CASE AUTH/3328/4/20

ANONYMOUS v GLAXOSMITHKLINE

Ilegibility of the non-proprietary name

An anonymous individual, who described him/herself as a concerned UK health professional, complained that he/she could not read the generic name under the brand name in an advertisement for Avamys (fluticasone furoate nasal spray) placed on the Pulse website (pulsetoday.co.uk) by GlaxoSmithKline. Avamys was indicated for the treatment of the symptoms of allergic rhinitis in adults, adolescents and children (6 years and over).

The detailed response from GlaxoSmithKline is given below.

The Panel noted that whilst the final form pdf of the advertisement was certified, company procedure required two separate file formats to be reviewed before approval, including image files on laptop/desktop at 100% magnification to check the legibility of obligatory information and HTML files in the staging environment to check all links, functionality and any other dynamic aspects. The HTML files had not been reviewed as required.

The Panel noted GlaxoSmithKline's submission that the HTML file showed that the non-proprietary name was small and difficult to read on the advertisement at issue; the Panel therefore ruled a breach of the Code as acknowledged by GlaxoSmithKline.

The Panel noted the failure to review the HTML file, as required by company procedures before final approval, meant that the illegibility of the non-proprietary name had not been identified. The Panel thus considered that high standards had not been maintained and a further breach of the Code was ruled as acknowledged by GlaxoSmithKline.

An anonymous individual, who described him/herself as a concerned UK health professional, complained about an advertisement for Avamys (fluticasone furoate nasal spray) placed on the Pulse website (pulsetoday.co.uk) by GlaxoSmithKline. News items dominated the centre of the webpage at issue and the advertisement appeared in a highlighted box on the right-hand side of the screen; the brand name was in the bottom right-hand corner of the box. Avamys was indicated for the treatment of the symptoms of allergic rhinitis in adults, adolescents and children (6 years and over).

COMPLAINT

The complainant provided a screenshot of the webpage at issue and noted that the advertisement for Avamys was close to illegible. The complainant stated that he/she could not see the generic name of the product under the brand name; even if he/she zoomed in on the advertisement the generic name was not easily readable.

When writing to GlaxoSmithKline, the Authority asked it to consider the requirements of Clauses 4.3 and 9.1 of the Code.

RESPONSE

GlaxoSmithKline noted that the complaint referred to a dynamic digital banner advertisement (ref PM-GB-FLF-BNNR-190003) (03) for Avamys on the Pulse website. The advertisement

was comprised of five rotating frames which appeared in sequential order. Each frame was visible for four seconds, making the whole advertisement 20 seconds long. The final form pdf of the item was certified as a dynamic digital banner advertisement in July 2019. Three different sizes of the advertisement were certified in job 03: resolution 300x250 (5 frames) (subject of the complaint), resolution 728x90 (5 frames), and resolution 300x50 (11 frames). The non-proprietary name was present and legible on all three sizes of the final pdf.

GlaxoSmithKline noted that the screenshot attached by the complainant was of low resolution which made evaluation of what exactly he/she viewed challenging. Therefore, after receiving the complaint there was a full investigation into the banner advertisement. The HTML file contained within the Content Lab Job Bag showed that the non-proprietary name was small and difficult to read on the 300x250 and 300x50 banner advertisements. Furthermore, it appeared that the final signatory had not reviewed the HTML file as required by company procedures. The banner advertisement at issue was published from 23 August until 23 September 2019 on various websites (details provided). Its next and final run was from 29 January until 3 April 2020 on Pulse (pulsetoday.co.uk) and other websites (details provided). The advertisement was removed from circulation on 23 March 2020 in order to introduce a new digital campaign later in April. This discontinuation was completed on 3 April 2020.

GlaxoSmithKline noted that in relation to digital advertising, Clause 4.3 required the non-proprietary name of a medicine or the list of active ingredients, to appear immediately adjacent to the brand name at its first appearance in a size such that the information was readily readable. GlaxoSmithKline noted that the non-proprietary name was appropriately placed but that it was not readily readable on the banner advertisements. GlaxoSmithKline thus acknowledged a breach of Clause 4.3.

GlaxoSmithKline noted that it had guidance on banner advertisements (copy provided) to ensure that they complied with the Code and that they were readily viewable on any screen size given the various devices upon which they might be seen. The guidance specified that final form review must include the review of two separate file formats before approval:

- Image files (eg gif, jpeg): to check the legibility of obligatory information in the image files for each size in which the banner advertisement would appear by viewing the image files on laptop/desktop at 100% magnification to determine legibility.
- HTML files in staging environment: to check all links, all functionality and any other dynamic aspects in the HTML file in a staging environment.

It was clear that on this occasion the second step was omitted.

GlaxoSmithKline stated that a review of the 11 Avamys banner advertisements approved for UK use in 2019/20 revealed that two others had similar legibility issues (details provided). Similar to the advertisement at issue, three sizes of the same banner advertisement content were certified in each of these jobs (resolution 300x250, 728x90 and 300x50). These items were in use at the same time as the banner advertisement at issue and were also in breach of Clause 4.3 as the non-proprietary name was not readily readable and they had thus also been withdrawn from circulation (on 27 March and 27 April 2020). Furthermore, the 2020 Avamys digital campaign had been placed on hold.

GlaxoSmithKline stated that it was not currently publishing any Avamys content on UK health professional websites. The company had suspended the approval of promotional items by the those who had been involved in the approval of the items at issue pending assessment of their understanding of company procedures and knowledge of the Code. In addition, relevant staff would be retrained on the company guidance on banner advertisements.

GlaxoSmithKline regretted that three promotional items had a non-proprietary name that was not readily readable. The company had a detailed and up-to-date process in place for the approval of digital banner advertisements to ensure that they complied with the Code. GlaxoSmithKline submitted that it strove to maintain high standards for digital materials by providing clear guidance, training and education. Following the complaint, the company quickly reviewed all banner advertisements and on identifying that unfortunately this was not an isolated case, it had acted to ensure that the error did not happen again. GlaxoSmithKline accepted that a breach of Clause 4.3 would be ruled on the additional items highlighted in this complaint and would await confirmation as to whether this would be ruled as part of Case AUTH/3328/4/20 or whether a separate voluntary submission would be required.

PANEL RULING

The Panel noted that Clause 4.3 stated that for electronic advertisements the non-proprietary name of the medicine or the list of active ingredients must appear immediately adjacent to the brand name at its first appearance in a size such that the information was readily readable.

The Panel noted that whilst the final form pdf of the item at issue was certified as a dynamic digital banner advertisement in July 2019, it was company procedure that final form review included the review of two separate file formats before approval, including image files to check the legibility of obligatory information for each size in which the banner advertisement would appear by viewing the image files on laptop/desktop at 100% magnification, and HTML files in the staging environment to check all links, functionality and any other dynamic aspects.

The Panel noted GlaxoSmithKline's submission that the HTML file within the job bag for the digital banner advertisement showed that the non-proprietary name was small and difficult to read on the 300x250 resolution (the version of the advertisement at issue); the Panel therefore ruled a breach of Clause 4.3 as acknowledged by GlaxoSmithKline.

The Panel noted the final signatory's failure to review the HTML file, as required by company procedures before final approval, meant that the illegibility of the non-proprietary name had not been identified. The Panel thus considered that high standards had not been maintained and a breach of Clause 9.1 was ruled as acknowledged by GlaxoSmithKline.

During the consideration of this case, the Panel noted GlaxoSmithKline's submission that three different sizes of the advertisement were certified in job bag PM-GB-FLF-BNNR-190003: resolution 300x250 (5 frames) (subject of the complaint), resolution 728x90 (5 frames), and resolution 300x50 (11 frames). The Panel queried whether this was in line with the Guidelines on Company Procedures Relating to the Code of Practice which stated that different sizes and different layouts of a piece of promotional material should be separately certified and each should have its own unique reference number.

The Panel noted that GlaxoSmithKline's submission in relation to two additional Avamys banner advertisements approved for UK use in 2019/20 (refs PM-GB-FLF-BNNR-190001 and PM-GB-FLF-BNNR-190002 (01 and 02)), which had similar legibility issues, was taken up as a voluntary admission in Case AUTH/3341/5/20.

Complaint received **2 April 2020**

Case completed **10 July 2020**