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## The French Sunshine Act False transparency

France was promised that the Mediator° disaster would represent a watershed. In particular, the relationships that experts and healthcare professionals have with industries in the healthcare sector would be exposed, in order to reduce the conflicts of interest which harm patients and inflate the cost of health care. But ultimately, most of the links that generate conflicts of interest remain hidden.

**Backtracking on transparency.** France's "drug safety" act, passed in December 2011, does not go far enough when it comes to certain issues. It nevertheless stipulates that the links between companies and other organisations or individuals involved in health care must be disclosed, by making public the existence of any contracts with and benefits in cash or in kind provided to healthcare professionals, patients, students, the media, and scientific societies, etc. (1).

As of August 2012, after a change of government, it was clear that the decree implementing the act would not be ade-

quate to the task (2). For example, the draft decree allowed healthcare professionals to receive €998 per year from each company without disclosure, provided that no single gift or payment was worth more than €59: the price of a meal in a good restaurant.

The draft decree attracted strong criticism, and the version that was finally adopted requires disclosure of all gifts over €10 (3). Why €10, when even small gifts have been shown to influence the recipient, by eliciting goodwill and a need to reciprocate?

But worse yet: "Remuneration, salaries and fees paid for work or services provided are not considered as benefits" (our translation) (4). How easy it will be for healthcare professionals, patient advocacy groups, hospitals and the press, etc. to avoid transparency! And the most important links, those with opinion leaders, who wield so much influence, will still be able to remain in the shadows.

**It's time for real transparency.** If we are to reduce industry influence, particularly on prescribing behaviour, it is

essential that the benefits, gifts or payments companies provide are brought into the open. If transparency is not considered to apply to healthcare professionals and others who work for or provide services for industries in the healthcare sector, it means, yet again, putting commercial interests before health. It also means continuing to accept industry's powerful influence on decisions in the field of health care.

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