

**COMPLAINANT v ASTRAZENECA**

**Alleged promotion to the public on LinkedIn**

**CASE SUMMARY**

This case was in relation to statements within the 'About' section of an AstraZeneca employee's LinkedIn profile.

The outcome under the 2021 Code was:

<b>No Breach of Clause 2</b>	<b>Requirement that activities or materials must not bring discredit upon, or reduce confidence in, the pharmaceutical industry</b>
<b>No Breach of Clause 3.1</b>	<b>Requirement that a medicine must not be promoted prior to the grant of its marketing authorisation</b>
<b>No Breach of Clause 3.3</b>	<b>Requirement to comply with an undertaking given in relation to a ruling under the Code</b>
<b>No Breach of Clause 3.4</b>	<b>Requirement that companies must comply with all applicable codes, laws and regulations to which they are subject</b>
<b>No Breach of Clause 5.1</b>	<b>Requirement 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>
<b>No Breach of Clause 26.2</b>	<b>Requirement that information about prescription only medicines which is made available to the public must be factual, balanced, must not raise unfounded hopes of successful treatment or encourage the public to ask their health professional to prescribe a specific prescription only medicine</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 was received from an anonymous, contactable complainant, who had later become non-contactable, about AstraZeneca.

### COMPLAINT

The complaint wording is reproduced below:

“I would like to report another example of promotion to the public on LinkedIn by a very senior UK based leader at AstraZeneca.

The job profile of [named senior employee] not only mentions so many AZ medicines by brand name eg Tagrisso, Imfinzi, Imjudo etc but also describes the 2bn dollar revenue generating Imfinzi and its indications for which it is licensed in Small Cell Lung Cancer, metastatic lung cancer and unreaectable [sic] Non Small Cell Lung Cancer.

Additionally, Imfinzi is not licensed in the UK for metastatic Non Small Cell Lung Cancer so there is also promotion prior to the grant of a marketing authorisation.

The same promotion prior to a marketing authorisation is applicable by mentioning two ongoing clinical trials (Hudson) and (Orchard) which are not licensed indications yet.

I have pleaded with the senior leader to adjust [their] profile but there is no action, and a reluctance.

I'm considering this complaint, I believe the lack of care & continued examples of promotion to the public by linked [sic] warrant:

- Clause 2 – as this is not the first failure of an undertaking
- 26.1 & 26.2 – promotion to the public
- 5.1 – failure to maintain high standards
- 3.1 – promotion prior to a marketing authorisation by mentioning the clinical trials Hudson & Orchard and the indications under investigation for Tagrisso & Imfinzi in these trials
- 3.3 – an undertaking of not promoting to the public has been in previous AZ LinkedIn cases but many senior leaders refuse to change their behaviour
- 3.4 – a failure to comply with the code”

When writing to AstraZeneca, the PMCPA asked it to consider the requirements of Clauses 2, 3.1, 3.3, 3.4, 5.1, 26.1 and 26.2 of the Code.

### ASTRAZENECA'S RESPONSE

The response from AstraZeneca is reproduced below:

“AstraZeneca would like to respond to the allegations raised by the complainant in their email of 24 July relating to the ‘About’ section of a LinkedIn Profile of an AstraZeneca employee who we can confirm is based in the UK and has a global job role. The role

title of the individual and the AstraZeneca company to which the individual is contracted to is [provided].

The complainant insinuates from their email sign off 'Kind Regards Concerned AZ' that they are an AstraZeneca employee, however, the complainant is anonymous to AstraZeneca and we have received no information to confirm that they are a genuine AstraZeneca employee.

### **Our Investigation**

Upon receipt of the complaint, the individual concerned was informed of the allegations and immediately updated their profile to remove any drug-related references whilst the case is pending and an outcome is reached.

The individual confirmed that they do not recall being contacted previously for any issue with respect to their LinkedIn profile. Our findings are at odds with the complainant who alleges that they 'have pleaded with the senior leader to adjust *[their]* profile but there is no action, and a reluctance'. The complainant has provided no evidence to support their allegation, therefore this cannot be investigated further.

AstraZeneca actively encourages a culture of 'speak up' and internal procedures are in place to ensure that employees can voice their concerns confidentially through numerous appropriate channels where their anonymity can be preserved. Anyone who raises a concern about a possible compliance breach, in good faith, will be supported by management and will not be subject to retaliation. A copy of AstraZeneca's Code of Ethics is enclosed which provides further details on this. We also have an internal site which offers AstraZeneca employees more information and resources on raising concerns and speaking up. We are disappointed that this alleged employee has not used the robust internal processes to raise their concerns and would encourage them to do so.

### **LinkedIn Profile**

The individual's LinkedIn profile has 500+ connections and approximately 1700 followers, and thus we accept that some of the individual's connections may include members of the public.

The complainant had issue with the 'About' section of a LinkedIn profile of an individual which included reference to drugs within the therapy area portfolio the individual is responsible for and reference to some clinical trials as part of their previous accountabilities. Statements made by the individual in this section were related to a description of their responsibilities and experience, created independently by the individual with no instruction from or knowledge by AstraZeneca.

It is our understanding based on our experience of using LinkedIn that to find the 'About' section on an individual's LinkedIn profile, the user is required to actively search for that named individual's LinkedIn profile (a) via a search engine such as Google or (b) by clicking on or searching for the name of the individual within the LinkedIn platform, which then links their profile. Similar to the 'Experience' section of LinkedIn, the 'About' section is distinctly different from user activity on LinkedIn such as posts, comments,

'likes' and shares which would proactively disseminate information to the user's LinkedIn connections.

We signed into LinkedIn via 2 search engines on the laptop and via a mobile device for the purposes of seeing how an individual's 'About' section of their profile is displayed. In all the examples we viewed, we observed that the 'About' section on LinkedIn showed up to the first 4 lines of a User's 'About' section on LinkedIn, with the user having to proactively click 'see more' to view additional information. As per the screenshots from both a mobile and laptop [(provided to the Panel)], the information which appears within the first few lines in the 'About' section of this individual's profile contains no drug or study names, with the user having to click 'see more' to view the full information in this section. We also observed that when logged into LinkedIn this section may require some scrolling and that the position of the 'About' section on the page may also change based on various factors such as (but not limited to) user settings for what is shown to different users on a profile (for example verification section and highlights section typically placed ahead of 'About' section where shown), activity of a user, device used and browser window.

When a user is not signed into LinkedIn but wants to proactively search for a named individual on LinkedIn via a search engine, we noted that in some instances the 'About' section may be displayed in full alongside the experience section of a person's LinkedIn profile amongst other information. Dependent on the device used scrolling may be required. From our observations in the examples we looked at when using LinkedIn as detailed above, unless you are searching for a named individual in Google or other equivalent search engines, the full information on the 'About' section would not appear. It is highly unlikely for members of public to search for the individual concerned on a search engine.

A key role of LinkedIn is as a recruitment platform, and this aspect should be considered distinctly separate from its growing role as a professional network in terms of how it is used, and what aspects of a user's profile are seen and how the information is accessed. While 'posts' made by individuals and companies on LinkedIn might, in some circumstances, be treated with similar criterion, one would apply to a social network such as Facebook or Twitter, this categorisation should be kept distinct from the information, such as that of a CV (e.g. summary of experience), a user had as part of their LinkedIn profile, and which served an entirely different purpose, namely, that of recruitment.

Taking into account all the circumstances above and previous case precedence (notably [Case] AUTH/3476/2/21), AstraZeneca deny the following alleged breaches of: clause 26.1 (promotion of prescription only medicines to the public), clause 26.2 (raising unfounded hope of successful treatment to the public, or misleading with respect to the safety of the product), clause 3.1 (promotion of a medicine prior to granting of a marketing authorisation), clause 3.3 (failure to comply with an undertaking), clause 3.4 (companies must comply with all applicable codes, laws and regulations to which they are subject), clause 5.1 (failure to maintain high standards) and clause 2 (reducing confidence in the pharmaceutical industry).

In regard to clause 3.4 we do not understand why this clause is being alleged. With regards to clause 3.3 no specific case relating to a breach of undertaking has been cited, and therefore we deny alleged breach of clause 3.3.

### **Training**

The employee has read and signed the Global Standard - Employee use of personal social media channels for AZ and work-related content, v3.0, in July 2020, and has completed the AstraZeneca Code of Ethics awareness training, a mandatory online e-learning course which is delivered on an annual basis and includes a section on personal use of social media for work-related content. The individual also had compliance training in May 2023 as part of preparation for attendance at an International Oncology Congress which included high level do's and don'ts of social media engagement.

The complainant refers to a breach of undertaking, but they have not provided a case number. Despite the requirement that the complainant has the burden of proving their complaint, the PMCPA have requested AstraZeneca provide comments on actions taken with regards to training on the personal use of LinkedIn in the past twelve months. The reasons why are unclear to AstraZeneca. Nonetheless, regarding training in the past 12 months, employees would have to complete the AstraZeneca Code of Ethics awareness training, a mandatory online e-learning course (which is delivered on an annual basis) and includes a section on personal use of social media for work-related content which signposts to the Global Standard on the Employee use of personal social media channels for AZ and work-related content. There are also reminders to the social media policy via written and animated posts placed on global AstraZeneca Workplace groups. Since August 2022 there have been 2 unique posts of this nature to an audience of UK employees and 1 unique post on a group open to employees globally working in Oncology. These posts are often re-shared amongst other internal groups within the organisation. The unique posts alone have had a total of an approximately 8,000+ views. In addition, ahead of key international congresses (for example ASCO) employees attending congress would be reminded of this social media policy as part of their briefing. Employees can reach out to Global Compliance at any time should they have questions or require clarification on the policy.

### **Conclusion**

In relation to the 'About' section of the LinkedIn profile of an AstraZeneca employee, the information within this section is not proactively disseminated (unlike a post for example which maybe proactively disseminated through a 'like' or share). Based on our understanding, the 'About' section on a User's LinkedIn profile requires active searching for the individual's profile or accessed via clicking through to an individual's user LinkedIn profile. Based on our observations, when an individual's profile is searched for within the LinkedIn platform itself the entirety of the content in the 'About' profile is not displayed without having to click 'see more'. Furthermore, no content contained in this section was directed by or provided by AstraZeneca. Taking into the account all the circumstances as we understand it, we do not consider that prescription only medicines have been advertised to the public or that any medicines have been promoted prior to granting of a marketing authorisation to the public/healthcare professionals, and as such deny alleged breaches of 26.1, 26.2 and 3.1. Furthermore,

we deny alleged breaches of clause 3.3 (noting that AstraZeneca was asked to defend this alleged breach despite no specific case(s) cited) and clause 3.4.

We always strive to do the right thing, and strongly disagree that an individual's 'About' section of their personal LinkedIn profile has brought discredit upon or reduced confidence in the pharmaceutical industry. We therefore refute the alleged breaches of clause 5.1 and clause 2 of the 2021 Code of Practice.

AstraZeneca is concerned that unsubstantiated allegations are being raised by an alleged AstraZeneca employee about another individual employee's actions when a concern was allegedly raised with them. Allegations of this nature regarding conduct can be distressing and damaging reputationally for the individual concerned. No proof has been forthcoming from the complainant to substantiate their allegation in this regard.

AstraZeneca takes self-regulation seriously. We operate and actively encourage a culture of 'speak up' and internal procedures are in place to ensure that employees can voice their concerns confidentially through numerous appropriate channels where their anonymity can be preserved. If the individual is a genuine AstraZeneca employee we encourage them to raise any concerns internally in line with company policies."

AstraZeneca provided the Great Britain (GB) and Northern Ireland (NI) Summary of Product Characteristics (SPCs) respectively for Tagrisso, Imfinzi, Imjudo and Enhertu which were drugs mentioned in the profile. AstraZeneca submitted that ceralasertib and datopotamab deruxtecan (dato-dxd) were in clinical development and savolitinib was not licensed in the UK; it had received conditional approval in China and approval in Macau. Therefore, AstraZeneca did not provide SPCs for ceralasertib, datopotamab deruxtecan and savolitinib.

## **PANEL RULING**

The Panel noted that while LinkedIn was originally primarily used as a resource for recruitment, the social media platform had evolved over time and this might not be how it was currently predominantly used. 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 a senior AstraZeneca employee advertised prescription only medicines to the public, the Panel noted that the 'About' section of the employee's profile included the following statements:

*“... AstraZeneca’s leading Lung Cancer portfolio: TAGRISSO, IMFINZI, IMJUDO, ENHERTU, DATO-dxd, bispecifics portfolio, savolitinib and ceralasertib.”*

*“... IMFINZI, a \$2+BN product approved globally for unresectable, metastatic NSCLC and ES-ESCLC.”*

*“... TAGRISSO & IMFINZI products and associated platform studies such as HUDSON (following progression on PD(L)1 therapy) & ORCHARD (following 1st line progression on TAGRISSO).”*

The Panel noted reference to case precedent in AstraZeneca’s submission (notably Case AUTH/3476/2/21). The Panel considered that there were significant differences between those cases and the complaint at issue – specifically in relation to which section of the LinkedIn profile was the subject of the complaint. The Panel 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 worked 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. It was distinct from the ‘Experience’ section, which was a more formal list of current and previous job roles. The Panel also noted that the first few words of the ‘About’ section of an individual’s LinkedIn profile could appear in Google search results ‘snippets’, after the ‘Headline’ section.

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 ‘Activity’ section (which showed the individual’s most recent posts, reactions, etc.).

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. While the visibility of particular sections of their LinkedIn profile could be controlled by an individual through the profile settings, the Panel noted, as demonstrated by the screenshots provided by the complainant, that a user did not need to be logged in to LinkedIn to be able to view the AstraZeneca employee’s profile, including the ‘About’ section. The Panel noted AstraZeneca’s submission that in some circumstances, only the first four lines of the ‘About’ section were visible until the user had proactively clicked ‘see more’, while in other circumstances, the full content of the section was visible.

The Panel had some concerns about the language used in the employee’s LinkedIn profile ‘About’ section; for example, the description of the lung cancer portfolio as “leading”, and whether it was appropriate to mention medicines and their indications in a public online profile rather than just referring to the therapy area in which an individual worked. However, the Panel considered that the information within the ‘About’ section, which would require an individual to actively search and navigate, was distinct from, and appeared below, the ‘Activity’ section where posts, comments, reactions, etc., which would proactively disseminate information to the user’s LinkedIn connections, would appear.

On the evidence before it, the Panel noted that although the AstraZeneca 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 Panel noted in particular that, in this case, the AstraZeneca employee had written their 'About' section rather like a CV or the 'Experience' section of LinkedIn.

The 'About' section of the LinkedIn profile, like the 'Experience' section, would normally require further navigation such as scrolling and clicking by the reader to fully view the information. On balance, 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** of the 2021 Code.

The Panel noted that the complainant had also cited a breach of Clause 26.2, which stated (among other things) that information about prescription only medicines that is made available to the public must be factual and presented in a balanced way. In the Panel's view, the complainant did not make a specific allegation in relation to this clause. It was not for the Panel to make out a complainant's case for them or to infer detailed reasons to support the allegation(s) on their behalf. The Panel therefore ruled **no breach of Clause 26.2**.

In relation to the allegation that information within the LinkedIn profile constituted promotion prior to the grant of a marketing authorisation, the Panel relied on the same reasoning as above in relation to Clause 26.1. Given the Panel did not consider that the information in question within the 'About' section of this employee's LinkedIn profile constituted 'advertising', it similarly did not consider it to be 'promotion'. On balance, 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 medicine had been promoted prior to the grant of a marketing authorisation. The Panel therefore ruled **no breach of Clause 3.1**.

The complainant alleged that, in promoting a prescription medicine to the public on LinkedIn, AstraZeneca had failed to comply with an undertaking given in relation to a ruling under the Code (Clause 3.3). The complainant alleged that "an undertaking of not promoting to the public has been in previous AZ LinkedIn cases" but did not cite a specific case. It was not clear to the Panel to which undertaking the complainant was referring. It was not for the Panel to make out a complainant's case for them or to infer detailed reasons to support the allegation(s) on their behalf. The Panel therefore ruled **no breach of Clause 3.3**.

The complainant alleged that failing to comply with the ABPI Code was in breach of the requirements of Clause 3.4. The Panel noted that Clause 3.4 required that companies must comply with all applicable codes, laws and regulations to which they are subject. Given the rulings of no breaches of the Code, above, the Panel ruled **no breach of Clause 3.4**.

Given its rulings of no breaches above, the Panel considered that the complainant had not established that AstraZeneca had failed to maintain high standards. The Panel therefore ruled **no breach of Clause 5.1**.



The Panel noted that the allegation of a breach of Clause 2 was because “this [was] not the first failure of an undertaking”. Given the Panel’s conclusion above in relation to Clause 3.3 (that the complainant had not cited a specific undertaking), the Panel consequently ruled **no breach of Clause 2**.

**Complaint received**      **24 July 2023**

**Case completed**        **2 October 2024**