



Life is our life's work.

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## Pfizer New Zealand

26 August 2004

The General Manager  
Immunisation Awareness Society Inc  
PO Box 56 - 048  
Dominion Rd  
**AUCKLAND**

Dear Sir/Madam

### **IAS Claims that Pamol is a risk factor in meningococcal meningitis**

I am writing to you in relation to statements published or caused to be published by your organisation ("IAS") in relation to Pamol® on your website, <http://www.ias.org.nz/> (the "IAS Website").

### **IAS Representations**

#### **Statements**

The following statements are published on your website:

*"What are some of the biggest risk factors for meningococcal meningitis? ... Pamol"*

*"Not only does using pamol [sic] to reduce the fever just mask the symptoms, it actually stops the body doing what it is supposed to do. And it may increase the risk of meningococcal meningitis."*

*"DO NOT GIVE PAMOL TO CHILDREN AND YOUNG BABIES ..."*

*[at [http://www.ias.org.nz/meningococcal\\_meningitis\\_info\\_july\\_2004.htm](http://www.ias.org.nz/meningococcal_meningitis_info_july_2004.htm)]*

*"Given that there are scores of medical articles which show that pamol [sic] should never be used for bacterial or viral infections, because it prolongs infection, and worsens the outcome, it is amazing that the medical profession still considers giving pamol [sic] for infectious fevers of any kind appropriate."*

*[at [http://www.ias.org.nz/the\\_science\\_behind\\_a\\_no\\_decision.htm](http://www.ias.org.nz/the_science_behind_a_no_decision.htm)]*

*... "their [paracetamol manufacturers'] own literature has given enough warning to totally change the face of care of children with fevers, yet THEY HAVE DONE NOTHING to try and change parents perceptions on fever, or the use of paracetamol/Tylenol. And why is that? Follow the money. Over the counter antipyretics are the best money spinner there is. Wall Street Rules. Again."*

*[under the link 'Paracetamol article from WAVES Vol 14 No 4' at <http://www.ias.org.nz/menu26.htm>].*

Cont/2...

You have also caused the following statement to be published in the Weekend Herald:

*“Certain factors predispose to the arising of meningococcal disease, like ... use of pamol [sic].”*

[“Meningococcal Disease Scare” Advertisement, *Weekend Herald*, page A19, July 31 – August 1 2004]

(Collectively, the “IAS Statements”)

### **Visual Representations**

A picture of a bottle of Pamol Junior superimposed over an image of a gun (the “IAS Image”) also appears on your website, under the headline “PARACETAMOL: MORE RUSSIAN ROULETTE FROM PUSHERS AND SHOVERS INC” [under the link ‘Paracetamol article from WAVES Vol 14 No 4’ at <http://www.ias.org.nz/menu26.htm>].

These statements constitute advertisements. Amongst other things, these advertisements compare Pamol® as a treatment for bacterial and viral infections with other treatments.

### **The IAS Representations**

Cumulatively, the IAS Statements and the IAS Image suggest that:

- Use of Pamol® is one of the biggest risk factors for meningococcal meningitis.
- Pamol® should not be used for the treatment of babies or small children.
- Use of Pamol® in bacterial or viral infections prolongs infection and worsens the therapeutic outcome.
- Pamol® is harmful.
- The manufacturer of Pamol®, Pfizer New Zealand Limited (“Pfizer”) markets Pamol® inappropriately and harmfully.

(the “IAS Representations”)

### **The IAS Representations Misrepresent Published Studies**

The IAS Website relies on a study undertaken by the Wellington School of Medicine and published in the *Paediatric Infectious Disease Journal*, October 2000, Vol 19, No 10, 983 – 990 as support for its assertions that use of Pamol® is a major risk factor for meningococcal meningitis.

In a recent press release, a spokesman for the authors of the study said that the study has been “wrongly interpreted” by the anti-immunisation lobby. A copy of the press release is **attached** for your reference.

The spokesman said: “In the study, analgesic use itself was not attributed as a cause of meningococcal disease and Pamol was not even mentioned”.

The spokesman said that the representations made by the anti-immunisation lobby were “inaccurate and could mislead parents who may want to appropriately use a proven safe medication to reduce pain and fever in children with mild illness”.

### **The IAS Representations are misleading and deceptive**

For the reasons set out above, the IAS Representations, communicated by the IAS Statements and the IAS Image, are unsubstantiated and do not accurately represent the situation. Further, the IAS Representations are misleading to consumers or are likely to mislead consumers. The IAS Representations are likely to have the effect of deterring parents from using Pamol® to reduce pain and fever in their children. The IAS Representations also have the effect of detracting from Pamol’s goodwill and of otherwise detracting from Pamol’s good name.

### **The IAS Representations are in breach of the Fair Trading Act**

Section 9 of the *Fair Trading Act 1986* (NZ) (the “FT Act”) provides that no person shall, in trade, engage in conduct that is misleading or deceptive or is likely to mislead and deceive.

Section 10 of the FT Act provides that no person shall, in trade, engage in conduct that is liable to mislead the public as to the nature, characteristics or suitability for a purpose of goods.

For the reasons set out above, the IAS Representations are misleading.

The IAS Representations falsely suggest that use of Pamol® is one of the highest risk factors for meningococcal meningitis and that Pamol® should not be used in the treatment of children and babies. The IAS Representations therefore contravene Sections 9 and 10 of the FT Act.

### **The IAS Representations are defamatory**

The IAS Representations defame Pfizer by suggesting that Pfizer inappropriately and unethically promotes the use of Pamol®.

The IAS Representations have or are likely to cause Pfizer monetary loss as well as loss of reputation and goodwill.

### **The IAS Representations are negligent**

IAS holds itself out to be an authority on the issue of meningococcal meningitis and on the appropriate use and efficacy of Pamol®. IAS has not met the standards of care that would be expected of an expert in the medical field. By deliberately or negligently making false and misleading statements as to the relationship between Pamol® and meningococcal meningitis and the appropriate use of Pamol®, IAS has or is likely to cause harm to Pfizer and to parents who rely on the information provided by IAS in the treatment of their children.