

CASE AUTH/3347/5/20

MEMBER OF THE PUBLIC v STRIDES PHARMA

Promotion of Strivit D3 on LinkedIn

A member of the public complained that Strides Pharma UK Ltd had promoted Strivit D3 (colecalfiferol) to the public on LinkedIn. Strivit D3 was a prescription only medicine indicated for the prevention and treatment of vitamin D deficiency in adults and adolescents and as an adjunct to specific therapy for osteoporosis in patients with, or at risk of, vitamin D insufficiency.

The complainant provided links to the material at issue. It appeared that Vitabiotics Ltd had initially posted on LinkedIn a piece about the fact that the company had recently donated packs of its products to the NHS. The Vitabiotics post included a picture of a healthcare worker holding a pack of Ultra Vitamin D. Strides Pharma responded to that post with ‘Strivit D3, licensed, prescribed, kosher and halal recommendations!!’.

The complainant alleged that, in responding to the Vitabiotics post, Strides Pharma had clearly breached the Code by advertising Strivit D3 to the public.

The detailed response from Strides is given below.

The Panel noted that LinkedIn was a business and employment-oriented platform used mainly for professional networking. In the Panel’s view, it was not unacceptable for pharmaceutical companies to use LinkedIn accounts although they needed to be mindful of the numerous compliance issues that might arise. The Panel considered that companies should assume that the Code would apply to all of its LinkedIn posts unless, for very clear reasons, it could be shown otherwise; whether the Code applied would be determined on a case-by-case basis, taking into account all of the circumstances. The content of posted material would be a crucial factor. The Panel noted that the LinkedIn post at issue referred positively to Strivit D3 as ‘licensed, prescribed, kosher and halal recommendations!!’ and in that regard the Panel considered that the post contained claims for the product.

The Panel considered that the comment on LinkedIn from a senior employee of Strides Pharma would be read by a wide range of people including, on the balance of probabilities, members of the public particularly given that it was in response to a comment from Vitabiotics, a consumer-driven, nutritional healthcare company. The post referred positively to Strivit D3 which was a prescription only medicine. The Panel noted that the Code prohibited the promotion of a prescription only medicine to the public. The Panel thus considered that Strides Pharma’s positive comment about its prescription only medicine on Vitabiotic’s LinkedIn post promoted a prescription only medicine to members of the public. A breach of the Code was ruled.

The Panel noted its ruling above and, although it acknowledged that the comment on LinkedIn had been deleted, it nonetheless considered that high standards had not been maintained. A breach of the Code was ruled.

With regard to Clause 2, the Panel was extremely concerned that Strides Pharma appeared to consider that, provided that it did not refer to cost or financial implications, it could otherwise refer to Strivit D3 and its properties positively with no infringement of the Code. Further, it appeared that the company had not considered the implications of referring to a prescription only medicine on a social media platform open to the public. In the Panel's view, the senior employee's comment on LinkedIn demonstrated poor judgement and a lack of understanding of the Code. The Panel noted its comments and concerns above and considered that Strides Pharma had brought discredit upon, and reduced confidence in, the pharmaceutical industry. A breach of Clause 2 was ruled.

A member of the public complained that Strides Pharma UK Ltd had promoted Strivit D3 (colecalfiferol) to the public on LinkedIn. Strivit D3 was a prescription only medicine indicated for the prevention and treatment of vitamin D deficiency in adults and adolescents and as an adjunct to specific therapy for osteoporosis in patients with, or at risk of, vitamin D insufficiency.

The complainant provided links to the material at issue. It appeared that Vitabiotics Ltd had initially posted on LinkedIn a piece about the fact that the company had recently donated packs of its products to the NHS. The Vitabiotics post included a picture of a healthcare worker holding a pack of Ultra Vitamin D. Strides Pharma responded to that post with 'Strivit D3, licensed, prescribed, kosher and halal recommendations!!'.

COMPLAINT

The complainant alleged that, in responding to the Vitabiotics post, Strides Pharma had clearly breached the Code by advertising Strivit D3 to the public.

When writing to Strides Pharma, the Authority asked it to consider the requirements of Clauses 26.1, 9.1 and 2 of the Code.

RESPONSE

Strides Pharma acknowledged that it had reached out to Vitabiotics on LinkedIn as the company was connected and admired the gesture that Vitabiotics had shown to the NHS. Strides Pharma stated that the company did not consider that mentioning its product properties with no costs or financial statements was an infringement to guidelines and it was never intended for financial gain but more for a response from Vitabiotics as Strides Pharma connected on certain other matters regularly on LinkedIn.

Strides Pharma stated that the post at issue had been deleted.

Strides Pharma stated that prior to this complaint being lodged it had recognised that it needed a regulatory and governance lead to overlook and approve any advertising or online content. Strides Pharma stated that it was looking for a permanent position but also working alongside a third party in the meanwhile.

Strides Pharma stated that it had made sure that any social media posts in relation to the UK business had been put on hold.

PANEL RULING

The Panel noted that LinkedIn was a business and employment-oriented platform used mainly for professional networking. In the Panel's view, it was not unacceptable for pharmaceutical companies to use LinkedIn accounts although they needed to be mindful of the numerous compliance issues that might arise. The Panel considered that companies should assume that the Code would apply to all of its LinkedIn posts unless, for very clear reasons, it could be shown otherwise; whether the Code applied would be determined on a case-by-case basis, taking into account all of the circumstances. The content of posted material would be a crucial factor. The Panel noted that the LinkedIn post at issue referred positively to Strivit D3 as 'licensed, prescribed, kosher and halal recommendations!!' and in that regard the Panel considered that the post contained claims for the product.

The Panel considered that the comment on LinkedIn from a senior employee of Strides Pharma would be read by a wide range of people including, on the balance of probabilities, members of the public particularly given that it was in response to a comment from Vitabiotics, a consumer-driven, nutritional healthcare company. The post referred positively to Strivit D3 which was a prescription only medicine. The Panel noted that Clause 26.1 prohibited the promotion of a prescription only medicine to the public. The Panel thus considered that Strides Pharma's positive comment about its prescription only medicine on Vitabiotic's LinkedIn post promoted a prescription only medicine to members of the public. A breach of Clause 26.1 was ruled.

The Panel noted its ruling above and, although it acknowledged that the comment on LinkedIn had been deleted, it nonetheless considered that high standards had not been maintained. A breach of Clause 9.1 was ruled.

With regard to Clause 2, the Panel was extremely concerned that Strides Pharma appeared to consider that, provided that it did not refer to cost or financial implications, it could otherwise refer to Strivit D3 and its properties positively with no infringement of the Code. Further, it appeared that the company had not considered the implications of referring to a prescription only medicine on a social media platform open to the public. In the Panel's view, the senior employee's comment on LinkedIn demonstrated poor judgement and a lack of understanding of the Code. The Panel noted its comments and concerns above and considered that Strides Pharma had brought discredit upon, and reduced confidence in, the pharmaceutical industry. A breach of Clause 2 was ruled.

Complaint received 12 May 2020

Case completed 1 December 2020