

**CASE AUTH/3608/2/22**

## **COMPLAINANT v ASTRAZENECA**

### **Alleged promotion to the public on LinkedIn**

**A contactable complainant, who described himself/herself as a medical oncologist, alleged that AstraZeneca had promoted its current and future pipeline to the public on LinkedIn.**

**The post in question was from a named senior employee and referred to AstraZeneca helping lead a revolution in oncology. The post referred to world cancer day as the perfect time to reflect on the achievements made across the cancer community and to thank everyone from charities, volunteers, healthcare workers, scientists, the NHS and other pharmaceutical companies for ‘the sheer dedication and resilience they bring to making the world slightly better for those people living with cancer’. It went on to state that AstraZeneca was proud of its work developing innovative medicines that bring hope to people living with cancer and introducing initiatives that can improve outcomes and redefine cancer care. The post referred to the challenges ahead and that AstraZeneca had a team which came together every day to find ways to overcome the challenges and move towards a world without cancer. The post referred to helping raise awareness of world cancer day by sharing Cancer Research UK’s (CRUK’s) post and reflect on what this day meant to readers.**

**The complainant was absolutely disgusted at the manner in which such a senior person at AstraZeneca UK would use World Cancer day to share a live link to the AstraZeneca Oncology portfolio and pipeline, via his/her LinkedIn profile, effectively promoting current and future pipeline products to the general public.**

**The complainant stated that this type of reckless behaviour undermined the important work at a named London hospital, where a large clinical trial centre would have patients coming in with screenshots of the AstraZeneca pipeline, requesting access to phase 1, 2, and even 3 molecules, whose efficacy and safety was not yet proven.**

**The complainant alleged that this raised unfounded hopes for patients, trivialised the important work done and promoting unproven assets (in some cases) to the public was just not ethical medicines promotion.**

**Additionally, the complainant was baffled that so many AstraZeneca staff members had liked the post. There seemed to be a big problem at AstraZeneca UK Oncology, with respect to appropriate promotion, to suitable audiences, once a licence had been granted. The complainant alleged one could argue that this case represented the worst example of (i) promotion to the public (ii) promotion prior to licensing of combinations.**

The detailed response from AstraZeneca is given below.

The Panel noted that the LinkedIn post in question did not refer to AstraZeneca medicines by name or by indication. According to AstraZeneca, there was not a direct link from the LinkedIn post to the information about the company's pipeline. The post included a link to the AstraZeneca Global LinkedIn account. The Panel noted, therefore, that someone reading the post in question would have to follow the link to the AstraZeneca Global LinkedIn account and then link to the AstraZeneca corporate website and then decide to actively access the information about the company's pipeline in order to see that information. The Panel noted that the AstraZeneca Global corporate website landing page featured a number of items with links to further information including the projects in the pipeline (177).

The Panel noted that it was likely that some patients with cancer would search for information about oncology studies and some would request pipeline products. The Panel, however, did not consider that the AstraZeneca employee's LinkedIn post in question or AstraZeneca employees' 'liking' the post promoted AstraZeneca's oncology current portfolio or its future pipeline products prior to the grant of the product's marketing authorisation to the public as alleged. The Panel therefore ruled no breaches of the Code.

The Panel did not consider that the complainant had established that the LinkedIn post in question raised unfounded hopes for patients or trivialised work done by a named London hospital as alleged. The Panel ruled no breach of the Code in relation to each allegation.

The Panel noted its comments and rulings above and consequently ruled no breach of Clause 2.

A contactable complainant, who described himself/herself as a medical oncologist, alleged that AstraZeneca had promoted its current and future pipeline to the public on LinkedIn. The post in question was from a named senior employee and referred to AstraZeneca helping lead a revolution in oncology. The post referred to world cancer day as the perfect time to reflect on the achievements made across the cancer community and to thank everyone from charities, volunteers, healthcare workers, scientists, the NHS and other pharmaceutical companies for 'the sheer dedication and resilience they bring to making the world slightly better for those people living with cancer'. It went on to state that AstraZeneca was proud of its work developing innovative medicines that bring hope to people living with cancer and introducing initiatives that can improve outcomes and redefine cancer care. The post referred to the challenges ahead and that AstraZeneca had a team which came together every day to find ways to overcome the challenges and move towards a world without cancer. The post referred to helping raise awareness of world cancer day by sharing Cancer Research UK (CRUK)'s post and reflect on what this day meant to readers.

## **COMPLAINT**

The complainant was absolutely disgusted at the manner in which such a senior person at AstraZeneca UK would use World Cancer day to share a live link to the AstraZeneca Oncology portfolio and pipeline, via his/her LinkedIn profile, effectively promoting current and future pipeline products to the general public.

The complainant stated that this type of reckless behaviour undermined the important work at a named London hospital, where a large clinical trial centre, would have patients coming in with screenshots of the AstraZeneca pipeline, requesting access to phase 1, 2, and even 3 molecules, whose efficacy and safety was not yet proven.

The complainant alleged that this raised unfounded hopes for patients, trivialised the important work the centre did. Promoting unproven assets (in some cases) to the public was just not ethical medicines promotion.

Additionally, the complainant was baffled that so many AstraZeneca staff members had also liked the post. There seemed to be a big problem at AstraZeneca UK Oncology, with respect to appropriate promotion, to suitable audiences, once a licence had been granted. The complainant alleged one could argue that this case represented the worst example of (i) promotion to the public (ii) promotion prior to licensing of combinations.

The complainant provided a video of the information.

When writing to AstraZeneca, the Authority asked it to consider the requirements of Clauses 2, 5.1, 11.1 and 26.1 of the Code.

## **RESPONSE**

AstraZeneca broke down the complainant's allegations as follows:

1. That the Post contained a link to the AstraZeneca Oncology portfolio and pipeline;
2. That the Post constituted promotion to the public;
3. That the Post constituted promotion of a medicine prior to the granting of marketing authorisation and
4. That this behaviour would encourage patients to seek access to medicines where the efficacy and safety of these were not yet proven.

AstraZeneca submitted that it would establish that:

- The Post was non-promotional in nature and approved in line with AstraZeneca's Social Media standard operating procedures (SOPs) and the Code;
- The Post was reflective in nature, acknowledging the collective achievements of the cancer community in making the world a better place for people suffering from cancer;
- The Post contained a hyperlink to the AstraZeneca corporate LinkedIn account solely, and not a direct live link to the AstraZeneca oncology portfolio and pipeline as alleged;
- The AstraZeneca corporate LinkedIn account contained a link to the global corporate site ([www.astrazeneca.com](http://www.astrazeneca.com)) intended for people seeking information on AstraZeneca's worldwide business, as per standard industry practice; and
- The information on the AstraZeneca Oncology portfolio and pipeline was not easily accessible from the AstraZeneca corporate site landing page. Accessing such content required further effort to locate this specific information on the website.

AstraZeneca addressed the allegations according to the relevant clauses of the Code.

### **Background investigation to the Post**

AstraZeneca's stated that its internal investigation revealed that a senior employee of AstraZeneca UK, had posted about World Cancer Day on his/her personal LinkedIn account. AstraZeneca submitted that the Post was a personal reflection on the collective achievements made by the cancer community and AstraZeneca's effort to make the world a better place for cancer patients. The Post reflected on AstraZeneca's dedication and passion in developing innovative medicines that continued to make a difference to cancer patients. The Post concluded with a call to action in helping share Cancer Research UK's post on World Cancer Day 2022 and to reflect on what the day meant to individuals.

AstraZeneca stated that contrary to the allegations made by the complainant, the post did not contain a direct live link to the AstraZeneca Oncology Portfolio and Pipeline information. Instead, the post contained a hyperlink to the AstraZeneca corporate LinkedIn account which, in turn, contained a link to the Global AstraZeneca corporate website ([www.astrazeneca.com](http://www.astrazeneca.com)). The Global AstraZeneca corporate website ('the Site') featured a clear statement to indicate that it was intended for a global audience, for people seeking information on AstraZeneca's worldwide business. Furthermore, information relating to AstraZeneca's Oncology Portfolio and Pipeline information was not presented within the landing page itself, requiring the viewer to navigate further to locate this information. Additionally, the post had also been reviewed and certified by a signatory, in line with AstraZeneca's Social Media SOP and the Code.

Overall, AstraZeneca submitted that it found no evidence to suggest that viewers were being misled or indeed directed to the company's Oncology Portfolio and Pipeline information through the Post. AstraZeneca stated that the video provided by the complainant was highly orchestrated and choreographed, and in its opinion, not representative of the actions a common viewer might naturally take. AstraZeneca provided two videos which it had created, which illustrated the steps a viewer would need to take from the post in question to reach the AstraZeneca Oncology Pipeline and Portfolio information on the Global AstraZeneca corporate website. As could be appreciated from AstraZeneca's videos viewers would need to make a proactive decision to visit its Global Corporate Site via the Corporate LinkedIn account page further they would actively search for this information. In total, this would require at least 3 clicks from the Post for viewers to find any information on AstraZeneca's Oncology Pipeline and Portfolio.

### **Response to alleged breach of Clauses 2, 5.1, 11.1 and 26.1 of the Code**

AstraZeneca strongly refuted all allegations and any suggestion that Clauses 2, 5.1, 11.1 and 26.1 of the Code had been breached. AstraZeneca addressed the relevant clauses of the Code in turn.

#### **Response to Clause 26.1**

AstraZeneca stated that the post made by the employee was a personal reflection on the advances that AstraZeneca had made in its collective fight against cancer. There was no mention of any AstraZeneca medicines whatsoever in the post itself nor on the corporate AstraZeneca LinkedIn page which was hyperlinked in the post. AstraZeneca was disappointed by the allegations raised and was perplexed to understand how the complainant could have perceived this Post as promoting AstraZeneca's medicines to the public. AstraZeneca strongly denied any breach of Clause 26.1.

#### **Response to Clause 11.1**

Following on from the above, there was no mention about any of AstraZeneca's Oncology pipeline in the post itself, nor in the corporate AstraZeneca LinkedIn profile to which the post was hyperlinked. AstraZeneca's corporate LinkedIn profile contained a link to the Global corporate website ([www.astrazeneca.com](http://www.astrazeneca.com)) which clearly indicated that this site was intended for people seeking information on AstraZeneca's worldwide business. Furthermore, information on AstraZeneca's pipeline products was not immediately available on the site landing page, requiring the viewer to perform at least three clicks from the post to reach this specific information. AstraZeneca therefore strongly denied any allegations of promoting its medicine pre-licence and denied any breach of this clause.

### **Response to Clause 5.1**

AstraZeneca stated that it had a clear Social Media SOP in place which provided a framework to ensure compliance with the Code. All UK employees received training on this policy and the senior AstraZeneca employee in question had also attended and completed this mandatory training. Additionally, the post was reviewed and certified by a medical nominated signatory and was in line with its AstraZeneca Social Media SOP. AstraZeneca therefore denied any allegations that high standards were not met.

### **Response to Clause 2**

AstraZeneca stated that it had a Social Media SOP in place and ran regular training updates for all of its employees on these guidelines. AstraZeneca's SOP prohibited AstraZeneca employees from engaging with any posts that included product-related content, whilst posts that were centred around AstraZeneca's company values and purpose were permitted.

AstraZeneca stated that it was perplexed by the complainant's comment that they were 'baffled that so many AZ staff members have liked the post', given the clear non-promotional nature of the post. AstraZeneca vehemently denied any allegation that this activity had brought discredit to the pharmaceutical industry and denied any breach of Clause 2.

### **Summary**

In summary, AstraZeneca submitted that it had established that the post in question was clearly non-promotional in nature, reflecting on the significance of World Cancer Day and AstraZeneca's collective achievement in making a difference for cancer patients. The Post had no direct links to AstraZeneca Oncology products and pipeline information, and its employees had fully adhered to AstraZeneca's Social Media SOP. AstraZeneca therefore categorically denied all allegations made by the complainant and any suggestions that Clauses 2, 5, 11.1 and 26.1 had been breached.

AstraZeneca stated that it subscribed fully to the high ethical and moral spirit of the Code and took its responsibilities under the Code very seriously and the company had applied this approach to the current complaint. AstraZeneca was therefore extremely disappointed to have received this unsubstantiated complaint. AstraZeneca pointed out that although the complainant in this case had described themselves as an independent consultant physician, when AstraZeneca viewed the video evidence that had been submitted it contained images of the AstraZeneca corporate page on LinkedIn. Upon review, the 'My Company' tab view of the AstraZeneca Corporate page was present: this 'My Company' tab was only visible to those LinkedIn users who had identified themselves as a current employee of AstraZeneca. AstraZeneca had robust internal procedures in place to ensure that employees were able to voice their concerns confidentially through numerous appropriate channels where their anonymity could be preserved. AstraZeneca was extremely disappointed that, if the

complainant was an employee, they had not taken the opportunity to raise concerns through these channels and AstraZeneca would encourage them strongly to do so in the future.

AstraZeneca stated that it would welcome an opportunity to work with the Panel to better understand how complaints could be verified in terms of their authenticity and intent as AstraZeneca welcomed some further insight on this matter. As demonstrated, AstraZeneca respected and adhered to compliance to its SOP's and the Code.

## **PANEL RULING**

The Panel noted AstraZeneca's comment that the complainant was likely to be a company employee. This information had not been provided to the PMCPA by the complainant when asked about conflicts of interest. The PMCPA strongly encouraged employees and others to raise concerns directly with the company prior to making complaints to the PMCPA. The Panel noted that the Constitution and Procedure stated that the complainant had the burden of proving his/her complaint on the balance of probabilities. The intent in or who was raising the complaint was not a relevant factor as to whether or not there was a breach of the Code.

The Panel noted that the LinkedIn post in question did not refer to AstraZeneca medicines by name or by indication. According to AstraZeneca, there was not a direct link from the LinkedIn post to the information about the company's pipeline. The post included a link to the AstraZeneca Global LinkedIn account. The Panel noted, therefore, that someone reading the post in question would have to follow the link to the AstraZeneca Global LinkedIn account and then link to the AstraZeneca corporate website and then decide to actively access the information about the company's pipeline in order to see that information. The Panel noted that the AstraZeneca Global corporate website landing page featured a number of items with links to further information including the projects in the pipeline (177).

The Panel noted that Clause 11.1 which stated that a medicine must not be promoted prior to the grant of the marketing authorisation which permits its sale or supply applied to the promotion to health professionals and other relevant decision makers. The Panel noted that the complaint concerned the promotion of medicines to the public prior to the grant of its authorisation which was covered by Clause 3.1. The Panel therefore ruled no breach of Clause 11.1. As Clause 3.1 had not been raised by the case preparation manager, the Panel considered this matter under Clause 5.1.

The Panel noted that it was likely that some patients with cancer would search for information about oncology studies and some would request pipeline products. The Panel, however, did not consider, noting its comments above, that the AstraZeneca employee's LinkedIn post in question or AstraZeneca employees' 'liking' the post promoted AstraZeneca's oncology current portfolio or its future pipeline products prior to the grant of the product's marketing authorisation to the public as alleged. The Panel therefore ruled no breach of Clauses 26.1 and 5.1.

The Panel did not consider that the complainant had established that the LinkedIn post in question raised unfounded hopes for patients or trivialised work done by a named London hospital as alleged. The Panel ruled no breach of Clause 5.1 in relation to each allegation.

The Panel noted its comments and rulings above and consequently ruled no breach of Clause 2.

<b>Complaint received</b>	<b>8 February 2022</b>
<b>Case completed</b>	<b>21 November 2022</b>