Misleading Warehouse ads

CHEMIST Warehouse has found itself in hot water after the Supreme Court of Queensland found that advertisements its pharmacies placed in two newspapers were likely to mislead or deceive, in contravention of section 18 of the Australian Consumer Law.

The court action was instigated by a Cairns pharmacy and a Gold Coast pharmacy against Chemist Warehouse pharmacies in each of those cities. Published in The Cairns Post newspaper on 14 June 2012 and the Gold Coast Bulletin on 2 June 2012 the advertisements promoted the availability of Atorvastatin generic medicines at discounted prices, with the offer valid until 01 July 2012.

In hearings held this week the Supreme Court ruled that the advertisements were likely to mislead or deceive by: (a) listing prices for the supply of Atorvastatin Sandoz, Lipitor and Trovas, being medicines on the PBS Schedule, to members of the public without identifying that: (i) while the supply of Lipitor to a person at the listed price of $35.40 could be taken into account for the purposes of determining the person’s (and the person’s family’s) eligibility to be issued with a concession card under Division 1A of the National Health Act 1953; (ii) the supply of Atorvastatin Sandoz or Trovas at $14.99 or Trovas at $19.99 could not be taken into account for that purpose.

In addition the Court found that the advertisements were also likely to mislead or deceive by stating that the frequency of supply of Atorvastatin Sandoz or Trovas at those prices would be governed by standard PBS regulations, when supplies of those products at those prices would not be supplied under the PBS.

Despite its finding however, the Court did not grant an injunction against the pharmacies due to the fact that it found they had no intention to mislead or deceive (based on evidence given by the Group Commercial Manager of the respondent Chemist Warehouse pharmacies).

The injunction was also declined because the Court had no reason to assume the pharmacies would not give proper regard to the terms of the judgment in any future advertisements.

Meanwhile, the decision has been welcomed by the Pharmacy Guild of Australia.

"The Guild supports full and open information for consumers about their PBS medicines, and a level playing field for the supply of PBS medicines through appropriate regulatory arrangements,” the Guild said in a statement.

Fycompa approval

THE US Food and Drug Administration has approved Fycompa (perampanel) tablets to treat partial onset seizures in patients with epilepsy ages 12 years and older.

NZ staffing issues

THE Pharmacy Guild of New Zealand’s annual Remuneration Survey has found that 24% of NZ pharmacies have difficulty recruiting staff.

The figure is a marked jump from 2011 data which showed 15% of pharmacies had trouble getting staff.

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Are kids supplements okay?

THE Complementary Healthcare Council of Australia has defended vitamin supplementation in children, saying it can be helpful for parents to ensure their children are getting the adequate amounts of vitamins and minerals.

The comments come on the back of rising debates around the supplementation in children’s diets, with the CHC saying it strongly supports vitamin supplementation in addition to, not a substitute for, a balanced diet.

“Contrary to some reporting in the media, consumers do understand what they are taking and are making informed purchasing decisions when it comes to dietary supplements,” the CHC said in a statement.

“Getting a healthy diet filled with all the essential vitamins and minerals is at the cornerstone of good health, however, in reality no one eats perfectly all the time,” said Executive Director of the CHC, Dr Wendy Morrow.

“Nutritional supplements act to fill in the gaps in a diet that is lacking in sufficient vitamins and minerals, as is often the case with fussy eaters and those with food sensitivities,” she added.

To support its position, the CHC cited the 2007 Australian National Children’s Nutrition and Physical Activity Survey which found that while younger children aged 2-3 generally eat the recommended serves of fruit, their intake declines as they get older, with just 1-2% of older children reaching the recommended target of three pieces of fruit per day.

Tassie’s tall poppies

TWO Tasmanian researchers, Dr Rosanne Guijt and Dr Rick Stuart-Smith, have received Young Tall Poppy Science Awards for 2012.

Dr Guijt of UTAS received her award for her work developing and manufacturing Lab on a Chip systems with applications ranging from chemical and pharmaceutical analysis to agriculture and cell culture analysis.

Dr Stuart-Smith, also of UTAS, scored his award for his work with the successful Reef Life Survey program.

EMA insulin approval

THE European Medicines Agency’s Committee for Medicinal Products for Human Use (CHMP) has recommended the approval of insulin degludec, a new basal analogue insulin for the treatment of diabetes mellitus in adults.

The drug is introduced in a pre-filled pen in two formulations – 100 units/ml and 200 units/ml, and is the first insulin approved in Europe at a higher strength than the EU-wide standard of 100 units/ml.

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