

## **COMPLAINANT v ELI LILLY**

### **Allegation about a LinkedIn profile**

#### **CASE SUMMARY**

This case was in relation to information within the 'About' section of an Eli Lilly employee's LinkedIn profile, which the complainant alleged advertised prescription only medicines to the public.

The outcome under the 2024 Code was:

<b>No Breach of Clause 5.1</b>	<b>Requirement for companies to maintain high standards at all times</b>
<b>No Breach of Clause 26.1</b>	<b>Requirement not to advertise prescription only medicines to the public</b>

**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 Eli Lilly was received from a named, contactable complainant who described themselves as a health professional.

#### **COMPLAINT**

The complaint wording is reproduced below:

"I believe that Eli Lilly employees are marketing prescription medications to the public by using LinkedIn profiles.

[Named individual 1] who works for Eli Lilly is advertising medicines on [their] LinkedIn page. This was raised with [their] manager [named individual 2] but my request has been ignored."

When writing to Eli Lilly, the PMCPA asked it to consider the requirements of Clauses 26.1 and 5.1 of the 2024 Code.

## **ELI LILLY'S RESPONSE**

The response from Eli Lilly is reproduced below:

"The complainant alleges that Eli Lilly (Lilly) employees are marketing prescription medicines to the public by using LinkedIn profiles. More specifically, the complaint is regarding [named employee], an employee of Lilly, and the 'About' section of [their] LinkedIn profile. The complainant also alleges that they have raised this with [the named employee's] manager, [named employee 2] but their request has been ignored.

Lilly takes compliance very seriously and understands and fully respects the ABPI Code of Practice. Lilly strives to ensure that all its procedures are up-to-date and accessible, and all Lilly existing and new employees are regularly trained on the relevant procedures, including the social media procedure – 'Employee Personal Social Media Use'. The procedure, among other aspects, also addresses employees' use of LinkedIn and prohibits them from discussing Lilly medicines, either directly or indirectly.

### **Addressing the allegations to Code breaches**

[Eli Lilly provided details of the employment history of the employee.]

As understood through our internal investigation, in [specified time period prior to the employee commencing their employment with Eli Lilly], with the assistance of a professional company, [the employee] created a LinkedIn profile to enhance [their] visibility and further [their] goal of entering the pharmaceutical industry. The company assisted [them] in drafting the 'About' section of [their] LinkedIn profile. The 'About' section in [their] LinkedIn profile reflected [their] daily activities within the NHS and [their] aspiration to bridge the gap between pharmaceuticals and patients, without any promotional intent.

As it is well established through the case AUTH/3801/7/23, the information within the 'About' section of a LinkedIn profile is not proactively disseminated (unlike a post for example which maybe proactively disseminated through a 'like' or share); rather like a CV or the 'Experience' section of LinkedIn and therefore does not constitute 'advertising' or 'promotion'.

In line with the facts of the case AUTH/3801/7/23 our investigation also indicates that the privacy settings of [the employee's] LinkedIn profile make the 'About' section visible only after a user actively searches for [the employee's] profile via a search engine and subsequently logs in to LinkedIn to view it or searches within the LinkedIn platform. This section is not visible through a Google (or other search engine) search without logging into LinkedIn ([Microsoft Bing and Google screenshots provided]). Additionally, the 'About' section differs from other LinkedIn activities such as posts, comments, likes, or shares, which are proactively distributed following an action by the user. The 'About' section is not proactively disseminated. We examined how an individual's 'About' section displays on both desktop and mobile versions of LinkedIn. In both instances, we observed that only the top four lines of the 'About' section were visible initially, requiring the user to click 'see more' to view additional information. This observation is corroborated by the screenshot provided by the complainant. The opening (first six

lines) of the complained content in the 'About' section of [the employee's] LinkedIn profile, states the following:

'I'm a highly experienced Bariatric Surgeon & Obesity Expert working in the NHS and industry.  
[empty line]  
I'm on a mission to bridge the gap between Pharma and patients.  
[empty line]  
Here is my big why:  
[empty line]'

As of 13 January 2025, [the employee] has 395 connections and 611 followers on LinkedIn. It is accepted by us that some of the connections may include members of the public. However, one can also see from the complainant's screenshots that there is no mention of either Lilly or any drugs in the first six lines of the 'About' section. The user would need to proactively click on 'see more' to read the entire section. There is a mention of Eli Lilly along with another pharmaceutical company in line 21 but no mention of any Lilly's drugs throughout the section. Consequently, in line with the PMCPA's decision of case AUTH/3801/7/23, we believe the content available in [the employee's] 'About' section of the LinkedIn profile does not constitute promotion.

Regarding the allegation that the complainant raised the issue internally, our findings do not support the complainant's assertion that the matter was brought to [the employee's] manager, [named employee], and subsequently ignored. [The employee's manager] confirmed that [they have] not been approached by any internal colleague or any external person concerning [the employee's] LinkedIn profile. The complainant has not provided any evidence to support their allegation, therefore we are unable to investigate this further. Furthermore, the complainant has identified as a health professional with no commercial, financial, or other interest in Eli Lilly. Consequently, this matter does not fall within the scope of our established internal speaking up process.

Lilly is committed to high standards and upholding the integrity of the industry. We believe our procedure on 'Employee Personal Social Media Use' is more stringent in some regards than the code requirements. [The employee] was trained on the procedure on [date provided], immediately after commencement of [their] employment with Lilly on [date provided].

As we take compliance seriously, upon receipt of the complaint on 20<sup>th</sup> December, we took steps to immediately review [the employee's] LinkedIn profile to see if any mitigating actions were required. We learned that on 18 December 2024, [the employee] was informed by a colleague at Lilly that [the employee's] LinkedIn profile may perceived to be not in line with Lilly's Social Media policy, which we believe to be more stringent in some regards than the code requirements. In response to this and on review of the Lilly procedure, [the employee] had updated [their] LinkedIn profile on the same day.

Taking into account all the details above and previous case precedence (Case AUTH/3801/7/23), Lilly and more specifically [the employee's] LinkedIn profile, which was created independently by [the employee] with no instruction from or

knowledge by Lilly, is not advertising medicines to the members of the public. Our investigation further confirmed that the matter was not raised with [the employee's] manager [named employee]. Lilly therefore denies breach of Clause 26.1 and 5.1 of the 2024 Code of Practice.

We hope the explanation above addresses the concerns of the complainant and we remain available for any further questions or clarifications.”

## PANEL RULING

The Panel noted that LinkedIn was primarily used as a professional networking platform for individuals and businesses, where individual users created profiles to showcase their work experience, skills and professional accomplishments. The Panel noted that material could be disseminated or highlighted by an individual on LinkedIn in a number of ways, such as posting, sharing, commenting or reacting. An individual's activity and profile page were potentially visible to others outside their network, depending on the individual's security settings.

The Panel noted that a CV was a personal matter but when it was in the public domain, such as within a LinkedIn profile, there was an additional responsibility to ensure that the language used, and the impression given, was appropriate and that the content did not breach any codes, laws or regulations. Employees should be extremely cautious about any reference to a medicine and about how the pharmaceutical industry might be perceived by the public and health professionals. It was particularly important that pharmaceutical companies gave clear and unambiguous advice to employees in their social media policies and that staff were regularly trained in this regard.

In relation to the allegation that information within the profile of an Eli Lilly employee advertised prescription only medicines to the public, the Panel noted that the 'About' section of the employee's profile included the following statements:

*“Pharma companies (e.g Novo Nordisk and Eli Lilly) are bringing game changing anti obesity medications to market offering ground-breaking non-surgical obesity treatment.”*

*“Despite Semaglutide having gained NICE approval, there are huge challenges in delivering treatment to patients, resulting in reduced drug uptake and revenue for Pharma companies.”*

The Panel noted reference to case precedent in Eli Lilly's submission (Case AUTH/3801/7/23). The Panel considered that there were similarities between this case and the matters at issue but noted that each case was judged on its own merits.

The PMCPA's social media guidance (2023) stated that it might be permissible to include in an appropriate and proportionate way, brief details with regard to product names and/or therapy areas working in within the 'Experience' section of a professional profile if it was relevant to prospective employers and if it would require an individual to actively search for it and involve additional clicks and/or scrolling by the reader to view the information.

The Panel noted that the 'About' section of an individual's LinkedIn profile was a free text section where the individual could write anything. On the LinkedIn profile at issue, the 'About' section appeared below the topmost 'Introduction' section of the profile (with profile photo,

name, headline, etc.) and above the 'Featured' section (which allows individuals to showcase samples of their work).

The Panel noted that to see the information in the 'About' section, a user would need to find and view an individual's profile – the information would not appear on a user's home page. An individual's profile could be found either within the LinkedIn platform or via a search engine. Depending on the individual user's settings, the first few words of the 'About' section of an individual's LinkedIn profile might appear in Google search results 'snippets', after the 'Headline' section.

The Panel took account of Eli Lilly's submission that:

- the privacy settings of the LinkedIn profile at issue meant that the 'About' section was only visible to logged in users
- only the first four lines of the 'About' section were visible to logged in users without a user clicking on "See more"
- there was no mention of either Eli Lilly or any medicines in the first six lines of the 'About' section
- there was no mention of any Eli Lilly medicine throughout the 'About' section.

The Panel noted that the only medicine mentioned directly within the 'About' section of the employee's LinkedIn profile was semaglutide. The Panel noted that Eli Lilly did not appear to have a semaglutide product and that a pharmaceutical company could only be seen to promote its own medicines.

It was an accepted principle under the Code, however, that, given the broad definition of promotion, a medicine could be promoted without its name being mentioned. Given the public interest and extent of recent media coverage in the therapy area, the Panel considered that it was possible that members of the public might make the connection between "...and Eli Lilly) are bringing game changing anti obesity medications" and Eli Lilly's medicine indicated for weight management.

While the Panel had some concerns about use of language such as "game changing" and "ground breaking", it considered that the information within the 'About' section, which would require an individual to actively search and navigate, was distinct from the 'Activity' section where posts, comments, reactions, etc., which would proactively disseminate the information to the user's LinkedIn connections, would appear.

On the evidence before it, the Panel noted that although the employee's profile appeared to be publicly available, the text at issue appeared within the 'About' section. In the Panel's view, the 'About' section was primarily directed to those with an interest in the individual's work experience such as a potential employer, a recruiter, or professionals seeking to connect or collaborate. The 'About' section required further navigation including scrolling and clicking to fully view the information.

Based on the nature of the 'About' section within this employee's LinkedIn profile, the Panel did not consider that the complainant had established that the information within that section was such that a prescription only medicine had been advertised to the public. The Panel ruled **no breach of Clause 26.1**.

The complainant alleged that the issue of this employee's LinkedIn profile advertising prescription only medicines to the public had been raised with the employee's manager. Eli Lilly submitted that its investigation had found that the matter was not raised with the employee's manager.

Eli Lilly submitted that the employee had been informed by a colleague that their LinkedIn profile may have been perceived as not in line with Eli Lilly's social media policy and that the profile was updated on the same day.

The Panel reviewed Eli Lilly's procedure on employee personal social media use and accepted Eli Lilly's submission that it prohibited employees from discussing Eli Lilly medicines, either directly or indirectly. The Panel noted the following points from the procedure:

"You must not post or create any content related to Lilly or competitor products, devices, product approvals, regulatory information, investigational molecules/compounds, or new indications and line extensions (NILEX).

You must not post or create any content about the disease states / therapy areas that Lilly works in, because this could be dissemination of unapproved disease awareness information to the general public."

The Panel accepted Eli Lilly's submission that the employee named by the complainant had completed training on the procedure.

Taking these points into account, and given its ruling of no breach above, the Panel considered that the complainant had not established that Eli Lilly had failed to maintain high standards. The Panel therefore ruled **no breach of Clause 5.1**.

**Complaint received      18 December 2024**

**Case completed          21 May 2025**