

Microlearning deck

EFPIA Code of Practice

CHAPTER 2 & CHAPTER 3

Prohibition of Gifts (Article 11)

Informational or Educational Materials,
Items of Medical Utility (Article 17)



Prohibition of Gifts, Informational or Educational Materials, Items of Medical Utility: What, Who, When, Why, How

WHAT (definitions)



Gift: any item, cash, cash equivalent or personal service offered for the personal benefit of HCPs, HCO members or PO Representatives.



Promotional aid: non-monetary item given for a promotional purpose (excluding 'promotional materials' per Chapter 1) — prohibited when related to POM promotion.



IEM (Informational or Educational Materials): materials with informational/educational content, no personal benefit for the HCP, designed to educate HCPs or patients.



IMU (Items of Medical Utility): items that enhance medical services and patient care, with no personal benefit for the HCP (e.g. inhalation training device without active ingredient).

WHO, WHEN & WHY



WHO: HCPs, HCO members, PO Representatives — either directly or indirectly.



WHEN: All interactions (face-to-face, stands, congresses, digital/online, patient support programs). Branded and unbranded items are in scope.



WHY: To preserve HCP independence and industry credibility, avoid any actual or perceived inducement, and protect public trust.

HOW (key rules to follow)



No gifts: no cash, cash equivalents or personal services — including sporting / entertainment tickets and social-courtesy gifts.



No promotional aids (pens, post-its, note pads, gadgets...) in connection with prescribed medicine promotion, even inexpensive or unbranded.



IEM allowed only if cumulatively: (i) inexpensive, (ii) directly relevant to the practice of medicine or pharmacy, and (iii) directly beneficial to patient care.



IMU allowed only if inexpensive and do not offset routine business practices of the recipient — no gloves, tissues, stethoscopes, sphygmomanometers or office supplies.



No product branding on IEM / IMU (company name allowed), unless the medicinal product's name is essential for correct use.



No circumvention of the gift prohibition: IEM/IMU must never induce prescription, supply or sale.



Disclosure: compliant IEM/IMU are NOT disclosed as Transfers of Value under EFPIA disclosure requirements.



Regulatory watch: the final compromise text of the **Directive on the Union code relating to medicinal products for human use** removed the 'inexpensive & relevant' exemption for the provision of gifts, pecuniary advantages or benefits in kind to HCPs (Articles 175 & 183).

The EFPIA Code has not yet been revised. Pending clarification, consult your Ethics & Compliance Officer.

Prohibition of Gifts & IEM/IMU

Real Life Scenarios

Q1: Can we hand out branded pens, post-its or note pads at our exhibition stand?

A: No. Pens, post-its, note pads and gadgets are considered office supplies / promotional aids and are prohibited — even if inexpensive and even unbranded. **Exception:** if the conference organiser provides pens or paper pads as part of a sponsorship package, they are allowed provided they bear no company or product name / logo.

Q2: Can we lend an iPad or laptop to an HCP as part of a Contracted Service or R&D activity?

A: Yes, if the loan is an integral part of the legitimate activity and clearly documented in the contract (rationale, return date). The device should ideally carry only the software needed to deliver the service. If the HCP asks to keep it after the activity, it becomes a prohibited gift.

Q3: Can we provide a spacer or inhalation training device (without active ingredient) to an HCP for use with their patients?

A: Yes. This is a typical Item of Medical Utility: inexpensive, directly beneficial to patient care, helps HCPs instruct patients. It must not be product-branded, unless the medicinal product's name is essential for correct use.

Q4: What does 'inexpensive' mean in practice?

A: The EFPIA Code does not set an amount — each Member Association defines 'inexpensive' and may set a monetary threshold. Always check the local Member Association guidance. For digital materials (apps, e-learning), consider the market value of comparable products, not the production cost.

Q5: Can we offer boxes of gloves, tissues or stethoscopes to an HCP's practice as 'support'?

A: No. These items offset the routine business practices of the HCP and fall outside the Items of Medical Utility scope.

Providing them would be treated as a prohibited gift under Article 11.

Q6: We are producing a digital patient-education app / e-brochure. Do we need to disclose it as a Transfer of Value?

A: No — provided it complies with Article 17 (inexpensive, directly relevant, beneficial to patient care, no product branding unless essential). Compliant IEM/IMU fall outside EFPIA disclosure requirements. If provided as an educational grant, Article 12 applies and the grant must be disclosed.

Curious to know more about the IEM / IMU and the Prohibition of Gifts?

Please refer to the following link or connect with your Ethics & Compliance Officer:

Chapter 2 – Articles 11 (p. 19)
Chapter 3 – Article 17 (p. 23)

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If the link does not work, download the pdf and click on the link inside