

Exhibitor Policy

Department of Health and Human Services: Office of Inspector General Compliance Program Guidance for Pharmaceutical Manufacturers

To reduce the risks that an educational grant is used improperly to induce or reward product purchases or to market product inappropriately, *manufacturers should separate their grant making functions from their sales and marketing functions*. Effective separation of these functions will help insure that grant funding is not inappropriately influenced by sales or marketing motivations and that the educational purposes of the grant are legitimate. Manufacturers should establish objective criteria for making grants that do not take into account the volume or value of purchases made by, or anticipated from, the grant recipient and that serve to ensure that the funded activities are *bona fide*. The manufacturer should have no control over the speaker or content of the educational presentation. Compliance with such procedures should be documented and regularly monitored.

Source: <http://www.oig.hhs.gov/authorities/docs/03/050503FRCPGPharmac.pdf>

Standards for Commercial Support: Appropriate Management of Associated Commercial Promotion

Is it acceptable to say, "In exchange for \$5,000 of commercial support we will produce the CME activity and as a commercial supporter you will get an acknowledgment and a 4 x 4 sq ft booth in the exhibit hall."?

No, in this scenario the commercial interest is giving commercial support and getting promotional and sales opportunities. Opportunities for advertising and promotion are being purchased with commercial support and have become a condition of the support. Both of these are **NOT in Compliance** with the Standards. The commercial interest should buy advertising and promotion opportunities with resources designated for that purpose. If an agreement for advertising or promotion is struck between the two parties it must be outside the written agreement for commercial support. With respect to commercial support, the terms and conditions of the support must be described in a written agreement between the accredited provider and the commercial supporter. Any event or product that contains advertising or promotional opportunities must not be part of the educational activity and must not be paid for by commercial support. Normally these are assigned to the "exhibit hall," advertising pages or screens or promotional receptions or meals, all of which are clearly identified as such by the learner.

Are advertising and exhibit opportunities always to be offered to commercial supporters?

No. Payment and arrangements for advertising and exhibits are separate, business transactions. They are payment for the sale of promotional space.

Sources: Accreditation Council for Continuing Medical Education

Case Western Reserve University School of Medicine CME policy based on the above guidance:

Arrangements for commercial exhibits or advertisements cannot influence planning or interfere with the presentation, nor can they be a condition of the provision of commercial support for CME/CE activities.

- a) Exhibit fees shall be separate and distinct from educational grants (they are not considered commercial support). Exhibitors should sign CWRU SOM CME's Exhibit Booth Agreement.

- b) Exhibit fees shall be set by the Activity Director for each activity prior to solicitation and will be standard for that activity; Activity Director may set a different fee for 1) industry 2) not for profit organizations/foundations and 3) publishers but there cannot be variability within each category; potential exhibitors shall have equal access to purchasing exhibit space (first come-first serve).
- c) All exhibitors must be in a room or area separate from the education and the exhibits must not interfere or in any way compete with the learning experience prior to, during, or immediately after the activity.
- d) Commercial interest (pharmaceutical) representatives may attend CME/CE activities at the discretion of CWRU SOM CME for the direct purpose of the representatives' own education; however, they may not engage in sales or marketing activities while in the space or place of the educational activity. If a representative wants credit for attending the course, he/she must pay tuition, if applicable.