

COMPLAINANT v JANSSEN

Concerns regarding Janssen Response website

A contactable complainant, who described him/herself as a concerned UK health professional, complained about Janssen's Response website (janssenresponse.co.uk). The landing page of the website contained links to the prescribing information for Xeplion and Trevicta which were alternative formulations of paliperidone for injection, used in the treatment of schizophrenia.

The complainant noted that when he/she clicked on the links to prescribing information, a statement appeared to the effect that he/she was being directed to a third party website, however, the website to which he/she was directed was another owned and controlled by Janssen. More importantly, this required a further click to link to the prescribing information which was one more than was allowed.

The detailed response from Janssen is given below.

The Panel noted Janssen's submission that regional business managers provided a link to the Janssen Response website and log-in credentials to health professionals who were interested in the scheme and had completed the enrolment form. The scheme closed to new patients on 1 April 2020. The Panel noted that the Janssen Response scheme website landing page (the webpage at issue) could be accessed by selecting the appropriate link after a web search for 'Janssen Response'. Only health professionals with log-in credentials could enter the website past the landing page.

The top left-hand side of the landing page included links to the prescribing information for Xeplion and Trevicta.

The Panel noted that to access the prescribing information from the Janssen Response website landing page, users could click on the relevant links and were presented with a disclaimer webpage and would need to click on the 'Go to link' on this webpage. In doing so users were directed from the Janssen Response site to a different Janssen owned site to access the prescribing information. It was therefore not accurate for the disclaimer to state that viewers were being directed to a third-party website. The Panel therefore ruled a breach of the Code.

As two clicks were required, to access the prescribing information a further breach was ruled. The Panel ruled no breach of the Code as it did not consider that the particular circumstances of this case meant that high standards had not been maintained.

A contactable complainant, who described him/herself as a concerned UK health professional, complained about Janssen's Response website (www.janssenresponse.co.uk). The landing page of

the website contained links to the prescribing information for Xeplion and Trevicta which were alternative formulations of paliperidone for injection, used in the treatment of schizophrenia.

COMPLAINT

The complainant noted that when he/she clicked on the links to prescribing information, a statement appeared to the effect that he/she was being directed to a third party website, however, the website to which he/she was directed was another owned and controlled by Janssen. Much more importantly, this required a further click to link to the prescribing information that Janssen thought was required but was one more than was allowed.

When writing to Janssen, the Authority asked it to consider the requirements of Clauses 4.4, 7.2 and 9.1 of the Code.

RESPONSE

Janssen explained that the Janssen Response website was a Janssen-owned website, approved as a promotional item, set up to support the Janssen Xeplion Response Scheme (XRS) and the Janssen Trevicta Outcome Payment Scheme (TOPS), both of which allowed health professionals to submit claims to reimburse a trust if certain conditions were met in relation to the use of the two Janssen medicines. Details were provided.

As of 1 April 2020, no new mental health trust or patient enrolment in XRS or TOPS was possible. Patients enrolled in either scheme before 1 April 2020 would still be eligible for claims for rebate after that date if they met the response scheme criteria.

Regional business managers provided a link to the Janssen Response website and log-in credentials to health professionals who expressed an interest in either the XRS and/or the TOPS and who had completed the enrolment form. The Janssen Response scheme website landing page (ie the webpage under discussion) could also be accessed by selecting the appropriate link after a relevant search on a web search engine (eg Google search for 'Janssen Response'). No other Janssen material included a link to the Janssen Response website. Only health professionals with log-in credentials could enter the website past the landing page.

The landing page included: the name of the website, Janssen Response, along with a prominent statement 'for healthcare professionals'; the log-in fields and links to the prescribing information for Xeplion and for Trevicta. Users could access the links to prescribing information for Xeplion or Trevicta by clicking on the relevant link on the landing page; by doing so, for both links, they were directed to a disclaimer webpage that stated:

'You are leaving the Janssen Response website

You are being directed to a third-party website:

<https://www.janssen-pi.co.uk/en/product-information/24> [or <https://www.janssen-pi.co.uk/en/product-information/21>]

This link is provided for your convenience. Please note that this third-party website is not controlled by Janssen Response or subject to our privacy policy.

Thank you for visiting our site. We hope your visit was informative and enjoyable.'

Janssen submitted that the wording in this pop-up page was intended to reflect the requirements of Clause 28.6 which read 'It should be made clear when a user was leaving any of the company's sites, or sites sponsored by the company, or was being directed to a site which was not that of the company'. This was because the prescribing information for the two medicines was hosted on servers that were different to the Janssen Response site and the audience was leaving the Janssen Response site. However, the prescribing information pages were entirely owned and managed by Janssen, and only hosted Janssen content. Copies of the prescribing information for Xeplion and Trevicta, along with the certificates approving them, were provided.

In order to access the prescribing information, users needed to click on the 'Go to link' in the disclaimer webpage, thus requiring clicking on 2 links before accessing the prescribing information.

Janssen acknowledged that the Panel might consider that the Janssen Response webpage contravened the requirements of Clause 4.4: 'In the case of digital material such as advertisements in electronic journals, emails, electronic detail aids and suchlike, the prescribing information as required by Clause 4.1 might be provided either: by inclusion in the digital material itself, or by way of a clear and prominent direct single click link'. However, Janssen submitted that its intent was to provide clarity to the audience, and it was being consistent with the spirit of the Code.

The website material and the prescribing information were reviewed internally and signed off by one of the company signatories (details provided). Janssen acknowledged the complainant's concern about the number of clicks required to access the prescribing information and would redesign the site so that that was no longer the case. As part of the Janssen Response website redesign, access to links to prescribing information would only be available to health professionals in the website homepage, ie after the health professionals had logged in.

Janssen welcomed the Panel's thoughts on the potential breach of Clause 4.4 and understood if it was decided that a breach had occurred. However, as the landing page did not contain any claims, information or comparisons related to either Xeplion or Trevicta, Janssen did not consider that there had been a breach of Clause 7.2. Janssen also did not consider that it had failed to maintain high standards and therefore it denied a breach of Clause 9.1.

PANEL RULING

The Panel noted Janssen's submission that regional business managers provided a link to the Janssen Response website and log-in credentials to health professionals who were interested in the scheme and had completed the enrolment form. The scheme closed to new patients on 1 April 2020. The Panel noted that the Janssen Response scheme website landing page (the webpage at issue) could be accessed by selecting the appropriate link after a web search for 'Janssen Response'. Only health professionals with log-in credentials could enter the website past the landing page.

The top left-hand side of the landing page included links to the prescribing information for Xeplion and Trevicta. The Panel noted Janssen's submission that it was redesigning the website.

The Panel noted that to access the prescribing information from the Janssen Response website landing page, users could click on the relevant links and were presented with a disclaimer webpage and would need to click on the 'Go to link' on this webpage. In doing so users were directed from

the Janssen Response site to a different Janssen owned site to access the prescribing information. It was therefore not accurate for the disclaimer to state that viewers were being directed to a third-party website. The Panel therefore ruled a breach of Clause 7.2.

With regard to the accessibility of the prescribing information in relation to the requirement in Clause 4.4 of the Code, that prescribing information needed to be accessed by inclusion in the digital material itself or by way of a clear and prominent direct single click link, the Panel noted that the provision of prescribing information on the landing page did not meet this requirement. Two clicks were required, one which led to the disclaimer webpage and a second on the 'Go to link' on the disclaimer webpage to access the prescribing information. The Panel therefore ruled a breach of Clause 4.4.

The Panel did not consider that the particular circumstances of this case meant that high standards had not been maintained and therefore ruled no breach of Clause 9.1.

Complaint received **9 September 2020**

Case completed **16 February 2021**