

How to decide upon the appropriate social media platform? What are the pro's and con's from legal perspective?

IPC 2018 – Vienna – 15 May 2018
Liesbeth Bergmans



The Basics

Just to be clear...

- ❖ **YES WE CAN** communicate with customers on social media
- ❖ **YES WE CAN** provide information (not promotional!) about prescription products to the public on social media
- ❖ **YES WE CAN** enter into online discussions, write blogs, (re)tweet, share, like, etc. on social media

BUT... the rules that apply **offline**, also apply **online**



The Basics – general rules of engagement

– The promotion of prescription medicines in Europe:

- ✓ towards healthcare professionals (HCPs) → in principle allowed
- X to the general public → not allowed.



– Communicating about your company or healthcare/life science related topics on social media from your personal accounts can be perceived by others as if you are representing the company

- Everything that you find online may be copyright or trademark protected – the fact that someone placed it online does not mean that you are entitled to use it freely
- Agencies you work with are as much bound by the applicable rules as you are!

The Basics – general rules of engagement

- **Consent** is required when:
 - Involving other people e.g. by quoting them or using their picture
 - Email, SMS, and other forms of **direct communication** is used for promotional purposes (**opt-in**) → and should include information on how to unsubscribe (**opt-out**)
 - Using **information collected** about someone (e.g. personal details collected in a registration process, website use behavior)



The How

Step 1: who?

Define the targeted audience:

- ❖ **Healthcare professional audiences** MAY be sent information that is linked to, or at risk of linking to products
- ❖ **Non-healthcare professional audiences (i.e. general public)** MAY NOT be sent information on prescription medications

Implications for company content on EU social media:

–**No mentioning of medicines, whether brand or generic name** in social media content that could be viewed/accessed by the general public



The How

Step 2: why?

Decide upon the objectives of the project and the content:

❖ Promotional material:

- Whether or not material is considered promotional depends on the content, the targeted audience, and the way in which it is displayed.
- Indirect reference to a product could be considered promotion if too closely linked to one of our products (e.g. by referring to certain product specifics or product classes, in which we have a product)
- Promotion must be in line with applicable rules on promotion of medicinal products (e.g. fair, accurate, balanced, capable of substantiation, etc.)

❖ Disease awareness / health education information:

- information about the characteristics of diseases, methods of prevention or screening and treatments, as well as other information intended to promote public health
- Websites containing health education information must always advise persons to consult a healthcare professional for further information

The How

Step 2: why?

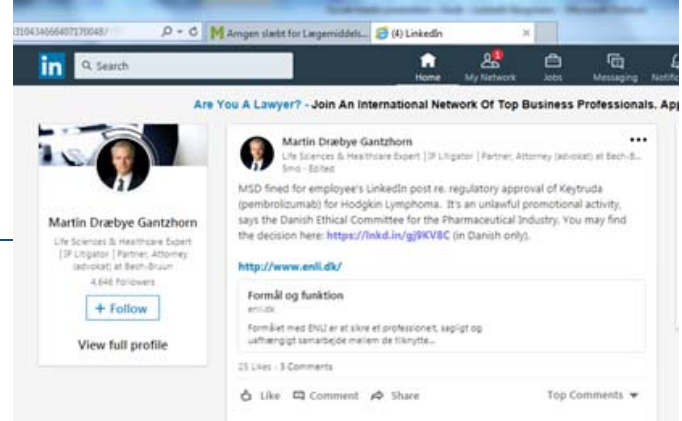
Decide upon the objectives of the project and the content:

❖ Non-promotional material

- information for patients and the general public on products distributed by the company
- allowed, provided that it is balanced, accurate and consistent with the approved SmPC
- must always advise persons to consult a healthcare professional for further information

❖ Press releases


- in principle not considered promotional, provided that the content is balanced, objective and not written in a promotional manner
- Once a press release is issued, however, a company should have no control over the placement of any subsequent article. E.g. no sharing/retweeting of press releases!




The How


Step 3: where?

Decide upon the appropriate social media platform

❖  owned/sponsored? Information before or after login?

❖  opt-in to receive emails? Unsubscribe included? mailing lists must be kept up-to-date






❖  targeted through LinkedIn Sponsored InMail? Closed discussion group?

❖  more personal than a professional, however allows specific targeting on the basis of location, demographic details, interests, etc. Use of 'dark posts'?

The How

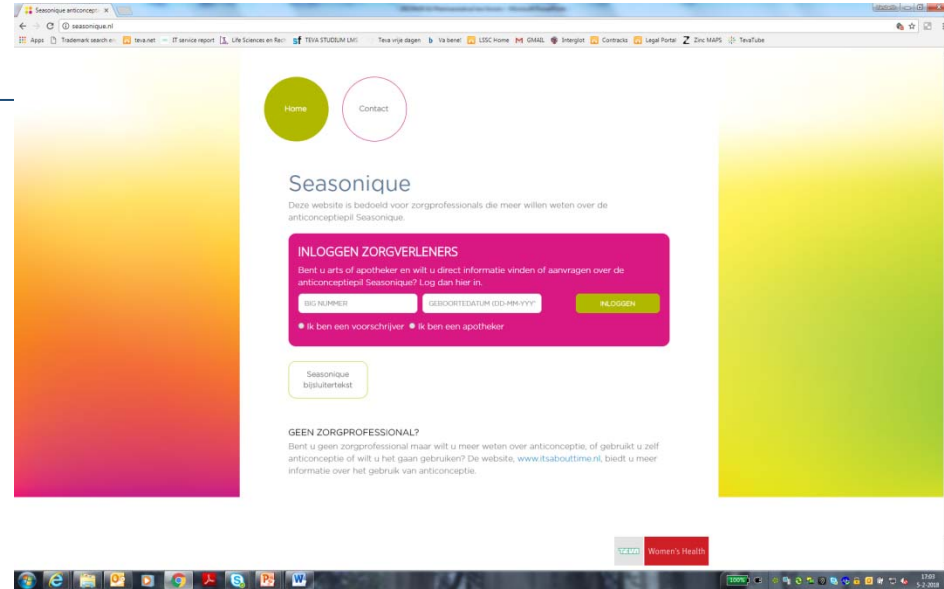
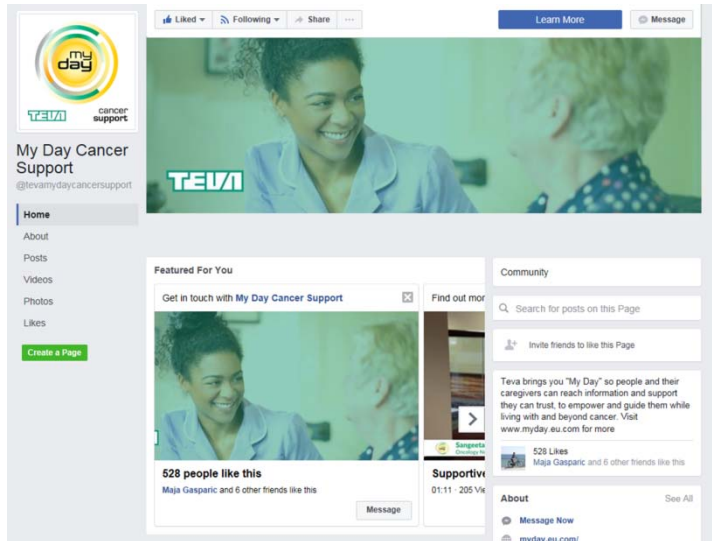
Step 3: where?

Decide upon the appropriate social media platform

- ❖  y listed/unlisted? Patient instruction videos? Disease awareness?
- ❖ T  difficult! Character limit. Promotional messaging not possible.
- ❖ Tr  y is key! Monitoring of responses essential.
- ❖ Dis  forum - entire conversation should comply with legal requirements!
Regis  procedure? Monitoring? Rules of Engagement?

Teva examples

- My Day Cancer support (FB / Website)
- It's about Time (FB / Instagram)
- Seasonique.nl (website)



The How

Step 4: how to secure?

Prepare a Risk Management Plan and train the Agency

❖ adequate and fast response to questions, comments, or issues should be ensured

❖ Risk Management Plan (RMP)

- tailored to the channel together with Corporate Communications, Medical, Legal, and Pharmacovigilance
- pre-approved responses and escalation plan
- Rules of engagement
- Keep audit trail of responses!
- NB: the RMP is **not** intended to conduct **censorship**! We do not delete or hide comments just because we do not like or agree with the content.



The How

Step 5: how to promote?



General rule: The channel that you use to promote the content should be appropriate for such content. E.g. HCP-only content should in principle not be promoted via public channels.

Example: You have organized a specialist discussion forum on LinkedIn, for which targeted HCPs are invited to become a member. There is a registration procedure in place where the HCP self-declares to be an HCP and this is double-checked by the agency involved on the basis of the HCP's LinkedIn account.

In this case, it is not considered appropriate for a general, untargeted Tweet to be posted asking the general audience to become a member of the closed LinkedIn group. However, sending a personal invitation to join the group to HCPs that are identified as being HCPs through a LinkedIn Sponsored InMail could be appropriate.

Key Takeaways

- ❖ When deciding upon the appropriate social media platform, take into account:
 - ❖ The target audience
 - ❖ The type of content
 - ❖ The objectives of sharing this type of information
 - ❖ The platform specifics and features
 - ❖ Monitoring and risk management
 - ❖ Appropriate promotion and targeting

Thank You
