

Aide-Mémoire

Meeting with Business Events Industry Aotearoa

Date due to MO:	20 May 2024	Action required by:	N/A
Security level:	IN CONFIDENCE	Health Report number:	H2024040932
To:	Brian Watson, Private Secretary, the Hon Casey Costello		
Consulted:	Health New Zealand: <input type="checkbox"/> Māori Health Authority: <input type="checkbox"/>		

Contact for telephone discussion

Name	Position	Telephone
John McGrath	Director, Priority Projects, Strategy, Policy and Legislation	s 9(2)(a)
Tim Vines	Manager, Therapeutics, Strategy, Policy and Legislation	s 9(2)(a)

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Meeting with Business Events Industry Aotearoa

Date due: 20 May 2024

To: Hon Casey Costello, Associate Minister of Health

Security level: IN CONFIDENCE

Health Report number: H2024040932

Details of meeting: Date: Tuesday 21 May
Time: 11.15am-11.45am
Location: Minister's office 2.054PH

Purpose of meeting/proposal: You have agreed to meet with Business Events Industry Aotearoa (BEIA) to discuss the regulation of medicines advertising in the form of trade shows alongside conferences, conventions and congresses.

Comment: Meeting with BEIA

- BEIA represent the interest of its members which include accommodation providers, events centres, and tourist destinations.
- BEIA have an advocacy role for the New Zealand business events and tourism sectors, and provide opportunities for professional development, accreditation and education for those engaged in the sectors.
- BEIA request action to remove medicines advertising regulatory barriers around the use of trade shows at private, ticketed medical conferences, conventions and congresses. It estimates that this is depriving New Zealand of significant economic revenue of approximately \$90M.
- BEIA will discuss this issue with the Hon Matt Doocey on 21 May 2024, in his capacity as the Minister for Tourism and Hospitality.
- Tim Vines and John McGrath from the Ministry of Health will be available to support this meeting.



John McGrath
Director, Priority Projects
Strategy, Policy and Legislation

Purpose of meeting

- 1 You are meeting Lisa Hopkins, Chief Executive, and Martin Snedden, Chair, of Business Industry and Events Aotearoa (BEIA) on Tuesday 21 May. Their primary focus for the meeting will be on addressing barriers in the Medicines Act 1981 (the Medicines Act) that prohibit advertising unapproved medicines at trade shows that run as part of health practitioner conferences.
- 2 **Appendix One** provides a short biography of Lisa Hopkins and Martin Snedden. **Appendix Two** provides the letter sent to Hon Dr Shane Reti, Minister of Health, requesting a meeting.
- 3 Officials attending the meeting will be:
 1. John McGrath, Director Priority Projects, Strategy, Policy and Legislation
 2. Tim Vines, General Manager, Strategy, Policy and Legislation

Background and context

- 1 Business Events Industry Aotearoa (BEIA) is the marketing name for the New Zealand Convention Association Inc, a fully incorporated non-profit society. Their website states that BEIA aim to take a lead role to increase New Zealand's business events activity from international and domestic sources (eg, by securing trade shows for New Zealand), for the benefit of its membership, principal stakeholders and the New Zealand economy.
- 2 Members of BEIA include accommodation providers, events centres, and tourism businesses/attractions.
- 3 BEIA also act in an advocacy role for the New Zealand business events and incentive tourism sectors and provide opportunities for professional development, accreditation and education for those engaged in the sector.
- 4 BEIA have a quarterly meeting with Hon Matt Doocey on the same day, in his capacity as Minister for Tourism and Hospitality. We understand BEIA plan to raise this issue with him. Ministry of Health officials have also met with BEIA on this issue.

Regulations under the Medicines Act and TPA

- 5 BEIA are specifically interested in changing the current restrictions in Section 20 of the Medicines Act that prohibit the advertising of unapproved medicines. They may also wish to discuss what would have been permitted/not permitted under the Therapeutic Products Act 2023 (TPA).
- 6 BEIA indicate that under the TPA there was no tangible change to the initial language from Section 20 of the Medicines Act. This is not entirely accurate. Section 197 of the TPA would have prohibited the advertising of a product within New Zealand if it did not have a New Zealand market authorisation. However, regulations could have been made under the TPA to enable the forms of advertising sought by BEIA (with or without conditions). The Medicines Act does not contain similar flexibility.
- 7 BEIA have indicated that financial sponsorship of trade shows is needed to make concurrent medical professional conferences and conventions financially viable. At these events, medical and pharmaceutical companies want to discuss and present their products to health practitioners. This may be to encourage sales, but it can also be as a way to advertise their research and medicines. BEIA argue that current regulatory settings relating to advertising

unapproved medicines prevent these presentations, creating a disincentive for commercial sponsors.

- 8 Medsafe administer the Medicines Act, including provisions relating to advertising unapproved products. In relation to this matter, Medsafe have previously written to BEIA advising, "The term 'advertising' has a broad meaning and would encompass most of the activity during a conference/trade show. This also covers educational material when that is connected in any way either directly or by implication with the availability of an unapproved medicine."
- 9 BEIA believe that this language is being used arbitrarily and is preventing medical conferences featuring products that are used and approved overseas being shown or demonstrated in New Zealand, as this is deemed to be an advertisement. BEIA argue that this is acting as a barrier to conferences being hosted in New Zealand, meaning New Zealand is missing economic opportunities. We note that medical devices and approved medicines can still be advertised at these events.
- 10 BEIA believe that there is a fundamental difference between discussing unapproved medicines with the general public compared to a closed (ie, ticketed) international audience of medical professionals and suppliers and manufacturers. BEIA highlight that a trade show is not open to the public and, therefore, exposure is restricted and mitigates the risk of advertising unapproved products to members of the public. Medsafe's view is that there are risks to the integrity of the medicines supply chain from any advertising of unapproved medicines (discussed below).
- 11 BEIA is likely to request a change to the Medicines Act, or that Medsafe adopt a different approach to enforcing prohibition, and that new legislation for medicines and medical products explicitly permit advertising unapproved medicines at professionally managed trade shows. It is possible that adopting a more permissive approach in future legislation could increase the income to the sector and conferences. It may also encourage greater knowledge sharing and educational opportunities. Nonetheless, there are risks to a more open approach (discussed below).

Rationale for current rules and regulations

- 12 Medicines in New Zealand for general supply must be approved by the Minister. Approval ensures that the quality, safety and efficacy of medicines is known and that the benefits of use outweigh any risks associated with the product. Medicines that are not approved do not have this assurance.
- 13 The prohibition of advertising unapproved products to the public is intended to reduce the likelihood of consumers self-diagnosing and sourcing potentially substandard or counterfeit medicines from overseas. Exposing consumers to advertising for unapproved products may also disrupt the doctor/patient relationship and create an inappropriate demand for a medicine.
- 14 Allowing a highly permissive approach to advertising unapproved products also creates risks to the integrity of the New Zealand medicines supply chain. While health practitioners can prescribe and import unapproved medicines, this practice is not without risk, and is not intended to be standard practice. Importing unapproved medicines carries the risk of counterfeit or substandard or inappropriate medicines being prescribed and supplied to patients. Moreover, unapproved medicines are unlikely to be funded by Pharmac – meaning

that patients will often pay more than they may need to. If doctors are encouraged through advertising to routinely prescribe unapproved products, it may reduce the incentive for a company to seek a New Zealand authorisation for their medicine, with the quality of products and equity of access jeopardised.

Potential solutions

- 15 We note that Australia has different, and generally more permissive rules, around advertising medicines to health practitioners. For instance, Australia's Therapeutic Goods Act 1989 exempts advertisements to health practitioners from most of that Act's controls on advertising. Further, New Zealand health practitioners are likely exposed to advertisements for unapproved medicines via the internet, social media, professional networks and (non-New Zealand based) medical journals.
- 16 Because this issue would require a full reconsideration of the approach to medicines advertising, this is not a straightforward policy issue, and no quick legislative solution is available. s 9(2)(f)(iv) [REDACTED]. In addition, any legislative change will divert resources from the development of a new medicines and medical products bill.

17 s 9(2)(f)(iv) [REDACTED]

Risks

- 18 The risks associated with permitting the advertising of unapproved medicines are canvassed above. In developing future proposals, we will also consider the legal risks of maintaining or extending any prohibitions, for example those associated with the Bill of Rights Act 1990.

Attendees





- 19 From BEIA:
- Lisa Hopkins, Chief Executive Officer
 - Martin Snedden, Chair
- 20 Officials:
- John McGrath, Director Priority Projects, Strategy, Policy and Legislation
 - Tim Vines, General Manager, Strategy, Policy and Legislation

Talking points on trade show advertising at conventions, conferences and congresses

s 9(2)(g)(i)



Appendix One

Who	Bio
<p data-bbox="212 268 370 302">Lisa Hopkins</p> <ul data-bbox="212 323 315 352" style="list-style-type: none"><li data-bbox="212 323 315 352">• CEO 	<p data-bbox="821 268 1404 520">Lisa joined BEIA in 2020 as Chief Executive and is responsible for the strategic direction, advocacy and promotion of the business events industry within New Zealand. She is also responsible to the membership to ensure they are well represented on both domestic and international platforms.</p> <p data-bbox="821 562 1404 919">A 25-year industry leader, Lisa has extensive knowledge of the business events community, specifically across Asia Pacific. Lisa led Business Conference Development (BCD) Meetings & Events Asia Pacific, based in Singapore since 2011 before taking on an industry leadership role within the company in 2019, working with international hotel chains, tourism offices, airlines and Destination Management Companies.</p> <p data-bbox="821 930 919 959">s 9(2)(a)</p> 
<p data-bbox="212 1094 412 1127">Martin Snedden</p> <ul data-bbox="212 1148 326 1178" style="list-style-type: none"><li data-bbox="212 1148 326 1178">• Chair 	<p data-bbox="821 1094 1404 1528">Martin Snedden is well known as an international cricketer who represented New Zealand. He was CEO of Rugby World Cup 2011 and made a Companion of the New Zealand Order of Merit in 2012. As CEO of the Tourism Industry Association, he led New Zealand's tourism industry, during 2012 and 2013, through the creation of 'Tourism 2025'. He has since held a variety of governance roles including, until recently, Board Chair of New Zealand Cricket. Martin has a background in law.</p> <p data-bbox="821 1560 919 1589">s 9(2)(a)</p> 

Appendix Two

[Attached separately to maintain formatting]

PROACTIVELY RELEASED