

HEALTH PROFESSIONAL v GILEAD**Allegations about a social media post****CASE SUMMARY**

This case was in relation to a LinkedIn post on the personal account of a senior leader of Gilead UK & Ireland which provided reflections on a healthcare conference. The post described a contribution from a conference speaker who spoke about their experience of being diagnosed with HIV and receiving a 180-day supply of a single-tablet regimen. Although no product was named, the complainant believed that the reference to a single-tablet regimen was strongly associated with Gilead's HIV portfolio. The complainant alleged that the post may constitute disguised promotion, and promotion to the public, of prescription only HIV medicines.

The outcome under the 2024 Code was:

No Breach of Clause 3.6	Requirement that materials and activities must not be disguised promotion
No Breach of Clause 5.2	Requirement that all company personnel must maintain a high standard of ethical conduct in the discharge of their duties and comply with all relevant requirements of the Code
No Breach of Clause 26.1	Requirement not to advertise prescription only medicines to the public
No Breach of Clause 26.2	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

**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 about Gilead was received from a health professional. The complainant stated that they had been previously employed by Gilead Sciences over a decade ago.

COMPLAINT

The complaint wording is reproduced below:

“Company: Gilead Sciences Ltd
Individual referenced: [Senior leader]
Platform: LinkedIn
Date of post: 11 March 2026
Screenshots attached (11 March, shortly after posting and remains visible two weeks later 25th March)

Summary of Complaint

I wish to raise a concern that a LinkedIn post made by [a senior leader] of Gilead may constitute disguised promotion of prescription-only HIV medicines, in breach of Clause 11, and may also breach Clause 26 regarding promotion to the public. The post discusses HIV treatment, contrasts older complex regimens with a modern single-tablet regimen, and links this progress to Gilead’s work in “bringing new, innovative medicines to the people who need them.” It also uses hashtags such as #HIV and #HealthcareInnovation. Although no product is named, the reference to a single-tablet regimen is strongly associated with Gilead’s HIV portfolio, and the overall impression is promotional. The post is publicly accessible and authored by a very senior company leader, which increases the likelihood that it will be interpreted as a corporate communication.

Why I Believe This Breaches the Code

- Clause 11 (Disguised Promotion): The post implies the benefits of modern HIV treatment and associates these advances with Gilead’s innovation. PMCPA precedent shows that implied product associations in a therapy area where the company has commercial interests can constitute promotion even without naming a brand.
- Clause 26 (Promotion to the Public): The post is accessible to the general public and discusses the advantages of a specific type of HIV regimen, creating a favourable impression of prescription-only medicines.
- Additional concerns: The comparison between older regimens and modern single-tablet regimens is promotional in nature. The seniority of the author further strengthens the impression that this is a corporate promotional message.”

When writing to Gilead, the PMCPA asked it to consider the requirements of Clauses 3.6, 5.2, 26.1 and 26.2 of the 2024 Code. While the complainant cited Clause 11 in relation to their allegation of disguised promotion, the case preparation manager identified this as an error and informed the complainant that the company would be asked to respond in relation to Clause 3.6. The complainant did not disagree with that decision.

GILEAD’S RESPONSE

The response from Gilead is reproduced below with some typographical errors corrected:

“Thank you for your letter regarding a complaint concerning a LinkedIn post published on 11 March 2026 by Gilead’s [senior leader].

Gilead Sciences Ltd (“Gilead”) takes its obligations under the 2024 ABPI Code of Practice (the “Code”) very seriously. Having reviewed the complaint, Gilead considers that the post is not disguised promotion and does not promote prescription only medicines to the public, for the reasons set out below. The post provides health educational information on HIV and its management and helps address stigma, in accordance with the MHRA’s Blue Guide appendix 7 on disease awareness campaigns and Supplementary Information in the Code. We therefore refute any alleged breach of the Code.

1. The Material at Issue

The material at issue is a single LinkedIn post published on 11 March 2026 by the [senior leader], after [they] attended the annual IPHA Conference in Ireland.

The objective of the post was to highlight the positive impact of the conference, including discussions around Ireland’s commitment to timely access to innovative medicines. It also sought to share an inspirational personal contribution from a person living with HIV who spoke at the conference about their lived experience.

The post includes a high-level reflection on the progress that has been made in HIV treatment over time, contrasting historical treatment complexity with modern approaches to care, and expressing a general aspiration to end the HIV epidemic.

The post included the general hashtags “#HIV”, “#HealthcareInnovation” “#IPHA” and “#IPHAConference 2026”. These were used descriptively to reflect the subject matter of the conference discussion. These hashtags did not refer, link or direct readers to any branded content or medicine specific information.

The post does not name or identify any prescription-only medicine and does not refer to any active substance. It does not encourage individuals to seek treatment or to request a specific medicine, nor does it contain links to product-related or promotional materials. A colour copy of the LinkedIn post is enclosed.

2. Use of the Material

The LinkedIn post was published once on the personal LinkedIn profile of the [senior leader]. The [senior leader’s] LinkedIn profile has a mixed audience of followers typical of a senior leader within the pharmaceutical sector, including healthcare professionals, industry colleagues, policy and health system stakeholders, and members of the general public. The post was not subsequently reused or amplified through Gilead corporate channels.

3. Certification

The LinkedIn post was certified in advance in accordance with Clause 8 of the Code, as required for disease awareness material. The post was reviewed and approved as non-promotional content suitable for the general public.

The certification process confirmed that the content was factual, balanced and compliant with the requirements of the Code. Certification was undertaken in line with

Gilead's internal governance processes, which require that all social media posts made on the Gilead's [senior leader's] personal social media accounts relating to Gilead activity or Gilead therapy areas are certified for compliance with the Code.

A copy of the certification certificate, together with details of the signatory and their qualifications, is enclosed.

4. Clauses 26.1 and 26.2 – Promotion to the Public

The post does not promote prescription only medicines to the public, for the following reasons.

The post was certified as disease awareness material, non-promotional in nature and suitable for the general public. It discusses HIV as a disease area and reflects on the evolution of care in the context of an individual's lived experience shared at the IPHA conference.

Addressing stigma and outdated perceptions remains an important aspect of disease awareness in HIV and it is appropriate in this context to acknowledge how significantly HIV treatment has changed over time. Survey data like Positive Voices 2022 demonstrate the profound impact of stigma on those living with HIV supporting a real need for education.

The MHRA Blue Guide recognises that disease awareness communications are *"concerned with providing information, promoting awareness or educating the public about health, diseases and their management"*. Such campaigns *"may make reference to the availability of treatment options (which may include medicines as part of a range of possible management options)"*, provided that the campaign does not promote the use of, or stimulate demand for, particular medicines. This is also reflected in the Code: the Supplementary Information to Clause 26 permits companies to conduct disease awareness campaigns *"provided that the purpose is to encourage members of the public to seek treatment of their symptoms while in no way promoting the use of a specific medicine"*.

In accordance with these requirements, the LinkedIn post does not identify or imply a specific medicine and does not encourage members to ask their healthcare professional to prescribe a specific prescription only medicine.

Applying the Supplementary Information to Clause 26.2, Gilead notes that no product, active substance, brand or non-proprietary name is used in the post; no Gilead medicine is identifiable. The reference to a single tablet regimen is made solely to illustrate the contrast between historical treatment complexity and modern approaches to HIV care, as part of a wider disease awareness and stigma reduction narrative. Published literature describes the significant pill burden and strict dosing requirements associated with HIV treatment in the 1990s, when patients were often required to take dozens of pills each day with complex dietary and timing restrictions [URL provided]. The Positive Voices 2022 survey referred to above describes a move to a majority of people with HIV being treated with single tablet regimens *"Since 2017, pill burden (the number of pills a person has to take each day) decreased with 54.0% now receiving a*

single tablet regimen compared to 35.7% in 2017.” The reference in the post reflects this established historical context and contrast.

Even if the Panel were to consider that the post might prompt a member of the public to ask their healthcare professional generally about single tablet regimens as a treatment approach, this would not amount to promotion within the meaning of Clause 26.1 or 26.2. Single tablet regimens have been authorised for over eighteen years and are available from multiple manufacturers, including Gilead, ViiV/GSK, MSD, Janssen and a number of generic companies in both the UK and Ireland. The reference in the LinkedIn post to a single-tablet regimen could be to one of 10 or more treatments available in the UK and Ireland. A list of currently approved single tablet regimens indicated for HIV in the UK and Ireland is attached. The reference to single tablet regimens is therefore a high level description of a broad class of treatment and, cannot be interpreted as referring to, whether directly or indirectly, an identifiable Gilead medicine.

This analysis is consistent with the Panel's reasoning in AUTH/3394/10/20 and AUTH/3724/1/23, where disease awareness material was **not** found to breach Clause 26.2 notwithstanding that it might lead to general enquiries about treatment or prevention, because multiple treatment options were available from different companies and the material would not encourage a member of the public to ask their healthcare professional to prescribe a specific prescription only medicine.

5. Clauses 3.6 and 11 – Alleged Disguised Promotion

For the same reasons as set out above, Gilead refutes the allegation that the post constitutes disguised promotion.

Under the ABPI Code, material is assessed as promotional by reference to whether, having regard to its content, context and presentation, it is intended to encourage the prescription, supply, sale or administration of a medicine. The fact that material refers to a disease area in which prescription medicines exist does not, of itself, make it promotional. The definition of “promotion” in clause 1.17 states that promotion does not include “*information relating to human health or diseases provided there is no direct or indirect reference to specific medicines*”.

Applying that assessment, the LinkedIn post is not promotional. It does not contain express or implied product claims, does not suggest the efficacy, safety, innovation or superiority of any particular medicine, and does not identify or refer (directly or indirectly) to any specific prescription only medicine, active substance, brand or non-proprietary name.

The LinkedIn post refers access to medicines and the evolution of HIV treatment at a high level and in a factual context of disease awareness and lived experience. These references do not single out or point towards any specific medicine.

The material is therefore not promotional and cannot properly be characterised as disguised promotion within the meaning of Clauses 3.6 or 11 of the Code

The seniority of the individual author does not alter this assessment. The relevant test under the Code is whether the material itself is promotional, and in this case the content remains non-promotional, disease-focused and factual.

6. Clause 5.2 – High Standards

Gilead maintained high standards at all times in relation to the LinkedIn post.

The post was reviewed and certified in advance in accordance with Clause 8 of the Code, and Gilead's own internal governance processes, as disease awareness material suitable for the general public. The post contained no direct or indirect references to a specific medicine and no promotional claims. It was framed to address disease awareness, stigma and the historical evolution of HIV care.

Through its certification processes, internal governance arrangements and commitment to responsible corporate communications, Gilead acted in a manner consistent with maintaining high standards, in accordance with Clause 5.2 of the Code.

7. Conclusion

For the reasons set out above, Gilead respectfully submits that the LinkedIn post does not constitute promotion or disguised promotion of prescription only medicines and is compliant with Clauses 3.6, 5.2, 26.1 and 26.2 of the Code. Gilead therefore submits that no breach of the Code has occurred.

Gilead remains committed to upholding both the letter and the spirit of the Code and would be happy to provide any further information the Panel may require."

PANEL RULING

This complaint was in relation to a LinkedIn post by a senior leader of Gilead UK & Ireland. The complainant alleged that, although no product was named, the reference to a single-tablet regimen was strongly associated with Gilead's HIV portfolio and the overall impression was promotional. The complainant alleged that the post may constitute disguised promotion of prescription only HIV medicines and may also breach Clause 26 regarding promotion to the public.

The content of the post provided reflections on a recent healthcare conference in Ireland. The post began with remarks about it being great to visit Ireland and attend the named conference. It also referred to the Irish Health Minister's commitment to ensure funding decisions for new medicines will be made within 180 days under a new framework agreement. There were two user tags in this section: one to the conference organiser's account and the other to the Gilead Sciences UK & Ireland account.

The relevant section of the post that was the subject of the complaint described a personal highlight of the conference being a contribution from a person who described being diagnosed with HIV in 1995, losing friends to AIDS-related illnesses, and their lived experiences of HIV-related stigma. The post stated:

“But, the highlight of the conference and what really inspired me was the contribution from [named speaker], who spoke so eloquently about being diagnosed with HIV in 1995 when [they] [were] only 27. [They] lost many friends to AIDS-related illnesses and in those early days, having HIV was frightening and ominous.

[Named speaker] was genuine, funny but also managed to capture [their] lived experiences of HIV related stigma in a way which every member of the audience will remember for a long time to come. You could have heard a pin drop in that room. [Named speaker] also shared with us how [they] had just come from [their] six month check-up with [their] HIV consultant and had received [their] 180-day supply of a single-tablet regimen for HIV. A far cry from the really complicated treatment regime [they] would have been on in the early years after [their] diagnosis. I thanked [them] for inspiring me and everyone else in the room to keep doing what we are doing, bringing new, innovative medicines to the people who need them, here and globally.

I very much look forward to the day when we can end the HIV epidemic for everyone, everywhere.

#HIV

#HealthcareInnovation

#IPHA

#IPHAConference2026"

The post included a photograph of the Gilead senior leader standing next to another person, who the Panel assumed was the named speaker.

The complainant alleged that the LinkedIn post discussed “the advantages of a specific type of HIV regimen” and that “the reference to a single-tablet regimen is strongly associated with Gilead’s HIV portfolio”.

Gilead submitted that the LinkedIn post in question:

- was published once on the personal LinkedIn profile of the senior leader,
- was not subsequently reused or amplified through Gilead corporate channels,
- was certified as disease awareness material,
- was non-promotional in nature and suitable for the general public,
- did not identify or imply a specific medicine, and
- did not encourage members of the public to ask their healthcare professional to prescribe a specific prescription only medicine.

Clause 26.1 prohibited the advertising of prescription only medicines to the public.

Clause 26.2 stated:

“Information about prescription only medicines which is made available to the public either directly or indirectly must be factual and presented in a balanced way. It must not raise unfounded hopes of successful treatment or be misleading with respect to the safety of the product.

Statements must not be made for the purpose of encouraging members of the public to ask their health professional to prescribe a specific prescription only medicine.”

The Panel took account of the broad definition of promotion in Clause 1.17 of the Code and that it was an established principle that a medicine can be promoted without its name being mentioned. Whether a reference to, for example, a class of medicine or mechanism of action amounted to a reference to a specific medicine should be decided on a case-by-case basis. The Panel accepted that there may be other product features, such as method of administration, that could indirectly identify a specific medicine depending on the current treatment landscape for that condition.

The Panel took into account Gilead's submission that single tablet regimens had been authorised for over eighteen years, and were available from multiple manufacturers, including a number of generic companies, in both the UK and Ireland.

The Panel reviewed the wording and content of the LinkedIn post, but did not have a copy of the linked hashtag feeds or user accounts. Although the allegation was that the post was promotional, the complainant had not made any specific allegation about the tags used, none of which referred to a prescription only medicine.

The Panel agreed with both the complainant and Gilead that there was no reference in the post to a specific prescription only medicine. In the Panel's view, the positive language used to describe the single-tablet regimen might have led a member of the public to ask about single-tablet options for HIV, which included (but was not limited to) Gilead's medicines.

The Panel determined that the wording in the post did not directly or indirectly identify a specific Gilead single-tablet regimen. It was the Panel's view that, although the post included aspirational language, it did not go beyond general corporate communication linked to Gilead's expertise in the HIV disease area.

The Panel, therefore, did not consider that the post constituted advertisement of a prescription only medicine, nor would it encourage a member of the public to ask their health professional to prescribe a specific medicine. The Panel ruled **no breach of Clause 26.1** and **no breach of Clause 26.2**.

Clause 3.6 required that materials and activities must not be disguised promotion. Given the Panel's conclusion that the post did not directly or indirectly advertise a prescription only medicine, it could not therefore be deemed disguised promotion. The Panel ruled **no breach of Clause 3.6**.

Clause 5.2 required that all company personnel must maintain a high standard of ethical conduct in the discharge of their duties and comply with all relevant requirements of the Code. The Panel considered that there was clear evidence the senior leader had followed the company's process and procedures before publishing the post from their personal LinkedIn account. Noting the complainant bore the burden of proof, and given its rulings of no breach of the Code above, the Panel ruled **no breach of Clause 5.2**.

Complaint received	26 March 2026
Case completed	21 August 2026