

An Adjudication Tribunal hearing was held to consider two similar letters of allegation against Labrador PharmaChoice. The allegations indicated that Mr. Brendan Mullins, registration number 87-583, the pharmacist-in-charge of Labrador PharmaChoice in Happy Valley-Goose Bay had violated the Board's Guidelines on Advertising in an "advertorial" that appeared in *The Labradorian* on November 26, 2007 announcing the opening of Labrador PharmaChoice.

It was alleged that the ad included information that was false and deceptive, defamatory and misleading. It was also alleged that statements in the ad were of personal opinion not verifiable by fact, deprecated another pharmacy and were likely to demean the integrity or dignity of the profession or bring the profession into disrepute.

A hearing of an adjudication tribunal of the disciplinary panel was held to determine whether the conduct of Mr. Mullins in this matter constituted a violation of subsections 12(1)(b)(ii), 17(1), and 37(1)(c) of the *Pharmacy Regulations*.

The tribunal found Mr. Mullins failed to establish the defense of due diligence and was guilty of the complaints as alleged and consequently guilty of conduct worthy of sanction. At a subsequent hearing to determine sanctions the tribunal was presented with a joint submission of proposed sanctions which had been agreed to by Mr. Mullins and the Secretary-Registrar. The tribunal accepted the proposed sanctions and ordered as follows:

- 1) A formal reprimand is to be entered on Mr. Mullins' file;
- 2) Mr. Mullins must attend at the Office of the Pharmacy Board within 6 months of the Order of the Adjudication Tribunal, at a time to be set by the Secretary-Registrar; to review with the Secretary-Registrar the responsibilities of a Pharmacist-in-Charge, pursuant to the *Pharmacy Act* and *Pharmacy Regulations*;
- 3) There will be publication of a summary of the Decision and Order of the Adjudication Tribunal, on a named basis, in *The Apothecary*;
- 4) That Mr. Mullins pay the costs of the investigation and hearing of the complaint, set at \$12,500 within 60 days of the Order of the Adjudication Tribunal.