

COMPLAINANT v GEDEON RICHTER

Company website

A complainant, who described him/herself as a concerned UK health professional, complained about the online Gedeon Richter Resource Centre which provided training for health professionals and resources to use with patients.

The complainant, not sure whether the website was promotional, noticed a link to prescribing information for Esmya (ulipristal acetate), Levosert (levonorgestrel) and Bemfola (follitropin alfa) in the lower left-hand corner of the webpage provided. The generic name was not stated for any of these three products.

The complainant stated that when he/she went to the resources tab, he/she realised that it was definitely a promotional website, albeit disguised. All the information was about the medicines although again, the generic names were missing. The complainant noted that the top left of the webpages stated 'Education and Support in Women's Health'.

The complainant stated that there was nothing to stop the general public using the website, nor resources just for the general public, so the website also promoted to the general public.

The detailed response from Gedeon Richter is given below.

The Panel noted Gedeon Richter's submission that the Richter Resource Centre website did not link from the UK corporate website. According to Gedeon Richter, it was a promotional website with educational content and was not designed to be accessed by the public. It was designed primarily for health professionals and the company only promoted it to health professionals in a way which was very targeted eg via a leavepiece. Gedeon Richter submitted that there was a remote possibility that a member of the public could stumble upon the website by chance.

The Panel noted that the opening page of the Richter Resource Centre website provided by Gedeon Richter stated 'this website is intended for healthcare professionals in the UK and Ireland seeking information and training on women's health'. It then asked the reader to select 'I am a healthcare professional' or 'I am a member of the public'. Below this was reference to Gedeon Richter and its women's health division being dedicated to the development of innovative products. It stated that as part of its commitment the company strove to help health professionals manage women's health conditions and had developed the educational programme alongside a faculty of independent UK based women's health experts.

The webpage provided by the complainant was the homepage of the health professional section of the website that was displayed after the 'I am a healthcare professional' option

was selected. It appeared to the Panel that the complaint concerned the health professional part of the website only and the Panel considered the complaint on this basis whilst noting that Gedeon Richter had responded more broadly.

The Panel noted that in the top left-hand corner of the home page of the health professional section of the website it stated 'Richter Resource Centre Education and Support in Women's Health'. It included four tabs at the top of the page: 'About'; 'Resources'; 'My courses'; and 'Webinars'. It then welcomed readers to the Richter Resource Centre and explained that it was an online portal developed as part of Gedeon Richter's ongoing commitment to the health of women and to health professionals who managed women's health conditions. It stated, among other things, that the Richter Resource Centre provided online training through webinars, live training events and self-taught modules and described that there was also a wealth of resources available for download to use and/or share with health professional peers and patients. It then described the Richter women's health steering committee as a multi-disciplinary team of women's health experts from across the UK with a goal to improve the knowledge and skills of UK health professionals and provide training and resources to improve the diagnosis, treatment and management of women's health. There were links to the prescribing information for Esmya, Levosert and Bemfola in the lower left-hand corner of the webpage.

The Panel noted Gedeon Richter's submission that clarity regarding the content of the health professional section of the website, which overall was promotional, could be improved so that health professionals knew that they were entering a promotional website.

The Panel noted that although promotional material did not need to be labelled as such, it must not be disguised, and should otherwise comply with the Code. The Panel noted its description of the website above including the reference to Gedeon Richter and Gedeon Richter's submission regarding how health professionals were directed to the website. The Panel noted that the opening page of the Richter Resource Centre website asked readers to select that they were health professionals before accessing the webpages at issue which were aimed at health professionals. Noting the information on both the opening page of the Richter Resource Centre website and the homepage of the health professional section of the website, in the Panel's view, health professionals visiting the webpages at issue would be aware that the material was developed by Gedeon Richter for health professionals and, on the balance of probabilities, given the broad definition of promotion in the Code, would be likely to assume that it would include material on Gedeon Richter's medicines and therefore be promotional. The homepage of the health professional section of the website included links to prescribing information. In the Panel's view, the webpages in question were promotional and the complainant had not established that they were disguised in that regard. The Panel therefore ruled no breach of the Code.

The Panel noted the complainant's concern that the generic names were missing next to the product names on the homepage of the health professional section of the website provided as well as on the resources tab section. The Panel noted Gedeon Richter's submission that the lack of generic names next to the brand names clearly needed to be corrected and fell short of the Code. The Panel ruled a breach of the Code as acknowledged by Gedeon Richter.

The Panel noted that the Code required that promotional material about prescription only medicines directed to a UK audience which was provided on the Internet must comply with all relevant requirements of the Code. Supplementary information stated that unless access to promotional material about prescription only medicines was limited to health professionals and other relevant decision makers, a pharmaceutical company website or a company sponsored website must provide information for the public as well as promotion to health professionals with the sections for each target audience clearly separated and the intended audience identified. This was to avoid the public needing to access material for health professionals unless they chose to. The Panel noted Gedeon Richter's submission that if readers selected that they were members of the public on the opening page of the Richter Resource Centre website they were directed to a non-promotional website where there was no mention of any specific product and only readers that selected the 'I am a healthcare professional' were directed to the health professional section of the Richter Resource Centre website which was the subject of complaint. The Panel considered that the opening page of the Richter Resource Centre website made the intended audience of the health professional webpages in question clear. Access to the health professional section of the website had been restricted in line with the requirements of the Code and its supplementary information and therefore no breach of the Code was ruled.

Noting its comments and ruling above, the Panel did not consider that the complainant had shown that, on the balance of probabilities, the health professional section of the Richter Resource Centre website constituted promotion of prescription only medicines to the public and no breach of the Code was ruled.

The Panel noted its comments and ruling above with regard to failure to include the non-proprietary name on the homepage and resources page of the health professional section of the website and considered that Gedeon Richter had, on balance, failed to maintain high standards and a breach of the Code was ruled.

The Panel did not consider that the particular circumstances in this case warranted a ruling of a breach of Clause 2, which was a sign of particular censure and reserved for such. No breach of Clause 2 was ruled.

A complainant who described him/herself as a concerned UK health professional complained about the online Gedeon Richter Resource Centre which provided training for health professionals and resources to use with patients.

COMPLAINT

The complainant was not sure whether website was promotional but noticed a link to prescribing information for Esmya (ulipristal acetate), Levosert (levonorgestrel) and Bemfola (follitropin alfa) in the lower left-hand corner of the webpage (copy provided). The generic name was not stated for any of these three products.

The complainant stated that when he/she went to the resources tab, he/she realised that it was definitely a promotional website, albeit disguised. All the information was about the medicines although again, the generic names were missing. The complainant noted that the top left of the webpages stated 'Education and Support in Women's Health'.

The complainant stated that there was nothing to stop the public using the website, nor resources just for the public, so the website also promoted to the public.

When writing to Gedeon Richter, the Authority asked it to consider the requirements of Clauses 2, 4.3, 9.1, 12.1, 26.1 and 28.1 of the Code.

RESPONSE

Gedeon Richter stated that it agreed with some but not all of the concerns raised, and it had acted as quickly as it could to take the website down. The website would not be reactivated until necessary changes had been made.

With regard to disguised promotion, Gedeon Richter acknowledged that clarity regarding the content of the website could be improved i.e. the actual content under the health professional section of the website, which was mainly, but not exclusively, centred around Gedeon Richter products and how to use them. There was further material in terms of courses and disease area information. However, overall, the content was promotional, albeit also educational.

Gedeon Richter stated that it could improve clarity by adding a very clear page so that health professionals knew they were entering a promotional website. At that point the company would provide a list of all the products covered by the site, to show brand names with the generic names appearing immediately adjacent. The company would also index other content on this initial page so readers could easily navigate to what was relevant to them. Gedeon Richter considered that the above changes would leave health professionals in no doubt about the promotional nature of the website they were entering.

With regard to Clause 4.3, Gedeon Richter acknowledged the lack of generic names next to the brand names which clearly needed to be corrected and fell short of the Code.

With regard to the links to the prescribing information via tabs on the lower left-hand side of the site, Gedeon Richter stated that these were placed in error and were wholly unintentional on its part; they were meant to form part of the health professionals' site (post click through). The company categorically did not intend for them to form part of the opening page and it apologised for that.

Gedeon Richter stated that it did not promote its prescription only medicines to the public; it hoped this was made abundantly clear by the otherwise close adherence to Clause 28.1. The title of the website was prominent and stated that the site was for health professionals who sought information and training on women's health. From the opening page the company had clearly separated the possible audiences via click-through buttons. If members of the public entered the site, they would be directed to a non-promotional website which included no mention of any specific product. Gedeon Richter considered that reasonable steps had been taken to prevent the public accessing promotional content.

Gedeon Richter submitted that it was very unfortunate that prescribing information appeared on the opening page and this was not the company's intention. Gedeon Richter noted that the links to the prescribing information were very small and unless a member of the public specifically looked at that part of the page, they would in the main, go unnoticed. Furthermore, when members of the public clicked to their part of the website, the prescribing information

disappeared. Gedeon Richter did not consider that the error, *per se*, constituted a breach of Clause 28.1.

Gedeon Richter submitted that the overall layout of the website, the title and the fact that the links to the prescribing information were not present once members of the public had clicked through their button, reflected the company's attention to the spirit of Clause 28.1 and therefore also 26.1. The company hoped that this also added substance to the fact that the prescribing information appeared on the opening page as an unintentional error.

Gedeon Richter denied that it had breached Clause 28.1 (and also in that context 26.1); it had not 'promoted' to the public.

Gedeon Richter acknowledged that in view of the errors cited above, it had failed to meet its own high standards, and those of the industry. The company submitted that it might thus have breached Clause 9.1.

The company sought to improve its processes and had put measures in place to ensure that the errors seen on the website would not reoccur either on another website or indeed any other Gedeon Richter material.

In response to a request for further information Gedeon Richter provided further information about the material accessed by users if they clicked through to the site directed at members of the public. Gedeon Richter submitted that over the years, health professionals had been directed to the Richter Resource Centre via promotional leavepieces and invitations to webinars, inclusion on medical education videos and webinars and by word of mouth by the sales force.

Gedeon Richter submitted that it only promoted the site to health professionals and it did not link from the UK corporate website. The website was designed primarily for health professionals. It was a promotional site with educational content. It was not designed to be accessed by the public, and as such Gedeon Richter did not promote it in any way in public fora or via any website that was publicly accessible. All promotion of the site to health professionals (as mentioned above) was very targeted eg via a leavepiece for a health professional – specifically so as to not direct the public to this site. Gedeon Richter noted that a Google search using key words relevant to the various disease areas in which the company was involved, would not find the Richter Resource Centre; key words were not recognisable.

Gedeon Richter submitted that a member of the public would need to stumble upon this website by chance, and at no point had the company tried to divert the public to it. However, given that there was a remote chance that the public could get to the website, Gedeon Richter would now update it to provide some more balanced information, as stated above.

PANEL RULING

The Panel noted Gedeon Richter's submission that the Richter Resource Centre website did not link from the UK corporate website. According to Gedeon Richter, it was a promotional website with educational content and was not designed to be accessed by the public, and therefore Gedeon Richter did not promote it to the public or via any website that was publicly accessible. It was designed primarily for health professionals and the company only promoted it to health professionals in a way which was very targeted eg via a leavepiece. The Panel further noted

Gedeon Richter's submission that a Google search using key words relevant to the various disease areas in which the company was involved, would not find the Richter Resource Centre key words were not recognisable. However, Gedeon Richter submitted that there was a remote possibility that a member of the public could stumble upon the website by chance.

The Panel noted that the opening page of the Richter Resource Centre website provided by Gedeon Richter stated 'this website is intended for healthcare professionals in the UK and Ireland seeking information and training on women's health'. It then asked the reader to select 'I am a healthcare professional' or 'I am a member of the public'. Below this was reference to Gedeon Richter and its women's health division being dedicated to the development of innovative products. It stated that as part of its commitment the company strove to help health professionals manage women's health conditions and had developed the educational programme alongside a faculty of independent UK based women's health experts.

The webpage provided by the complainant was the homepage of the health professional section of the website that was displayed after the 'I am a healthcare professional' option was selected. It appeared to the Panel that the complaint concerned the health professional part of the website only and the Panel considered the complaint on this basis whilst noting that Gedeon Richter had responded more broadly.

The Panel noted that in the top left-hand corner of the home page of the health professional section of the website it stated 'Richter Resource Centre Education and Support in Women's Health'. It included four tabs at the top of the page: 'About'; 'Resources'; 'My courses'; and 'Webinars'. It then welcomed readers to the Richter Resource Centre and explained that it was an online portal developed as part of Gedeon Richter's ongoing commitment to the health of women and to health professionals who managed women's health conditions. It stated, among other things, that the Richter Resource Centre provided online training through webinars, live training events and self-taught modules and described that there was also a wealth of resources available for download to use and/or share with health professional peers and patients. It then described the Richter women's health steering committee as a multi-disciplinary team of women's health experts from across the UK with a goal to improve the knowledge and skills of UK health professionals and provide training and resources to improve the diagnosis, treatment and management of women's health and listed the committee members. There were links to the prescribing information for Esmya, Levosert and Bemfola in the lower left-hand corner of the webpage.

The Panel noted Gedeon Richter's submission that links to the prescribing information for Esmya, Levosert and Bemfola had been placed in error on the lower left-hand side of the opening page of the overall Richter Resource Centre website; they were meant to form part of the health professionals' website. The Panel made no ruling in this regard as the opening page to Richter Resource Centre website was not the subject of the complaint.

The Panel noted Gedeon Richter's submission that clarity regarding the content of the health professional section of the website, which overall was promotional, could be improved so that health professionals knew that they were entering a promotional website.

The Panel noted that although promotional material did not need to be labelled as such, it must not be disguised, and should otherwise comply with the Code. The Panel noted its description of the website above including the reference to Gedeon Richter and Gedeon Richter's submission regarding how health professionals were directed to the website. The Panel noted

that the opening page of the Richter Resource Centre website, described above, asked readers to select that they were health professionals before accessing the webpages at issue which were aimed at health professionals. Noting the information on both the opening page of the Richter Resource Centre website and the homepage of the health professional section of the website, in the Panel's view, health professionals visiting the webpages at issue would be aware that the material was developed by Gedeon Richter for health professionals and, on the balance of probabilities, given the broad definition of promotion at Clause 1.2, would be likely to assume that it would include material on Gedeon Richter's medicines and therefore be promotional. The homepage of the health professional section of the website included links to prescribing information. In the Panel's view, the webpages in question were promotional and the complainant had not established that they were disguised in that regard. The Panel therefore ruled no breach of Clause 12.1.

The Panel noted Gedeon Richter's submission that the lack of generic names next to the brand names clearly needed to be corrected and fell short of the Code. The Panel ruled a breach of Clause 4.3 in relation to the homepage and the resources page of the health professional section of the website as acknowledged by Gedeon Richter.

The Panel noted that Clause 28.1 required that promotional material about prescription only medicines directed to a UK audience which was provided on the Internet must comply with all relevant requirements of the Code. The supplementary information to Clause 28.1 stated that unless access to promotional material about prescription only medicines was limited to health professionals and other relevant decision makers, a pharmaceutical company website or a company sponsored website must provide information for the public as well as promotion to health professionals with the sections for each target audience clearly separated and the intended audience identified. This was to avoid the public needing to access material for health professionals unless they chose to. The Medicines and Healthcare products Regulatory Agency (MHRA) Blue Guide stated that the public should not be encouraged to access material which was not intended for them. The Panel noted Gedeon Richter's submission that if readers selected that they were members of the public on the opening page of the Richter Resource Centre website they were directed to fibroidsconnect.co.uk, a non-promotional website which covered general information pertinent to certain aspects of women's health where there was no mention of any specific product; only readers who selected the 'I am a healthcare professional' option were directed to the health professional section of the Richter Resource Centre website which was the subject of complaint. The Panel considered that the opening page of the Richter Resource Centre website made the intended audience of the health professional webpages in question clear. Access to the health professional section of the website had been restricted in line with Clause 28.1 and its supplementary information and therefore no breach of Clause 28.1 was ruled.

The Panel noted that Clause 26.1 stated that prescription only medicines must not be advertised to the public. Noting its comments and ruling above, the Panel did not consider that the complainant had provided evidence to show that, on the balance of probabilities, the health professional section of the Richter Resource Centre website constituted promotion of prescription only medicines to the public and no breach of Clause 26.1 was ruled.

The Panel noted its comments and ruling above with regard to failure to include the non-proprietary name on the homepage and resources page of the health professional section of the website and considered that Gedeon Richter had, on balance, failed to maintain high standards and a breach of Clause 9.1 was ruled.

The Panel did not consider that the particular circumstances in this case warranted a ruling of a breach of Clause 2, a sign of particular censure and reserved for such. No breach of Clause 2 was ruled.

Complaint received **28 October 2019**

Case completed **24 April 2020**