



JACKIE MULRYNE | LIBBY AMOS-STONE | COMMENT

Drug companies should tread carefully on social media

Promoting prescription-only products can sit uneasily with prohibition in the UK and EU

Jackie Mulryne | Libby Amos-Stone

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The freedom with which businesses promote products and share news through social media is taken for granted, but for pharmaceutical companies, the likes of Twitter and LinkedIn can be a regulatory digital minefield.

The global reach and ease of sharing material on social media does not sit comfortably with the prohibition in the UK and EU on advertising prescription-only medicines to the public.

Linked to this, the inability to control who has access to content owing to the prevalent use of social media by employees and affiliated third parties means that for pharmaceutical

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Pharmaceutical firms are responsible for everything that is published on their behalf
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These risks have resulted in many companies being found in breach of self-regulatory codes, and a view that an increasingly strict interpretation is being taken by authorities.

For example, the UK's Prescription Medicines Code of Practice Authority has investigated more than 60 cases of activity on LinkedIn. The "liking" of a post by a company employee from their private account has been found to constitute proactive dissemination of that post to the employee's connections. Job titles that include names of medicines or disease areas could amount to the promotion of a particular product to the public.

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The authority has also investigated a post on an employee's personal Instagram account that sang the praises of a friend who had previously provided services for the pharmaceutical company. These activities have each been seen as unlawful advertising and have led to enforcement against the pharmaceutical company.

Last week, the authority published much-anticipated guidance to assist companies with negotiating the growing reach of social media without falling foul of the rules on promotion. This covers many of the areas where companies have experienced difficulties, including use of hashtags and links, and working with influencers, and sets out how the regulator will view such activities, as well as helpful examples of what might be acceptable.

For example, using a social media influencer might be acceptable where that person is living with the condition and shares disease information to counteract misinformation.

Ultimately, pharmaceutical companies are responsible for everything that is published on their behalf, on any platform, including where it is posted by third parties or employees from private accounts. Clear, country-specific policies and contractual provisions should set out expectations and boundaries regarding online behaviour, and regular social media use training for employees is essential. Transparency is also key – users should be aware from the outset if a pharmaceutical company was involved in the content they are viewing.

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What is clear is that Promoting prescription-only products can sit uneasily with prohibition in the UK and EU

Jackie Mulryne is a partner and Libby Amos-Stone is counsel at the London office of the US law firm Arnold & Porter

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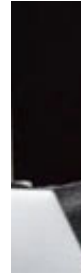
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