

COMPLAINANT v ASTRAZENECA

Use of Twitter

A complainant who described him/herself as a concerned UK health professional complained about a re-tweet by AstraZeneca which alerted readers to the fact that, during heart failure awareness week, the company had joined the Heart Failure Society of America to help raise awareness of heart failure and its prevention.

The complainant noted that the tweet, initially sent out by AstraZeneca in the US, had been re-tweeted by AstraZeneca in the UK; he/she was concerned that the material would not have been properly processed in the UK and that it would have been seen by members of the public. The complainant noted that the tweet had several links from what was AstraZeneca's space to other uncontrolled facets of Twitter as well as other websites.

The detailed response from AstraZeneca is given below.

The Panel noted that the original US tweet was re-tweeted from AstraZeneca's global twitter account. The global headquarters was based in the UK and thus the global twitter account and the re-tweet had to comply with the UK Code.

The Panel noted that the tweet highlighted a disease awareness week and included a link to the schedule of events. The Panel noted AstraZeneca's submission that the re-tweet was non-promotional in nature and neither it, nor the linked events schedule, mentioned any specific medicine. The Panel ruled no breach of the Code as the re-tweet had been certified as a non-promotional item prior to being issued.

The Panel noted that the complainant had provided no evidence that AstraZeneca had failed to provide adequate training with regard to the release of the tweet and therefore, based on the narrow allegation, no breach of the Code was ruled.

The Panel noted that the 2016 Code stated that it should be made clear when a user was leaving any of the company's sites, or sites sponsored by the company, or was being directed to a site which was not that of the company. In the Panel's view, it was clear that the link took the reader to the Heart Failure Society of America's webpage for Heart Failure Awareness Week 2019. The Panel therefore ruled no breach of the Code.

The Panel noted that there was no evidence that AstraZeneca had failed to maintain high standards and no breach of the Code was ruled in that regard.

A complainant who described him/herself as a concerned UK health professional complained about a re-tweet by AstraZeneca. The tweet read:

'This Heart Failure Awareness Week, we're

joining @HFSA [Heart Failure Society of America] to help raise awareness of #heartfailure and prevention. Check out the #HFWeek2019 schedule of events to learn more spr.ly/6010EruFM. #AmericanHeartMonth.'

Below this text was artwork promoting HFSA and the heart failure week. There was a strapline 'Do your part, know your heart'.

COMPLAINT

The complainant noted that although the tweet was initially sent out by AstraZeneca in the US, it had been re-tweeted by AstraZeneca in the UK. The complainant was concerned that the material would not have been properly processed in the UK. Clearly the tweet was available to everyone including the public.

The complainant noted that the tweet had several links by various methods (@, # and compressed links). These were links from what was AstraZeneca's space to other uncontrolled facets of Twitter as well as other websites. The complainant alleged breaches of Clauses 9.1, 14.3, 14.5 (since it was covered by 14.3), 16.1 (with adequate training this would not be released) and 28.6 of the [2016] Code.

RESPONSE

AstraZeneca submitted that neither the original tweet nor re-tweet were promotional; they were issued as standard, non-promotional tweets to promote disease awareness of heart failure to a US and global audience.

AstraZeneca noted that the two tweets were issued on two twitter handles operated by two distinct legal entities of AstraZeneca. The first tweet was issued on the Twitter handle '@AstraZenecaUS' which was operated by and registered to AstraZeneca US. AstraZeneca US was headquartered in Wilmington, Delaware and was the legal entity responsible for AstraZeneca's North American operations. The second tweet was a re-tweet of the first issued on the handle '@AstraZeneca' which was operated by and registered to AstraZeneca PLC. AstraZeneca PLC was located in Cambridge, UK and was the global headquarters for the AstraZeneca group of companies. Being domiciled in the UK, the actions of AstraZeneca PLC and its employees were subject to the Code where applicable.

AstraZeneca noted that the complaint did not involve AstraZeneca UK which operated the Twitter handle '@AstraZeneca UK' and was responsible for AstraZeneca's operations in the UK. Both tweets focused on the US Heart Failure Awareness Week 2019 (10-16 February 2019). The

awareness week was created by the HFSA by a declaration through the US senate in 2001. HFSA Inc. was conceived in 1995 by a small group of academic cardiologists and aimed to bring health professionals, including researchers, physicians and nurses together to learn more about the mechanisms of the disease, how best to treat patients, play a role in reducing health care costs, etc.

AstraZeneca submitted that the subject matter of the two tweets was appropriate for both a US and global audience because

- a) Heart failure was a global pandemic which affected at least 26 million people worldwide and was increasing in prevalence. In the US alone, there were 5.7 million adults diagnosed with heart failure. This represented healthcare costs of over \$30 billion. Despite this significant health burden, HFSA represented the first organised effort by heart failure experts from the Americas to provide a forum for all those interested in heart function, heart failure, and congestive heart failure (CHF) research and patient care; this made the organisation and its disease awareness efforts of global relevance.
- b) Heart failure was a key therapeutic area of focus for AstraZeneca, and the company was committed to increasing awareness of this disease, improving clinical pathways through collaborations and developing new medicines to treat and prevent the disease.
- c) The non-promotional tweets did not pertain to any medicine marketed by AstraZeneca.

Given the global relevance of increasing heart failure awareness, the hashtags used in the tweets (#heartfailure, #HFweek2019, #AmericanHeartMonth) were relevant to global and US audiences as they referenced the disease and relevant awareness events. In addition, the hashtags used were not directly linked with any AstraZeneca medicine(s).

The short link provided (<http://spr.ly/6010EruFM>) in the tweets pointed to the HFSA's webpage for Heart Failure Awareness Week 2019. The webpage mainly featured events that were accessible to a global and US audience (tweet chats, webinars, etc), that focused on awareness and education around the topic of heart failure and were therefore relevant to both a global and US audience. There was no link or mention of AstraZeneca medicines on this webpage. AstraZeneca was not involved in the creation of the webpage and it did not influence or review any of the activities listed on the webpage as part of the awareness week. When readers clicked on the link it was made evident to them that they had entered an HFSA webpage. Key indicators included the web address that appeared at the top of the browser window and the HFSA logo at the start of the webpage.

AstraZeneca disputed the need for a 'pop up warning' for readers that clicked on to the link because of the unambiguous nature of the webpage serviced by the short link and the link appeared on a tweet and not a website. AstraZeneca denied a breach of Clause 28.6.

AstraZeneca submitted that the content of the tweet was created and published in adherence with all relevant internal procedures. The second tweet was approved in adherence with AstraZeneca PLC's relevant standard operating procedure (SOP). The SOP had been written to meet the rigorous standards of the Code. The re-tweet was approved and certified as a non-promotional item (it met the requirements of Clauses 14.3 and 14.5) on 12 February 2019 by an MHRA and PMCPA medical registered signatory who was a UK registered pharmacist (this met the requirements of Clause 16.1). The tweet was issued on 13 February 2019. AstraZeneca provided a timeline for approval and the process followed. Therefore, the link and the webpage had been assessed by the signatory certifying this re-tweet in keeping with internal processes and procedures.

In conclusion, AstraZeneca denied breaches of Clauses 14.3, 14.5, 16.1 and 28.6 of the Code. Further, the company submitted that it had maintained the highest standards when approaching this activity and it denied a breach of Clause 9.1.

PANEL RULING

The Panel noted that the use of social media including twitter to provide information to the public was a legitimate activity as long as the material complied with the Code.

The Panel noted that the original tweet was sent by AstraZeneca US from the US twitter account and was re-tweeted from AstraZeneca's global twitter account. The global headquarters was based in the UK and thus the global twitter account and the re-tweet had to comply with the UK Code.

The Panel noted that the tweet highlighted the United States' Heart Failure Awareness Week 2019 being run by the Heart Failure Society of America and included a link to the schedule of events. The Panel noted AstraZeneca's submission that the re-tweet was non-promotional in nature and neither it nor the linked events schedule mentioned any specific medicine.

Clause 14.3 stated that educational material for the public or patients which related to diseases or medicines had to be certified in advance. Clause 14.5 stated that the certificate for material covered by Clause 14.3 must certify that the signatory has looked at the final form of the material to ensure that in his/her belief it complied with the Code. The Panel noted that the re-tweet had been certified as a non-promotional item prior to being issued and therefore the Panel ruled no breach of Clauses 14.3 and 14.5.

With regard to the alleged breach of Clause 16.1, the Panel noted that the complainant had provided no evidence that AstraZeneca had failed to provide adequate training with regard to the release of the tweet and therefore, based on the narrow allegation, no breach of Clause 16.1 was ruled.

The Panel noted that Clause 28.6 of the 2016 Code stated that it should be made clear when a user was leaving any of the company's sites, or sites sponsored by the company, or was being directed to a site which was not that of the company. In the

Panel's view, it was clear that the link took the reader to the Heart Failure Society of America's webpage for Heart Failure Awareness Week 2019. The Panel therefore ruled no breach of Clause 28.6. In relation to AstraZeneca's submission that the link appeared within a tweet and not on a website, as referred to in Clause 28.6, the Panel noted that this was correct for the 2016 Code but the changes to Clause 28 in the 2019 Code would be relevant in future.

The Panel noted that there was no evidence that AstraZeneca had failed to maintain high standards and no breach of Clause 9.1 was ruled.

Complaint received **19 February 2019**

Case completed **9 May 2019**
