

Crackdown

CCP takes action against false marketing

Orders homeopathic doctor to stop airing deceptive television commercial

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 ISLAMABAD

In the light of current advertisements and marketing practices by medicinal and healthcare service providers, the antitrust watchdog has urged the media and health sector regulators to devise guidelines to put a full stop on growing deceptive marketing practices.

The Competition Commission of Pakistan (CCP) has recommended the Pakistan Medical and Dental Council (PMDC), National Council for Homeopathy (NCH) and Pakistan Electronic Media Regulatory Authority (Pemra) to devise these guidelines.

The CCP gave the recommendation in its order passed in a case of false marketing by a homeopathic practitioner, Mian Liaqat Ali, of Liaqat Hospital, Lahore. The bench-

comprised commission chairperson Vadiyya Khalil, Dr Joseph Wilson, Dr Shahzad Ansar and Ikramul Haque Qureshi as members.

The CCP stated in the order that the advertisement should be accurate and should

The inquiry revealed that in the commercial the homeopathic practitioner called himself a "doctor" and claimed to cure several diseases

not contain false claims or misrepresentations of material fact. The advertisement also should not create false or unjustified expectations and there should be necessary disclosure to avoid misleading

the consumers.

The CCP stated that in an era when health providers have begun to market their services aggressively, deceptive healthcare advertising poses significant risks to the public. Fraudulent claims may entice consumers to undergo costly, ineffective, and even more importantly, dangerous medical procedures.

The CCP initiated an inquiry after receiving complaints that the homeopathic practitioner was allegedly involved in deceptive marketing practices through television commercials and violated Section 10 of the Competition Act of 2010.

The CCP also contacted Pakistan Medical and Dental Council and College of Surgeons and Physicians in this regard.

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meopathic practitioner called himself a "doctor" instead of "homeopathic doctor" and claimed to cure diseases like Hepatitis A, B and C, diabetes, obesity, dandruff and vitiligo.

He also assured birth of a male child through his treatment, and offered treatment to people via telephone.

All of his claims without having reasonable basis were in violation of Section 10 of the Act. Based on these findings, a show-cause notice was issued to him.

During the hearings, his

lawyer assured the commission of making suitable changes in the advertisement to address the CCP's concerns, but no such action was taken.

On January 16, the CCP issued an interim order in the matter directing the homeopathic doctor to immediately stop his television commercial.

After concluding its proceedings in the case, the CCP issued an order disposing of the show-cause notice after the man stopped airing the advertisement on channels, filed a satisfactory written commitment with the commission that they would comply with the statement made during the hearing and filed a compliance report as per the directions of the commission.

However, the commission took a lenient view and did not impose penalties.

Medicinal and healthcare service providers

CCP recommends PMDC, NCH and Pemra to frame guidelines curbing deceptive marketing practices

RECORDER REPORT

ISLAMABAD: The Competition Commission of Pakistan (CCP) has recommended Pakistan Medical and Dental Council (PMDC), National Council for Homeopathy (NCH), and Pakistan Electronic Media Regulatory Authority (Pemra) to chalk out guidelines regarding the advertisements/marketing practices by medicinal and healthcare service providers to check deceptive marketing practices.

In an order issued by the CCP here on Thursday, the commission gave these recommendations in a case of deceptive marketing practices by a homeopathic practitioner Mian Liaquat Ali of Liaquat Hospital, Lahore. The order was passed by a CCP bench comprising Ms Vadiyya Khalil, the Chairperson, Dr Joseph Wilson, Dr Shahzad Ansar, and Ikram Ul Haque Qureshi, Members.

The CCP stated in the order that the guidelines must mention that the advertisements should be accurate and should not contain false claims or misrepresentations of material fact; must not create false or unjustified expectations; must make necessary disclosure if its absence would render the advertisement misleading;

and, must have a reasonable basis regarding the claims.

The CCP further stated that in an era when health providers have begun to market their services aggressively, deceptive healthcare advertising poses significant risks to the public. Fraudulent claims may entice consumers to undergo costly, ineffective, and even more importantly, dangerous medical procedures, which cannot be ignored.

The CCP initiated an inquiry against Dr Mian Liaquat Ali of Liaquat Hospital Lahore after receiving complaints that he was allegedly involved in deceptive marketing practices through television commercial in violation of Section 10 of the Competition Act, 2010. CCP also contacted Pakistan Medical and Dental Council and College of Surgeons and Physicians in this regard.

CCP inquiry revealed that in his TV commercials, Liaquat Ali called himself a "Doctor" instead of "Homeopathic Doctor"; claimed to cure diseases like Hepatitis A, B and C, sugar, obesity, dandruff, and vitiligo or phulbehri; assured guaranteed birth of son through his treatment, and also offered treatment to people

via telephone. All of his claims without having reasonable basis were in violation of section 10 of the Act. Based on these findings, show cause notice was issued to him.

During the hearings, Liaquat Ali's lawyer assured the Commission of making suitable alteration in the TV commercial of his client to address CCP's concerns, but no such action was taken. On 16 January 2015, the CCP issued an interim order in the matter directing the homeopathic doctor to immediately stop his deceptive TV commercial deceiving the masses through his absolute claims.

After concluding its proceedings in the case, the CCP has issued an order disposing off the show cause notice issued to Al Haj Mian Liaquat Ali after he stopped airing TV commercials on all channels, filed a satisfactory written commitment with the Commission that they would comply with the statement made them during the hearing and filed a compliance report as per the directions of the Commission.

According to the recommendations of the CCP, the statutory role of the PMDC is suggested to be revised for inclusion of the authority to issue licensed authorization for establish-

ment and operation of private healthcare facilities. Separate guidelines need to be formulated for sole proprietors and corporate entities. Competence and impartiality of the PMDC's Board and staff will need to be ensured.

In order to improve private healthcare system in Pakistan, CCP has recommended revisiting health policy regulation. From a competition standpoint, increased regulation of markets is generally considered an unhealthy restraint on market forces. However, in certain instances, especially in sectors prone to market failures, appropriate regulatory mechanisms can improve outcomes by setting rules of the game and guiding behavior. Therefore, the policy-makers need to revisit health policy with reference to role of the private sector. It is in the environment of a failing public health care system and lack of regulation that the private health sector evolved in the first place. Thus advocating for regulation of the private health sector becomes questionable. It remains for the government to ensure that such a regulatory mechanism be introduced that does not constrain the growth of the private health sector, but in fact aids its operations

and promotes competition. The private health sector needs to be looked at as a solution to the problem, rather than the problem.

The CCP said that the organizational model of a majority of private sector facilities is sole-proprietorship or partnership-based. There are no constraints involved in establishing a private health clinic except investment capability of the owner. The present situation necessitates stipulation of quality and professional standards for establishment of private healthcare facilities. This is also necessary to check the deceptive marketing practices of quacks and unqualified doctors.

The health care sector is prone to information asymmetries. Suppliers of services may extract premiums owing to the fact that patients are ill-informed about medical treatment and costs. Since no treatment can be 100 percent effective, a doctor's efforts and expertise remain unverifiable. One of the significant findings is the absence of a comprehensive and well-managed information and data system that could provide updated and detailed statistics regarding private healthcare facilities. Therefore, availability of objective

information on the quality and cost of services is a pre-requisite for a competitive and well-functioning healthcare market. In the present setup, the CCP has suggested PMDC be mandated with maintaining a centralized data base of all the healthcare enterprises at the federal as well as provincial level. The data base maintained shall need to be updated at regular intervals. Access to consumers through an appropriate mechanism shall also need to be ensured. Cognizance of the fact that a health facility's history shall be in public domain will align incentives for doctors to exert maximum effort and compete on the basis of objective criteria.

We recommend that a separate database with specific proprietary information should also be maintained, with limited access, for the purposes of regulation and enforcement. Establishment of an autonomous information regime, assessing and reporting upon the cost and quality of available health facilities, can facilitate consumers in making informed choices. It will also help establish a competitive environment in the private healthcare market, CCP recommendations added.

CCP asks PMDC, NCH, PEMRA to devise marketing guidelines

Staff Report

ISLAMABAD: The Competition Commission of Pakistan (CCP) has recommended to the Pakistan Medical and Dental Council (PMDC), National Council for Homeopathy (NCH), and Pakistan Electronic Media Regulatory Authority (PEMRA) to devise guidelines regarding the advertisements/marketing practices by medicinal and healthcare service providers, in order to stop deceptive marketing practices.

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CCP to devise marketing guidelines for healthcare sector

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OUR STAFF REPORTER
ISLAMABAD

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ادویات کی مارکیٹنگ گائیڈ لائنز مرتب کی جائیں
اسلام آباد (خبرنگار خصوصی) مسابقتی کمیشن آف
بانی صفحہ 6 نمبر 18

18 گائیڈ لائنز مرتب

پاکستان (سی سی ٹی) نے پاکستان ایگزیٹو ایبلیٹی میڈیا ریگولیشنز
اتھارٹی (بھرا)، پاکستان میڈیکل اینڈ ڈیٹیلنگ کونسل (پی ایم ڈی
سی) اور نیشنل کونسل فار میڈیسیں (این سی ایچ) کو سفارش کی ہے
کہ وہ شفا بخش ادویات اور بیماریوں کی خدمات فراہم کرنے والوں
کے لیے مارکیٹنگ گائیڈ لائنز مرتب کرے تاکہ دھوکہ دہی پر مبنی
تعمیر کی روک تھام کی جاسکے۔ مسابقتی کمیشن نے یہ سفارشات ہو
میں چوتھک پر پیشتر میاں لیاقت علی دھوکہ دہی پر مبنی تعمیرات کے
فیصلے میں دیں۔ سی سی ٹی کی جانب سے سماعت کو جاری کئے گئے
اعلامیہ کے مطابق مسابقتی کمیشن کے فیصلے دینے والے نئے میں
چیز برن کمیشن وڈیا ٹیلی اور میران ڈاکٹر جوزف کرسن، ڈاکٹر
شہزاد انصاری اور ارمق قریشی شامل تھے۔ مسابقتی کمیشن نے
اپنے فیصلے میں کہا ہے کہ گائیڈ لائنز میں یہ بات واضح ہونی چاہیے
اور ان میں کوئی بھی جھوٹے دھوکے اور غلط دہائی پر مبنی مواد نہیں ہو
نا چاہیے، اور ان میں وہ تمام ضروری معلومات ہونی چاہیں جن
کے نہ ہونے سے اشتہارات گمراہ کن ہو سکتے ہیں۔ مسابقتی کمیشن
کا کہنا ہے کہ دھوکہ دہی پر مبنی تعمیرات کو روکنے کے لیے بہت خطرناک
ثابت ہو سکتی ہے جس کو نظر انداز نہیں کیا جاسکتا۔ اعلامیہ کے
مطابق اس سے قبل کمیشن نے کچھ شکایت کنندگان کی درخواست
پر نوٹس لیتے ہوئے تفصیلی تحقیقات شروع کیں بعد ازاں پاکستان
میڈیکل اینڈ ڈیٹیلنگ کونسل اور کالج آف سرجنری اینڈ فیزیوتھریپس سے بھی
اس سلسلے میں رجوع کیا گیا تھا۔ تحقیقات کے دوران یہ بات
سامنے آئی تھی کہ مذکورہ بالا ڈاکٹر اپنے نام کے ساتھ نہ صرف پرو
فیسر اور ڈاکٹر لکھنے کے مجاز نہیں بلکہ ان کی میڈیٹیشن اسے ٹی سی، ڈی
بیٹیس، اولادزینین کا انتخاب، قدمیں اٹھانے کے دھوکے، آرٹھرا
ٹیس اور مہلک بیماری جیسے امراض کے بارے میں مکمل خاتمے اور علا
ج کے دھوکے بے بنیاد ہیں اگر کوئی نیا اشتہار بنایا جاتا ہے تو اس
صورت میں کمیشن حذر ایسے اشتہار کا فیصلی جائزہ لے گا اور پھر اگر
اس کو قانون کے مطابق پایا گیا تو نشر یا فی چیلنجر کو دیا جاسکے
گا۔ اس کیس کو نشا تے ہوئے مسابقتی کمیشن نے اپنے آرڈر
میں میاں لیاقت علی کو دیے گئے نوٹس کو ان کی جانب سے دی گئی
تعمین دہائی کے بعد مسترد کر دیا ہے۔

مسابقتی کمیشن کا ہیلتھ سیکٹر میں دھوکہ دہی کی تشہیر بخلاف آرڈر
پی ایم ڈی سی، ہومیوپیتھی کونسل اور میڈیا ریگولیٹری اتھارٹی کو مارکیٹنگ گائیڈ مرتب کرنے کی ہدایت

اسلام آباد (نمائندہ خصوصی) مسابقتی کمیشن پاکستان نے پاکستان میڈیکل اینڈ ڈینٹل کونسل پیش کونسل فار ہومیوپیتھی اور پاکستان الیکٹرونک میڈیا ریگولیٹری اتھارٹی کو سفارش کی ہے کہ وہ شفا بخش ادویات اور ہیلتھ کیئر کی خدمات فراہم کرنے والوں کے لیے مارکیٹنگ گائیڈ لائنز مرتب کرے تاکہ دھوکہ دہی پر مبنی تشہیر کو روکا جاسکے۔ مسابقتی کمیشن نے یہ سفارشات ہومیوپیتھک پریکٹیشنریوں کو بھی پیش کی ہیں۔

وقت علی، دہوکہ دہی پر مبنی تشہیر کیس کے فیصلے میں وریں۔ مسابقتی کمیشن کے فیصلہ دینے والے جج میں وریا علیل چمبر پرسن، ڈاکٹر جوزف وین، ڈاکٹر شیوا انور اور اکرام الحق قریشی ممبران شامل تھے۔ مسابقتی کمیشن نے اپنے فیصلے میں کہا کہ گائیڈ لائنز میں یہ بات واضح ہونی چاہیے کہ اشتہارات بالکل درست ہونے چاہئیں اور ان میں کوئی بھی جھوٹے دعوے اور غلط بیانی پر مبنی مواد نہیں ہونا چاہیے۔

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ہمیتھ کی سرورسز کیلئے مارکیٹنگ گائیڈ لائنز مرتب کی جائیں، مسابقتی کمیشن

اسلام آباد (نمائندہ اکیس برس) مسابقتی کمیشن پاکستان نے پاکستان میڈیکل اینڈ ڈسٹریبیوٹنل (پی ایم ڈی سی)، نیشنل کونسل فار ہومیو پیتھی (این سی ایچ) اور پاکستان الیکٹرونک میڈیا ریگولیٹری اتھارٹی (ہیبرا) کو سفارش کی ہے کہ وہ شفا بخش ادویہ اور ہمیتھ کی خدمات فراہم کرنے والوں کے لیے مارکیٹنگ گائیڈ لائنز مرتب کریں تاکہ دھوکہ دہی پر مبنی تشہیر کو روکا جاسکے۔ مسابقتی کمیشن نے یہ سفارشات ہومیو پیتھک پبلسٹرز میاں لیاقت علی دھوکہ دہی تشہیر کیس نمٹاتے ہوئے اپنے فیصلے میں دیں۔ مسابقتی کمیشن کے فیصلہ دینے والے بیچ میں چیئر پرسن دو یا ٹیل اور مہرز ڈاکٹر جو زف و سن، ڈاکٹر شہزاد انصر اور اکرام الحق قریشی ممبران شامل تھے۔ مسابقتی کمیشن نے اپنے فیصلے میں کہا کہ گائیڈ لائنز میں یہ بات واضح ہونی چاہیے کہ اشتہارات بالکل درست ہونے چاہئیں اور ان میں کوئی جھوٹے دعوے اور غلط بیانی پر مبنی مواد نہیں ہونا چاہیے، اشتہاری مہم سے کوئی جھوٹی امیدیں اور توقعات پیدا نہیں ہونی چاہئیں اور ان میں وہ تمام ضروری معلومات ہونی چاہیے جن کے نہ ہونے سے اشتہارات گمراہ کن ہو سکتے ہیں اور اشتہاری مہم میں کسی دعوے کیلئے کوئی معقول بنیاد بھی ہونی چاہیے۔

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مسالقی کمییشن کا ہیلٹھ سیکٹر میں دھوکہ دہی کی تشہیر کے خلاف آرڈر جاری

اسلام آباد (کامرس ڈیسک) مسالقی کمییشن پاکستان نے پاکستان میڈیکل اینڈ ڈینٹل کونسل (پی ایم ڈی سی)، نیشنل کونسل فار ہومیو پیتھی (این سی ایچ) اور پاکستان الیکٹرونک میڈیا ریگولیٹری اتھارٹی (سمبرا) کو سفارش کی ہے کہ وہ شفا بخش ادویات اور ہیلٹھ کیئر کی خدمات فراہم کرنے والوں کے لئے مارکیٹنگ گائیڈ لائنز مرتب کرے تاکہ دھوکہ دہی پر مبنی تشہیر کو روکا جاسکے، مسالقی کمییشن نے یہ سفارشات ہومیو پیتھک پریکٹیشنریاں لیاقت علی، دہوکہ دہی پر مبنی تشہیر کیس کے فیصلے میں دیں، مسالقی کمییشن کے فیصلہ دینے والے بیج میں ودیا ٹیکسٹائل چیئر پرسن، ڈاکٹر جوزف وین، ڈاکٹر شہزاد انور اور اکرام الحق قریشی ممبران شامل تھے، مسالقی کمییشن نے اپنے فیصلے میں کہا کہ گائیڈ لائنز میں یہ بات واضح ہونی چاہیے کہ اشتہارات بالکل درست ہونے چاہئیں اور ان میں کوئی بھی جھوٹے دعوے اور غلط بیانی پر مبنی مواد نہیں ہونا چاہیے، اشتہاری ہم سے کوئی جھوٹی امیدیں اور توقعات پیدا نہیں ہونی چاہئیں اور ان میں وہ تمام ضروری معلومات ہونی چاہئیں جن کے نہ ہونے سے اشتہارات گمراہ کن ہو سکتے ہیں اور اشتہاری ہم میں کسی دعوے کے لئے کئی معقول بنیاد بھی ہونی چاہیے، مسالقی کمییشن نے مزید کہا کہ آج کل کے دور میں جب صحت کی خدمات فراہم کرنے والے اپنی خدمات کی تشہیر بھرپور طور پر کر رہے ہیں۔