

UNWANTED PUBLICITY

Dr Zaleha Abdullah Mahdy MRCOG

A complaint was submitted by the Secretary of the Medicine Advertisement Board, Ministry of Health, against Dr A, a well known surgeon, on the publication of newspaper articles that appeared to be in contravention of the Medicines Advertisement Board. The article carried a photograph of Dr A, his professional designation, qualification and place of private practice, and his specific experiences in the use of a particular drug being promoted by the company.

After conducting inquiries and deliberating on the matter, the Preliminary Investigation Committee decided that there should be an inquiry by the council as per Regulation 29(7)(b) of the Medical Regulations 1974, enacted under the Medical Act 1971. The grounds were:

Dr A was conducting a talk

Organised by the drug company which is marketing a particular drug to the general public; and

For journalists specialized in writing medical issues.

There was no documentation by Dr A that he specifically informed the organiser not to give his personal particulars to the press.

The charge against Dr A was:

“That you have disregarded your professional responsibility by, contravening the Malaysian Medical Council’s Code of Professional Conduct by appearing in and/or giving interview/s that appeared in articles published in the X newspaper on (dates) and the Y newspaper on (date) containing among others your photograph, address, experiences and qualifications in a manner which constitutes advertising in that the said publication directs attention to your professional skills, capabilities, knowledge, services and qualifications.”

At the inquiry, a statutory declaration was read by Dr A to affirm that he was not party to the publication of his photograph, place of practice, experiences and qualifications by the press as mentioned in the articles. This was supported by a statutory declaration by one of the journalists involved, who admitted that the information was not disclosed by Dr A himself, but was provided by the pharmaceutical company organising his talk. The MMC concluded that there was no case against Dr A and the charged was dismissed.

Lessons

The MMC recognizes that the profession has a duty to disseminate information about advances in medical sciences and therapeutics provided it is done in an ethical manner, as stated in the Code of Professional Conduct. A practitioner’s photograph and his designation may appear in connection with any interview or an article published in the lay press on

professional subjects provided every reasonable precaution has been taken to ensure that such photographs do not draw attention to this professional skills.

Unfortunately, Dr A was a victim of the lack of awareness on the part of the press on the ethical constraints that bind the medical profession. It is important for members of the medical profession to heed the advice in a guideline issued by the MMC:

“5.5 Lectures to Lay Public

5.5.2 When a press reporter is present, the practitioner must indicate that he does not desire any report of the talk to emphasise on any special skills or expertise of the practitioner.”

Such precaution will help thwart unnecessary ethical consequences resulting from unwanted and unsolicited publicity. Of particular note is the difficulty faced by Dr A's counsel in locating and persuading the journalists involved in the matter to appear before the council as witness to clear his name.

References

1. Code of Professional Conduct (Adopted by the Malaysian Medical Council on 9th December 1986). Advertising, canvassing and related professional offences, p. 25-6.
2. Guidelines of the Malaysian Medical Council 001/2006: Dissemination of information by the medical profession, p. 11 & 21.