



Chapter 6: Demonstration products and Samples

The Medical Device Code of Ethical Marketing and Business Practice

December 2020

Provision in the Code:

General Principles

- Member Companies shall in all cases maintain appropriate records in relation to the provision of Demonstration Products and/or Samples to HCPs and/or HCOs, for example recording proof of delivery for any Demonstration Products and/or Samples provided and receipt of return for multiple-use Demonstration Products and/or Samples.

Scenarios:

- Company X, occasionally provides demonstration products or samples to their customers in order to enable them to evaluate and/or familiarise themselves with the safe, effective and appropriate use and functionality of their products. What should Company X be doing in this instance to ensure compliance with the Code?
- Should Company X use a logistics company to deliver these products to the HCP / customer, what should they ensure is done to ensure compliance with the Code?

Answers:

- Always ensure that proof of delivery for any demonstration products or samples provided is appropriately documented.
- When Company X's sales representatives deliver samples to customers directly, there should be an acceptance form that a customer's representative is asked to sign at the time of acceptance.
- For those products that are delivered to a hospital or physician via a logistics company, a copy of acknowledgement or receipt of delivery confirmation should be maintained.

Provisions in the Code:

General Principles

- Provision of Demonstration Products and/or Samples must not improperly reward, induce and/or encourage HCPs and/or HCOs to purchase, lease, recommend, prescribe, use, supply or procure Member Companies' products or services. Any offer and/or supply of such products shall always be done in full compliance with applicable national laws, regulations and industry and professional codes of conduct.

Samples

- For Samples, which are multiple-use products, the specific length of time necessary for a HCP to familiarise him/herself with the product will depend on the frequency of anticipated use; the duration of required training; the number of HCPs who will need to acquire experience in dealing with the product and similar considerations.
- Member Companies shall in all cases ensure that they retain title to multiple-use samples and that they have a process in place for promptly removing such multiple use samples from the HCPs location at the conclusion of the familiarisation period.

Scenarios:

- Company X produces imaging device equipment. In order to enable HCPs to familiarise themselves with these products in clinical use, sample equipment is provided free of charge, in accordance with applicable national laws. To mitigate corruption risks when providing their equipment free-of-charge, what should Company X be doing in this instance to ensure compliance with the Code?
- It is Company X's internal policy not to place the equipment for a longer period than 6 months. What should be done in this case?

Answer:

- Always ensure that there is a written contract in place specifying the length of time that the equipment will be provided and that the title to equipment is retained by Company X.
- Moreover, the contract must lay out a process for promptly removing the equipment from HCP's location at the conclusion of the familiarisation period.