

CASE AUTH/3879/2/24

COMPLAINANT v PFIZER

Alleged promotion of talazoparib on LinkedIn

CASE SUMMARY

This case was in relation to a LinkedIn post made by an independent cancer research charitable organisation and 'liked' by four UK-based Pfizer employees

The outcome under the 2021 Code was:

Breach of Clause 26.1	Advertising a prescription only medicine to the public
No Breach of Clause 5.1	Requirement to maintain high standards at all times

**This summary is not intended to be read in isolation.
For full details, please see the full case report below.**

FULL CASE REPORT

A complaint about Pfizer was received from an anonymous, non-contactable complainant.

COMPLAINT

The complaint wording is reproduced below:

“Pfizer employee 'liked' a LinkedIn post by [an independent cancer research charitable organisation] which named a Pfizer product. See post below and screen grab as supplied. ‘A new drug, talazoparib, will become the NHS’s first targeted treatment for advanced breast cancers caused by mutations to BRCA genes. Since our scientists helped discover BRCA genes in the 1990s, doctors have been able to use treatments like talazoparib to target common features of cancers caused by BRCA mutations. The National Institute for Health and Care Excellence (NICE) estimates that around 300 people in England will benefit from the new treatment, which can stop advanced HER2-negative breast cancers growing for longer than chemotherapy.’”

When writing to Pfizer, the PMCPA asked it to consider the requirements of Clauses 26.1 and 5.1 of the 2021 Code.

PFIZER'S RESPONSE

The response from Pfizer is reproduced below:

“Thank you for your letter dated 20th February 2024 concerning a complaint about the alleged promotional use of LinkedIn by a Pfizer employee. Pfizer takes its commitment to the ABPI Code extremely seriously, we have conducted a thorough investigation and our response to the complainant’s allegation is set out below.

Background Information:

The LinkedIn post was independently authored and published by [an independent cancer research charitable organisation] on 25th January 2024. The post stated that ‘A new drug, talazoparib, will become the NHS’s first targeted treatment for advanced breast cancers caused by mutations to BRCA genes.’ This post did not mention Pfizer and referred to final draft guidance published by NICE on 19th January 2024 which recommended talazoparib, within its marketing authorisation.

Talazoparib (Talzenna) is indicated as monotherapy for the treatment of adult patients with germline BRCA1/2-mutations, who have HER2-negative locally advanced or metastatic breast cancer. Patients should have been previously treated with an anthracycline and/or a taxane in the (neo)adjuvant, locally advanced or metastatic setting unless patients were not suitable for these treatments. Patients with hormone receptor (HR)-positive breast cancer should have been treated with a prior endocrine-based therapy, or be considered unsuitable for endocrine-based therapy.

The Summary of Product Characteristics (SmPC) for talazoparib is provided.

The LinkedIn post included a link to an article published on the [independent organisation’s] website giving more information about talazoparib and the recommendation from NICE.

NICE issued a press release on 19th January 2024, stating that 300 people in England may benefit from a new treatment for advanced breast cancer.

A press release regarding the NICE decision was also issued by Pfizer on 18th January 2024 and was embargoed until 19th January 2024. The press release was medically examined by a final medical signatory on 17th January 2024.

Pfizer did not have any contact with [the independent cancer research charitable organisation] in relation to the NICE decision and Pfizer’s press release was not provided by Pfizer to [the independent organisation].

Promotion to the public (Clause 26.1)

As identified by the complainant, a Pfizer colleague liked the LinkedIn post issued by [an independent cancer research charitable organisation] on 25th January 2024. On being made aware of the complaint, the colleague had no recollection of liking the post. It had therefore been liked unintentionally while scrolling through their personal LinkedIn feed. As an accidental like, there was no intent by the Pfizer colleague to

promote or to advertise talazoparib to Healthcare Professionals (HCPs) or the public. They were fully aware of Pfizer's Social Media policy having completed the interactive training module on 3rd May 2022, and they had also received a company-wide instruction to review the policy and check their own social media activity in February 2023 (please see further details below).

The colleague is a member of our [named corporate department]. They are not part of the talazoparib cross-functional team and do not support the Oncology Business Unit. At the time of receiving the complaint, the colleague had 629 connections and is a limited user of LinkedIn. The colleague is not an HCP and, whilst the majority of their connections are likely to have an interest in healthcare policy, their network includes members of the public.

The post that was unintentionally liked by the colleague contained information on a Pfizer Prescription Only Medicine (POM). Liking the post proactively disseminated information to the colleague's connections and thus promoted a POM to the public. Notwithstanding the circumstances of the 'like' both the colleague and Pfizer recognise that the colleague's action did not meet the requirements of Pfizer policy and the Code and as such we accept a breach of Clause 26.1. The colleague has removed their 'like' of the post, thus removing the post from their own LinkedIn feed.

Maintenance of high standards (Clause 5.1)

Pfizer UK has a comprehensive policy on personal use of social media in relation to Pfizer's business which prohibits colleagues from interacting with any social media related to medicines and vaccines, Pfizer's or any other manufacturers'. The policy is supported by an interactive training module including a brief knowledge check and a one-page quick reference guide. In addition, internal briefings to colleagues informing them of newsworthy company updates include a link to the Pfizer UK social media one-page quick reference guide.

Due to the public interest in the work being done by Pfizer during the pandemic, in 2020 an additional vaccine specific one-page quick reference guide was also created to further support colleagues' understanding during the pandemic period.

On receipt of complaint AUTH/3741/2/23 in February 2023, Pfizer issued a communication to all UK colleagues instructing them to review Pfizer's Social Media policy and the one-page guidance and to then examine and correct if required, their own personal social media activity for the period January 2020 – February 2023 to ensure consistency with Pfizer's Social Media policy and therefore the Code.

As complaint AUTH/3741/2/23 raised concerns specifically regarding the use of social media by senior leaders, an additional communication in February 2023 was sent to 250 UK based senior leaders asking them to review and actively confirm that their social media was in line with the Pfizer policy. Furthermore, due to the complexity of this area, the social media activity of the 22 most senior and high-profile UK based Pfizer leaders was audited by Pfizer's Code Approval Team.

Despite our extensive efforts and progress in this area we were disappointed to discover during our investigation of the current complaint that a further 3 UK based

colleagues across our workforce of 2600, had also liked the [independent cancer research charitable organisation's] post. The colleagues are not senior leaders and they do not work in the oncology commercial organisation. One of the colleagues joined Pfizer recently and is currently working in Supply and Distribution and completed their interactive social media training in April 2023. The other 2 colleagues are in Research and Development roles and had completed the interactive social media training in 2021 and had also received the instruction to review the policy and check their own activity in 2023. Two of the colleagues were not aware that the post referred to a Pfizer medicine and the third colleague was a former employee of [the independent cancer research charitable organisation]. Nonetheless, their actions are not consistent with our Social Media policy which states that interacting with social media by liking, sharing, commenting, or creating, content with direct or indirect reference to, or link to, information about licensed or unlicensed medicines (Pfizer or non-Pfizer medicines) is not permitted. The colleagues have removed their 'likes' of the post, thus removing the post from their own LinkedIn feeds.

We believe we have made significant progress in ensuring that employees in our UK organisation who work within or alongside our brand teams are compliant with our Social Media policy. We have also made significant efforts to ensure this extends to all UK-based colleagues, including those in global roles such as Research and Development. Going forwards we will intensify our efforts with these specific groups. In addition, we are in the process of reissuing the interactive social media training to all UK based colleagues, and this will now be repeated biannually. Despite our progress, we recognise that the errors that have been identified do not maintain the high standards expected of our industry and we therefore accept a breach of Clause 5.1.

As a company we are committed to ensuring our colleagues have a comprehensive understanding of the industry's restrictions on personal use of social media and we will continue to focus our efforts on upholding the highest standards in this area."

PANEL RULING

This case was in relation to a LinkedIn post made by an independent cancer research charitable organisation. The post mentioned Pfizer's medicine, talazoparib, in the context of it becoming "the NHS's first targeted treatment for advanced breast cancers caused by mutations to BRCA genes". The post included a link to an article on the organisation's website titled "NHS offers first drug targeting advanced breast cancers driven by BRCA gene mutations". The complainant alleged that the post had been 'liked' by a Pfizer employee.

The Panel accepted Pfizer's submission that the post was independently authored and published by the research organisation. As such, the Panel determined that the Code did not apply to the original post.

Pfizer acknowledged that the post had been 'liked' by the Pfizer employee identified by the complainant and a further three UK-based employees. In the Panel's view, the UK-based employees' engagement with the post would have proactively disseminated it to their LinkedIn connections in the UK, which included members of the public. The Panel determined that this brought the LinkedIn post within the scope of the UK Code. It was well established that if an employee's personal use of social media was found to be in scope of the Code, the company would be held responsible.

The Panel noted that the LinkedIn post contained the name of the drug (“talazoparib”), its indication (“targeted treatment for advanced breast cancers caused by mutations to BRCA genes”) and a claim regarding the medicine’s efficacy (“...estimates that around 300 people in England will benefit from the new treatment, which can stop advanced HER2-negative breast cancers growing for longer than chemotherapy”). The Panel considered that the proactive dissemination of the LinkedIn post by the four Pfizer employees to their connections, including members of the public, constituted promotion of a prescription only medicine to the public. The Panel therefore ruled a **breach of Clause 26.1**, as acknowledged by Pfizer.

The promotion of a prescription only medicine to members of the public was a serious matter. In deciding whether there was evidence in this case that Pfizer had failed to maintain high standards, the Panel took account of Pfizer’s submission that the LinkedIn post had been liked by four employees, none of whom were in senior roles or within the oncology part of the business. Pfizer submitted that all four employees had since removed the ‘like’ of the post.

Pfizer submitted that all four employees had received training on Pfizer’s social media policy, which included the requirement that “posts must not include direct or indirect reference to, or link to information about licensed or unlicensed medicines (Pfizer or non-Pfizer medicines)” in relation to interacting with third party social media related to Pfizer business. Pfizer also submitted further evidence of the actions taken to ensure employees understood and adhered to its social media policy – in the form of regular email reminders and guidance documents.

The Panel took account of Pfizer’s submission that, within the preceding 12 months, all four employees had received a reminder about the social media policy and/or completed the training. Pfizer appeared to provide appropriate training and have clear company policies communicating its expectations regarding the use of social media. The Panel considered that Pfizer had been let down by a small number of employees who did not appear to be in senior roles and were not part of the Oncology business unit. In this case, the Panel did not consider there was evidence to suggest that high standards had not been maintained. Recognising the clarity of Pfizer’s compliance programme on this topic, regular messaging around social media, the content of the post at issue and the need for proportionate regulation, the Panel considered that its concerns were addressed in the ruling of a breach of Clause 26.1 above and, therefore, ruled **no breach of Clause 5.1**.

Complaint received **9 February 2024**

Case completed **19 February 2025**