

# ➤ FORMULARY CLAIMS ARE THEY EXEMPT OR SUBJECT TO REVIEW?

## What is considered an exempt formulary message?

The PAAB code section 6.6.ii states "A message comprised only of "now on provincial formulary" (or equivalent) in a manner that is not linked to a therapeutic message in any way" is exempt.

## ➤ ARE THE FOLLOWING EXAMPLES EXEMPT?

APS of only, "Covered on provincial formulary (special authorization)"

➤ YES

This is exempt as it has not exceeded the exemption criteria.

APS of only, "Now on formulary code EN256"

➤ NO

This is not exempt as the inclusion of the coverage code prompts the inclusion of the coverage criteria. This would create a link between the product and its therapeutic use and require, at minimum, the lowest level fair balance.

APS containing only, "Drug X: Now on formulary (Limited use code required)"

➤ YES

This is exempt. The copy does not prompt the requirement for additional qualification and therefore meets the exemption criteria.

## ➤ ARE THE FOLLOWING EXAMPLES EXEMPT?

APS containing only  
“Drug X: Now on  
formulary for use in  
patients who failed  
on prior treatment  
with Drug Y”

NO

This is not an exempt message. The mention of any components of the criteria would prompt the requirement to disclose the indication at minimum and therefore this piece would be subject to lowest level fair balance requirements. Should the advertiser wish to present details relating to coverage, the presentation should be complete e.g. the complete coverage criteria along with any exclusion criteria, definitions, notes, etc. which are pertinent to that criteria.

APS containing only  
“Drug X: Now  
on formulary  
in combination  
with Drug Y”

NO

This is not an exempt message. The mention of any components of the criteria would prompt the requirement to disclose the indication at minimum and therefore this piece would be subject to lowest level fair balance requirements. Should the advertiser wish to present details relating to coverage, the presentation should be complete e.g. the complete coverage criteria along with any exclusion criteria, definitions, notes, etc. which are pertinent to that criteria.

## ➤ ARE THE FOLLOWING EXAMPLES EXEMPT?

APS containing only **“Drug X: Now on formulary. Click here for full coverage criteria”** with a click through to that particular criteria.

**NO**

This would not be exempt. The piece would be linked to a therapeutic message (coverage criteria) and therefore exceed the exemption criteria.

APS containing only **“Drug X: Now on formulary. Click here for full coverage criteria”** with a click through to the entire formulary.

**NO**

This would not be exempt. The piece would be linked to a therapeutic message (coverage criteria) and therefore exceed the exemption criteria. Although the link is to the entire formulary, the link implies that the reader should go to the advertised brand.

APS containing only **“Drug X: Now on formulary. Refer to formulary for full coverage criteria”** with no click through to the formulary coverage criteria.

**YES**

This would be exempt as the sponsor has not created a direct link to the coverage criteria and the formulary (or a link to it) does not accompany the claim.

**PLEASE BE AWARE:** The Régie de l'assurance maladie du Québec (RAMQ) has requested that PAAB consider specific recommendations for coverage claims relating to RAMQ. Please see the advisory document on the PAAB website.

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