

CASE AUTH/3315/3/20

ANONYMOUS V NOVO NORDISK

Social media posts

An individual complained about two posts about obesity placed on LinkedIn by Novo Nordisk Ltd. Novo Nordisk marketed Saxenda (liraglutide injection) which was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in adults with obesity or who were overweight with at least one weight related comorbidity.

The complainant alleged that the posts degraded people with obesity and submitted that many patients/people chose obesity because they could, ie it was a choice. To state that it was not a choice was violation of people's rights. Each individual had a choice and that needed to be respected. The complainant stated that Novo Nordisk's manufacture of anti-obesity medicines did not give it the right to insult people who chose to be overweight/obese.

The complainant stated that obesity was the last 'acceptable prejudice'. This was not fair as not all media behaved that way. Novo Nordisk might behave in such a way and prejudice obese people but not everyone in society or the media judged. The complainant queried whether the statements and claims could be substantiated. Many talked about weight, in both directions, positively so a blanket statement of 'the way we talk about weight' was not appropriate. The complainant queried whether the LinkedIn posts referred to the way Novo Nordisk stigmatised and talked about weight.

The complainant reiterated that obesity was a choice and could be a choice for many. It was highly inappropriate for a pharmaceutical company to pledge to the general public in such a manner therefore inadvertently promoting its anti-obesity medicine by removing blame from the patient.

The complainant stated that, in his/her view, this behaviour gave the entire industry a bad reputation. There were more than twelve posts regarding obesity in social media, directly targeting vulnerable people and indirectly promoting anti-obesity medicines to the public.

The detailed response from Novo Nordisk is given below.

The Panel acknowledged that extreme dissatisfaction was usually necessary on the part of an individual before he or she was moved to submit a complaint. The Panel noted that the Code required companies to maintain high standards at all times and that materials and activities must not be likely to cause offence. The Panel noted Novo Nordisk's submission that the LinkedIn posts in question were directed at those people connected

to the staff making the posts; they were not targeted at vulnerable people as alleged. Whilst noting the complainant's views, the Panel did not consider that the LinkedIn posts failed to meet the requirements of the Code. It would always be the case that different people would think differently about sensitive subjects but, in the Panel's view, the posts did not insult people who chose to be overweight/obese or people of an acceptable weight as alleged and would not offend the majority of those who read them. No breaches of the Code were ruled. The Appeal Board upheld the Panel's rulings following an appeal from the complainant.

The Panel noted that the LinkedIn posts would likely be seen by members of the public, however, there was no mention of any medicine in the posts and, in the Panel's view, the LinkedIn posts did not inadvertently promote Novo Nordisk's anti-obesity medicine as alleged and so, in that regard, the Panel did not consider that they promoted a prescription only medicine to the public. Nor did the posts encourage members of the public to consult a health professional with the view to obtaining a prescription for a medicine. No breaches of the Code were ruled. The Appeal Board upheld the Panel's rulings following an appeal from the complainant.

An individual complained about comments about obesity posted on LinkedIn by Novo Nordisk Ltd. Novo Nordisk marketed Saxenda (liraglutide injection) which was indicated as an adjunct to a reduced-calorie diet and increased physical activity for weight management in adults with obesity or who were overweight with at least one weight related comorbidity.

The complainant provided copies of two LinkedIn posts from two Novo Nordisk's employees. The first post at issue stated 'People with obesity face stigma and blame. Let us pledge to stop it. This is day 1 #worldobesityday I pledge to' above an image of Novo Nordisk employees holding up three pledge cards which stated: 'Help stamp out weight stigma', 'Take a stand and change the way that we talk about obesity', and 'Spread the message that obesity is not a choice'. At the bottom of each pledge card were the hashtags #WorldObesityDay and #EndWeightStigma. The second post was from another employee began with 'Today is #WorldObesityDay' and 'I pledge to #endweightstigma'. The post further stated that 'the way we judged and talked about weight in the media and society was the last "acceptable prejudice" which is completely unacceptable'. It further stated that the employee had heard from health professionals about the multiple underlying factors that caused people to live with obesity and through his/her own personal journey towards a healthy weight, knew it was not as simple as eat less, move more and included a picture of the employee holding up the pledge board stating 'Spread the message that obesity is not a choice'.

COMPLAINT

The complainant considered that the LinkedIn posts degraded people with obesity and submitted that many patients/people chose obesity because they could, ie it was a choice. To state that it was not a choice was violation of people's rights. Each individual had a choice and that needed to be respected.

The complainant stated that Novo Nordisk's manufacture of anti-obesity medicines did not give it the right to insult people who chose to be overweight/obese. The picture posted on social media showed endorsement of that position which was gravely disappointing.

The complainant stated that it was equally worrying to state that media and society judged people with obesity and that it was the last 'acceptable prejudice'. This was not fair as not all media behaved that way. Novo Nordisk might behave in such a way and prejudice obese people but not everyone in society or the media judged. The complainant queried whether the statements and claims could be substantiated. Many talked about weight, in both directions, positively so a blanket statement of 'the way we talk about weight' was not appropriate. The complainant queried whether the LinkedIn posts referred to the way Novo Nordisk stigmatised and talked about weight and whether the second post was a public apology from the company.

The complainant stated that it was highly inappropriate for a pharmaceutical company to pledge to the general public in such a manner therefore inadvertently promoting its anti-obesity medicine by removing blame from the patient.

The complainant noted that the person who placed one of the posts certainly was not obese, or at least not in the picture shown, but there was mixed messages with regard to obesity talked about upfront and in the speech bubble ('Spread the word that obesity is not a choice'). This was very damaging and insulted people of acceptable weight, similar to the picture shared, and made to confuse it with obesity and start searching for anti-obesity medicines as a solution. The complainant considered that the social media posts had crossed the line.

The complainant stated that, in his/her view, this behaviour gave the entire industry a bad reputation. There were more than twelve posts regarding obesity in social media, directly targeting vulnerable people and indirectly promoting anti-obesity medicines to the public by playing on emotions and removing guilt.

When writing to Novo Nordisk, the Authority asked it to bear in mind the requirements of Clauses 9.1, 9.2, 26.1 and 26.2.

RESPONSE

Novo Nordisk explained that the LinkedIn posts at issue were made to raise awareness of World Obesity Day 2020. This was a campaign, not related to Novo Nordisk, set up by a coalition of organisations which primarily worked within obesity research or raised awareness of obesity. The coalition's aim was to come together to tackle obesity and align existing obesity days and activities to inspire international change in policy making, attitudes and action. In addition, the coalition had produced a joint international consensus statement for ending the stigma of obesity (Rubino *et al* 2020, copy provided).

The LinkedIn posts by Novo Nordisk staff were made purely to raise awareness of World Obesity Day. The posts were directed at those people linked to the staff making the posts. The two employees had over 900 connections on LinkedIn. The posts were made on open accounts, however, there was no mention of any medicine in the posts provided, and there was no suggestion that treatment should be sought, or that obesity should be discussed with a health professional. Novo Nordisk categorically refuted that that was the intention of the posts, and it thus denied breaches of Clauses 26.1 and 26.2.

Novo Nordisk noted that '#obesity is not a choice' was mentioned alongside '#end weight stigma'. The statements were made to highlight that obesity was a complex disease which was not easily resolved by choosing to eat less or exercise more, hence 'not a choice'.

Novo Nordisk stated that the clear intention was to highlight the stigma experienced by some people with obesity rather than to suggest that people should not choose to be obese if they so wished. Novo Nordisk denied a breach of Clause 9.2. Further, the company categorically refuted that high standards were not maintained and it denied a breach of Clause 9.1.

Novo Nordisk noted that no medicines were mentioned. The hashtag statements were very short signposts to World Obesity Day; as they did not fall into the categories of disease awareness or educational material for the public or patients, they were therefore examined rather than certified. Novo Nordisk provided copies of its Social Media Policy, UK and instructions given to staff.

PANEL RULING

The Panel acknowledged that extreme dissatisfaction was usually necessary on the part of an individual before he or she was moved to submit a complaint. The Panel noted that Clause 9.1 of the Code required companies to maintain high standards at all times and Clause 9.2 required that materials and activities must not be likely to cause offence. The Panel noted Novo Nordisk's submission that the LinkedIn posts in question were directed at those people connected to the staff making the posts; they were not targeted at vulnerable people as alleged. Whilst noting the complainant's views, the Panel did not consider that the LinkedIn posts failed to meet the requirements of the Code. It would always be the case that different people would think differently about sensitive subjects but, in the Panel's view, the posts did not insult people who chose to be overweight/obese or people of an acceptable weight as alleged and would not offend the majority of those who read them. No breach of Clauses 9.1 and 9.2 was ruled.

The Panel noted that the LinkedIn posts would likely be seen by members of the public, however, there was no mention of any medicine in the posts and, in the Panel's view, the LinkedIn posts did not inadvertently promote Novo Nordisk's anti-obesity medicine as alleged and so, in that regard, the Panel did not consider that they promoted a prescription only medicine to the public and no breach of Clause 26.1 was ruled. In the Panel's view, nor did the LinkedIn posts encourage members of the public to consult a health professional with the view to obtaining a prescription for a medicine and so the Panel ruled no breach of Clause 26.2.

APPEAL BY THE COMPLAINANT

The complainant stated that he/she was offended by the posts. As a member of the public, he/she had a choice and choose to eat and not exercise etc. Therefore, obesity was a choice, many a times a comfort. It was wrong for Novo Nordisk to impose its views. The second post was sending a misleading message as the sender was not obese but spoke about the difficulty of losing weight whilst promoting obesity messages.

The complainant stated that the whole point of posting on LinkedIn or other social media was surely to promote awareness/educate; therefore irrespective of one person reading the post or millions reading the post, it needed to be of a high standard and not be denigrating or offensive. With each post that attracted a 'like', it created a following and therefore more people read the posts so that contradicted the company's alleged intent. The complainant alleged that he/she had taken offence to the post and felt insulted as his/her choices were sneered at and not respected. Individuals had a right to choose and to state 'obesity is not a choice' was not right and it was not increasing awareness on world obesity day but purely an opportunity to semi-educate towards getting anti-obesity treatment which the said company made.

COMMENTS FROM NOVO NORDISK

Novo Nordisk stated that the complainant had not given reasons for his/her appeal in addition to those raised in his/her initial complaint. The complainant had received Novo Nordisk's response to his/her initial concerns and had not raised any new concerns. The company reiterated what was stated in its original response.

Novo Nordisk stated that the social media posts by Novo Nordisk staff were made purely to raise awareness of obesity on World Obesity Day. Multiple pieces of research had shown that many people with obesity experienced stigma, and faced assumptions that obesity was solely based on diet and exercise. For those people who did want to lose weight this could be very distressing. The hashtag 'obesity is not a choice' was mentioned alongside the hashtag 'end weight stigma'. The statements were made to highlight that obesity was a complex disease which was not easily re-solved by choosing to eat less or exercise more, hence 'not a choice'.

Novo Nordisk stated that the intention was not to suggest that a person should not choose to be obese if they wished. Therefore, Novo Nordisk denied a breach of Clause 9.2.

Novo Nordisk stated that there were no medicines mentioned in the posts, and the posts did not encourage members of the public to consult a health professional with the view to getting treatment. Therefore, Novo Nordisk denied breaches of Clauses 26.1 and 26.2.

Novo Nordisk denied that high standards had not been maintained and therefore Novo Nordisk was not in breach of Clause 9.1.

APPEAL BOARD RULING

The Appeal Board noted that weight was a sensitive topic, and that extreme dissatisfaction was usually necessary on the part of an individual before he/she was moved to submit a complaint.

The Appeal Board noted from Novo Nordisk that World Obesity Day was not related to or organised in any way by the company. The event was organised by a coalition of organisations involved with obesity.

The Appeal Board noted Novo Nordisk's submission that the purpose of the posts was to highlight the stigma associated with obesity and highlight that it was a complex condition and not to state that people could not choose to be obese. In response to a question at the appeal the Novo Nordisk representatives stated that the company had received no other complaints concerning the posts and that The World Obesity Federation and other organisations involved in World Obesity Day also used the hashtag 'obesity is not a choice'.

The Appeal Board did not consider that the posts insulted people who chose to be overweight/obese or people of an acceptable weight as alleged and although the Appeal Board accepted that the complainant had been offended it considered that the posts were not likely to offend the majority of those who read them. The Appeal Board upheld the Panel's rulings of no breach of Clauses 9.1 and 9.2. The appeal on this point was unsuccessful.

The Appeal Board noted that although the LinkedIn posts would likely be seen by members of the public, there were no medicines mentioned, and it considered that the posts did not promote Novo Nordisk's anti-obesity medicine as alleged. The Appeal Board upheld the Panel's ruling of

no breach of Clause 26.1. The Appeal Board did not consider that the posts encouraged members of the public to consult a health professional with a view to asking for a specific prescription only medicine. Consequently, the Appeal Board upheld the Panel's ruling of no breach of Clause 26.2. The appeal on these points was unsuccessful.

Complaint received **5 March 2020**

Case completed **17 September 2020**