
THING -



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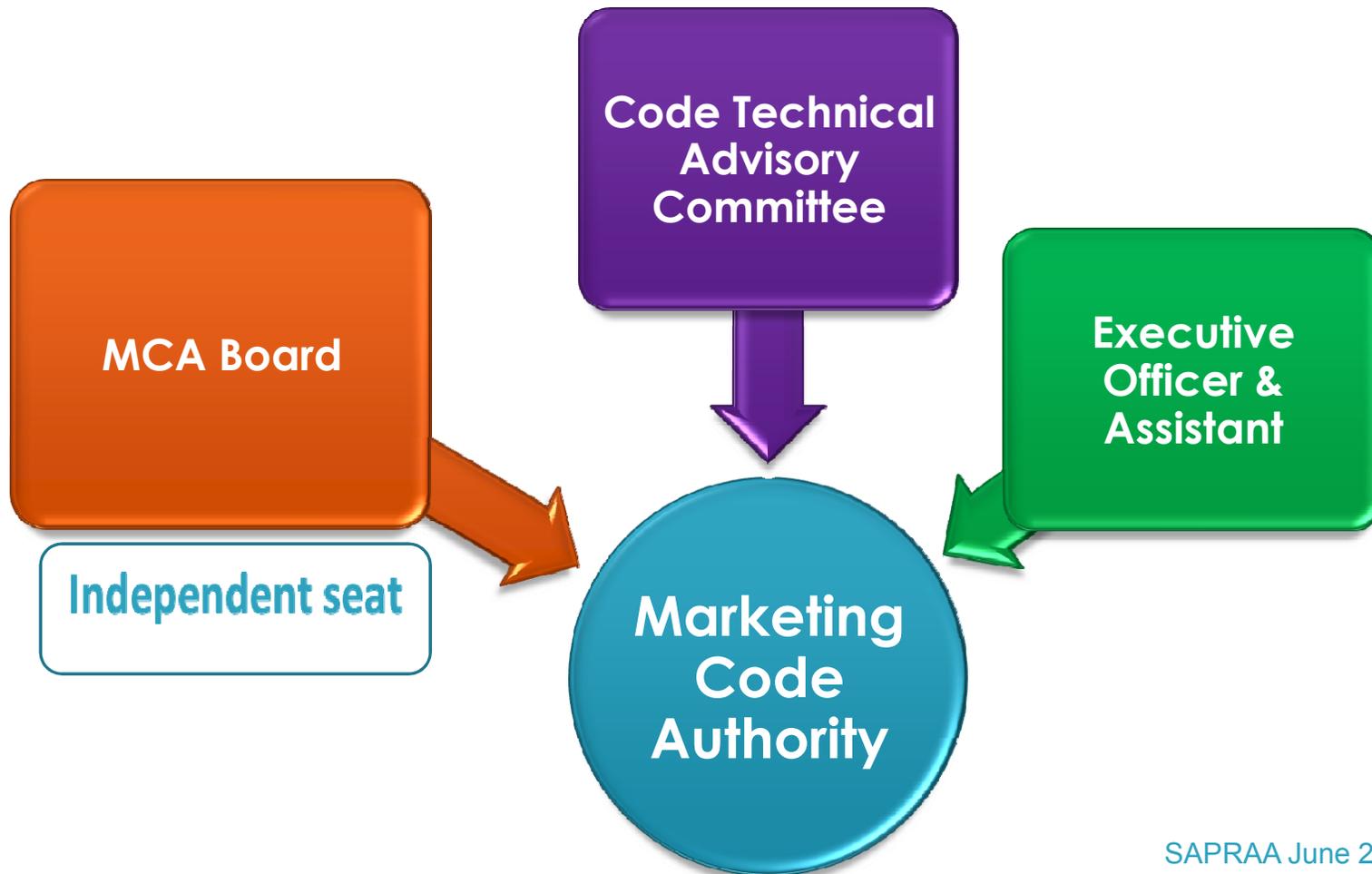
**SLOW DOWN!  
TAKE A BREAK!**  
I CAN'T KEEP UP  
WITH THEM ALL!



# Agenda

- Your voice matters
- 2013 highlights
- 2014 & beyond
  - Certification
  - Enforcement
  - Stakeholders

# The avenues for YOUR input



## Board members

- 9 Board members meet monthly to drive the MCA strategy



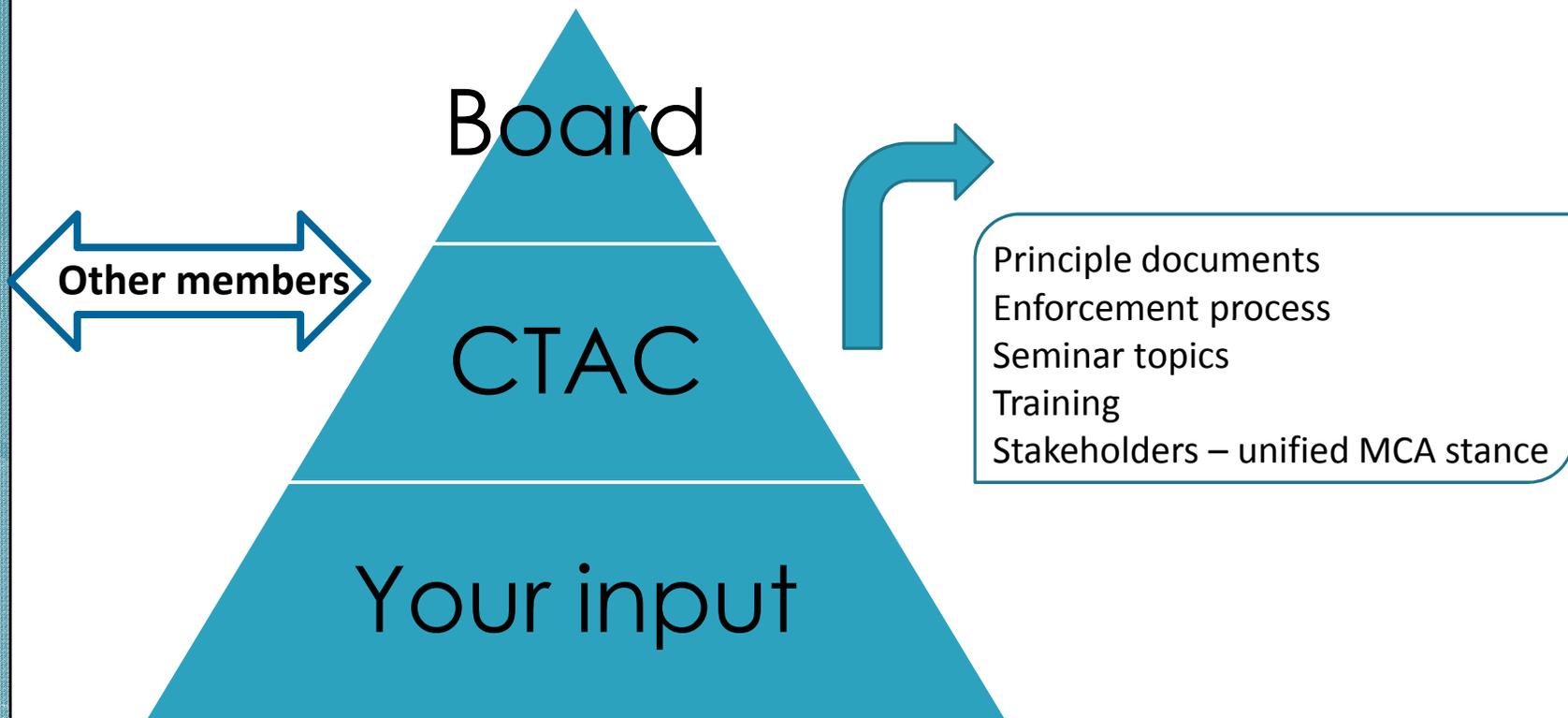
# Code Technical Advisory Committee (CTAC)

- Meetings are held every 2<sup>nd</sup> month
- Appointed by the MCA Board to provide technical / operational advice, in consultation with members



Abeda Williams

# Your voice is vital



# Highlights of 2013

2<sup>nd</sup> edition Code  
& Guidelines

Enforcement

Website &  
certification

Not for Profit  
company

Membership fee  
tiers

Compliance  
Officer

Stakeholders –  
local &  
international; 4  
publications

Independent  
membership

Corporate &  
Financial  
Governance

# 2014 & beyond...



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## Health Product Industry

What would you like to do?

Please select



Our Code



Membership



Certification



Complaints



Contact MCA

[www.marketingcode.co.za](http://www.marketingcode.co.za)

About us



# MARKETING CODE AUTHORITY

READ MORE



## CERTIFICATION

5248 registered

66% certified

1758 have not  
attempted an  
assessment

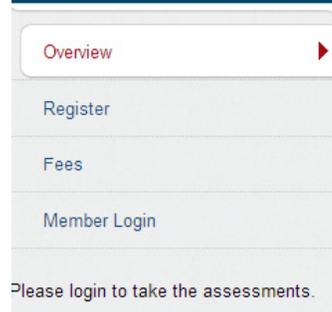
Deadline - 30th June

<u>PHARMA</u>	
Servier Laboratories (Pty) Ltd	97.62
AbbVie (Pty) Ltd SA	96.72
iNova Pharmaceuticals	96.15
Aspen Pharmacare Ltd	94.83
Novartis SA (Pty) Ltd	93.01
Pfizer Laboratories (Pty) Ltd	91.89
Norgine (Pty) Ltd	90.48
<u>DEVICES</u>	
Perryhill International (Pty) Ltd	97.22
iNova Pharmaceuticals	96.15
Surgitech (Pty) Ltd	91.67
Viking Medical & Surgical (Pty) Ltd	91.11
Thermo Fisher	90.91
Medtronic Africa (Pty) Ltd	90.76
Baroque Medical (PTY) Ltd	90.48



Non members can also be certified - R228

4 CPD points (2 ethics)



#### Who must be certified?

-  Member companies must ensure that all relevant personnel are certified in the sector where they work.
-  Individuals i.e. not from a healthcare company are encouraged to achieve a certificate from the MCA. An aspiring Sales' Representative may cite the MCA certification on their CV. [Individuals click here to certify](#)
-  Thus, healthcare practitioners (HCPs), events' organisers, training companies, advertising companies, wholesalers and distributors who work and / do business with the health products companies are given the opportunity to register, pay on-line and do the assessment.

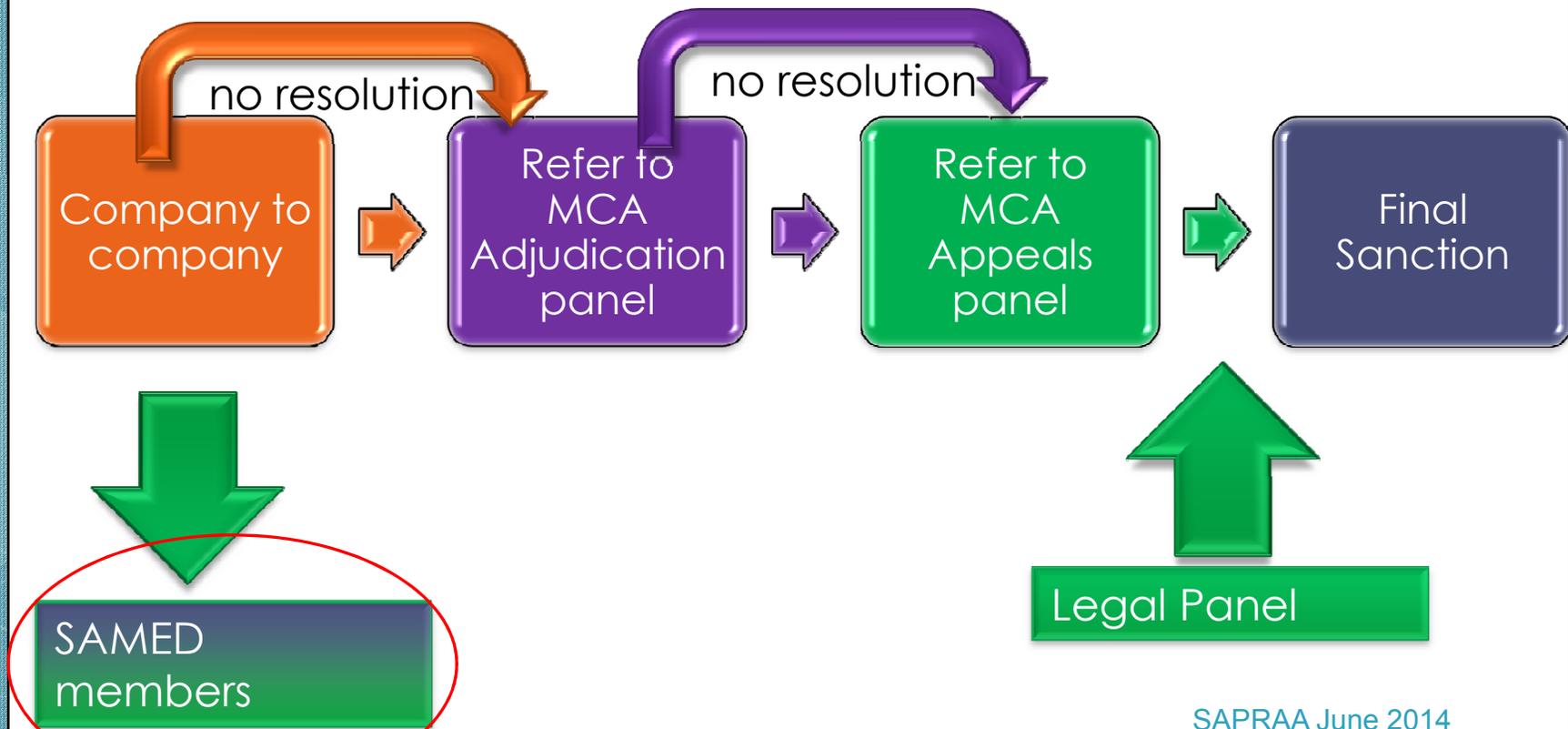
#### How do I certify?

-  Member companies personnel will use a unique code for doing the assessment. Contact your compliance officer or [click here](#) to retrieve your password.

# 2014 & beyond...



# Process flow for complaints



Lodging form, fees, sanctions...



What would you like to do?

Please select



Our Code



Membership



Certification



Complaints



Contact MCA

Complaints Process

Lodge a complaint

Fees

Sanctions

Case Outcomes

Banking details

## Complaints Process

Overview

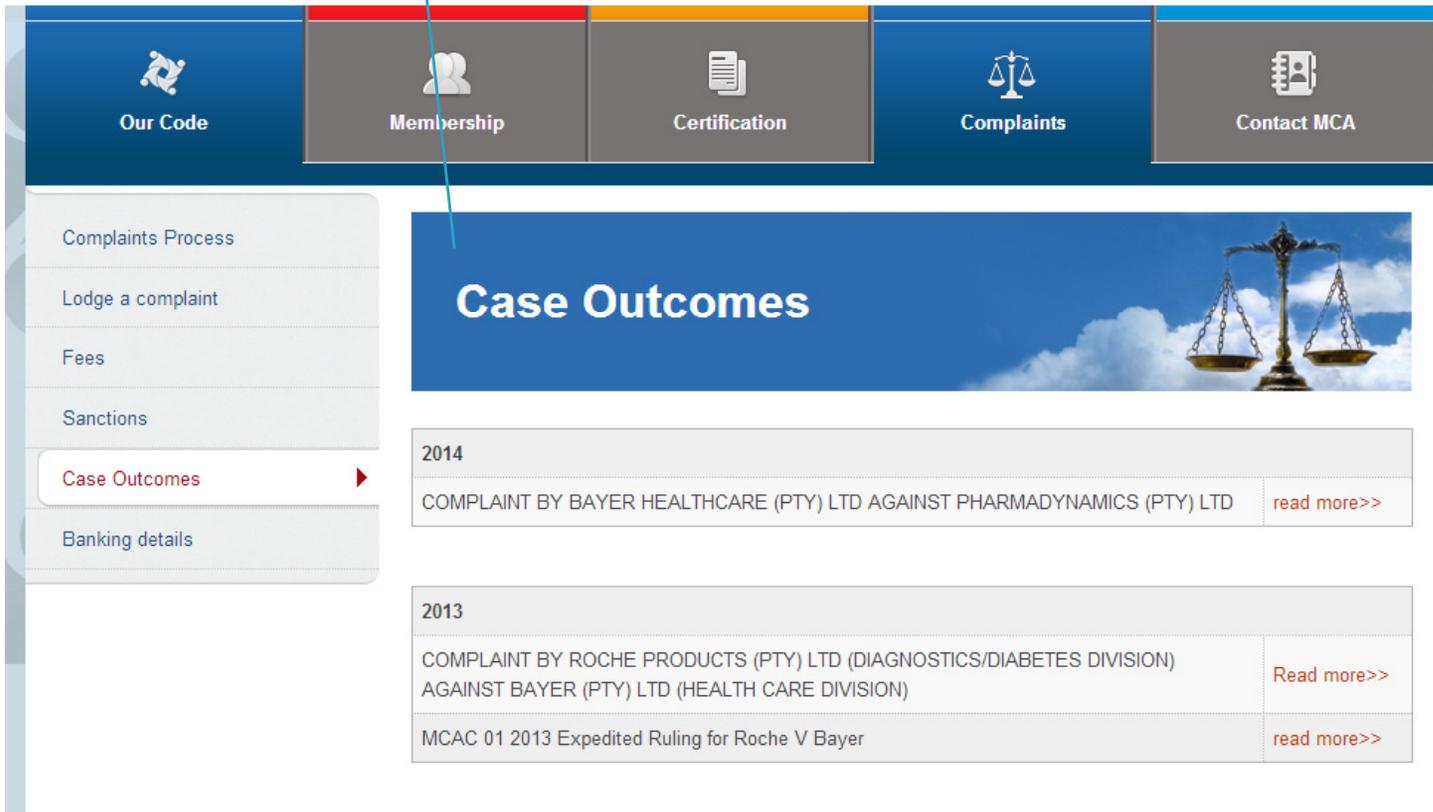
Process

Panelists

- Members of companies, the public or healthcare professionals may complain to the MCA if they think there's a potential breach in the advertising and promotion of health products by a member company.
- The MCA only has the mandate to deal with possible transgressions that are governed by its Code and by its members.
- The MCA has the power to create the required enforcement mechanisms in line with the provisions of the Code, Guidelines and Constitution and it shall have all the powers necessary to ensure an efficient and effective self-regulatory mechanism.
- This enforcement structure was initiated on the 2nd May 2013

SAPRAA June 2014

Case outcomes are available to download or read



Our Code	Membership	Certification	Complaints	Contact MCA
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- Complaints Process
- Lodge a complaint
- Fees
- Sanctions
- Case Outcomes**
- Banking details

## Case Outcomes

2014	
COMPLAINT BY BAYER HEALTHCARE (PTY) LTD AGAINST PHARMADYNAMICS (PTY) LTD	<a href="#">read more&gt;&gt;</a>
2013	
COMPLAINT BY ROCHE PRODUCTS (PTY) LTD (DIAGNOSTICS/DIABETES DIVISION) AGAINST BAYER (PTY) LTD (HEALTH CARE DIVISION)	<a href="#">Read more&gt;&gt;</a>
MCAC 01 2013 Expedited Ruling for Roche V Bayer	<a href="#">read more&gt;&gt;</a>

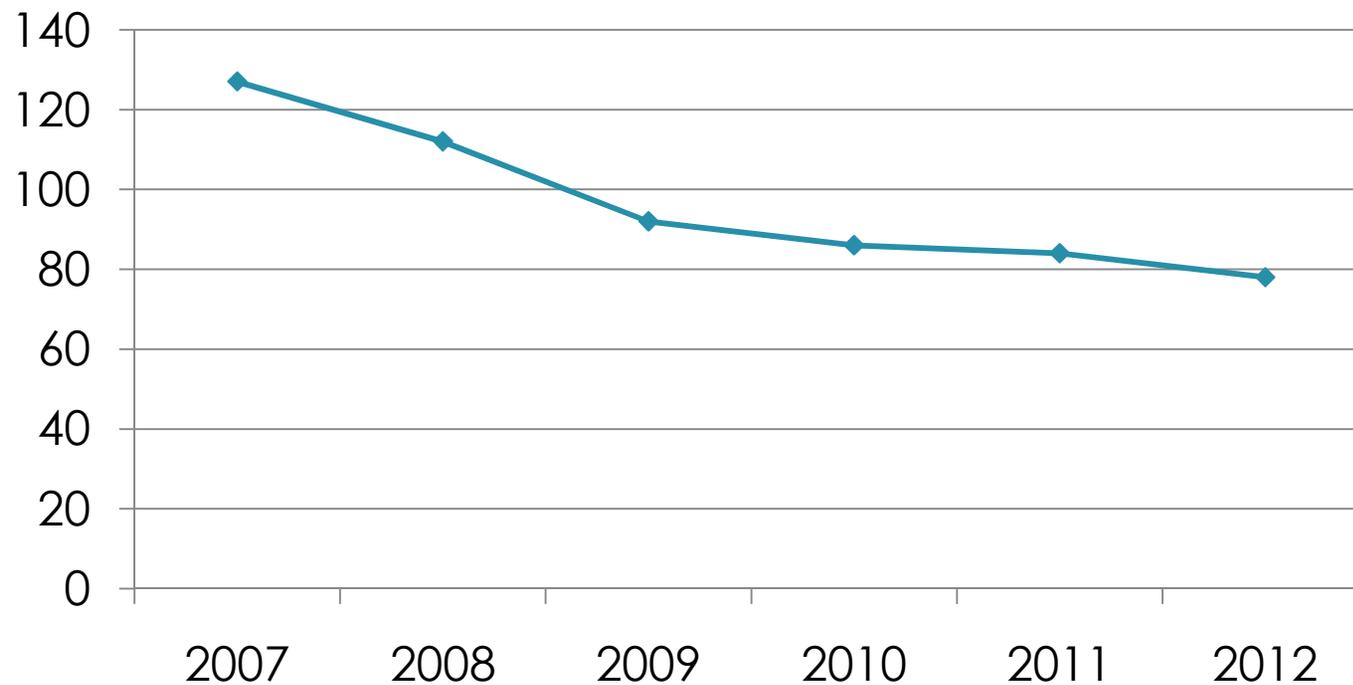
# Complaints processed (YTD)

**TOTAL = 8 cases & 5 de-novo matters (+3 withdrawn)**

- 5 published adjudications
- 2 published appeals (1 appeal pending)
- 1 published expedited matter
- 3 matters withdrawn (1 at document exchange; 1 vs. non-member; 1 withdrawn before document exchange)

- Website repository of full rulings for panelists
- nDoH will be advised of cases in the annual report
- Maximum timeline **29d (adjudication); 60d (adjudication & appeal)**

## So how does this compare with international counterparts? *(PMCPA)*



# Advanced accuracy



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Bayer South Africa: Bayer

www.bayer.co.za/ebbsc/cms/en/about\_bayer/ProfileandOrg/Bayer\_Healthcare/index.html

## Bayer: Science For A Better Life

### SOUTHERN/EAST AFRICA

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**Profile**  
**Bayer HealthCare**

Bayer HealthCare is among the world's foremost innovators of pharmaceutical products. This subgroup's mission is to research, develop and manufacture products that improve the health of people and animals throughout the world.

The globally operating Health Care subgroup is divided into three divisions: **Animal Health**, **Medical Care** and **Pharmaceuticals**. The **Animal Health** Division is primarily on treating infectious diseases and repelling parasites. The **Medical Care** Division is on non-prescription medicines and dietary supplements. One example is Aspirin, a more than 110-year-old brand that enjoys an unsurpassed level of global familiarity. **Medical Care** comprises the businesses with blood glucose monitoring devices and medical equipment for diagnosis and treatment. The **Pharmaceuticals** Division is today the highest-selling pharmaceuticals company in Germany and holds a worldwide leading position in its main therapeutic areas. The focus is on prescription medicines. The division combines its strengths in two business units: General Medicine and Specialty Medicine.

Corporate data	
Company name	Bayer HealthCare AG
Headquarters	Leverkusen, Germany
Chairman of the Board of Management	Dr. Jörg Reinhardt
	Animal Health
	Consumer Care
	Medical Care
	Pharmaceuticals
Divisions	
	EUR 16,913 million
	EUR 4,106 million

The page at www.bayer.co.za says:  
 Thank you for visiting the South African website. You are now leaving the South African website.  
 Please note:  
 The information contained in this external website may not comply with the South African regulatory environment. Regulatory restrictions and medical requirements may vary from one country to another and, as a result, the information on the site to which you are going may not be relevant to the country in which you are living. Further information relevant to the South African environment is available from the company or via the Product Information Insert. Any medical information you may come across should be discussed with your healthcare professional and does not replace their advice.  
 Do you wish to proceed?  
 OK Cancel

www.bayerhealthcare.com/scripts/pages/en/index.php

12:08 PM  
6/3/2014

# 2014 & beyond...



# MCA Inaugural Seminar

- >110 attendees –members & paying non-members
- Panel discussions - FAQs
- Informal survey on trends with complaints prior to escalation to the MCA
- Update on proposed amendments to the Code & Guidelines

# Communications' Plan – Q1 updated tracker



Department of Health
National Consumer Commission
Medicines' Control Council



Professional Bodies
International counterparts
Undergraduate education & 4 Publications

## So what can you expect in 2014?

- Updating the Code & Guidelines
- Quarterly updates on the Communication plan
  - Progress discussions on 'Code legislation'
- Certification & ensure relevance of the question bank
- Broaden the FAQs
- Engage with members & training seminars
- Robust enforcement structure & case precedents
  - **AGM 2014 –10<sup>th</sup> Sept 2014**
  - **Panelists F-F sessions –20<sup>th</sup> August**
  - **CCO forum – 9<sup>th</sup> June**

# The Code is here to stay...



# Membership fee tiers

Category	Turnover Range	Rounded fee per tier (nearest R25)
A	<10 million	175.0
B	<25 million	450.0
C	25m to 50m	1,325.0
D	50m to 100m	2,625.0
E	100m to 200m	5,275.0
F	200m to 350m	9,650.0
G	350m to 500m	14,925.0
H	500m to 750m	21,950.0
I	750m - 1b	30,750.0
J	1b to 1.5b	43,925.0
K	1.5b to 2.5b	70,275.0
L	2.5b to 3.5b	-
M	3.5b to 5b	-
N	>5billion	175,675.0

# Corporate Governance and Code Compliance – a passing fashion or here to stay?



- Global move towards transparency
- Evolution of market, including healthcare professionals, in terms of transparency
- Role of Pharma in CME and funding of educational activities
- Codes in Africa
- Role of complementary /alternative medicines and impact on policy changes

## MCA WEBSITE

[www.marketingcode.co.za](http://www.marketingcode.co.za)



# MCA

Marketing | Code | Authority

**CONTACT US: [info@marketingcode.co.za](mailto:info@marketingcode.co.za)**

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