

Cases on the Use of Social Media

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Requirements

- EFPIA issued a press release entitled “[Pharma and social media](#)”
- FDA issued [draft guidance](#) in 2014
- UK’s PMCPA issued separate [guidance on use of digital media](#), which includes email
- According to PMCPA “Companies can use any method of communicating to any audience provided relevant requirements of the Code are followed”

Boehringer Ingelheim's LinkedIn Post

Unintended consequences of corporate communications via social media

- UK case: [AUTH/2738/10/14](#)
- Email from corporate headquarters in Germany to multiple countries, including UK via LinkedIn
- LinkedIn InMail used as mechanism to send email headed “read new data on treatment outcomes with Giotrif”
- LinkedIn filters did not work as planned – LinkedIn Pulse
- BI self-reported to PMCPA
- Panel ruled many breaches of UK Code

Shire's Corporate Press Release

Need to understand the differences between sharing in a meeting of HCPs and public press release

- UK case: [AUTH/2528/8/12](#)
- Press release from Switzerland to multiple countries, including UK patient group
- Based on poster from an international meeting in Paris 2012
- Shire argued not intended to be promotional in nature, but it made “product claims”
- Panel ruled many breaches of UK Code in a 48-page case document

Novo Nordisk's Press Release

Be aware of what social media apps are doing behind the scenes

- UK case: [AUTH/2851/6/16](#)
- Alleged promotion of Tresiba to the public
- NN UK issued a press release for UK Medical Media and included contact details for NN staff and named agency staff
- NN staff settings allowed LinkedIn to highlight articles where they were mentioned, so the article was automatically posted on LinkedIn by the LinkedIn Pulse app
- LinkedIn post mentioned NN employee and Tresiba and included contact details
- NN unaware of the auto-posting until the complaint was made, but acted promptly following the complaint
- Although **no breach** was found, NN staff subsequently changed LinkedIn settings to **not** allow auto-posting and social media policy re-sent to all UK staff

Grunenthal's Video on YouTube

Be aware of what agents and actors are doing behind the scenes!

- UK case: [AUTH/2921/12/16](#)
- Promotion of Palexia SR to the public
- Video promoting the product was uploaded to YouTube without Grunenthal's knowledge
- Video developed by G's advertising agency using a third-party production company
- Shortened version was submitted for an award (with G's consent), which it won
- Director of video sent shortened copy to one of the actors in it who posted it to YouTube
- Ruling – Grunenthal is responsible for the actions of third-parties working on its behalf even when it was not consulted

Hypothetical Compliance Case 1

- A member of your company's communications department is responsible for monitoring social media for discussions about your company and its products.
- One day, he finds a thread discussing your major product in a way that he believes is both detrimental to your marketing efforts, and is also based on a use that is not approved in your country.
- It looks as though no staff from your company are involved in the discussion.
- Is there a problem? If there is, what can and should you do about it?

Disclaimer:

This case has been written for the purpose of discussion and learning – any resemblance to real cases is purely coincidental

Hypothetical Compliance Case 2

- One of your products is for a therapeutic area that is not generally well understood. A new Wikipedia entry is being written on this therapeutic area. Many contributions to the new Wikipedia entry have been made and you are looking through them to ensure accuracy.
- You find an entry made by a Doctor Joseph White who claims to work for your company. You know that there is a Joseph White who works in your marketing team, but he is not a healthcare professional. When you ask if he has posted the comments, he admits that he has. He also admits to using the title of “Doctor” to give his comments more weight within the online discussion.
- What are the issues?

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Hypothetical Compliance Case 3

- You are the local compliance officer for your company and you discover that a member of the marketing team has posted comments about one of your main products on an online forum. The comments state that good results have been obtained by healthcare professionals using the product for a use that is not approved in your country. Your colleague has not declared online that they work for your company.
- What are the issues? What should you do?
- Would your answers be different if the comments had been posted by a healthcare professional relating their personal experience of using your company's products for the benefit of patients?

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Key Take-Away Points

- Ensure that you fully understand the secondary apps around social media before posting anything, e.g. LinkedIn Pulse
- Fully understand social media settings to allow or block re-posting of social media posts from one forum in another
- Consider getting expert technical help on each social media platform to define appropriate settings, possible problems and how to use the platform effectively
- Ensure security settings are appropriately set in every social media app
- Think about education for head office colleagues as well as local colleagues
- Pay particular attention to what goes into your policies and procedures and ensure that these are “user friendly” rather than jargon-filled

Questions?

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Questions to Consider

- Do we really know what our head office colleagues are doing with social media / do we need to know?
- What about our country colleagues? Are we aware of what they are doing with social media?
- Do we all understand the security settings on our social media accounts / What should those settings be? / How can we make our colleagues more aware of the correct settings?
- Does it matter what settings all staff use in social media, or just those who are likely to be mentioned in (any) media articles that might be automatically and / or manually re-posted on social media?
- How much detail should we provide in Policies and Standard Operating Procedures about how to use social media?
- Can we ever relax about social media or will they always come back to bite us?