

COMPLAINANT v CELGENE

Promotion of Otezla

A complainant, who described him/herself as a concerned UK health professional, complained that an advertisement for Otezla (apremilast), placed on bmj.com by Celgene Limited, had no unique identifier or a link to prescribing information; it appeared that the material had not been certified. Otezla was indicated for psoriatic arthritis and psoriasis.

The response from Celgene is detailed below.

The Panel noted that the material in question, described by Celgene as an information tile entry point for Otezla advertising materials, bore the brand name and logo above a claim for the product and appeared on the BMJ website on a page which hosted content from companies/advertisers. Clicking on the tile led the reader to a promotional microsite for Otezla, the top of the first screen read 'Prescribing information and adverse event reporting information can be found at the bottom of this webpage'.

The Panel noted that the first part of the material seen by the reader was the tile on the BMJ webpage. Noting the broad definition of promotion, the Panel considered that the content of the tile was promotional. In the Panel's view, given that readers might not click through to the microsite, the tile should include a statement as to where prescribing information could be found by way of a clear and prominent direct single click. The Panel ruled a breach of the Code in relation to the failure to provide prescribing information, as acknowledged by Celgene.

The Panel noted Celgene's submission that the tile was reviewed and certified as part of the microsite website. The Panel noted that the certificate in question certified the website; the tile was listed as one of a number of attachments to the job bag; none of which were the subject of the certificate. Such attachments would need to be separately certified. It appeared to the Panel on the information before it that the tile had not been certified. A breach of the Code was ruled.

With regard to the absence of a unique identifier on the material at issue, the Code did not refer to such but they were referred to in the guidelines on company procedures relating to the Code as good practice as a way of ensuring that a certificate was linked to a specific piece of material. No clause had been raised in relation to the matter and so the Panel made no ruling.

A complainant who described him/herself as a concerned UK health professional, complained about an advertisement for Otezla (apremilast) placed on bmj.com by Celgene Limited. Otezla was indicated for psoriatic arthritis and psoriasis.

COMPLAINT

The complaint stated that the material appeared to be promotional but the lack of a unique identifier or a link to prescribing information appeared to indicate that it had not been certified.

When writing to Celgene, the Authority asked it to respond to the requirements of Clauses 4.1 and 14.1 of the Code.

RESPONSE

Celgene noted that the BMJ was a weekly print and online publication intended for health professionals. Part of the BMJ online offering, and on a separate page on the BMJ website, was hosted content available from companies/advertisers under bmj.com/hosted-content. Celgene provided a screen grabbed image of that page to show how the hosting of content appeared.

The hosted page showcased the availability of a variety of company advertising materials by use of information 'tiles' as an entry point to the full advertising materials. In this case the Otezla tile was used as entry point to a company Otezla microsite and on reflection, Celgene accepted that the tile should have carried a statement as to where the prescribing information could be found and, in that regard, it accepted a breach of Clause 4.1.

Celgene submitted that it had not breached Clause 14.1 because the information tile was reviewed and certified as part of the microsite website. A copy of the relevant certificate was provided. The information tile was contained within the job bag for the full microsite.

PANEL RULING

The Panel noted that the material in question appeared on the BMJ website on what was described as a BMJ-hosted page which, according to Celgene, contained hosted content available from companies/advertisers. What Celgene described as a tile entry point for Otezla, bore the prominent brand name and logo above the claim 'Don't let psoriasis or psoriatic arthritis hold your patients back. Help your patients move forward with Otezla'. Clicking on the tile led the reader to a promotional microsite for Otezla, the top of the first screen read 'Prescribing information and adverse event reporting information can be found at the bottom of this webpage'.

The Panel noted that the first part of the material seen by the reader was the tile advertisement on the BMJ hosted content webpage. Noting the broad definition of promotion at Clause 1.2, the Panel considered that the content of the tile was promotional. In the Panel's view, given that readers might not click through to the microsite, the tile should include a clear and prominent statement as to where prescribing information could be found by way of a clear and prominent direct single click. The Panel ruled a breach of Clause 4.1 in relation to the failure to provide prescribing information, as acknowledged by Celgene.

The Panel noted Celgene's submission that the material in question was reviewed and certified as part of the microsite website. The Panel noted that the certificate in question certified the website to which the tile was linked. It appeared that the tile in question was listed as an attachment to the job bag along with eight other background documents including two detail aids, videos and documents from The National Institute for Health and Clinical Excellence (NICE). None of the attachments including the tile, which provided context to the linked website, were the subject of that certificate. The Panel noted that the certification of the subject matter of a job bag did not extend to material provided as background attachments to that job bag. Such attachments would need to be

separately certified. It appeared to the Panel on the information before it that the information tile had not been certified. A breach of Clause 14.1 was ruled.

The Panel noted that the complainant also referred to the absence of a unique identifier on the tile. The Code did not refer to unique identifiers but they were referred to in the Guidelines on Company Procedures Relating to the Code of Practice in relation to 'Certification of Promotional Material'. They were considered good practice as a way of ensuring that a certificate was linked to a specific piece of material. No clause had been raised in relation to this matter and so the Panel made no ruling.

Complaint received **7 October 2019**

Case completed **14 February 2020**