

## **1.0 POLICY TITLE**

### **ADVERTISING AND SPONSORSHIP POLICY**

<b>1.1 Policy number:</b>	CO-O-016.3
<b>1.2 Category:</b>	Organisational
<b>1.3 Approval date:</b>	May 2019
<b>1.4 Revision due date:</b>	May 2022
<b>1.5 Unit responsible</b>	Marketing

## **2.0 POLICY DECLARATION**

This Policy determines the rules 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 will be considered against this Policy or, where applicable, the Endorsement Policy.

**This Policy is approved by the Board 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.

### **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 or in-kind support for an Event providing recognition or 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 mindful of member wishes. To this extent, when assessing any Advertisement or Sponsorship proposition, due regard will be given to member perspectives, views and concerns.
- b. The RACGP will not accept any Advertisement or Sponsorship or engage with any organisation 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, clinical 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.

#### **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 RACGPs 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>

#### **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:

- v. the QI&CPD Sponsorship Guidelines for all Accredited Activities (in which case those Guidelines apply); or
- vi. 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 Journal of General Practice* (AJGP), *newsGP* and *Check*.

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 will not be accepted if it undermines the RACGP's independence or reputation, 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 or reputation 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 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.

### **6.0 RELATED POLICIES, DOCUMENTS AND LEGISLATION**

#### **6.1 Policies**

AJGP Policy on Advertising

Conflict of Interest Policy

#### **6.2 Documents**

Nil

#### **6.3 Legislation**

*Therapeutic Goods Act 1989 (Cth)*

*Medicines Australia, Code of Conduct (18<sup>th</sup> Ed)*

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The *Therapeutic Goods Advertising Code 2007* (Cth)

**7.0 ADMINISTRATIVE PROCEDURES**

**7.1 Access to published policy**

This policy will be available via the RACGP website.

**7.1 Promulgation of published policy**

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

**7.3 Review**

This policy will have a review cycle of 3 years.