

EX-EMPLOYEE v SANOFI

Alleged promotion on LinkedIn

CASE SUMMARY

This case was in relation to a LinkedIn post made by an employee of Sanofi Global about their new role. The job title mentioned in the post and in the employee’s profile headline included the brand names of three Sanofi products. The post was ‘liked’ by other Sanofi employees. The complainant claimed that naming these products on an “open platform” constituted promotion of the medicines and may encourage people to look up the product name.

The outcome under the 2021 Code was:

No Breach of Clause 26.1	Requirement to not 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 Sanofi was received from an anonymous, non-contactable complainant who described themselves as an ex-employee.

COMPLAINT

The complaint wording is reproduced below:

“A public post by [named person] on LinkedIn making people aware that [they were] starting a new position as [job title, including three Sanofi product brand names]. Product names are also in [their] permanent headline. I do not believe it is appropriate to be naming products on an open platform and constitutes promotion. With the post being public it may encourage people to look up the product names. The post has also been liked by many commercial/sales employees and also a medical lead.”

When writing to Sanofi, the PMCPA asked it to consider the requirements of Clauses 26.1 and 26.2 of the 2021 Code.

SANOFI'S RESPONSE

The response from Sanofi is reproduced below:

“We refer to your letter dated 05th of February 2024, in which you notified Sanofi UK of a complaint received under the Code of Practice for the Pharmaceutical Industry from a complainant who describes him/herself as a Sanofi ex-employee.

The complainant raised concerns relating to a public post by a named Sanofi employee on LinkedIn, making people aware of their new position in the Sanofi Global team. The complainant alleged that:

- the inclusion of brand names in the description of the role, both in the post and in the individual profile headline, would constitute promotion to the public potentially encouraging them to enquire about the product.
- and also highlighted the fact that the post was liked/commented on by several employees.

Sanofi takes its obligation under the Code very seriously and is concerned to have received such a complaint originating from an ex-member of staff. We have conducted a thorough investigation, which included interviews with relevant members of staff while taking particular care to protect the anonymity of the complainant.

In formulating our response, we addressed the concerns raised by the complainant, specifically the requirements of Clauses 26.1 and 26.2 of the 2021 ABPI Code of Practice, which we have been asked to respond to. In addition, we have provided the requested evidence related to the post in subject and relevant Sanofi procedure.

Sanofi Response to Complaint

In formulating our response Sanofi has addressed separately the two elements raised by the complainant as outlined below.

‘The inclusion of brand names in the description of the role, both in the post and in the individual profile headline, would constitute promotion to the public potentially encouraging them to enquire about the product.’

In investigating the case Sanofi identified that the post in question was published in August 2023 by the named employee who currently has 977 LinkedIn connections. The post read as ‘I’m happy to share that I’m starting a new position as [job title, including three Sanofi product brand names]. The job title was also mentioned in the heading of the employee’s profile. The post was public and appeared as one of the templated formats that LinkedIn generates once a job role is updated.

In order to address the concerns raised by the complainant regarding mentioning the brand names in the LinkedIn post and profile headline, Sanofi has interviewed the named employee, who confirmed that they have been working with the Sanofi Global team and have been based in France since [year]. They also clarified that the reason for inclusion of

the brand names in the job role, appearing in both the post itself and profile headline, was related to the change in the name of the Franchise which during [year] at a Global level changed to [include the three product brand names], as named in the individual profile and post.

Taking into account that the named employee was based in France at the time of posting and for several years prior to that, Sanofi believes that the matter falls outside the scope of the ABPI Code of Practice and UK certification of the post would not be needed.

'The fact that the post was liked/commented on by several employees'

The complainant also highlighted that several employees had liked and/or commented on the post.

As part of the investigation Sanofi identified that the matter raised by this complaint had been identified and actioned by the UK Compliance team as part of their routine activities. On the 22nd of August 2023 it was identified that, on the same day, several employees based in the UK had liked or commented on the post subject of this complaint. This was immediately addressed and, as an action to mitigate any further dissemination while assessing the situation, all relevant UK employees (10 in total at the time) were asked to remove the 'like' and/or comment. Confirmation from all involved was received by the afternoon of the 23rd of August 2023. The screenshot of the 2 'LinkedIn comments' shared as part of this complaint were included in this group and therefore those comments removed by end of day 23rd Aug 23.

In addition, all involved employees confirmed that:

- they had timely completed, and provided evidence, of the relevant Sanofi training prior to the investigation and were aware of the terms and guidance on social media use.
- the liking and/or commenting on the post was led by the genuine intent to congratulate the colleague for starting a new position.
- Any employee who had not undertaken the training of social media within the previous 12 months was asked to repeat the training.

All Sanofi UK employees are requested to train and follow the Personal Use of social media SOP which was last updated in October 2022. Furthermore, completion of an additional training module is compulsory for all UK employees.

In assessing this case and responding to the concerns of the complainant, and in line with internal discussions following the identification of this in August 2023, Sanofi have considered if UK employees liking or commenting on this specific post would constitute Promoting to the Public and/or encouraging a member of the public to ask their HCP to prescribe a medication. In doing so the following was considered:

- the social PMCPA media guide states that *'Job titles and descriptions in both employee profiles and company job advertisements should avoid mentioning POMs, particularly alongside the product indication therapy area, or key product benefits, as this is likely to constitute promotion.'*

The guide uses the wording ‘avoid’ and ‘particularly alongside...’ Which does imply it is referring specifically to a combination of product and other information (i.e. indication, therapy area etc).

- the Sanofi UK SOP on the personal use of social media instructs employees to *‘avoid including Sanofi products, indications, pipeline compounds, conditions for which there is only one treatment, or anything that could be seen as promotion, directly or indirectly, as part of your job role description or bio on any social media’*. Furthermore, it instructs *‘not to “like” or share any content about Sanofi products, indications, pipeline compounds, including posts with embedded links to Sanofi product pages or disease awareness posts which haven’t been approved for dissemination in the UK’*.
The Sanofi SOP was designed to include a conservative interpretation of the compliant use of social media to prevent any potential dissemination of inappropriate product information to the public e.g. a very recognizable brand name.
- The job title was a global franchise title and valid name of a job role with no indication, therapy area, product benefits or any other such information included by the global colleague who added the post nor in any of the comments made by other employees, which could result in providing any information about how these products are used.
- While at the time when the post was disseminated Sanofi UK took an immediate mitigating action, following internal discussion it was considered that mentioning exclusively product brand names in the context of updating a job role, or congratulating a colleague for starting in a new position, should not be seen as promoting to the public. As part of this investigation, four more UK employees were identified as having ‘liked’ the post after the containment action on the 23rd of August and no action has been taken.

In summary, while Sanofi recognizes the potential risks associated with the mention of products in Social Media profile headlines or posts related to job promotions, it does not consider that, in cases such as the post subject of this complaint, mentioning the brand name without any associated indications or reference to a disease area constitutes promotion to the public. Furthermore, none of the comments from Sanofi employees, including the ones that remained visible for approximately one day, added information that resulted in this post becoming promotional. Based on that Sanofi refutes breach of clause 26.1.

Sanofi was also asked to consider clause 26.2 of the Code of Practice. The complainant specifically alleged that mentioning the brand name in a public post may result in encouraging people to search for the product name. The second paragraph of clause 26.2 refers to ‘avoiding statements that would encourage members of the public to ask their healthcare professional to prescribe a specific prescription only medication’.

While the post mentioned the product brand names, there was no additional information that was made available to the public, nor any reference, direct or indirect, to the product indications or disease area in any part of the post or employee profile. Also, none of the comments from Sanofi employees, including those from any of the UK employees, were

adding any information or statements about the products or diseases that would raise unfounded hopes in the member of the public nor encouraging them to ask their health professionals to prescribe the products. Based on that Sanofi refutes breach of clause 26.2.”

PANEL RULING

This case was in relation to a LinkedIn post made by an employee of Sanofi Global about their new role. The job title mentioned in the post and in the employee’s profile headline included the brand names of three Sanofi products. The post was “liked” by other Sanofi employees. The complainant claimed that naming these products on an “open platform” constituted promotion of the medicines and may encourage people to look up the product name.

The LinkedIn post at issue stated:

“I’m happy to share that I’m starting a new position as [job title] – [product brand name]/[product brand name] & [product brand name] at Sanofi!”

Sanofi submitted that the original post was made by an employee of the Global team who had been based in France for several years. On the evidence before it, the Panel considered that the original post and the employee’s profile headline were outside the scope of the Code, as they were not made by a UK company or UK employee and made no reference to the availability or use of the medicines in the UK.

In response to the complainant’s allegation that the post had been “liked by many ... employees”, Sanofi submitted that it had identified 14 UK employees who had engaged with the post (either by an interaction, such as a ‘like’ or by commenting). The Panel considered that the UK-based employees’ engagement with the post would have proactively disseminated it to their connections on LinkedIn, which likely included members of the public in the UK. The Panel determined that the actions of the UK employees brought the LinkedIn post within the scope of the Code. It was well established that 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 carefully considered the definition of promotion as set out in Clause 1.17 and was mindful that each complaint was judged on a case-by-case basis and on the evidence provided by the parties.

The Panel noted the reference in the PMCPA Social Media Guidance 2023 to the mention of product brand names within job titles on social media platforms. The Panel considered that particular care should be taken when an individual’s job title included the name of a prescription only medicine. It was possible, within the broad definition of promotion, for mention of a brand name alone to be promotional. If a medicine was mentioned alongside the product indication, therapy area, or key product benefits, the Panel considered this was likely to constitute promotion.

The Panel considered the content of, and the impression created by, the LinkedIn post at issue. In the Panel’s view, the content of the post was limited to a change of job title. Three product brand names were mentioned as part of the job title. There was no further information about the products, such as their indication or therapeutic area, no brand logo was provided, and no

claims were made about any of the products. The Panel noted that comments provided by UK colleagues on the post did not add any information about the products.

While it was possible, given the broad definition of promotion, for material to be promotional when only the name of the medicine was present, in the particular circumstances of this case, the Panel did not consider that the complainant had established that the information within either the employee's profile heading or the post 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.

In the Panel's view, there were no factors within the employee's profile heading or the LinkedIn post which would encourage members of the public to ask their health professional to prescribe a specific medicine. The Panel considered that the post was limited to the individual's job title and the announcement of a new role. The Panel therefore ruled **no breach of Clause 26.2** of the 2021 Code.

Complaint received **2 February 2024**

Case completed **9 January 2025**