

1.0 POLICY TITLE ADVERTISING AND SPONSORSHIP POLICY

- 1.1 Policy number: CO-O-016.2**
- 1.2 Category: Organisational**
- 1.3 Approval date: July 2015**
- 1.4 Revision due date: July 2018**
- 1.5 Unit responsible Marketing**

2.0 POLICY DECLARATION

This Policy determines the rules and procedures for which The Royal Australian College of General Practitioners (RACGP) will accept Sponsorship of its Products or Events or Advertising of third party Products.

Sponsorship and Advertising must be considered against this Policy or, where applicable, the Endorsement Policy.

This Policy is approved by Council and endorsed by the CEO.

3.0 BACKGROUND

3.1 Context

The RACGP is the respected national leader in setting and maintaining the standards for quality practice, education, training and research in Australian general practice.

The RACGP conducts a range of activities and maintains a variety of relationships with external organisations. These activities range from policy development to the delivery of goods and services to General Practitioners, GP Registrars and others.

Traditionally sponsorship and advertising within the health care sector has been provided by pharmaceutical and medical device/supply companies.

These external organisations often seek involvement through Sponsorship of RACGP Products and Events and Advertising of their Products in RACGP channels and media. The RACGP also actively seeks out relationships with others in recognition of the benefits such relationships bring in achievement of the RACGP's objects.

This Policy recognises the nature of the Advertisements and Sponsorship may involve Therapeutic Goods, and incorporates safeguards for the RACGP to assist in avoiding breaching the *Therapeutic Goods Act 1989* (Cth) and other laws.

3.2 Scope

This Policy addresses the underlying basis for the RACGP's relationships with potential Advertisers or Sponsors seeking to work with the RACGP.

This Policy does not apply to:

- a. Advertising of Products in which the RACGP holds a complete or partial ownership interest, or
- b. Endorsement of Products or Events covered under the RACGP Endorsement Policy pursuant to clause 5.2d.

3.3 Definitions

In this Policy:

Advertiser means an entity placing or proposing to place (for reward) an Advertisement for publication or other promotion by the RACGP in any medium in respect of a Product.

Advertisement includes any statement, pictorial representation or design intended, directly or indirectly, to promote the use or supply of an Advertiser's Events or Products.

Constitution means the Constitution of the RACGP, currently in force and as amended from time to time.

Event enjoys its ordinary meaning and includes (without limitation) any gplearning or other activity (whether or not of an educational nature), and may include a single event, a series of events, or a campaign.

Product means any good or service offered or proposed to be offered, in any medium, for commercial exploitation or otherwise in a market (including by a "not-for-profit" organisation).

Sponsor means an entity providing or proposing to provide a financial benefit (whether or not "in kind") in favour of the RACGP or its members in respect of an Event or a Product.

Sponsorship means any financial support for an Event providing rights to the Sponsor in return.

Therapeutic Goods has the meaning given in the *Therapeutic Goods Act 1989* (Cth) and includes goods or medical devices represented to be:

- a. for therapeutic use; or
- b. for use as an ingredient or component in the manufacture of therapeutic goods.

In the event of any inconsistency between this Policy and the Constitution, the Constitution prevails.

All references in this Policy are to this Policy itself, unless otherwise indicated.

4.0 RACGP ADVERTISING AND SPONSORSHIP GUIDELINES

4.1 Overarching Policy considerations

- a. The RACGP as a member organisation representing its member General Practitioners, needs to remain cognisant of member wishes. To this extent, when assessing any Advertisement or Sponsorship proposition, due regard must be given to member perspectives, views and concerns.
- b. In particular, clause 4.1a must be considered for any component of any Advertisement or Sponsorship that directly or indirectly, and in form or substance, promotes any sale, recruitment or any part of the process of attracting suitable General Practitioner candidates for jobs, on or in any RACGP product or website, other than the "GP Classifieds" section of the RACGP website.
- c. The RACGP must not accept any Advertisement or Sponsorship or engage with any organisations promoting messages:
 - i. likely to be perceived by a significant proportion of RACGP members as anti-social, anti-environmental, divisive or controversial by RACGP members;
 - ii. conflicting with any health message or position statements issued or accepted by the RACGP or its members generally; or
 - iii. involving clinical or educational messages unless they are an Accredited Provider under the RACGP's QI&CPD Program.

4.2 RACGP right of acceptance

Independent of anything else in this Policy, any acceptance of or agreement for Advertising or Sponsorship must expressly include the RACGP's final right of approval over any proposed Advertisement or Sponsorship.

4.3 **Conformity with the RACGP objects**

No Advertising or Sponsorship can be accepted if it detracts from the achievement of the RACGP's objects outlined in clause 2 of the Constitution, and all involved RACGP representatives must first review these objectives before actioning any request under this Policy.

4.4 **Medical professionalism and ethics**

All Advertising or Sponsorship must be consistent with General Practice professionalism and, in particular, must:

- a. account for the RACGP's standing in the healthcare industry and the community generally, noting the RACGP's stature and reputation are inextricably linked to the General Practice profession's work, the professional stature of its members and the trust Australians place in their General Practitioner: and
- b. comply with the Australian Medical Association Code of Ethics, available at <https://ama.com.au/position-statement/ama-code-ethics-2004-editorially-revised-2006>)

4.5 **Therapeutic Goods**

a. Compliance with law

All Advertisers or Sponsors or their referring agents must certify (which may be incorporated into the written agreement) all Advertising or Sponsorship involving Therapeutic Goods complies with:

- i. the Medicines Australia Code of Conduct (available at <https://medicinesaustralia.com.au>);
- ii. the Therapeutic Goods Advertising Code 2007 (available at <http://www.tgacc.com.au>);
- iii. another applicable code or guide as applicable and as authorised under the *Therapeutic Goods Act 1989* (Cth); and
- iv. the *Therapeutic Goods Act 1989* (Cth),
as applicable.

b. Pharmaceutical Advertisers or Sponsors

A General Practitioner's primary obligation is towards the patient. The role of the General Practitioner is to hold the trust and confidence of the patient and to provide quality health care.

Relationships with the pharmaceutical industry can only be appropriate insofar as they do not breach or distort the General Practitioner – patient relationship.

Specifically, Advertising or Sponsorship of Therapeutic Goods is subject to the following:

- i. Advertising or Sponsorship must be accessible only by healthcare professionals in a manner and medium that prevents access by the general public;
- ii. Advertising on RACGP promotional items (that is, items bearing RACGP branding) such as pens, notepads and branded items like clothing and accessories is not acceptable under any circumstances;
- iii. Advertising or Sponsorship cannot appear in RACGP Social Media channels; and
- iv. Advertising or Sponsorship can appear in RACGP Events, Products and activities targeting the general public providing all references, information or references to a Therapeutic Good are omitted and clause 4.5a is satisfied.

This clause 4.5b does not apply to Advertising or Sponsorship covered under:

- i. the QI&CPD Sponsorship Guidelines for all Accredited Activities (in which case those Guidelines apply); or
- ii. RACGP editorial policies (pursuant to clause 4.6).

4.6 Policies involving publications

The RACGP produces a number of publications (in hard copy and online formats) that it provides externally to members and the general public, including *Australian Family Physician (AFP)*, *Good Practice* and *Check*.

The Publications Unit Manager must ensure all Advertising involving any of these publications conforms to:

- a. all relevant aspects of this clause 4.0; and
- b. all relevant editorial policies for that publication.

4.7 Independence

Advertising or Sponsorship must not be accepted if it undermines the RACGP's independence, noting to be a credible voice and influence and to be worthy of the trust and confidence of general practice and of the public, the RACGP must be, and must be seen to be, free of undue influence or conflicts, and in control of the decisions it makes.

In this context:

- a. undue influence occurs when one is induced to do or not do something that is contrary to what one would otherwise do if left to act freely. Undue influence deprives one of free agency and destroys free will such that it is rendered more the will of another than of one's own; and
- b. conflicts has the same meaning given in the RACGP's Conflict of Interest Policy.

Advertising or Sponsorship that may undermine the RACGP's independence includes:

- a. activities or relationships that provide revenue or benefit to the RACGP leading to ongoing dependency on the revenue or benefit; and
- b. activities and relationships that create a product or service seen to be associated with the RACGP but over which the RACGP does not have control or the capacity to extricate itself.

4.8 Transparency

Professional autonomy, independence and commitment to the scientific method must be maintained in any relationship between the RACGP and a Sponsor or Advertiser. Sponsors will be named and acknowledged. The terms and conditions of each Advertisement or Sponsorship must be transparent in order to promote openness to scrutiny and serve to enhance accountability and to discourage relationships or activities that could be considered problematic. This principle is generally applicable except in connection with matters related to competitive advantage, trade secret or a reasonable agreement of confidentiality, or where contractual obligations of confidentiality are imposed.

5.0 PROCEDURE

The following procedures shall be adopted to ensure compliance with this Policy.

5.1 Consultation

To ensure consistency of application of this Policy, the RACGP's Marketing Manager, Publications Manager, National Conference and Events Manager and Business Development Manager should meet on a regular basis to discuss prospective Sponsorships and Advertisements.

5.2 Advertising or Sponsorship, or Endorsement

- a. Despite its source, requests for Advertising or Sponsorship must be forwarded at first instance to the Marketing Manager for review.

- b. Unless made through an RACGP agent engaged to source Advertising, any requests for Advertisements must be considered for the purposes of clause 4.0 in the context of the Advertiser's proposed advertising including (without limitation):
 - i. channel/s where advertising would appear;
 - ii. target audiences and reach of channel;
 - iii. geographic coverage of the advertising;
 - iv. personality and subject of the particular media channel; and
 - v. time and frequency of placement.
- c. Unless in response to an RACGP prospectus' call for sponsorship, any requests for Sponsorship must be considered for the purposes of clause 4.0 in the context of the Sponsor's proposed opportunity to provide sponsorship including (without limitation):
 - i. information about the Product or proposed Event, such as:
 - purpose of the Event;
 - likely audience;
 - location of the Event; and
 - guests/speakers of interest (if any);
 - ii. benefits of sponsoring the Event; and
 - iii. nature and extent of sponsorship being sought.
- d. The Marketing Manager must ensure:
 - i. all requests which are in substance requests for Endorsement must be provided to the Administrator, Representatives & Endorsements to be dealt with under the Endorsement Policy; and
 - ii. all requests for Advertising or Sponsorship involving any of the RACGP's publications must be provided to the Managing Editor of the RACGP Products, Publications Unit to be dealt with according to the relevant editorial policy.

5.3 Approval

- a. Advertisements or Sponsorship must only be accepted if they comply with clause 4.0.
- b. Where an Advertisement or Sponsorship is accepted, it must be formalised by way of written agreement prior to the RACGP effecting any aspect of it.
- c. If:
 - i. the RACGP is to be paid for the Advertising or Sponsorship, this written agreement must be in the form of a comprehensive sponsorship or advertising agreement; or
 - ii. if the RACGP is not to be paid for the Advertising or Sponsorship (that is, it is offered on a pro bono (uncharged) basis pursuant to clause 5.5), confirmation of the RACGP's approval may simply be sent to the Advertiser (including by email) along with, if it involves the use of any RACGP intellectual property:
 - a statement to the effect of:

"Use of RACGP intellectual property is subject to your compliance with the attached RACGP Logo Usage Guide and the Terms of Licence of RACGP Intellectual Property.

The [insert relevant item of RACGP intellectual property] is supplied for the specific purpose of your request to [insert description of the request / purpose]."
 - the Terms of Licence of RACGP Intellectual Property; and
 - the RACGP Logo Usage Guide.

5.4 Fees

The RACGP is a pre-eminent institution with unrivalled access to General Practitioners in Australia, and accordingly its brand has significant value. Unless clause 5.5 applies, any Advertising or Sponsorship accepted by the RACGP must be at arm's length, commercial rates.

The RACGP must, from time to time, get its brand (and each individual component of its brand eligible to attract Advertising or Sponsorship) valued, and Advertising and Sponsorship rates must be built around these valuations.

5.5 Advertising or Sponsorship on a pro bono (free) basis

There are circumstances where the RACGP will consider supporting Advertising or Sponsorship on a pro bono (uncharged) basis. In determining whether the RACGP should waive the fees ordinarily applicable for Advertising or Sponsorship, the Marketing Manager must consider the following:

- a. Advertising or Sponsorship should not be provided on a pro bono basis if the Advertiser or Sponsor is:
 - i. in direct competition with any of the RACGP's functions (such as for events or publications); or
 - ii. a QI&CPD Provider under an Accredited Activity Provider Service Agreement,

however:

- b. Advertising or Sponsorship may be provided on a pro bono basis if:
 - i. the Advertiser has an existing relationship with the RACGP;
 - ii. the Advertiser has guiding objects aligned with those of the RACGP; or
 - iii. the use of the RACGP's intellectual property within the Advertising or Sponsorship significantly increases the RACGP brand awareness or brand equity.

6.0 TRANSITION PROVISIONS

The RACGP recognises it has entered into commercial and contractual relationships with Advertisers and Sponsors prior to the endorsement of this Policy (CO-O-016.2). To this end:

- a. this Policy is subject to the terms of these agreements;
- b. the RACGP should not seek to terminate any agreement merely because of the endorsement of this Policy;
- c. the RACGP must not in any circumstance exercise any right or option to extend or renew any of these contracts if any component conflicts with this Policy; and
- d. any renegotiation of any agreement must include appropriate changes to ensure it conforms to this agreement.

7.0 NON-COMPLIANCE WITH THIS POLICY

A failure to comply with this Policy may result in the RACGP incurring unwanted or misaligned contractual obligations or responsibilities which can lead to significant financial or reputational risks. Any person breaching this Policy may be met with disciplinary proceedings.

8.0 RELATED POLICIES, DOCUMENTS AND LEGISLATION

8.1 Policies

AFP Policy on Advertising

8.2 Documents

Conflict of Interest Policy

8.3 **Legislation**

Therapeutic Goods Act 1989 (Cth)

Medicines Australia, *Code of Conduct* (18th Ed)

The *Therapeutic Goods Advertising Code 2007* (Cth)

9.0 **ADMINISTRATIVE PROCEDURES**

9.1 **Access to published policy**

This policy will be available via the RACGP intranet.

9.2 **Promulgation of published policy**

Relevant staff members will be provided communications explaining the function and role of this policy.

9.3 **Review**

This policy will have a review cycle of 3 years.