



## COMPLAINT IN TERMS OF THE SOUTH AFRICAN CODE OF MARKETING PRACTICE FOR HEALTH PRODUCTS

Kindly submit the complaint to [info@marketingcode.co.za](mailto:info@marketingcode.co.za)

Complaints should, where possible, be initiated and administered by the company Compliance Officer or the Responsible Pharmacist in the case of medicines or the company Compliance Officer or Authorised person in the case of medical devices and IVDs.

It is important to consider the nature and extent of your complaint carefully in compiling this form and to motivate the complaint fully. No additional matters or related documents will be admitted without the express approval of the Executive Officer/Committee Chairperson, after the complaint has been lodged and for the duration of this process. Additional issues or angles would need to be raised in a separate complaint process.

**Date: Received by MCA** \_\_\_\_\_ **MCA case no:** \_\_\_\_\_

### 1. DETAILS OF COMPLAINANT

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1.1 Name of Company/organisation submitting complaint: \_\_\_\_\_

1.2 Name of CEO: \_\_\_\_\_ eMail address \_\_\_\_\_

1.3 Company Code Compliance Officer:

- Full Names and Surname: \_\_\_\_\_
- Job Title: \_\_\_\_\_
- Code certified: Yes/No
- E-mail Address: \_\_\_\_\_
- Mobile Number: \_\_\_\_\_
- Work Telephone Number: \_\_\_\_\_

### 2. DETAILS OF COMPLAINT

**2.1 Name of Company/Individual/Organisation complained against:**

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2.2 Product which is the subject of the complaint (If more than one product in a range is implicated, mention all dosage forms).

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2.3 Name of the Company Representative with whom you have attempted to resolve this issue on a company-to-company basis, if applicable:

\_\_\_\_\_

2.4 Contact Details of Company Representative

E-mail Address: \_\_\_\_\_

Mobile Number: \_\_\_\_\_ Work Telephone Number: \_\_\_\_\_

**3 DETAILS OF ATTEMPTS TO RESOLVE THE MATTER AMICABLY COMPANY-TO-COMPANY, IF APPLICABLE**

3.1 If a Company-to-Company process has not been followed, provide reasons:

\_\_\_\_\_

3.2 When were the incidents of alleged infringement first noted?

\_\_\_\_\_

3.3 Summary of engagements to resolve the matter company-to-company: Complete the table that follows and attach records to the complaint submission for the use of the committee.

Date	Nature of contact: e.g. Correspondence, phone call or face-to-face meeting	Outcome of engagement

**Note:** Issues that have **not been** discussed/debated in the company-to-company process cannot be brought before the MCA as a formal complaint. They should either be raised ahead of a formal complaint in the company-to-company process or be the subject of a separate complaint which must then also go through a company-to-Company process

**4 INFRINGING MATERIAL: IDENTIFY ALL ALLEGED INFRINGING STATEMENTS AND/OR ADVERTISEMENT AND/OR MARKETING ACTIVITY AND/OR PROMOTIONAL ITEM/EVENT CONCERNED IN THE TABLE BELOW.**

Reference linking to complaint below.	Description of promotional piece/activity deemed to be infringing the Code	Identifying details of item eg Ref number/date/code etc on promotional material or relating to event.
1		
2		
3		
4 etc.		

**5 DETAILS OF COMPLAINT: Succinctly describe the essence of the complaint in the table below. Use one line item for each infringement mentioning all promotional piece/activities contravening that clause and linking the infringement to one or more items identified in the table above.**

You may add additional blocks to the table if needed.

Reference to section in code	Briefly describe each alleged infringement (refer to all related promotional items in table above).	Date/period of alleged infringement.	Where did/does it occur

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**Comment:** You may add a few lines of further comment for the committee or make a recommendation on what you believe the sanction should be. Use this section to make it clear what the issue at hand is

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**Is the subject of the complaint still ongoing? Please circle correct answer.**

Yes		No		Don't Know	
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**6 CONFIRM THAT IN TERMS OF THE CODE AND MCA REQUIREMENTS, THE FOLLOWING DOCUMENTS ARE ATTACHED TO THIS DOCUMENT**

6.3 Complaint Lodging Fee – Proof of Payment

Yes		No	
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6.4 Evidence of attempt to resolve complaint company- to-company completed in section 3 above. Co to Co process must include all potential infringements listed in Section 6 above.

Yes		No	
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6.5 If the complaint is based on scientific issues, supporting literature and any studies relied on are attached?

Yes		No	N/A	
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6.6 Copies of any advertisements and/or promotional material which may be relevant. They must be clearly referenced to the table in Sections 4 and 5.

Yes		No	N/A	
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6.7 Copies of the PI of any products that are the subject of this complaint.

Yes		No	N/A	
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- 6.8 The material must if possible be assembled into a single, paginated and indexed pdf document.
- 6.9 Complaint may be submitted via email to both [val@marketingcode.co.za](mailto:val@marketingcode.co.za) and [info@marketingcode.co.za](mailto:info@marketingcode.co.za).

**For details of the administrative procedures of a complaint, refer to the Code Chapter 16. Only complaints against members can be entertained unless permission to adjudicate such has been given by non-members.**

Personal information submitted on this form and during the complaints and enforcement processes to the MCA, will be processed by the MCA as set out in its Privacy Policy, available at [www.marketingcode.co.za](http://www.marketingcode.co.za). Please familiarise yourself with the contents of this Policy before submitting the form. You have the rights in respect of your personal information as set out in the Protection of Personal Information (Act 4 of 2013) and the MCA's Privacy Policy. Please consult the MCA's PAIA Manual, available at [www.marketingcode.co.za](http://www.marketingcode.co.za).

\_\_\_\_\_  
**Signature of Company Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Name of Company Representative?**

*In the event that this complaint has already been lodged with another entity, the MCA will only process the complaint after such complaint has been finalised by such entity and the outcome released.*