Social Media Platform Advertising: Policies and Considerations

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Social Media: FDA History

October 1996
Public meeting: Internet promotion
- Investigational use
- Chat rooms and newsgroups
- Website links
- General regulatory issues

November 2009
Public hearing: Internet promotion
- “General concept of Internet promotion”
- “Any aspect of Internet promotion that is of interest”

December 2010
CDER Statement: Guidance topics
- Responding to unsolicited requests
- Fulfilling regulatory requirements when using tools associated with space limitations
- Fulfilling postmarketing submission requirements
- Online communications for which manufacturers, packers, or distributors are accountable
- Use of links
- Correcting misinformation

December 2011
Draft guidance for responding to unsolicited requests

January & June 2014
- 3 draft social media guidances

... 1996
“massive expansion” of technology

2009
2010
2011
2014
# Social Media Guidance

<table>
<thead>
<tr>
<th>DRAFT GUIDANCE</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Responding to Unsolicited Requests for Off-Label Information About Prescription Drugs and Medical Devices</td>
<td>December 2011</td>
</tr>
<tr>
<td>Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics*</td>
<td>January 2014</td>
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<tr>
<td>Internet/Social Media Platforms with Character Space Limitations – Presenting Risk Information for Prescription Drugs and Medical Devices</td>
<td>June 2014</td>
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<tr>
<td>Internet/Social Media Platforms: Correcting Independent Third-Party Misinformation About Prescription Drugs and Medical Devices</td>
<td>June 2014</td>
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<tr>
<td>Internet/Social Media Advertising and Promotional Labeling of Prescription Drugs and Medical Devices – Use of Links to Third-Party Sites</td>
<td>Cancelled</td>
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“It’s the message and not the medium, so we expect the same regulations to apply to social media such as Facebook....”

— THOMAS ABRAMS
Director, Office of Prescription Drug Promotion (OPDP)
Goals & Challenges of Social Media Channels
The Evolution of Pharma in Social Media

1978+ Message Boards

1995+ Owned Communities

1997 FDA Change

2005+ Social Media

2008+ Broadcast Pages

2011 FB Forced Comments

2014+ Branded Pharma

Disease State Communities
<table>
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<tr>
<th>Social Channels: Pharma Considerations</th>
<th>Channel Opportunities</th>
<th>Challenges</th>
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| **Facebook**                          | • Often good audience fit  
   • Strong Pharma custom options (scroll ISI, comments off, etc.)  
   • Groups offers depth | • Must have paid media budget  
   • Privacy concerns (using real name for condition discussions) |
| **Twitter**                           | • Large broadcast opportunity for awareness  
   • Ads without profile available for awareness | • Can be tough to cut through the noise  
   • Paid required  
   • VERY small space for ISI  
   • Single link can be challenge for branded |
| **LinkedIn**                          | • Significantly improved interface, more participation and more advertising options  
   • Often taken more seriously than other channels | • Good channel for HCPs  
   • Focus on awareness for patients who are hesitant to mix business and condition |
| **Instagram**                         | • Most viable path to younger audience  
   • Some of the FB options avail here too  
   • Ads without profiles for awareness | • Visual medium can be hard for pharma  
   • Single link is challenge for branded |
Facebook Branded Post Functionality

Top left shows profile image, name, and links to their Facebook Page. If it is an ad, it is indicated with “Sponsored” below the name.

Main video begins (autoplays) as soon as the video is in view. Main video loops until ISI is complete.

Scrolling ISI begins as soon as the video is in frame.

Ad can be shared to a page or via private messenger (optional).

Caption:
• Recommend copy be 125 characters or less (then it truncates).
• Link to full prescribing information.

Call to Action Button:
• Download
• Learn More
• Sign Up
• Watch More
• Listen Now
• Send Message
Frequent Changes Complicate Compliance
Update:
Link description for video & image link ads will become dynamic and not serve to all mobile audiences – it may be visible to some users and not to others. All necessary info should be contained in post copy, asset, and headline.
OPDP Research: Significant DTC Focus

Web and Mobile Technology DTC Content Analysis (2017)

Descriptive content analysis of DTC prescription drug promotion

• Branded promotion delivered via mobile platforms
  – Results: “persistent lack of fair balance”¹

OPDP Research in Progress

Character-Space-Limited Online Prescription Drug Communications

Fair balance requirements

• Is substantive risk information in the character-space-limited communications effective in communicating risks when benefit claims are made?

• Is a link to the risk information sufficient?
Managing Social Media Activities
Companies need to monitor content if:

- Owned property
- Controlled vehicle: Your staff, assets
- You created, drafted, edited or improved
- There’s ANY compensation
- You influence the creation or content (influencers)
Moderator Action: Liking, Commenting, Sharing Content

Unbranded & Corporate:

This action must be taken with much planning and extreme care as a single like can constitute an endorsement of the content. As appropriate through general partnerships and advocacy support, commenting and sharing content may be acceptable.

Branded:

Brand teams may like, comment or share other content, but it must be approved by MRL and meet all requirements for promotional material.
Engaging with Comments on Social Media

Endorsement of Patient Comments Containing Drug Claims

Zarbee’s “liked” the comment: “…Children’s Sleep remedy…I received the free sample…and gave it to my daughter…I could not believe how well it worked! She was recently diagnosed with ADHD and put on medication…causing insomnia…”

Mary (a consumer) wrote: “…I received your…Zarbee’s Naturals Children’s Sleep Product. I have a daughter…born with cerebral palsy and she suffers from Complex Regional Pain Syndrome…[s]he took the samples you sent and slept through the night…best sleep she has had in years…”

Zarbee’s commented “Mary, Thank you for writing this!!! We love to hear that we have helped people…”

FDA Warning Letter to Zarbee’s (June 27, 2014)
FTC Guidance Updates:
Influencer Marketing & Native Advertising

• “FTC’s Guides Concerning the Use of Endorsements and Testimonials in Advertising” (2009)

• FTC “Dot Com Disclosures” Guidance (2013)

• FAQs: “The FTC’s Endorsement Guides What People Are Asking” (Updated 2017)

• FTC Tweet Chat on Social Media Influencers (2017)
Questions?

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