



Client Alert

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Changes to Facebook's Comment Policies Affect Social Media Practices for Pharmaceutical Companies

Facebook, the ubiquitous social media platform, recently announced that, as of August 15, 2011, pharmaceutical companies will be unable to disable the comment feature on their pages, and all pre-existing pages for pharmaceutical brand companies will be required to allow comments on their pages after August 15. Subject to *Facebook* approval on a case-by-case basis, any branded pages solely dedicated to a prescription drug may continue to have the commenting feature removed.

Many pharmaceutical companies have chosen to pioneer social media efforts using outlets, such as *Facebook*, to take advantage of the growing number of consumers looking for information on drugs and medical conditions online. Until recently, *Facebook* allowed pharmaceutical companies to be the sole contributor of content on their *Facebook* pages. The practice of disabling certain functionality on *Facebook*, also known as "whitelisting," previously allowed pharmaceutical companies to exercise greater control over their page content by preventing viewers from commenting on posts or other page content. This helped companies minimize the risk of discussions about unapproved uses, potentially misleading information, product complaints or adverse events, and other areas that could raise Food and Drug Administration-related regulatory issues. By limiting whitelisting for pharmaceutical brands, the change in *Facebook's* policies will further complicate the pharmaceutical industry's use of social media, which has grown despite the absence of any specific written guidance or guidelines on social media from the Food and Drug Administration.

Although *Facebook* has indicated that the policy change is triggered by its preference to maintain an open forum for discussion and two-way dialogue among *Facebook* members, there remains a level of uncertainty among the pharmaceutical industry regarding any obligations for companies to respond to adverse event reports and off-label promotion when such content is posted in an open forum online. The change in *Facebook's* policy and unanswered regulatory concerns may make many companies re-evaluate their presence on *Facebook*.

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