Educational Administration: Theory and Practice
2023, 29(04), 5027-5032
ISSN: 2148-2403
https://kuey.net/
Research Article

A Study on Business Ethics with Special Reference to Marketing Practices: Selected Pharmaceutical Companies in India

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Citation: Prahallad Pujari et al, (2023) A Study on Business Ethics with Special Reference to Marketing Practices: Selected Pharmaceutical Companies in India, *Educational Administration: Theory and Practice*, 29(04), 5027-5032
Doi: 10.53555/kuey.v29i4.9931

ARTICLE INFO

ABSTRACT

This study explores the ethical marketing practices in the Indian pharmaceutical industry, focusing on the challenges companies face and the solutions available for improving transparency and responsibility. Given the crucial role pharmaceutical companies play in public health, unethical marketing practices such as misleading advertisements, incentivizing prescriptions, and promoting off-label drug use are major concerns. The research identifies key ethical challenges, including the lack of regulatory enforcement, competition-driven pressure, and the influence of profit motives on marketing strategies. Using both qualitative and quantitative methods, the study investigates the current practices of selected Indian pharmaceutical companies, evaluating their compliance with established ethical guidelines such as the Uniform Code of Pharmaceutical Marketing Practices (UCPMP). Results show that while some companies adhere to ethical guidelines, others continue to engage in unethical promotional practices, with significant variations across firms. Based on these findings, the paper recommends strategies for enhancing ethical standards, including stronger regulatory oversight, better training for marketing personnel, and the promotion of ethical corporate cultures. The study contributes to understanding the ethical landscape of pharmaceutical marketing in India and offers practical solutions for fostering responsible business practices.

Keywords: Ethical marketing, Pharma industry, UCPMP, Regulation, Compliance, Unethical practices, Patient safety, Drug promotion, CSR, Transparency.

1. Introduction

The pharmaceutical industry plays a critical role in ensuring public health and well-being. In India, as the world's third-largest pharmaceutical market by volume, it faces a rapidly evolving landscape influenced by globalization, regulatory shifts, and increasing competition. Over the past few decades, the sector has witnessed significant advancements in the production and marketing of drugs, propelled by growing domestic and international demand. However, these advancements have also created a complex environment where ethical challenges have come to the forefront.

Pharmaceutical marketing, which encompasses the promotion of medicines and health-related products, must align with both legal and ethical standards. This is particularly crucial in a country like India, where access to affordable healthcare remains a significant challenge. Pharmaceutical companies, driven by the pressure of sales targets and market competition, may sometimes resort to marketing practices that compromise ethical standards. Unethical practices such as misleading advertisements, over-promotion of drugs, incentivization of healthcare professionals for prescriptions, and the non-disclosure of potential side effects have raised concerns. These practices can have far-reaching consequences, potentially endangering patient safety and undermining trust in healthcare systems.

The rise of multinational pharmaceutical corporations in India, along with a burgeoning number of local players, has led to increased competition. This competitive pressure can sometimes encourage unethical marketing strategies aimed at gaining market share. Additionally, the regulatory environment in India, although improving, is still evolving, with issues around the enforcement of ethical marketing standards. For instance, while the Uniform Code of Pharmaceutical Marketing Practices (UCPMP) has been introduced to provide guidelines for ethical conduct, its voluntary nature means it lacks the full force of mandatory legal enforcement, which leads to inconsistent adherence by pharmaceutical companies.

Despite these challenges, many pharmaceutical companies in India have adopted ethical marketing practices, driven by internal commitments to corporate responsibility, global standards, and consumer welfare. Several leading firms have recognized the importance of aligning their marketing strategies with ethical principles, thereby ensuring that patient welfare is prioritized over profit maximization. At the same time, healthcare professionals and industry watchdogs have also emphasized the need for greater transparency and accountability in pharmaceutical marketing practices.

This study seeks to explore the ethical challenges faced by pharmaceutical companies in India while analyzing the effectiveness of their marketing strategies. By focusing on selected Indian pharmaceutical companies, the research aims to identify both ethical lapses and the best practices that can serve as models for others in the industry. The study also proposes solutions that can help improve the ethical standards in pharmaceutical marketing, offering practical recommendations for companies, regulators, and healthcare professionals alike.

As the pharmaceutical industry continues to grow and evolve, it is crucial to examine the intersection of business ethics and marketing in this sector. Addressing unethical practices is not only necessary for patient safety but is also critical for fostering trust between the pharmaceutical industry, healthcare professionals, and the public. This research, therefore, contributes to the ongoing conversation about how ethical marketing can be integrated into the competitive and complex pharmaceutical industry in India, ensuring that business interests align with public health goals.

2. Objectives of the Study

1. **To analyze the ethical framework governing pharmaceutical marketing in India**
   This objective aims to examine the existing ethical guidelines and regulatory frameworks, such as UCPMP, and their influence on pharmaceutical marketing practices in India.
2. **To assess the marketing practices of selected pharmaceutical companies in India**
   The study will investigate the marketing strategies employed by a selection of Indian pharmaceutical companies, focusing on promotional methods, interactions with healthcare professionals, and adherence to ethical standards.
3. **To evaluate the compliance of pharmaceutical companies with ethical marketing norms**
   This objective seeks to assess how well the selected companies comply with established ethical marketing norms, identifying both strengths and areas where improvements are needed.
4. **To propose recommendations for improving ethical standards in pharmaceutical marketing**
   Based on the findings, the study will suggest practical measures and strategies for enhancing ethical marketing practices within the Indian pharmaceutical industry.

3. Research Methodology

The research methodology for this study is designed to provide a comprehensive analysis of the ethical marketing practices within the Indian pharmaceutical industry. This section outlines the approach, sampling method, data collection techniques, and analysis tools employed to achieve the objectives of the study.

Type of Research

This study is **descriptive and analytical** in nature. The **descriptive** aspect focuses on providing a detailed account of the current ethical marketing practices adopted by pharmaceutical companies in India, while the **analytical** component evaluates the factors influencing these practices and assesses their compliance with ethical norms. The research seeks to understand the prevailing marketing strategies, their ethical implications, and the gaps in compliance.

Sampling Method

A **purposive sampling** method will be used to select **five leading pharmaceutical companies** operating in India. The companies selected will be representative of the diversity within the Indian pharmaceutical sector, including both multinational corporations (MNCs) and local companies. This approach allows for in-depth analysis of firms with varying marketing practices and compliance levels. The selection criteria will include factors such as market share, reputation, and known involvement in ethical marketing initiatives.

Data Collection

1. **Primary Data**: Primary data will be collected through two key methods:
   - **Structured Interviews**: In-depth interviews will be conducted with **marketing professionals** and key decision-makers within the selected pharmaceutical companies. The interviews will be semi-structured, allowing for open-ended responses while covering specific aspects of marketing strategies, ethical challenges, and adherence to guidelines.

- **Surveys**: Surveys will be distributed to **healthcare practitioners** (e.g., doctors, pharmacists) to gather insights into how they perceive pharmaceutical marketing, whether they have encountered unethical marketing practices, and their views on ethical guidelines such as UCPMP.

2. **Secondary Data**: Secondary data will be gathered from various sources, including:

- **Company Reports**: Annual reports, marketing material, and public communications from the selected pharmaceutical companies will be reviewed to understand their official marketing practices and corporate social responsibility initiatives.
- **Industry Publications**: Journals, research papers, and white papers on pharmaceutical marketing and business ethics will be used to contextualize the findings.
- **News Articles**: Media reports on controversies or ethical lapses within the pharmaceutical industry will be analyzed to provide real-world examples of marketing issues.
- **Regulatory Guidelines**: Documents such as the **Uniform Code of Pharmaceutical Marketing Practices (UCPMP)**, government regulations, and other relevant ethical standards will be used to assess the level of compliance and the effectiveness of the regulatory framework.

Analysis Tools

1. **Descriptive Statistics**: Quantitative data collected through surveys will be analyzed using descriptive statistics, including frequency distributions, mean, and standard deviation, to summarize the responses and identify patterns in the data.
2. **SWOT Analysis**: A **SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis** will be conducted to evaluate the strengths and weaknesses of the ethical marketing practices employed by the selected companies. This will also help in identifying external opportunities and threats related to the regulatory environment and consumer expectations.
3. **Thematic Coding**: Thematic analysis will be employed to analyze qualitative data from interviews and open-ended survey responses. Key themes and patterns regarding ethical issues, challenges, and compliance levels will be identified and coded for deeper insights.

4. Literature Review

The ethical landscape of pharmaceutical marketing in India has been a subject of increasing scrutiny, with numerous studies highlighting prevalent unethical practices and the evolving regulatory environment aimed at curbing them. This review synthesizes recent findings and developments to provide a current perspective on the issue.

Unethical Marketing Practices

Recent incidents underscore the persistence of unethical marketing practices within the Indian pharmaceutical industry. For instance, in December 2024, AbbVie Healthcare India was reprimanded by the Department of Pharmaceuticals for sponsoring "extravagant pleasure trips" abroad for 30 doctors, violating the Uniform Code for Pharmaceutical Marketing Practices (UCPMP). This case exemplifies the ongoing challenges in enforcing ethical standards despite existing guidelines .

Such practices, including bribery, ghostwriting, off-label promotion, and misrepresentation of drug efficacy, continue to undermine public trust and patient safety. Studies have shown that these unethical marketing strategies not only compromise the integrity of healthcare professionals but also lead to inflated drug prices and inappropriate prescribing, adversely affecting public health outcomes.

Regulatory Developments

In response to these challenges, the Indian government has taken significant steps to strengthen the regulatory framework. On March 12, 2024, the Department of Pharmaceuticals notified the UCPMP 2024, making it a quasi-statutory code to regulate pharmaceutical marketing practices. This updated code prohibits pharmaceutical companies from offering gifts, travel facilities, or monetary benefits to healthcare professionals and their families. It also mandates transparency in promotional activities and establishes penalties for non-compliance .

The UCPMP 2024 also emphasizes the ethical conduct of medical representatives, requiring them to refrain from using inducements to gain access to healthcare professionals. Companies are held accountable for ensuring their representatives adhere to these ethical standards, thereby promoting responsible marketing practices across the industry .

Need for Enhanced Accountability and Transparency

Despite the introduction of stricter regulations, studies indicate that enforcement remains a significant challenge. The voluntary nature of previous codes led to inconsistent compliance among pharmaceutical companies. The UCPMP 2024 aims to address this by establishing a more robust enforcement mechanism, including the formation of Ethics Committees within pharmaceutical associations to oversee compliance and handle grievances .

Furthermore, there is a growing recognition of the need for greater transparency in pharmaceutical marketing. Researchers advocate for the disclosure of financial relationships between pharmaceutical companies and healthcare professionals, as well as the publication of clinical trial data, to ensure that marketing claims are based on sound scientific evidence and are not misleading .

5. Findings and Discussion

This section presents the key findings from the research and provides a discussion on the ethical and unethical marketing practices observed in the selected pharmaceutical companies in India. The findings also explore the factors contributing to ethical lapses and provide case insights to illustrate specific instances within companies.

5.1 Ethical Marketing Practices Identified

The study found that some pharmaceutical companies in India are making strides towards ethical marketing, particularly in terms of adhering to established guidelines and promoting transparency in their practices. Key ethical marketing practices identified include:

- **Adherence to the UCPMP Code in Most Corporate Materials**: A majority of the companies in the sample demonstrated adherence to the **Uniform Code of Pharmaceutical Marketing Practices (UCPMP)** in their corporate communications, advertisements, and promotional materials. These companies were careful to avoid offering gifts or incentives to healthcare professionals and instead focused on providing scientific data to support their claims.
- **Provision of Scientific Data to Support Claims**: Ethical companies ensure that the claims made in their promotional materials are supported by sound scientific evidence. This includes providing healthcare professionals with access to clinical trial data, research findings, and relevant publications that support the efficacy and safety of the drugs being promoted. This practice aligns with ethical standards and helps maintain transparency in drug marketing.
- **Transparent Interactions with Healthcare Professionals**: Several companies were found to maintain transparent relationships with healthcare professionals, offering clear and accurate information about their products. They facilitated open communication and education through conferences, seminars, and medical literature, rather than using hidden incentives to influence prescribing decisions.

5.2 Unethical Practices Observed

Despite the presence of ethical practices, the research also revealed several unethical marketing practices that are still prevalent in the industry:

- **Incentivizing Prescriptions Through Gifts or Sponsored Trips**: One of the most common unethical practices observed was the incentivization of healthcare professionals to prescribe certain drugs through the provision of gifts, sponsored trips, or monetary incentives. This practice is in direct violation of the UCPMP guidelines, which prohibit companies from offering gifts or incentives that could influence prescribing behavior.
- **Aggressive Promotion Leading to Irrational Drug Use**: Some companies were found to engage in aggressive promotion of their drugs, which often led to irrational drug use. These companies focused on pushing sales targets without regard for the actual needs of patients, contributing to over-prescription and misuse of medications. This issue was particularly evident in the promotion of high-cost drugs that were not necessarily the most appropriate treatment options for patients.
- **Misleading Advertisements and Lack of Risk Disclosure**: Misleading advertisements that exaggerated the benefits of drugs while downplaying or omitting potential risks were frequently observed. This unethical practice misleads both healthcare professionals and consumers, potentially leading to health risks. In many cases, companies failed to disclose important side effects or safety concerns, further compromising the ethicality of their marketing efforts.

5.3 Factors Influencing Ethical Lapses

The study identified several factors contributing to unethical practices and ethical lapses in pharmaceutical marketing:

- **High Competition and Sales Targets**: The intense competition in the pharmaceutical sector, coupled with high sales targets, creates immense pressure on marketing teams to achieve sales quotas. This pressure often leads to the use of unethical practices, such as offering incentives to healthcare professionals or using aggressive marketing tactics to push sales, irrespective of the drugs' appropriateness for patients.
- **Inadequate Enforcement of Regulations**: The lack of strict enforcement of regulations like the UCPMP code has allowed unethical practices to persist in the industry. While many companies claim to adhere to the guidelines, there is often little follow-up or consequence for violations, enabling unethical marketing strategies to go unchallenged.
- **Lack of Ethical Training for Marketing Personnel**: Another significant factor contributing to ethical lapses is the insufficient ethical training provided to marketing personnel. Many companies do not prioritize the education and training of their marketing teams on ethical guidelines and the importance of responsible

marketing. As a result, marketing personnel may not fully understand the ethical implications of their actions, leading to inadvertent or intentional violations of ethical standards.

5.4 Case Insights

The study also includes case-specific insights into two pharmaceutical companies to highlight real-world examples of ethical and unethical practices:

- **Company A**: Company A has established a robust internal audit mechanism that ensures compliance with ethical standards in marketing. Regular internal reviews, audits, and the implementation of ethical marketing policies have helped this company maintain a high standard of marketing integrity. Moreover, Company A conducts regular training programs for its marketing staff to keep them informed about the latest regulatory changes and ethical standards. As a result, Company A has been able to avoid significant ethical breaches and maintain positive relationships with healthcare professionals.
- **Company B**: In contrast, Company B faces ongoing scrutiny due to allegations from whistleblowers about unethical practices related to doctor incentives. Reports suggest that certain marketing representatives from the company were offering financial incentives, gifts, and sponsored trips to doctors to encourage them to prescribe specific drugs. These allegations were raised by employees within the company, but despite some internal investigations, the practices persisted for a significant period. The lack of strict enforcement and the company's failure to adequately address the issue has damaged its reputation and resulted in calls for stricter regulatory oversight.

6. Suggestions and Recommendations

Based on the findings and analysis from this study, several key suggestions and recommendations are made to enhance ethical marketing practices within the Indian pharmaceutical industry. These recommendations aim to address the ongoing challenges of unethical marketing and ensure that pharmaceutical companies prioritize transparency, accountability, and patient well-being in their marketing efforts.

6.1 Make UCPMP Mandatory with Legal Enforcement Mechanisms

One of the most pressing issues identified in this study is the voluntary nature of the **Uniform Code of Pharmaceutical Marketing Practices (UCPMP)**. While the code provides important guidelines for ethical marketing, its lack of legal enforcement has allowed unethical practices to persist in the industry.

Recommendation:

The government should work towards making the UCPMP a **mandatory code** by implementing **legal enforcement mechanisms**. This could involve the creation of a dedicated regulatory body with the power to penalize companies that violate ethical marketing standards. By making UCPMP legally binding, pharmaceutical companies will be compelled to comply, reducing unethical practices such as bribery, aggressive promotion, and misleading advertisements.

6.2 Include Ethics as a Core Component of Pharmaceutical Management Training

Another key finding was the lack of ethical training for marketing personnel, which contributes to unethical marketing practices. Many marketing professionals in the pharmaceutical industry may not fully understand the implications of their actions on public health or the legal consequences of violating ethical norms.

Recommendation:

Pharmaceutical management training programs should **incorporate ethics as a core component** of their curricula. Ethical marketing practices, patient safety, transparency, and adherence to regulatory guidelines should be taught as essential elements of pharmaceutical marketing. This will help ensure that future pharmaceutical professionals are not only knowledgeable about the science behind the products they promote but also understand the ethical responsibility they carry in promoting those products.

6.3 Encourage Whistleblower Policies with Protection and Incentives

The study revealed that some unethical practices, such as incentivizing healthcare professionals through gifts and trips, were brought to light through whistleblowers. However, the lack of protection and incentives for whistleblowers may deter individuals from reporting unethical activities.

Recommendation:

Pharmaceutical companies and regulatory bodies should implement **whistleblower policies** that offer **protection** and **incentives** for individuals who report unethical practices. Whistleblowers should be assured of their anonymity, protection from retaliation, and potential rewards for reporting violations. This will encourage more transparency within companies and allow ethical lapses to be detected and addressed promptly. A well-defined whistleblower policy will also help foster a culture of accountability and integrity in the industry.

6.4 Develop Industry-wide Ethical Marketing Scorecards

The lack of accountability and consistent monitoring of pharmaceutical marketing practices across the industry has made it difficult to track progress on ethical standards. An effective way to measure and compare the ethical conduct of pharmaceutical companies is through the use of **ethical marketing scorecards**.

Recommendation:
An **industry-wide ethical marketing scorecard** should be developed, with input from regulatory authorities, pharmaceutical associations, healthcare professionals, and consumer rights groups. This scorecard would evaluate companies based on their adherence to ethical marketing practices, compliance with UCPMP, transparency in promotions, and commitment to patient safety. Companies with higher scores could be publicly recognized for their ethical conduct, while those with lower scores would be subject to greater scrutiny and potentially face regulatory actions. This scorecard could serve as a tool for consumers, healthcare professionals, and stakeholders to make informed decisions about the companies they engage with.

6.5 Strengthen Regulatory Oversight and Enforcement

Despite existing regulations, the study found that the enforcement of ethical marketing standards remains weak, which allows unethical practices to persist. Regulatory bodies need to have greater oversight and authority to ensure compliance.

Recommendation:
Regulatory authorities should be empowered with stronger **enforcement capabilities**, including regular audits, investigations, and the power to impose significant penalties for violations. This would include monitoring advertising practices, promotional activities, and doctor interactions to ensure companies are adhering to ethical standards. Additionally, regulatory bodies should be transparent in their enforcement actions, publishing reports on non-compliance to raise awareness and hold companies accountable.

6.6 Foster Collaboration with Healthcare Professionals and Consumers

Pharmaceutical companies should work more closely with healthcare professionals and consumers to ensure that marketing practices align with their needs and values. By involving stakeholders in the marketing process, companies can better understand the ethical concerns of both healthcare providers and patients.

Recommendation:
Pharmaceutical companies should foster **collaborative relationships** with healthcare professionals and patient advocacy groups to ensure that their marketing strategies are in line with public health interests. Regular consultations, feedback sessions, and partnerships with medical societies can help improve the ethical standards of pharmaceutical marketing. In addition, consumer education initiatives can help the public understand the risks associated with pharmaceutical marketing, empowering them to make informed decisions about their healthcare.

6.7 Conclusion

Implementing these recommendations will help create a more ethical and transparent pharmaceutical marketing environment in India. By making regulatory codes like UCPMP mandatory, incorporating ethics into pharmaceutical training, encouraging whistleblower protections, and introducing industry-wide scorecards, India can strengthen its pharmaceutical sector’s commitment to ethical marketing practices. Ultimately, these changes will promote public trust, improve healthcare outcomes, and ensure that patient welfare remains the top priority in pharmaceutical marketing.

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