

MSLs and LinkedIn: When does the ABPI Code apply?

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In April 2018, the PMCPA published a case (AUTH/2988/10/17, summarised in the table below) relating to the use of LinkedIn by an Otsuka MSL.

The learning points not only affect MSLs but all UK pharma employees.

The complainant, an Otsuka employee, alleged that an MSL *blatantly* promoted Otsuka medicines on LinkedIn for 6 months. It is unclear why the employee did not raise this directly with the MSL, their manager or internal compliance, nor why they waited 6 months until they complained to the PMCPA...

Complaint	Response	Panel Ruling
A <u>LinkedIn message</u> was sent to a member of the public about tolvaptan, with a link to a financial website containing favourable data for off label use.	The article reproduced was an Otsuka global press release. Unlicensed data (tolvaptan) was mentioned and PI was not provided.	<u>This message breached the Code because:</u> constituted promotion to the public, contained unlicensed info which was misleading, had not been certified and did not have PI (prescribing information).
A <u>LinkedIn post</u> about brexiprazole sent readers to an article saying the medicine had been accepted for review by the EMA.	The article reproduced was an Otsuka global press release. Unlicensed medicine (brexpiprazole) was mentioned and PI was not provided.	<u>This post breached the Code because:</u> constituted promotion of a POM to the public which was promoted before the grant of a licence.
A <u>LinkedIn post</u> advertised Equelle, a non-hormonal supplement.	Equelle was not a POM therefore no promotion of a POM to the public had occurred.	<u>This post was not a breach of the Code because:</u> Equelle was not a POM (prescription only medicine).
	LinkedIn posts had been deleted. Social media policies were re-circulated with online retraining and face-to-face training. MSL was up-to-date with all training and tests.	This case did not breach Clause 2 because: Policies and training were in place. The posts were made by an employee on a personal account without Otsuka's knowledge or approval.

For complaints about LinkedIn, Code applicability depends on who the sender is AND the content of their posts/messages. In this case, as these were NOT entirely independent of Otsuka, the Code applied. A pharma company will therefore be responsible for such posts, irrespective of whether or not they are aware of them.

This case suggests that pharma should give clear and unambiguous guidance on the use of social media to all employees, to include the content of their personal profiles, professional vs personal use and suitable types of posts to share.