

CASE AUTH/3623/3/22

COMPLAINANT v AIMMUNE

Promotion of Palforzia Peanut [defatted powder of Arachis hypogea L., semen (peanuts)] on LinkedIn

CASE SUMMARY

This case was in relation to a LinkedIn post on the Aimmune Therapeutics US LinkedIn account which was 'liked' by a current UK based employee.

The Panel ruled a breach of the following Clause(s) of the 2021 Code because the Aimmune UK employee's engagement with the LinkedIn post had promoted Palforzia to health professionals and/or other relevant decision makers within his/her network without the provision of the obligatory information and to members of the public :

Breach of Clause 3.2	Advertising a prescription only medicine to the public
Breach of Clause 3.4	Failing to comply with all applicable codes, laws and regulations to which the company was subject
Breach of Clause 5.1	Failing to maintain high standards
Breach of Clause 5.6	Failing to provide or make available material only to those groups of people whose need for, or interest in, it could reasonably be assumed and tailoring it to the audience to whom it was directed
Breach of Clause 8.1	Failing to certify promotional material
Breach of Clause 12.1	Failing to include up-to-date prescribing information
Breach of Clause 12.4	Failing to include up-to-date prescribing information in digital material
Breach of Clause 12.6	Failing to include a clear, prominent statement as to where prescribing information could be found
Breach of Clause 12.8	Failing to include the date on which the promotional material was created or revised
Breach of Clause 12.9	Failing to include information about how to report adverse events
Breach of Clause 12.10	Failing to include the black triangle when required
Breach of Clause 16.1	Promotional material directed to a UK audience failing to comply with all relevant requirements of the Code
Breach of Clause 26.1	Advertising a prescription only medicine to the public

The Panel ruled no breach of the following Clause(s) of the 2021 Code because it did not consider that the particular circumstances of this case warranted a breach ruling:

No Breach of Clause 2	Requirement that activities or material must not bring discredit upon, or reduce confidence in, the pharmaceutical industry
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**This summary is not intended to be read in isolation.
For full details, please see the full case report below.**

FULL CASE REPORT

A contactable complainant who described him/herself as a former employee and wished to remain anonymous complained about the promotion of Palforzia [defatted powder of *Arachis hypogaea* L.,semen (peanuts)] on LinkedIn.

Palforzia was a Aimmune Therapeutics UK Limited medicine indicated for the treatment of patients aged 4 to 17 years with a confirmed diagnosis of peanut allergy. Palforzia may be continued in patients 18 years of age and older.

The complainant provided a link to and screenshot of the post in question made on the Aimmune Therapeutics US LinkedIn account which stated:

‘We’re proud to be at #WSAAI [Western Society of Allergy, Asthma & Immunology] engaging in important conversations as we present four abstracts on manufacturing, safety, real-world implementation, as well as patient characteristics and treatment patterns for our OIT treatment for #PeanutAllergy: bit.ly/3LaUsPc.’

and included the image of and quote from a senior employee which stated:

‘We’re excited to present these data on our OIT treatment for peanut allergy at this year’s WSAAI Annual Scientific Session, including information on how we manufacture and standardize our product for precision, safety and efficacy, as well as the first real-world study characterizing pediatric patients treated with Peanut (*Arachis hypogaea*) Allergen Powder-dnfp (PTAH) and PTAH treatment patterns in US clinical practice.’

COMPLAINT

The complainant alleged that the post which promoted *Arachis hypogaea* peanut powder had been liked by a current UK based employee, [named]. The complainant stated that the post mentioned the prescription only medicine *Arachis hypogaea* peanut powder which was the non-proprietary name for Palforzia, a medicine marketed by Aimmune in the UK. The post also mentioned this was an OIT (oral immunotherapy) used for peanut allergy. The complainant alleged that mention of medicine name and indication constituted promotion.

The complainant provided a link to, and screenshot of, the employee’s LinkedIn profile page which showed that he/she was an Aimmune Therapeutics employee based in the UK and had 500+ connections.

The complainant stated that due to the nature of LinkedIn’s functionality, when a user ‘liked’ a post, it could be proactively pushed to all that user’s connections LinkedIn feeds. As the named employee was based in the UK, this brought the post under the scope of the Code. As not all of the named employee’s 500+ connections would be UK health professionals or other relevant

decision makers, he/she would have connections who were members of the public. The complainant alleged that the promotional post had therefore been disseminated to the public.

The complainant alleged a breach of the following clauses:

- Clause 2 – Advertising a POM to the public has brought discredit to the pharmaceutical industry.
- Clause 3.2 – POM has been advertised to the public.
- Clause 3.4 – Aimmune has not complied with the Code or the MHRA Blue Guide as it has advertised a POM to the public.
- Clause 5.1 – High standards have not been maintained.
- Clause 5.6 – Material has been made available to the LinkedIn connections of a UK based employee of Aimmune, including UK members of the public, whose need or interest in the material cannot be reasonably assumed, as it is a material concerning the presentation of clinical data for a POM at a congress.
- Clause 8.1 – Promotional material has not been certified.
- Clause 12.1 – Prescribing information for a promotional material has not been provided in a clear and legible manner.
- Clause 12.4 – Prescribing information in a digital material has not been provided either by inclusion in the material or by way of a direct link.
- Clause 12.6 – There is no statement as to where prescribing information can be found.
- Clause 12.8 – There is no date of creation or last revision.
- Clause 12.9 – There was no adverse event reporting statement.
- Clause 12.10 – There was no black triangle, despite the drug in question being under black triangle reporting requirements.
- Clause 16.1 – Promotional material directed at a UK audience on the internet did not comply with all the relevant requirements of the Code due to the numerous other listed breaches.
- Clause 26.1 – POM had been advertised to the public.

When writing to Aimmune, the Authority asked it to consider the requirements of Clauses 2, 3.2, 3.4, 5.1, 5.6, 8.1, 12.1, 12.4, 12.6, 12.8, 12.9, 12.10, 16.1 and 26.1 of the 2021 Code as cited by the complainant.

RESPONSE

Aimmune Therapeutics UK Limited stated that it held the UK marketing authorisation for Palforzia [defatted powder of *Arachis hypogaea* L., semen (peanuts)] which was approved via the centralised EU procedure by the European Commission in December 2020. Aimmune UK began to commercialise the medicine (in the private market) in late 2021 and it would be available within the NHS from Q2 2022. This was the first and only product to be commercialised by Aimmune UK. As of the end of March 2022, Aimmune UK had 42 UK employees. Notwithstanding its size, and being a newcomer to the market, Aimmune UK took its Code obligations extremely seriously and strove to maintain the high standards that were required of all companies in the pharmaceutical industry, particularly regarding social media, which Aimmune hoped it would be able to demonstrate in this response.

The LinkedIn Channel

Aimmune UK noted that the complaint referred to a post that appeared on the LinkedIn channel of Aimmune Therapeutics, Inc., (Aimmune U.S.) which was a US affiliate of Aimmune UK. Aimmune US' LinkedIn channel had 25,390 followers as of 30 March 2022. The followers comprised of health professionals and non-health professionals. The LinkedIn account of Aimmune US was intended for US residents only and was clearly marked as such. The LinkedIn Channel was not directed toward, or intended for, UK audiences or any other audience outside of the US, it was exclusively used by Aimmune US and for a US audience.

Aimmune UK stated that Aimmune US used this channel conservatively for the US audience and did not use it as a promotional tool. In the past two years, sixty posts had been made on this channel by Aimmune US. Of these sixty posts, three mentioned Palforzia and two mentioned Peanut (*Arachis hypogaea*) Allergen Powder-dnfp. No posts mentioned *Arachis hypogaea* L., semen (peanuts) (which was the UK non-proprietary name for the product). No posts were made by Aimmune UK.

Aimmune UK stated that it did not control, administer, participate or post material on this LinkedIn channel. Therefore, Aimmune UK did not use LinkedIn to advertise prescription-only medicines to the public and the original post was not in the scope of the Code.

Accordingly, Aimmune UK was not in breach of Clauses 3.2, 5.6 or 26.1 of the Code as alleged.

The LinkedIn Post

Aimmune UK stated that the LinkedIn post that was the subject of the complaint was made on Aimmune US LinkedIn Channel on 2 February 2022 by Aimmune US. The LinkedIn post noted that Aimmune US would be attending the WSAAI congress and would be presenting four papers. The post included a quote from [named], Senior employee at Aimmune US. In this quote [named US employee] referred to data being presented on a real-world study with patients treated with 'Peanut (*Arachis hypogaea*) Allergen Powder-dnfp (PTAH)'. The post included a link to the program summary of the scientific event which did not contain any reference to Aimmune US or its products.

According to Aimmune UK, the intention of the post was to inform US health professionals about new data that Aimmune US would be presenting at the WSAAI Annual Scientific Session, which was a scientific non-promotional event taking place in Hawaii from 6-10 February 2022.

Aimmune UK submitted that the post was not intended to be promotional to its intended US audience. This was evidenced by the following facts: (i) the post included a statement from Aimmune US' Medical Affairs team that did not participate in promotional activities, (ii) it did not mention the brand name Palforzia - only the US non-proprietary name for the product, Peanut (*Arachis hypogaea*) Allergen Powder-dnfp, and (iii) it did not make any claims about the product. As such, it could be considered to be a non-promotional, informative post for US health professionals, to inform them about a non-promotional event in the US. There was no intention to promote a product or an event in Hawaii to UK audiences.

Furthermore, if the post had been intended for UK audiences, it would have referred to the UK non-proprietary name for the product, which was different to the one approved in the U.S. As stated above, the UK non-proprietary name for the product was defatted powder of *Arachis hypogaea* L., semen (peanuts) and not Peanut (*Arachis hypogaea*) Allergen Powder-dnfp (which was the US non-proprietary product name), as was used in the LinkedIn post.

The LinkedIn post was approved for use in the US market by US legal and regulatory reviewers following their typical review process for LinkedIn posts.

As it was not intended or directed to a UK audience, the post was not in scope of the Code and therefore it was not required that that LinkedIn post was certified on behalf of Aimmune UK, it did not need to contain a link to the UK prescribing information, it did not need to contain a clear and prominent statement as to where the prescribing information could be found, it did not need to include a date on which the promotional material was created, it did not need to include adverse event reporting details, it did not need to include a black inverted equilateral triangle, and it did not have to comply with the relevant requirements of the Code for promotional material directed at UK audience provided on the internet.

Aimmune UK stated that it would be unfair to hold it in breach of any Code violations related to the content or approval of a post that it knew nothing about and could not anticipate or foresee would be 'liked' by a UK employee, given UK employees were instructed not to 'like' Aimmune US posts. In fact, if Aimmune UK did approve and certify the post with all of the requirements of Sections 8 and 12 of the Code, this would be not only deemed to be contributing to the content of the post but also sending the incorrect message that this post was intended for a UK audience, which was factually incorrect. If Aimmune UK's material review team was presented with a LinkedIn approval for a post to appear on Aimmune US' LinkedIn channel, it would be rejected and not approved in compliance with Clauses 3.2, 16.1 and 26.1 of the Code. Therefore, because Aimmune UK complied with Clauses 3.2, 16.1 and 26.1, it would be unfair to find Aimmune UK to be in breach of Clauses 8 and 12 of the Code.

Accordingly, Aimmune UK denied breaches of Clauses 8.1, 12.1, 12.4, 12.6, 12.8, 12.9, 12.10 and 16.1 of the Code.

Social Media Policies and Trainings

Aimmune UK stated that its personnel's use of social media was governed by POL-CA-002 Social Media Policy, which was designed to provide guidance on the use of social media for both corporate and personal use and applied to use of social media accounts, including LinkedIn.

Aimmune stated that in Section 11 of this policy Aimmune personnel were told that they were not permitted to use personal social media channels to advertise or promote Aimmune products. To reduce the risk of sharing misinformation, circulating confidential information, or making promotional claims, Aimmune personnel should not discuss or mention Aimmune products on their personal social media channels. Specifically, Aimmune personnel located outside the US (which currently meant employees in the UK, Germany, France and Switzerland) were told they 'are never permitted to share Aimmune's posts on their social media channel'.

This Social Media policy was available on the company's intranet and was part of the onboarding training that all employees received. In addition, it was the subject of 'Compliance Updates' and other refresher trainings that took place at various company meetings.

One such company-wide 'Compliance Update' took place at the company all employee Town Hall in August 2021. During this update employees were reminded of the Social Media policy,

where to find it on the intranet, and also that they needed to follow the rules specific to their jurisdiction.

Aimmune UK's social media policy

Aimmune UK was in the process of implementing a UK-specific Social Media Policy (SOP-RA-001- Social Media Policy UK) at the time of the complaint. A draft of the policy was provided. In light of the nature of this complaint, Aimmune UK submitted that it would revisit this draft Social Media Policy and see if there was more that it could do via its policies to try to ensure there were no breaches of the Code resulting from employees' use of social media including inadvertent 'liking' of posts on LinkedIn.

Guidance to Aimmune UK employees on the use of Social Media

Aimmune UK submitted that to supplement the Social Media policy, and to provide specific and unambiguous guidance to Aimmune UK's employees on the rules specific to the UK, its legal and compliance teams both provided an update to all employees in September 2021. At this meeting, the compliance team gave a presentation titled 'Compliance and Social Media'. The intent of this presentation was to further train employees on the Social Media policy and to ensure they understood that activities on social media could result in the illegal promotion of pharmaceutical products. Following the compliance presentation, at the same meeting in September 2021, the legal team gave a presentation titled 'LinkedIn: What Can I Like'. The aim of the presentation was to give UK employees specific and clear training on the types of posts on LinkedIn they could like and what type of posts they should not 'like'.

After giving examples of recent cases where UK pharmaceutical companies were in breach of the Code because their employees had 'liked' inappropriate posts, the presenter showed actual posts from the Aimmune US' LinkedIn Channel and explained what posts were suitable for Aimmune UK employees to 'like' and which ones were not, from a Code perspective. Aimmune UK submitted that there was clear guidance that employees from the UK should not 'like' any Aimmune US' LinkedIn posts that mentioned Aimmune's products, using the brand name or the non-proprietary name.

Commitment to UK Code training

Aimmune UK submitted that it regularly held training and online courses with well-known UK Code experts to supplement and enhance its own in-house training efforts. Aimmune UK also trained its affiliates and parent company on the use of social media to avoid breaches of the UK and other European country codes. Aimmune UK was committed to reviewing its training program to make sure it was upholding confidence in the industry by delivering best in class training materials.

Investigation into LinkedIn Post that is the Subject of the Complaint

Immediately following receipt of the complaint, Aimmune UK began an investigation into the circumstances of the LinkedIn post and why it was 'liked' by the UK employee mentioned in the complaint.

Aimmune stated that its investigation into the post in question also showed that the post was 'liked' by 99 people and received three comments, including the 'like' from the UK employee mentioned in the complaint.

During a discussion with the UK-based employee that 'liked' the post, Aimmune learned that she/he did not recall 'liking' the post. He/she was a follower of the Aimmune US LinkedIn Channel and that was why the post appeared in his/her feed. He/she explained that, due to his/her role in the HR department, he/she was a regular user of LinkedIn and often looked up prospective employees' profiles and promoted colleagues and Aimmune corporate activities to his/her network, supporting personnel recruitment activities by 'liking' non-promotional posts as was common by HR professionals in the industry. He/she said that he/she was familiar with the Aimmune Social Media Policy and knew not to 'like' promotional material on social media so could not account for how or why he/she had inadvertently 'liked' the post in question.

Aimmune stated that it was possible that due to the non-promotional nature of the post which did not mention the brand name Palforzia or the UK generic name for Palforzia [defatted powder of *Arachis hypogaea* L., semen (peanuts)] it did not register as a promotional post to the UK employee, or most likely it was inadvertently liked when he/she was scrolling through his/her feed – which the technology unfortunately made very easy to do so without the acknowledgment of the user. Nonetheless, the UK employee acknowledged that he/she should have not liked the post inadvertently or otherwise. They had removed the 'like' and committed to taking more care in the future to ensure this did not happen again.

Whilst Aimmune UK asserted that the post was not intended for the UK and was not promotional in nature and should not therefore be subject to the provisions of the Code, it acknowledged the recent case law that showed that where a post was 'liked' by a UK employee this could bring LinkedIn posts within the scope of the Code.

As has been described above, Aimmune submitted that it had proactively trained its UK employees using specific and unambiguous training on not 'liking' product-related posts on LinkedIn. Despite best efforts, a human technological error occurred which could all too easily happen especially with high frequency social media use in today's modern world. Aimmune submitted that this by no means quelled its commitment to building a pharmaceutical company in the UK that acted with high integrity and contributed to building and maintaining confidence in the pharmaceutical industry. Therefore, considering this complaint, the company was committed to increasing its training efforts and was actively considering how best to manage situations where the technology allowed inadvertent/accidental 'liking' when users were scrolling their LinkedIn feed. In short, Aimmune were putting all of the company's social media-related activities under the microscope to expose any weaknesses and mitigate against future errors.

In light of the above, and the efforts that Aimmune UK continuously made to make sure its employees were not only trained on the relevant social media rules but given real life practical examples so they had clear, unequivocal and unambiguous specific guidelines, Aimmune UK had upheld confidence in the industry and maintained high standards at all times whilst complying with all applicable codes, laws and regulations to which it was subject.

Accordingly, Aimmune UK denied breaches of Clauses 2, 3.4 and 5.1 as alleged.

PANEL RULING

The Panel noted that LinkedIn was different to some other social media platforms in that it was a business- and employment-orientated network and was primarily, although not exclusively, associated with an individual's professional heritage, current employment and interests; its application was not limited to the pharmaceutical industry or to healthcare. In the Panel's view, it was, of course, not unacceptable for company employees to use personal LinkedIn accounts; the Code would not automatically apply to all activity on a personal account. The Panel noted that compliance challenges arose when the personal use of social media by pharmaceutical company employees overlapped with their professional responsibilities or the interests of the company.

The Panel noted that material could be disseminated or highlighted by an individual on LinkedIn in a number of ways by posting, sharing, commenting or 'liking'. The Panel understood that if an individual 'liked' a post, it increased the likelihood that the post would appear in his/her connections' LinkedIn feeds, appearing as '[name] likes this'. In the Panel's view, activity conducted on social media that could potentially alert one's connections to the activity might be considered proactive dissemination of material. In addition, an individual's activity and associated content might appear in the individual's list of activities on his/her LinkedIn profile page which was visible to his/her connections; an individual's profile page was also potentially visible to others outside his/her network depending on the individual's security settings. Company employees should assume that such activity would therefore potentially be visible to both those who were health professionals or other relevant decision makers and those who were members of the public. In that regard, it was imperative that they acted with extreme caution when using all social media platforms, including LinkedIn, to discuss or highlight issues which impinged on their professional role or the commercial/research interests of their company.

Whether the Code applied would be determined on a case-by-case basis, taking into account all of the circumstances including, among other things, content and distribution of the material. If an employee's personal use of social media was found to be in scope of the Code, the company would be held responsible. The Panel considered that companies should assume that the Code would apply to all work-related, personal LinkedIn posts/activity by their employees unless, for very clear reasons, it could be shown otherwise. Companies must have comprehensive and up-to-date social media policies that provide clear and unequivocal guidance on what was, and what was not, acceptable and it was extremely important that employees were trained upon them and followed them.

The Panel understood that employees might feel inclined to endorse articles related to their senior colleagues on LinkedIn or their company's corporate/global social media posts but noted that, depending on the content, such activity might or might not fall within the scope of the Code; companies would be well-advised to cover the possibility of that activity in their social media policies. This was particularly important if UK employees were likely to follow the social media accounts of overseas affiliates which might have codes, laws and regulations that differed to the UK.

The Panel noted Aimmune UK's submission that the original LinkedIn post at issue was made on Aimmune US LinkedIn which was intended for US residents only and therefore was outside the scope of the Code. The Panel noted, however, that it had been 'liked' by a senior UK employee who was based in the UK. The Panel considered that the UK employee's engagement with the post, on the balance of probabilities, had proactively disseminated the material to his/her connections on LinkedIn and had thus brought the post within the scope of the UK Code.

On the balance of probabilities, not all of the UK employee's 500+ connections on LinkedIn would meet the Code's definition of a health professional or other relevant decision maker and therefore the information had likely been made available to members of the UK public.

The Panel noted Aimmune UK's submission that the post was not intended to be promotional which was evidenced by the following facts including that it did not mention the brand name Palforzia. The Panel, however, noted that it was a well-established principle that, in general, the product name (brand or generic), particularly if alongside its indication, was likely to be seen as promotional and, depending on the context, a product could be promoted with either the product name, indication, or even without its name ever being mentioned.

The Panel noted that the LinkedIn post in question referred to a prescription only medicine, Peanut (*Arachis hypogaea*) Allergen Powder-dnfp (PTAH) an OIT and its use in the treatment for peanut allergy. The Panel considered that the inclusion of the US non-proprietary name of the medicine and the indication, in effect, identified Palforzia, a prescription only medicine available in the UK and thus a prescription only medicine had been promoted to the public and **breaches of Clauses 26.1 and 3.2** were ruled.

The Panel considered that in disseminating the LinkedIn post to his/her connections, the UK employee who had 'liked' the original LinkedIn post had, in effect, created his/her own piece of promotional material which had not been certified and a **breach of Clause 8.1** was ruled.

The Panel considered that, on the balance of probabilities, that the Aimmune employee's connections on LinkedIn would also include UK health professionals or other relevant decision makers and therefore that the employee had promoted Palforzia to health professionals and/or other relevant decision makers within his/her network without the provision of obligatory information such as prescribing information, a clear prominent statement as to where the prescribing information could be found, the adverse event reporting statement and the inverted black triangle as required by the Code and so a **breach of Clauses 12.1, 12.4, 12.6, 12.9 and 12.10** was ruled.

The Panel noted that the image of the LinkedIn post did not give the exact date it was posted or 'liked' by the UK employee. There was thus no date on when the promotional material was drawn up or last revised and therefore the Panel ruled a **breach of Clause 12.8**.

The Panel, noting its rulings above, considered that Aimmune had not complied with all applicable codes to which it was subject and material directed at a UK audience on the internet did not comply with all the relevant requirements of the Code and **breaches of Clauses 3.4 and 16.1** were ruled.

Clause 5.6 states that material should only be provided or made available to those groups of people whose need for, or interest in, it can reasonably be assumed. Material should be tailored to the audience to whom it is directed. The Panel noted that, in its view, the material had not been restricted to the audience to whom it was intended nor was the promotional nature of the material appropriate for the public and therefore the Panel ruled a **breach of Clause 5.6**.

The Panel noted Aimmune's submission that Aimmune UK was in the process of implementing a UK-specific Social Media Policy at the time of the complaint; a draft of the policy was provided.

The Panel noted Aimmune's submission that POL-CA-002 Social Media Policy, as referred to in its response, governed UK personnel's use of social media including LinkedIn.

The Panel noted that, according to Aimmune Section 11 of POL-CA-002, Aimmune personnel located outside the US, which included employees in the UK, were told they 'are never permitted to share Aimmune's posts on their social media channel'. Section 11 stated, *inter alia*, that 'In this highly regulated environment, Aimmune personnel are not permitted to use personal social channels to advertise or promote Aimmune products. To reduce the risk of sharing misinformation, circulating confidential information, or making promotional claims, Aimmune Personnel should not discuss or mention Aimmune products on their personal social media channels'. It further stated 'For Aimmune personnel located in the United States, there may be product milestones in which sharing posts on social media from employee personal channels may be appropriate. In these specific cases, Aimmune Corporate Communications, in conjunction with Medical, Legal and Regulatory Affairs, as needed, will provide clear guidance on approved language and hashtags when sharing/re-sharing and linking to Aimmune posts' and 'Aimmune personnel located outside of the United States are never permitted to share Aimmune's posts on their social media channels, due to country-specific regulations around product communications outside of the United States'. It then went on to state 'Before liking, sharing, or commenting on any non-Aimmune initiated posts or conversations online related to Aimmune products and/or competitors, please contact Corporate Affairs before engaging in any way. In response to these ad hoc requests/inquiries, Corporate Affairs, in conjunction with Medical, Legal and Regulatory Affairs, as needed, will provide clear guidance on liking posts, approved language, sharing content, and use of hashtags on social media'.

The Panel noted Aimmune's submission with regard to compliance updates and training it had undertaken. At a Town Hall meeting in August 2021, employees were reminded about POL-CA-002 which was, according to Aimmune, available on the company's intranet and was part of the onboarding training that all employees received. The presentation included a slide on 'Do's and Don'ts' which appeared to reflect POL-CA-002. The Panel noted that, according to the slides, employees should provide a disclaimer that the views expressed in their posts were their own and did not reflect the views and positions of Aimmune. The 'Don'ts' slide included 'Don't':

- Act as a company spokesperson (e.g. comment on someone else's post) unless you are authorized to do so
- Mention any Aimmune product by name in social media posts (unless approved by appropriate review committees)
- Mention brand-related hashtags such as #PALFORZIA #AR101 #OIT
- Speculate on or confirm any confidential information
- Make claims or share personal commentary about oral immunotherapy (OIT) or CODIT, such as: "OIT reduces risk of reaction to peanuts" or "OIT helps keep kids safe"
- Share posts containing negative sentiment toward other companies, including competitors
- Comment on anything to do with legal matters, questions or cases involving Aimmune, its employees, partners or contractors.'

In September 2021, UK employees were, again, reminded about the policy and where to find it and included the same 'Do's and Don'ts' slides. The Panel noted that it did not appear to be clear from the training slides that employees in the UK were not permitted to share Aimmune's

posts on their social media channels as set out in POL-CA-002 or engage with posts (including by 'liking' them) which mentioned Aimmune's medicines both licensed and/or in development.

The Panel noted, however, that at the same meeting in September 2021, Aimmune UK had provided training on LinkedIn posts using real life examples to demonstrate which posts could and could not be 'liked'.

Whilst the Panel did not know if the employee in question had attended the training in September, he/she seemed to be aware of POL-CA-002 and knew that he/she should not have 'liked' the post in question. The Panel considered, therefore, that it appeared that one UK employee had, albeit inadvertently by their own admission, in contravention of company policy 'liked' the LinkedIn post by Aimmune US which resulting, on the balance of probabilities, in its subsequent proactive dissemination to all of his/her connections and promoted the prescription only medicine Palforzia. The Panel considered that high standards had not been maintained in that regard and a **breach of Clause 5.1** was ruled.

Noting its comments and rulings above, the Panel considered that the particular circumstances of this case did not warrant a ruling of a breach of Clause 2 which was a sign of particular censure and reserved for such use. POL-CA-002 was clear that Aimmune personnel located outside the US were never permitted to share Aimmune's posts on their social media channel and Aimmune had proactively trained its UK employees using specific training on not 'liking' product-related posts on LinkedIn which the employee in question appeared to be aware of. **No breach of Clause 2** was ruled.

Complaint received **15 March 2022**

Case completed **24 March 2023**