

# Social Media Platform Advertising: Policies and Considerations

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**Advertising and Promotion for Medical Products Conference**

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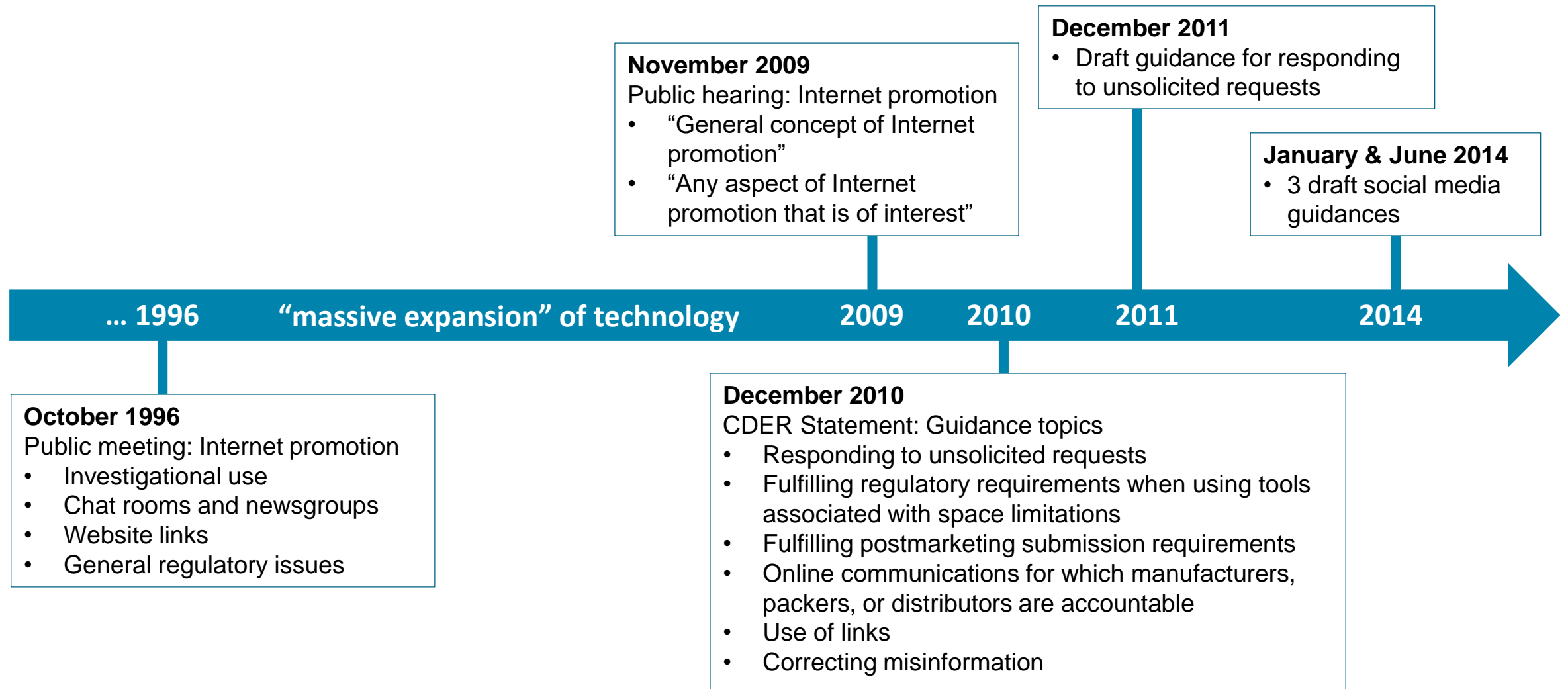
**MODERATED BY:**

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Counsel, King & Spalding



# Social Media: FDA History



# Social Media Guidance

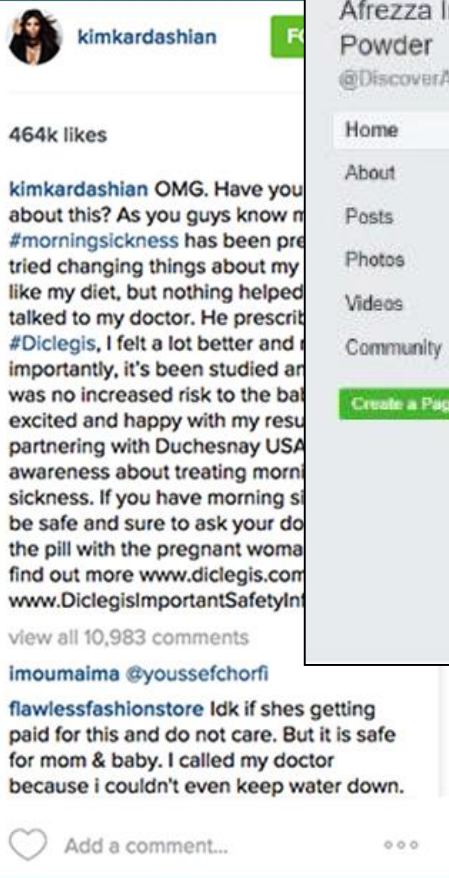
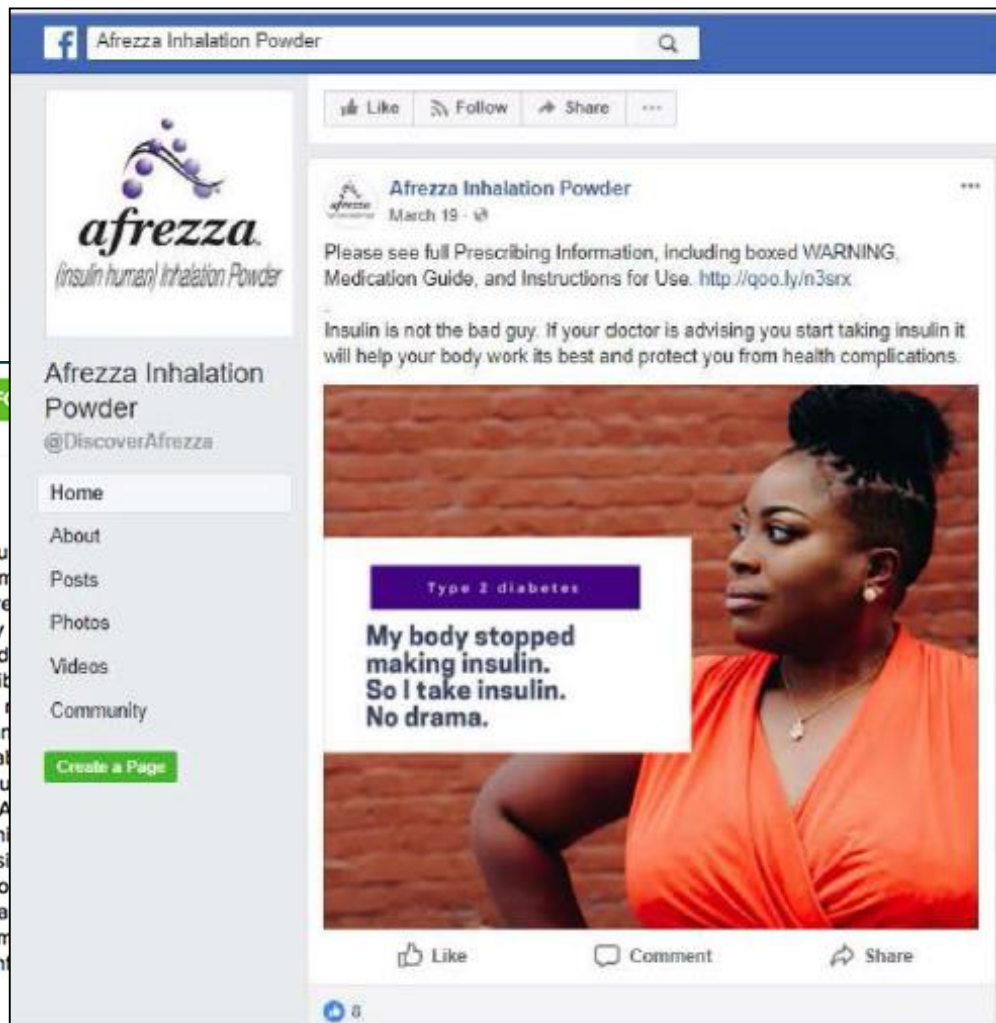
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## DRAFT GUIDANCE

## DATE

Responding to Unsolicited Requests for Off-Label Information About Prescription Drugs and Medical Devices	December 2011
Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics*	January 2014
Internet/Social Media Platforms with Character Space Limitations – Presenting Risk Information for Prescription Drugs and Medical Devices	June 2014
Internet/Social Media Platforms: Correcting Independent Third-Party Misinformation About Prescription Drugs and Medical Devices	June 2014
Internet/Social Media Advertising and Promotional Labeling of Prescription Drugs and Medical Devices – Use of Links to Third-Party Sites	<i>Cancelled</i>





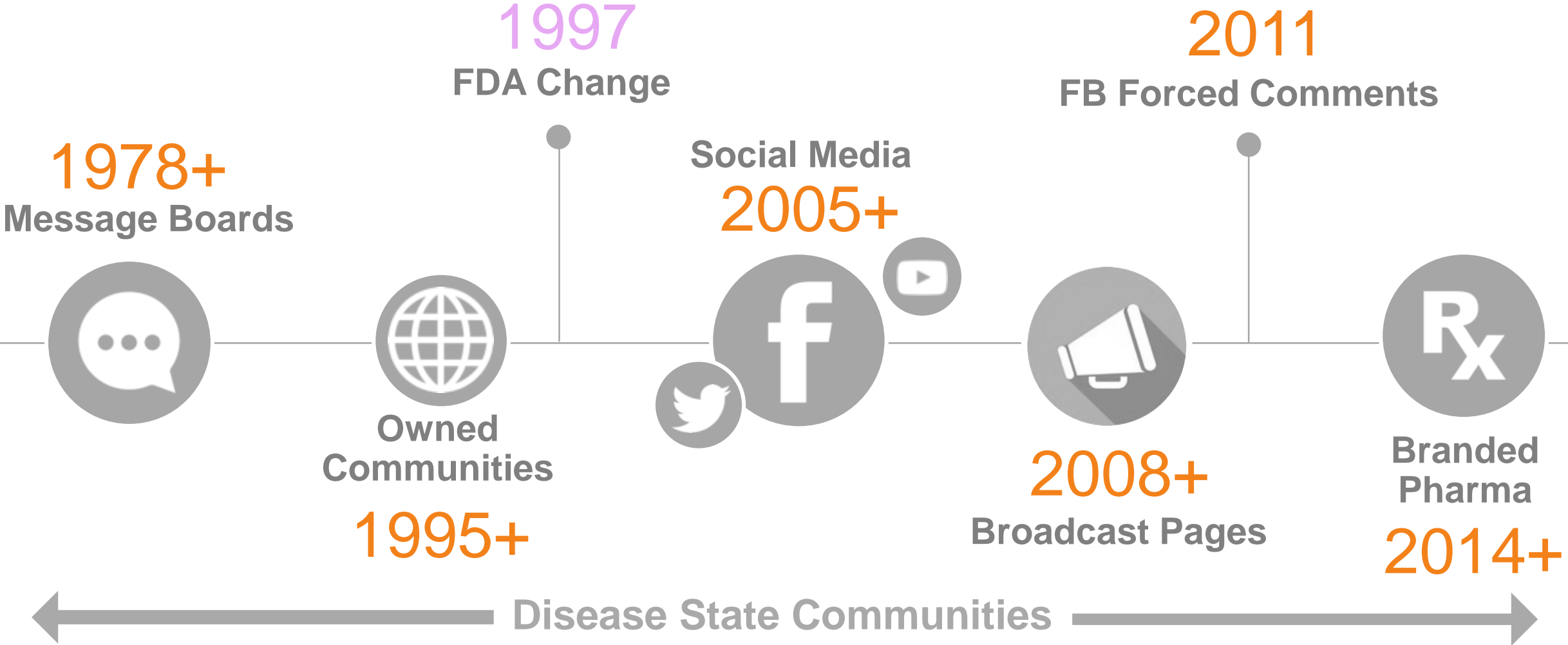
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# Goals & Challenges of Social Media Channels





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# The Evolution of Pharma in Social Media



# Social Channels: Pharma Considerations

	Channel Opportunities	Challenges
	<ul style="list-style-type: none"><li>• Often good audience fit</li><li>• Strong Pharma custom options (scroll ISI, comments off, etc.)</li><li>• Groups offers depth</li></ul>	<ul style="list-style-type: none"><li>• Must have paid media budget</li><li>• Privacy concerns (using real name for condition discussions)</li></ul>
	<ul style="list-style-type: none"><li>• Large broadcast opportunity for awareness</li><li>• Ads without profile available for awareness</li></ul>	<ul style="list-style-type: none"><li>• Can be tough to cut through the noise</li><li>• Paid required</li><li>• VERY small space for ISI</li><li>• Single link can be challenge for branded</li></ul>
	<ul style="list-style-type: none"><li>• Significantly improved interface, more participation and more advertising options</li><li>• Often taken more seriously than other channels</li></ul>	<ul style="list-style-type: none"><li>• Good channel for HCPs</li><li>• Focus on awareness for patients who are hesitant to mix business and condition</li></ul>
	<ul style="list-style-type: none"><li>• Most viable path to younger audience</li><li>• Some of the FB options avail here too</li><li>• Ads without profiles for awareness</li></ul>	<ul style="list-style-type: none"><li>• Visual medium can be hard for pharma</li><li>• Single link is challenge for branded</li></ul>



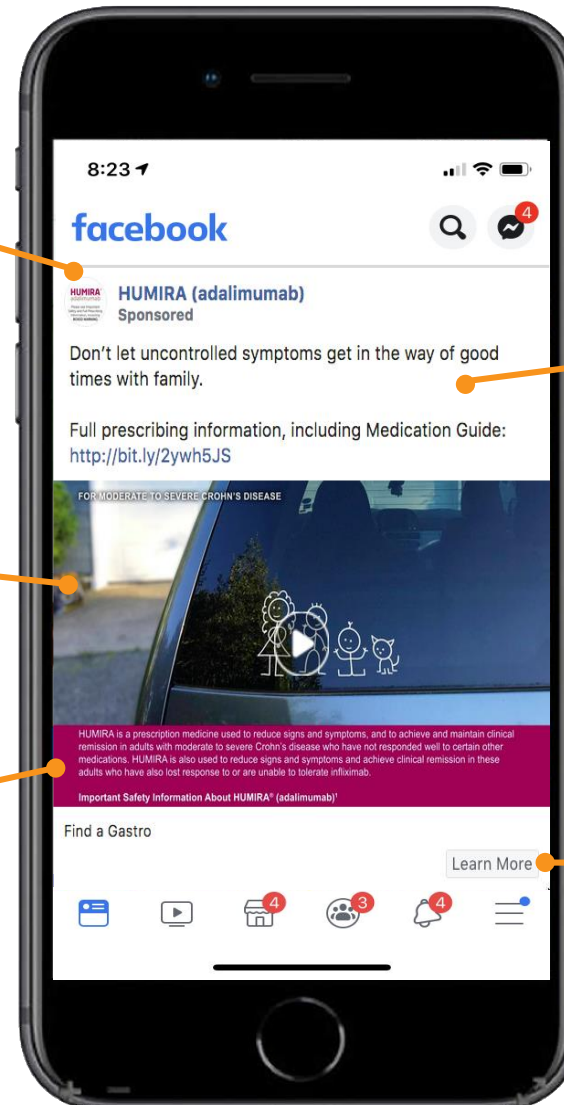
# Facebook Branded Post Functionality

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

The image shows two side-by-side mobile phone screens illustrating a change in social media post layout. The left screen, labeled 'BEFORE', shows a post from 'Jasper's Market' with a large blue image containing the text '2:3'. A red bracket on the left indicates '7 Lines before truncation' at the top of the image. The right screen, labeled 'AFTER', shows the same post but with the image truncated to a smaller size containing the text '4:5\*'. A red bracket on the right indicates '3 Lines after truncation' at the top of the image. Orange arrows point from the text in the 'BEFORE' image to the text in the 'AFTER' image. The post text is: 'Welcome to Jasper's Market! We are proud to offer high quality, locally sourced products. Check out our "Shop" section to browse our latest products and "Events" section to find information about upcoming harvest gatherings. Message us if you have any questions - we take pride in our customer service! Stock up on our fresh, in-season fruits!'. The bottom of both screens shows the website 'WWW.JASPERS-MARKET.COM', a 'Sign Up' button, and engagement metrics: 'John Evans and 23 others' and '2 Comments'.

**BEFORE**

Jasper's Market shared a link. Sponsored · 🌐

Welcome to Jasper's Market! We are proud to offer high quality, locally sourced products. Check out our "Shop" section to browse our latest products and "Events" section to find information about upcoming harvest gatherings. Message us if you have any questions - we take pride in our customer service! Stock up on our fresh, in-season fruits!

2:3

WWW.JASPERS-MARKET.COM Sign Up

👍👍👍 John Evans and 23 others 2 Comments

👍 Like 🗨 Comment ↻ Share

**AFTER**

Jasper's Market shared a link. Sponsored · 🌐

Welcome to Jasper's Market! We are proud to offer high quality, locally sourced products. Check out our "Shop" section to browse our latest prod... See More.

4:5\*

WWW.JASPERS-MARKET.COM Sign Up

👍👍👍 John Evans and 23 others 2 Comments

👍 Like 🗨 Comment ↻ Share

7 Lines before truncation

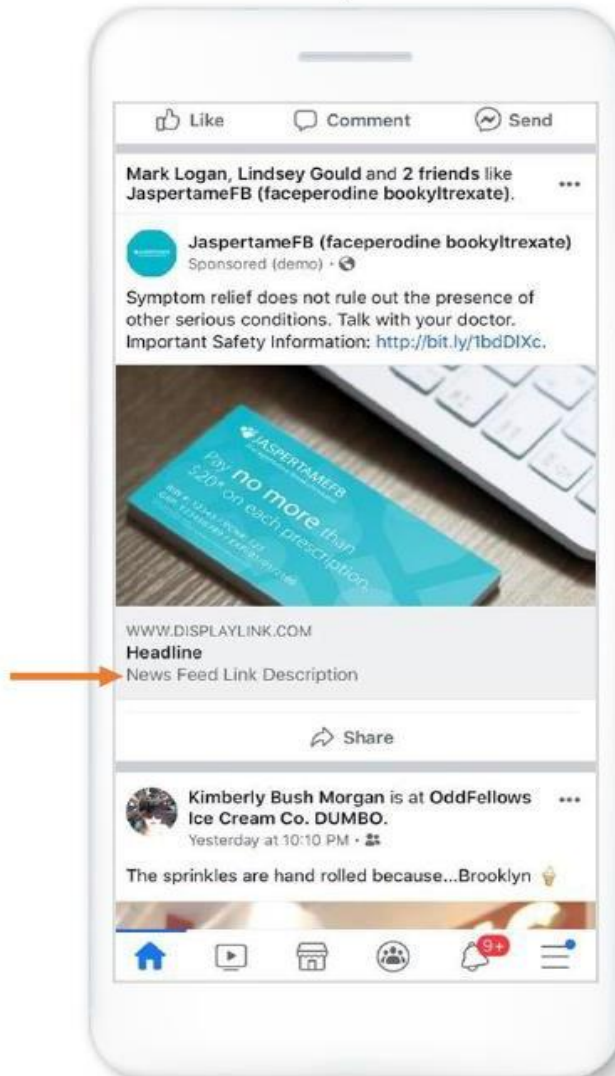
3 Lines after truncation

# Frequent Changes- Link Description

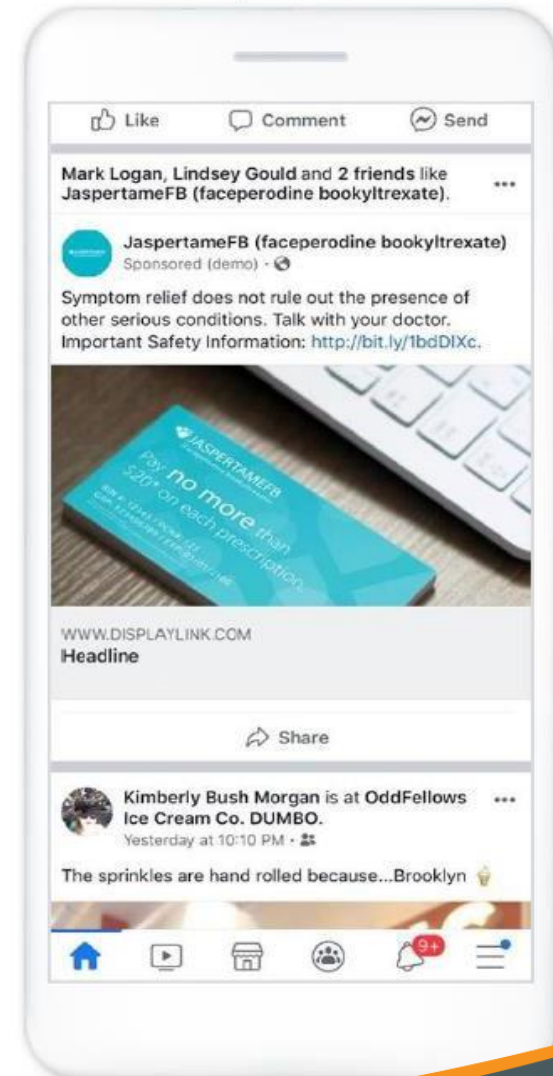
## Update:

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.

Link Description Visible



Link Description Not Visible



# OPDP Research: Significant DTC Focus

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## 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”<sup>1</sup>

<sup>1</sup>Aikin KJ, et al., *Direct-to-Consumer Promotion of Prescription Drugs on Mobile Devices: Content Analysis*. J Med Internet Res 2017;19(7):e225; <http://www.jmir.org/2017/7/e225>

# OPDP Research in Progress

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## 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?



**Twitter**  @Twitter · 16m

At the heart of Twitter are short messages called Tweets — just like this one — which can include photos, videos, links, text, and [#hashtags!](#)

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# 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



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 "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..."*

**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

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- *“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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