

EDITOR OF A PHARMACY JOURNAL v BAYER

Celebrity endorsement

The editor of a pharmacy journal queried the appropriateness of celebrity endorsement in relation to two online articles, one on the BBC website and one on the Saga Magazine website, which referred favourably to the merits of Levitra (vardenafil) for the treatment of erectile dysfunction. The Director decided to take the matter up as a complaint under the Code with Bayer, the suppliers of Levitra.

In the BBC article, the sporting celebrity was reported as stating: 'The impotence drug Viagra did not help me and I found an alternative called Cialis did not have very quick results, but a drug called Levitra suited my lifestyle. I took it and within 15 minutes I could be 'in action'.' The Saga Magazine article was in a similar vein and, *inter alia*, reported the celebrity as describing Levitra as 'perfect'. They noted that the celebrity was also the spokesman for the 'SortEDin10' campaign.

The Panel noted celebrity endorsement *per se* was not prohibited by the Code. The mere act of using a celebrity to endorse a product did not indicate that high standards had not been maintained. No breach of the Code was ruled. The Panel similarly did not consider that celebrity endorsement *per se* failed to recognise the special nature of medicines or would be likely to cause offence. No breach of the Code was ruled.

The editor of a pharmacy journal asked the Authority to comment upon the appropriateness of celebrity endorsement in relation to two online articles which included interviews with a sporting celebrity and which referred favourably to the merits of Levitra (vardenafil) for the treatment of erectile dysfunction.

The Director decided to take the matter up as a complaint under the Code of Practice with Bayer plc, Pharmaceutical Division, the suppliers of Levitra.

COMPLAINT

Two articles were at issue, one on the BBC website and one on the Saga Magazine website.

In the BBC article, the celebrity was reported as stating:

'The impotence drug Viagra did not help me and I found an alternative called Cialis did not have very quick results, but a drug called Levitra suited my lifestyle. I took it and within 15 minutes I could be "in action".'

The Saga Magazine article was in a similar vein and, *inter alia*, reported the celebrity as describing Levitra as 'perfect'.

The editor of the pharmacy journal noted that the celebrity was also the spokesman for the 'SortEDin10' campaign.

When writing to Bayer, the Authority advised it that this complaint related solely to the issue of celebrity endorsement and asked it to respond in relation to Clauses 9.1 and 9.2 of the Code.

RESPONSE

Bayer strongly contested that the involvement of a celebrity to support SortEDin10 was in breach of Clauses 9.1 and 9.2, which referred to high standards, format, suitability and causing offence.

SortEDin10 was a disease awareness programme to encourage men who might be embarrassed to talk about their erectile dysfunction to come forward and discuss their condition with a medical professional. It was widely acknowledged that this was an under diagnosed and under treated disease, and importantly it often masked more serious conditions. Inevitably there would be sensitivities around such a topic, but the Department of Health and medical professionals alike recognised the wider benefits of disease awareness programmes of this kind.

Bayer approached the celebrity to be the ambassador for this programme in December 2004, aware that following his prostate cancer operation, he had suffered from erectile dysfunction.

The celebrity and his wife had always been passionate about trying to help others who might be suffering in silence, and encouraging men to seek advice. As a public figure with appeal to men of his own age, and to younger men for whom he was a hero, the celebrity used 'normal' language to talk about his condition and to appeal to sufferers with a non medical background.

The celebrity had been briefed by Bayer to behave in an entirely professional manner, and it believed that he had always done so in the context of Clauses 9.1 and 9.2.

Bayer submitted that all the briefing documents to the celebrity had respected the Code and the Medicines and Healthcare products Regulatory Agency's Blue Guide. These briefing documents were supplied, together with original press releases which triggered the BBC and Saga articles. The journalists appeared to have reported this in a factual and non-salacious manner. Neither Saga nor the BBC would wish to report factual interviews that would cause widespread offence. Both interviews were under the editorial control of those organisations.

Bayer's sponsorship of the SortEDin10 campaign had always been made clear on all press materials.

PANEL RULING

The Panel noted that celebrity endorsement *per se* was not prohibited by the Code. The mere act of using a celebrity to endorse a product did not, in the Panel's view, indicate that high standards had not been maintained. No breach of Clause 9.1 was ruled. The Panel similarly did not consider that celebrity endorsement *per se* failed to recognise the special

nature of medicines or would be likely to cause offence. No breach of Clause 9.2 was ruled.

Complaint received

13 February 2006

Case completed

11 May 2006