266377 - The ruling on doctors accepting lunch from pharmaceutical companies who bring it to their weekly meeting

the question

There is a group of doctors who have a weekly medical meeting in which they discuss medical cases. One of the pharmaceutical companies is supporting this meeting by providing lunch for the doctors in the hospital after the meeting ends. Is that regarded as a kind of bribery? Please note that the medicines of this company are among the best and most efficacious medicines in the hospital, and the medicines are provided to the patients for free.

Summary of answer

You should refuse to accept food, or any other gifts, from the pharmaceutical company.

Detailed answer

Praise be to Allah.

It is not permissible for doctors to accept gifts from pharmaceutical companies, whether those gifts are in the form of food or otherwise, because they are employees who have their salaries, and gifts to workers are regarded as being a kind of treachery. Moreover, gifts lead to one feeling inclined to favour the giver and give him precedence over others, which has an impact on the doctors' choice of medicines and the hospital's choice of pharmaceutical companies. So what is required is to close the door (to this kind of influence).

Regarding the prohibition on giving gifts to workers, al-Bukhaari (7174) and Muslim (1832) narrated that Abu Humayd as-Saa'idi (may Allah be pleased with him) said: The Messenger of Allah (blessings and peace of Allah be upon him) appointed a man from the tribe of Banu'l-Asad who was called Ibn al-Lutbiyyah to be in charge of collecting zakaah. When he came he said: This is for you, and this was given to me. The Messenger of Allah (blessings and peace of Allah be upon him)

stood up on the minbar and praised and glorified Allah, then he said: “What is the matter with an agent whom we send, then he comes and says, ‘This is for you and this is for me’? Why doesn’t he sit in the house of his father and mother and see if he is given anything or not? By the One in Whose hand is the soul of Muhammad, no one of you gets anything (unlawfully), but he will bring it on the Day of Resurrection, carrying it on his shoulders, whether it is a groaning camel, a lowing cow or a bleating sheep.” Then he raised his arms until we saw the whiteness of his armpits [and said]: “Have I conveyed (the message)?” three times.

Ahmad and al-Bayhaqi narrated that the Prophet (blessings and peace of Allah be upon him) said: “Gifts to workers are akin to treachery.” The hadith was classed as saheeh by al-Albaani in Saheeh al-Jaami‘ (no. 7021).

This does not mean that if a doctor has a private clinic, he may accept gifts. Rather it is not allowed in this case either, because he is entrusted with the well-being of his patients, and is responsible for that, and he accepts his fee in return for examining the patient and choosing what is in his best interests. His accepting of these gifts from medical companies undermines his trustworthiness in that regard, and causes him to pay attention to the interests of the company that gave him the gift, and not to be totally focused on the best interests of the patient.

In Fataawa al-Lajnah ad-Daa’imah (23/570, 571), it says: In view of the fierce competition between different pharmaceutical companies, their representatives come and distribute gifts to doctors, such as pens, clocks or recorders on which is written the name of the product, in return for the doctor’s prescribing this medicine to the patient. What is the ruling on these gifts that are given to doctors? Are they gifts or bribes, especially since there is a department in the company that focuses on advertising? If the doctor prescribes the medicine appropriately, only when it is needed, in return for these gifts, is he sinning or not? And what is the evidence for that?

Sometimes the medical company gives a specific gift in return for prescribing the medicine a set number of times. Is this a bribe or not? What we mean is that the amount and the gift that is given in return are specified. What is the evidence for that? And sometimes the company gives the doctor a gift in return for prescribing a specific medicine, without specifying an amount. If the

doctor prescribes this medicine when appropriate, is he sinning in that case, or not, and what is the evidence?

Sometimes there may be only one effective substance, but the medicine is produced by a number of companies under different trade names – that is, they all have the same effect. The representatives of some of these companies visit the doctor in his clinic at regular intervals and give him gifts from the company, hence the doctor prescribes the medicine supplied by the representative who visits him regularly and brings him presents, and he says “Are the one who works and the one who does not work equal?” What is the ruling, and is advertising in this manner halaal or haraam, and what is the evidence for that?

Answer:

It is not permissible for the doctor to accept gifts from pharmaceutical companies, because that is a bribe and is haraam, even if it is called a gift or any other name, because changing the names does not alter the facts. Moreover this gift may make him prefer the company that gives him gifts over others, and that harms the other companies.

And Allah is the source of strength. May Allah send blessings and peace upon our Prophet Muhammad and his family and companions.

Permanent Committee for Academic Research and Ifta’.

Saalih ibn Fawzaan al-Fawzaan, ‘Abdullah ibn ‘Abd ar-Rahmaan ibn Ghadyaan, ‘Abd al-‘Azeez ibn ‘Abdillah Aal ash-Shaykh.

And Allah knows best.