

TAPS | therapeutic advertising pre-vetting service

GUIDELINE 6 Medicines	Guideline on the use of 'Multi-Buy' offers in Pharmacy
Last Updated	August 2016
What kind of product is this guideline for?	Multi-buy offers are where there is the sale of 2 or more products for the price of one. Examples include; <ul style="list-style-type: none"> • Two or more OTC Medicines sold together for one price OR • At least one OTC Medicine sold together with at least one Natural Health Product or Supplement for one price OR • A therapeutic service is offered with a Natural Health Product or Supplement for one price.
What is the purpose of this guideline?	To provide guidance on the compliance aspects of offering a 'multi-buy' to consumers

BACKGROUND

The practice of offering a single price when combining more than one OTC medicine for sale or an OTC medicine with a Natural Health Product, or a service with a medicine or Natural Health Product can present challenges for advertisers, pharmacists and supermarket managers. The following guideline should help to assess whether the proposed "multi-buy" offer is in accordance or not with the SMI Code of Practice, the ASA Therapeutic and Health Advertising Code, the Pharmacy Council & Pharmaceutical Society Advertising Guidelines and the Medicines Legislation.

These are general guidelines only to help the specific situation in each case. In the event of any doubt it would be prudent to err on the conservative side and to get a second opinion from either the SMI, Medsafe or the TAPS Adjudicators.

This Guideline covers a number of points that should be taken into consideration when developing an advertising initiative that includes a 'multi-buy' offer

(1) Pharmacists must abide by the Pharmacy Council Pharmacy Code of Ethics.

The sale of two or more products together for one price may take away or put undue pressure on the Pharmacists right to decide if the two products are necessary for their customer e.g. a cough mixture and an analgesic sold together. The sale of both may not always be in the best interests of the customer. There are factors to take into consideration like the suitability of either product for a specific patient, or if another combined and approved product might be better for the patient. It makes the sale more consumer driven, and can put undue pressure on Pharmacists if they have to explain why it may not be suitable for them.

(2) "Multi-Buys" must comply with the Medicines Act

If one product is a medicine, and the other is a natural health product, then there is the issue of an 'upgrade by association' for the natural health product when they are sold together for one price. This is especially the case if the medicine and the natural health product are both used for the same or similar health issues. ***The combination of two different product types is likely to infer a therapeutic benefit for the natural health product and this would be a breach of the Medicines Act.*** Only Medicines that have been evaluated by Medsafe and have consent for distribution from the Minister of Health may claim a therapeutic benefit for the medicine. This therapeutic benefit must be consistent with the details of the consent. The customer may be being misled about the effectiveness of the natural health product or supplement because of the association with a medicine if sold together for one price.

Should the advertiser proceed with a multi-buy that includes a medicine and a natural health product or supplement, the advertiser must make it clear to consumers for what purpose the natural health product or supplement is to be used. This is so that there is no confusion for the consumer when they are considering it in relation to what the medicine in the multi-buy is used for.

When two or more medicines or a medicine and a natural health product are physically packaged together for a multi-buy (e.g. wrapped in cellophane) this becomes a 'new medicine' as per the Medicines Act. This combination must therefore be evaluated by Medsafe and consent for distribution granted by the Minister. Multi-buy offers should not therefore, be physically packaged together.

(3) “Multi-Buy” offers must comply with the [SMI Code](#) and the [ASA Therapeutic and Health Advertising Code \(THAC\)](#) the [Pharmacy Council & Pharmaceutical Society Advertising Guidelines](#).

These codes / guideline state that advertisements (of which a “multi-buy” is part of) must not encourage’ or be likely to encourage or persuade consumers to purchase or use inappropriate or excessive quantities of a medicine or a natural health product.

SMI Code

5. Advertising and Promotion

5.4 Multi-Buy Offers and Price Promotions

5.4.1 No member shall engage in any Multi-Buy Offer or Price Promotion where such advertisement or promotion or activity is likely to encourage or persuade reasonable consumers to purchase inappropriate or excessive quantities of a Therapeutic Product.

ASA THAC

PRINCIPLE 2, Guideline 2 (b)

Advertisements shall not encourage, or be likely to encourage, inappropriate or excessive purchase or use.

Pharmacy Council & Pharmaceutical Society Advertising Guidelines

13. Advertisements and promotions must not encourage, or be likely to encourage customers to purchase inappropriate or excessive quantities of a medicine. This would typically include “multi-buy” offers, competitions or price promotions such as:

- a. buy two for the price of one, or*
- b. buy one and get another medicine free or for a reduced price, or*
- c. buy one medicine and get a free item, or*
- d. where a medicine must be purchased as a condition of entry to a competition.*

The question of whether the multi-buy offer encourages customers to purchase inappropriate or excessive quantities of the products is a debatable point. Who decides if a quantity is excessive or inappropriate?

With Pharmacy Medicines, the answer would be the Pharmacist, under whose auspices the legal sale of Medicines is enabled in Pharmacy, and who has the responsibility to ensure that the quantities sold are appropriate to the clinical needs of the patient.

Multi-buy offers can be seen as undermining the role of the Pharmacists, and also being marketing driven, undervaluing the status of the medicines themselves. While good value may be the driver, the question should be asked *‘is it actually good value to sell more than someone actually needs’?*

(4) “Multi-Buy” offers should not undermine public health campaigns or campaigns of similar importance to the general public.

When a service like Vaccination is part of an offer which also includes a Natural Health Product for a set price, which is higher than the service price alone, there are a number of issues that need to be considered. The importance of a Public Health campaign like Flu Vaccination is very high. The advertiser should be sure that the higher price to pay for a service which includes a Natural Health Product that the consumer might not actually need, does not put some people off getting the vaccination. There is also the issue of the upgrade by association for the Natural Health Product as noted in section (2) above.

Offering a multi-buy whilst an important public health campaign is underway may be seen in some quarters (e.g. PSNZ, Medsafe, and SMI) that it cheapens the campaign message. The offer and associated advertising may not reach the high standard required by the ASA Therapeutic and Health Advertising Code and the Pharmacy Council Code of Ethics and could therefore result in Pharmacists ultimately losing the right to Vaccinate if it is felt that the service is not being offered with due gravitas.

(5) The following list of questions may serve as a helpful checklist when developing a multi-buy offer.

Does the offer and other similar offers encourage the public to equate medicines with ordinary articles of commerce?

Are the two (or more) products suitable and appropriate for the individual needs of a particular customer?

Does the promotion undermine the Pharmacists responsibility to decide if the products and the quantity of them, are appropriate for the particular needs of an individual patient?

Is there an upgrade by association for the claims when a Natural Health Product or Supplement is offered for sale with a medicine, or service?

Are there implied or suggested therapeutic claims for a Natural Health Product or Supplement either by use of imagery, copy or by omission of relevant data?

Does the promotion arouse unwarranted and/ or unrealistic expectations of effectiveness of the one or more of the products or service?

Does the sale encourage customers to purchase inappropriate or excessive quantities of the product?

Does the promotion meet the High Standard of Social Responsibility required for Therapeutic products and Services?

Does the promotion promote the quality use of medicines, and is it socially responsible, does it support and facilitate responsible self-medication by consumers?

Is the emphasis or focus of the advertisement on the benefits of the product or service rather than its price?

Is there a clear statement of the allowable purpose for use of each product?

Are the appropriate mandatory information statements (required by the legislation and codes) included?

Note: Where a Natural Health Product or Supplement is to be offered in conjunction with a medicine and where the above questions are satisfied, the advertiser could consider including the following statement (or words to this effect) in the advertisement rather than naming the product in the “multi-buy” offer.

Ask your pharmacist for advice on complementary products which may offer support for your healthcare needs.

In summary:

The Pharmacist/ Customer interface is where a decision is made on the suitability or appropriateness of therapeutic products to suit the particular needs of a particular customer. One size doesn't fit all and a Pharmacist, by virtue of their training and Registration, are the best people to work with the consumer to make that personal decision. The decision should not be driven by an inappropriate multi-buy offer.