

Annex G of the EFPIA Code of practice Principles for the use of digital channels

This document is intended as a supplement to the provisions of the EFPIA Code of Practice that apply to all types of communication including via digital channels.

As this document is non-binding, Member Companies and Associations may need to adapt it to meet their particular requirements and are encouraged to adopt additional measures which extend further than the provisions in this document.

This document describes the most commonly used digital channels and what to be aware of, when communicating to and with the public and/or HCPs.

1. Principles applicable to all types of communication

Compliance with laws, regulations and codes of practice

A digital channel is only a platform for communicating. Laws and regulations applicable to other platforms and media also apply to digital media. The content, target group and use of the platform are relevant factors to determine applicable rules, not the media as such. Therefore, the provisions of the Directive 2001/83/EC related to the Medicinal Products' advertising and of the EFPIA Code of Practice apply to digital communication. The processing of personal data must comply with applicable data protection regulations.

Responsibility

Member Companies are responsible for all material disseminated via any digital channel that is initiated, branded and/or sponsored by Member Companies, or any Third Party acting on their behalf, including promotion of Medicinal Products.

A Member Company owning the social media page or site is responsible for the content. E.g. any mention of a Prescription-Only Medicine is likely to be considered promotion of that medicine to the public and prohibited. Another example might be the use of social media directed to the public to alert HCPs about the publication of a study on a Medicinal Product which is also likely to be considered promotion of that Medicinal Product and therefore prohibited.

Member Companies may also have responsibilities when interacting on digital channels owned by other companies or organisations.

Member Companies are also responsible for information disseminated by Member Company staff who do so via their private social media channel including, a) when they can

reasonably be perceived as representing the Member Company, or b) if they are instructed, approved or facilitated by the Member Company to do so. The Member Company should have internal guidelines in place on how its staff should behave on digital channels including their own personal account activities.

For digital channels owned by the Member Company, processes should be established to monitor, moderate and/or delete any inappropriate comments in a timely manner to the extent permitted by the data protection regulations and applicable laws and codes. Member Companies may need to have similar processes when using digital channels owned by other companies or organisations.

Pharmacovigilance

Member Companies should consider developing specific guidance for digital channels and contacting their pharmacovigilance experts for specific projects in order to meet their pharmacovigilance responsibilities including the obligation to record and report any adverse effects that are discussed about their Medicinal Products.

Transparency

Section 7.04 of the EFPIA Code of Practice requires Member Companies to clearly indicate when they have sponsored a communication. Whenever a Member Company or an individual or entity acting on behalf of a Member Company provides information on a digital channel, it should clearly state the involvement of the Member Company, including but not limited to defining content, funding in part or in totality.

In addition, the transfers of values to HCPs, HCOs and POs are reportable under the disclosure obligations as described in the EFPIA Code of Practice (Chapter 5).

When possible, the target audience of the channel should be clearly identified (e.g., HCPs and the public, or a combination thereof).

2. How to identify the allowed information for the different digital channels

It is important that the Member Company understands what content is appropriate for the different digital channels and the respective audience. All laws and regulations in this regard must be complied with in the same way as for other media.

Information included on a digital channel should be regularly updated and should clearly display, for each page and/or item, as applicable, the most recent date as of which such information was updated.

The following questions can be useful to assess risks associated with digital communication and appropriateness of digital channel content, access, set-up and maintenance:

- What is the objective of the communication (promote, inform, exchange)?
- What content will be made available on the digital channel?
 - Is the content related to Medicinal Products?
 - Is the content promotional or non-promotional?
 - Is the content related to disease awareness?
 - Is the content related to healthcare information e.g. in connection with diagnosis, treatment education, dietary support
 - Is the role of the Member Company providing/developing the content clear?
- Who is the intended audience? e.g. public, HCPs or both
 - Is verification of audience required?
 - If yes, how?
- What is the channel standard set-up?
 - Is the digital channel open to audience reaction such as sharing, commenting, exchanging?
 - How is the information cascaded across the digital channels?
 - Is the digital channel an open platform or for a closed audience?
 - Are there limitations in content size? e.g. Twitter
 - Are there any community guidelines applicable? e.g. Facebook, YouTube
 - How is the information about the channel audience processed?
- How is the content reviewed, approved and maintained including by the Member Company?

3. EFPIA guidance for members for various digital channels

Below is a short description of the general use of different types of digital channels. When deciding which digital channel to use and how to develop it, the principles set out above should be taken into account.

The content published by a Member Company on each channel must be appropriate and aligned with relevant regulations, laws and codes including the EFPIA Code of Practice.

Websites

Websites are classified as a channel that reaches the public, unless verification (e.g. pop-up for identification, or password) is required to access the website e.g. to HCPs. Some websites may include forums where the public can exchange or discuss topics.

Since many website visits are a result of using a search engine, keyword optimization has become an important tool. Member Companies can use appropriate search optimization to ensure that their websites are displayed high on the list of search results for relevant key words.

However, Member Companies need to ensure that the use of keyword optimization is appropriate for the intended audience. For example, optimized search through use of key words directed to websites with therapy-oriented information for the public or websites aimed at HCPs, where such websites can only be accessed by the authorized individuals.

Member Companies may sponsor website material to be produced by a Third Party in which the role of the Member Company must be made clear. If the Member Company i) is initiating the material, or the concept for it; ii) is influencing the content of the material in any way; iii) is selecting or directly paying the authors; then the Member Company is very likely to be liable for the contents of the website. If the reverse is true, and there is a strictly arm's length arrangement with the Member Company just providing a grant, then the Member Company may not be liable.

Member Companies should be confident about the choice of linked websites and that these do not promote Prescription-Only Medicines to the public. If a Member Company includes website addresses in an advertisement of a Prescription-Only Medicines to HCPs, the core principles apply, of ensuring the content of those websites is appropriate.

Social media

In general, social media are digital channels that are considered to be aimed at the public. Social media are websites or applications on which people can interact in social networks (e.g. Facebook, Twitter, Snapchat, LinkedIn, YouTube, Instagram). In most cases social media are used to reach or interact with the public. A social media platform can be an open channel for the public or a closed channel for a targeted audience where verification of the audience is required before providing access.

Blogs

The difference between a text on a website and on a blog is that a blog is usually owned and updated by a person or a group of people who posts on the blog regularly.

A blog can be owned by the Member Company or the Member Company may engage (either through sponsorship or consultancy fees) the owner to write on a blog (such as “social influencers”). In both cases, the blog should clearly state the involvement of the Member Company.

Given that, by its very nature, a blog is for contributors to freely and spontaneously express their personal views on a subject, Member Companies should not sponsor such blogs if they were intended, or could reasonably be expected, to promote Prescription-Only Medicines and their uses.

Podcasts

A Member Company can have its own podcast which should follow the same rules as for websites.

A podcast can be downloaded from any podcast distributor. Core principles apply, of ensuring the recipient is well defined and targeted and that content is appropriate. E.g. a podcast promoting Prescription-Only Medicines should only be accessed by HCPs.

Applications (Apps)

An application, usually referred to as an “app”, is to be downloaded on an electronic device (e.g. smartphone, computer or tablet).

A Member Company can develop apps for the use of external stakeholders (e.g. HCPs, HCOs, patients, payers), provided that they follow the same rules as for websites. Also, they should consider potential regulatory requirements if the app fulfils the requirements for a medical device. Core principles apply, including ensuring the audience is well defined and targeted.

An app can also be developed to improve compliance with a treatment method. If an app targets a specific group (e.g. HCPs, patients, caregivers), it is important that only this group is offered access to the app content.

Webinars

A webinar is an on-line event conducted via the internet and it can be either performed as a live streaming event or as an on-demand service.

A Member Company can be the direct organiser of a webinar and/or use a Third Party facilitator to run the event. The Member Company is responsible for these webinars including the content and ensuring that the audience is well defined and targeted. Similar arrangements apply to Third Party webinars sponsored by Member Companies

Such webinars can be for the communication with external stakeholders (e.g. HCPs, HCOs, patients, payers) provided, that they follow the same rules as for websites.

Direct channels

These are one-to-one or one-to-many channels, which are targeting selected recipients; these are most commonly private, not visible to non-selected recipients; they could be replies on social media channels to an individual.

Member Companies should ensure they have the consent of the recipients to be in contact with them, and the recipients should be able to stop receiving messages easily. Appropriateness of the frequency of contact should be borne in mind.

Discussion forums

If a Member Company facilitates a discussion forum on either a Third Party platform, or hosts a forum on its own platform, the Member Company must be confident that they can moderate the site such that the content complies with relevant regulations, laws and codes including the EFPIA Code of Practice. The intended audience should be identified so that relevant requirements are complied with. If discussion forums are used for market research, Member Companies should ensure these are compliant with relevant legal and ethical guidelines.