

# INFLUENCERS

HCPs – Patient Organizations – End-Users  
(Consumers) - Social Media Influencers

ETHICS Summit

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# Panel



Influencers

Moderator

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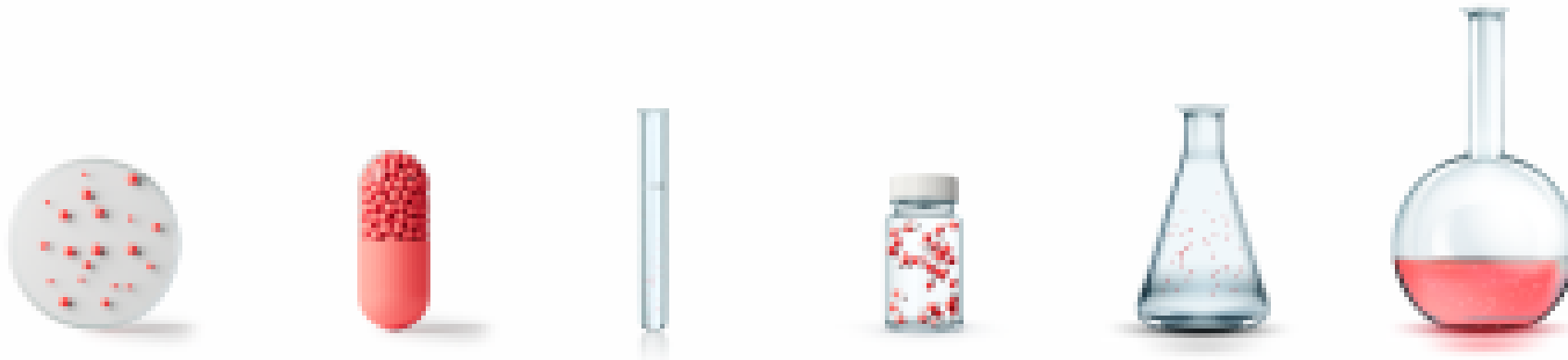
# Question to the audience

**Who is interacting with influencers?**

# Discussion drivers



- 1 Emerging background and potential regulatory framework
- 2 What is an influencer ?
- 3 How can the industry interact with influencer?
- 4 The patients' view



# Setting the background



- Companies use the online influence and relevant sector knowledge of individuals or 'influencers'
- Influencers are increasingly asked to promote and/or recommend the products and services of advertisers to their followers, who are the target group of the advertisers



# A few examples

S



469 likes

The best of days start with a smile and positive thoughts. And pancakes. And strawberries. And bottomless tea. My morning routine is now live on YouTube - and while I don't show you my real bed hair (trust me, it's not pretty), I do give you a little insight into how I start my day in a positive way. Head over to my stories for a swipe up link - and let me know what you think! It features my morning habit of rinsing with Listerine Advanced White to help whiten my teeth. @listerineukireland #BringOutTheBold | This is a paid partnership with Listerine.



# A few examples

S



Follow  
Warsaw, Poland



Although I was able to get used to wearing glasses, sometimes I would very much like to not wear them. They are big, after a while I am just tired wearing them... If you wear glasses you perfectly know what I'm talking about 😊 Replacing the AIR OPTIX® plus HydraGlyde® contact lenses gives me incredible comfort especially when reading and using the computer ❤️ Thanks to them all the activities are just easier for me! Lenses do not limit any of my movement, they are perfect for looking for inspiration for the next photoshoots, photo edit processing and even watching movies 🤖

#soczewki #AIROPTIX #alcon  
#badaniewzroku



3,414 likes

MAY 2

Add a comment...

Post



# A few examples

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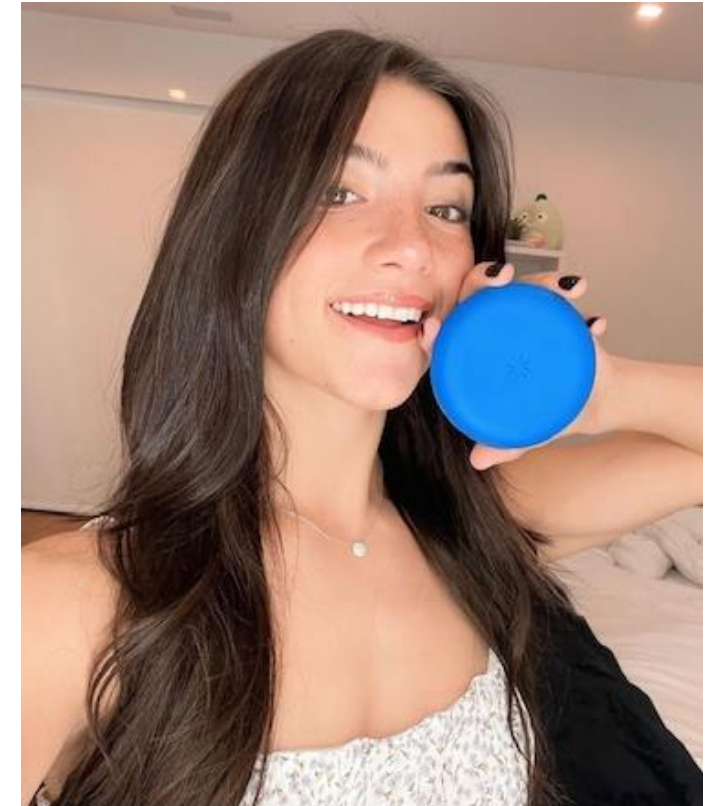
194 vind-ik-leuks

mirjamjaeger Ad // Today my @clearblue test is negative, back in 2016 and 2020 it was positive.



79 vind-ik-leuks

eye.dolatry #sponsored Did you know that an estimated 6 out of 10 contact lens wearers in the U.S. still wear reusable lenses? When I ask my patients who wear monthly replacement lenses about the comfort and performance of their current brand, the most common response I hear is "fine" or "they're ok". I know this mediocre endorsement really means that it could be so much better! We have



1.848.414 vind-ik-leuks

charlidamelio loving my @invisalign aligners!! they're sooo comfy!!

join me and 10 million other people worldwide that have chosen invisalign treatment – take the smile assessment link in my bio now 💙 #ad #invisalign #smilesquad



# Emerging background and potential regulatory framework

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Patchwork of EU laws and regulations concerning inter alia:

- B2C marketing
- Product marketing (medicinal products, medical devices)
- Marketing carried out by means of Information and Communication Technologies (ICT)

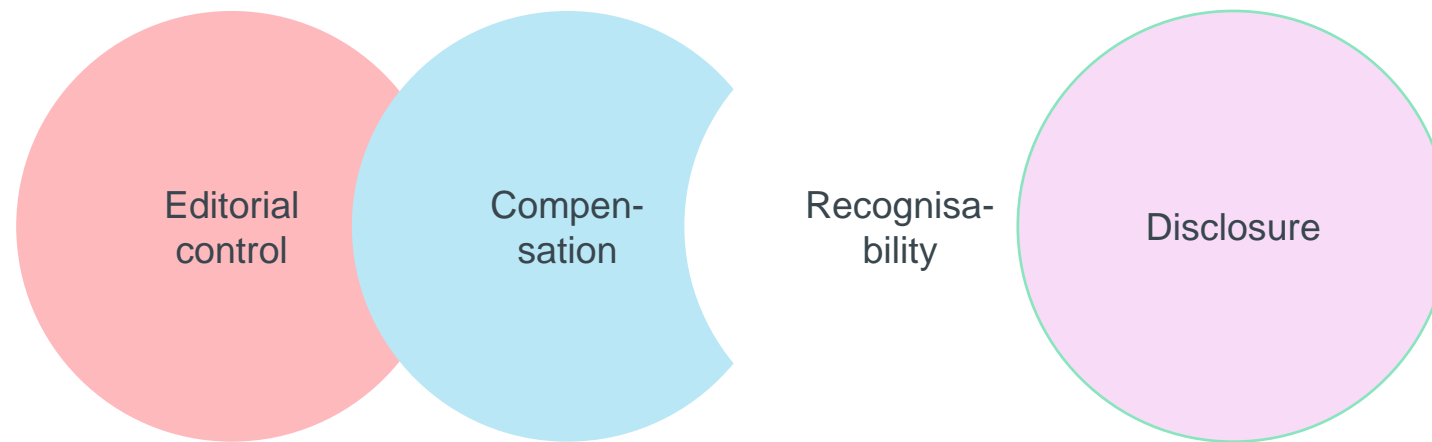
Soft law initiatives

- European Advertising Standards Alliance (EASA) Best Practice Recommendation on Influencer Marketing ([2018](#)) / National advertising associations (France : ARPP...)
- International Chamber of Commerce (ICC) Code

# Example of professional guidelines

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EASA Best Practice Recommendation on Influencer Marketing (2018)





# Key areas of concern (1)

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## Editorial control

- Tone, structure, direction of the message
- Examples
  - Positive review
  - Choice of media channel
  - Number of posts
  - Message script
- Clarity is key

## Compensation

- Can take different forms
  - Monetary
  - Material (free products and discounts)
- Interpreted broadly: commercial relation easily presumed
- Every advantage does not amount to 'compensation'
  - Free samples of low value

# Key areas of concern (2)

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## Recognisability

- Purpose: making sure that the audience clearly recognises a marketing communication as opposed to pure editorial content
- “Paramount importance”
- Is attained by disclosure →

## Disclosure

- Means indication that post is promotional
- Should appear instantly
  - Preferably in post itself
- Can take many forms
  - #Ad #Sponsored
  - Sponsored by...
  - Products have been sent for free to give review



# Key areas of concern (3)

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## Responsibility

- A recent revision of the ICC Code acknowledges that *“All parties concerned need to take into account that responsibility, also applies to other participants in the direct marketing and digital marketing ecosystem including: market influencers, bloggers and vloggers”* → **shows that influencers have and should be reminded of their duty to abide by the self-regulatory codes and to adhere to responsible marketing practices**
- EASA acknowledges that the Self-Regulatory Organisations may identify which parties bear responsibility differently based on the provisions in the national laws and the specific conditions identified in a given influencer marketing case (e.g. lack of editorial control by the brand, no clear agreement between the brand and the influencer) → **recommended that in their national guidance for influencer marketing SROs would explain the responsibilities and obligations of all parties concerned (i.e. advertisers and/or their representatives, influencers and/or their agencies) and remind them of their duties in the local markets**

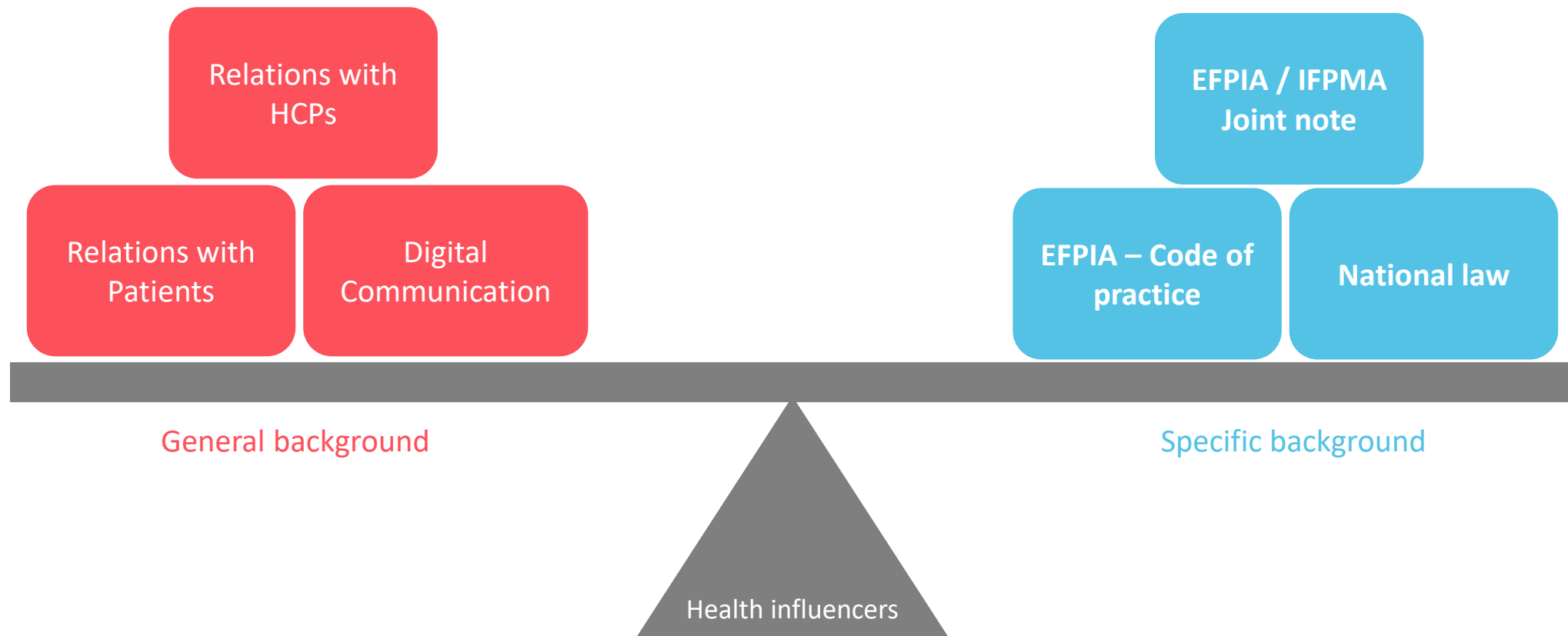
## Awareness

- EASA recommends that given the growing importance of influencer marketing at global level, its member Self-Regulatory Organisations should raise awareness and advocate for responsible influencer marketing by providing guidance for relevant industry practitioners in a way that best suits the context and the need of their local markets

# A summary legal perspective



## Healthcare influencers





# Selecting and contracting with influencers

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## Selection based on objective criteria

- Avoid sensible patient populations if possible (children, young-looking teens)
- Authenticity and transparency
- Screening (caution if the influencer is an HCP – avoid e.g. physicians / pharmacists due to their strict ethical obligations)

## Have an agreement in place

- Do not accept contracts from influencers' agencies
- Impose a company services contract on the influencer or his agency subject to national law;

# Points of discussion with influencers

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## Considering using disclaimers

- Clarifying the audience to whom the post is intended
- Inserting references (e.g. when referring to studies, statistics, product claims, etc.)

## Training influencers

- Product, condition
- Pharmacovigilance / medical device vigilance
- Advertising rules
- Applicable best practices

# Spotlight on specific legal/industry associations requirements



## IFPMA - EFPIA

Guidance on social media

“Online Influencers and digital opinion leaders may be **experts on specific issues** or may be **media figures** within an area or sector. Some examples of online influencers and digital opinion leaders include, but are not limited to, **HCPs, patients, patient advocates, celebrities, or TV personalities**”.

## EFPIA

Code of practice

Social influencers may be the owners of blogs (Annex 2)

## French public health code

Article L. 1453-1

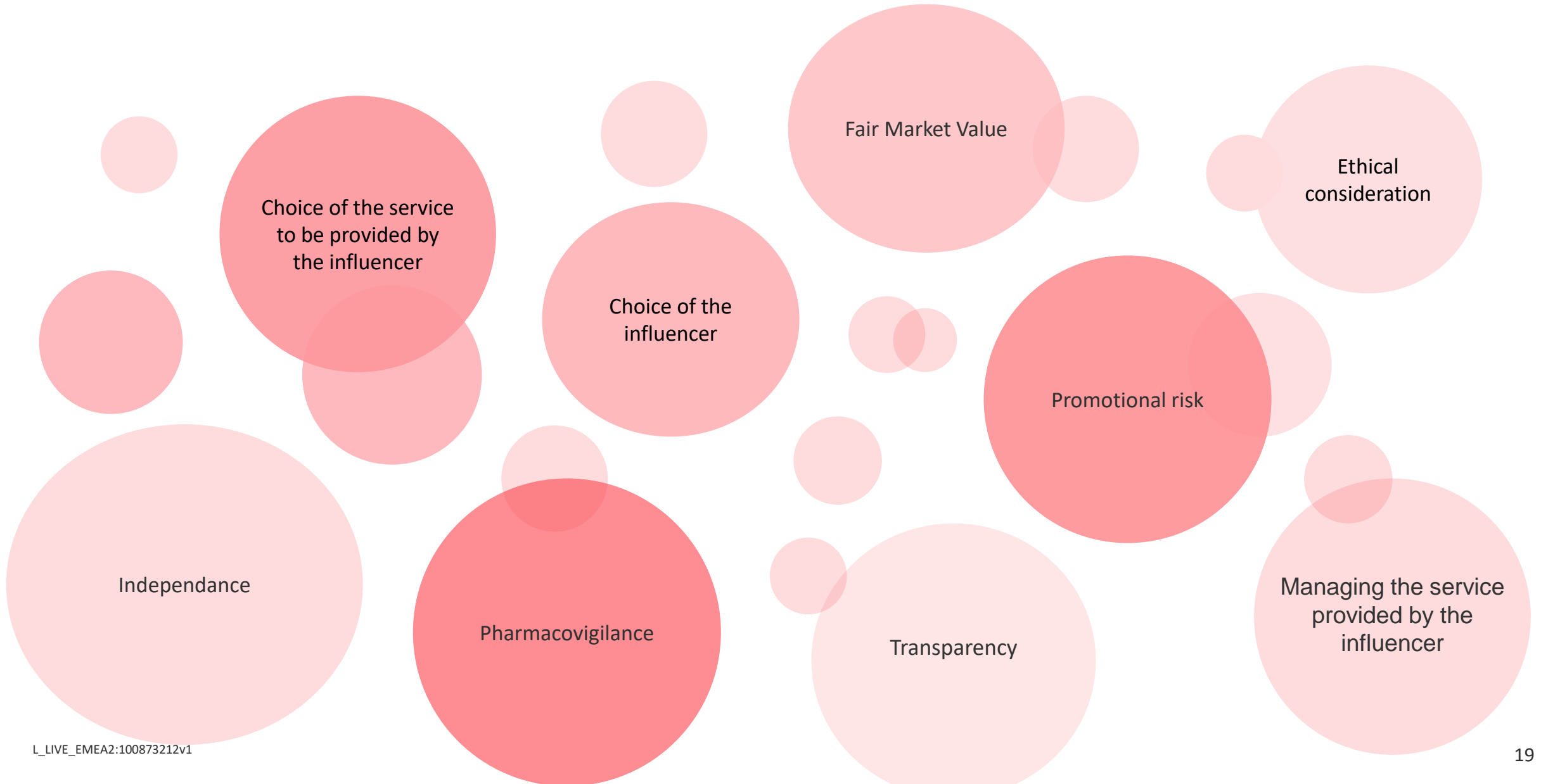
“persons who, in the media or on social networks, **present one or more health products** in order to **influence the public**”

# What is an influencer ?

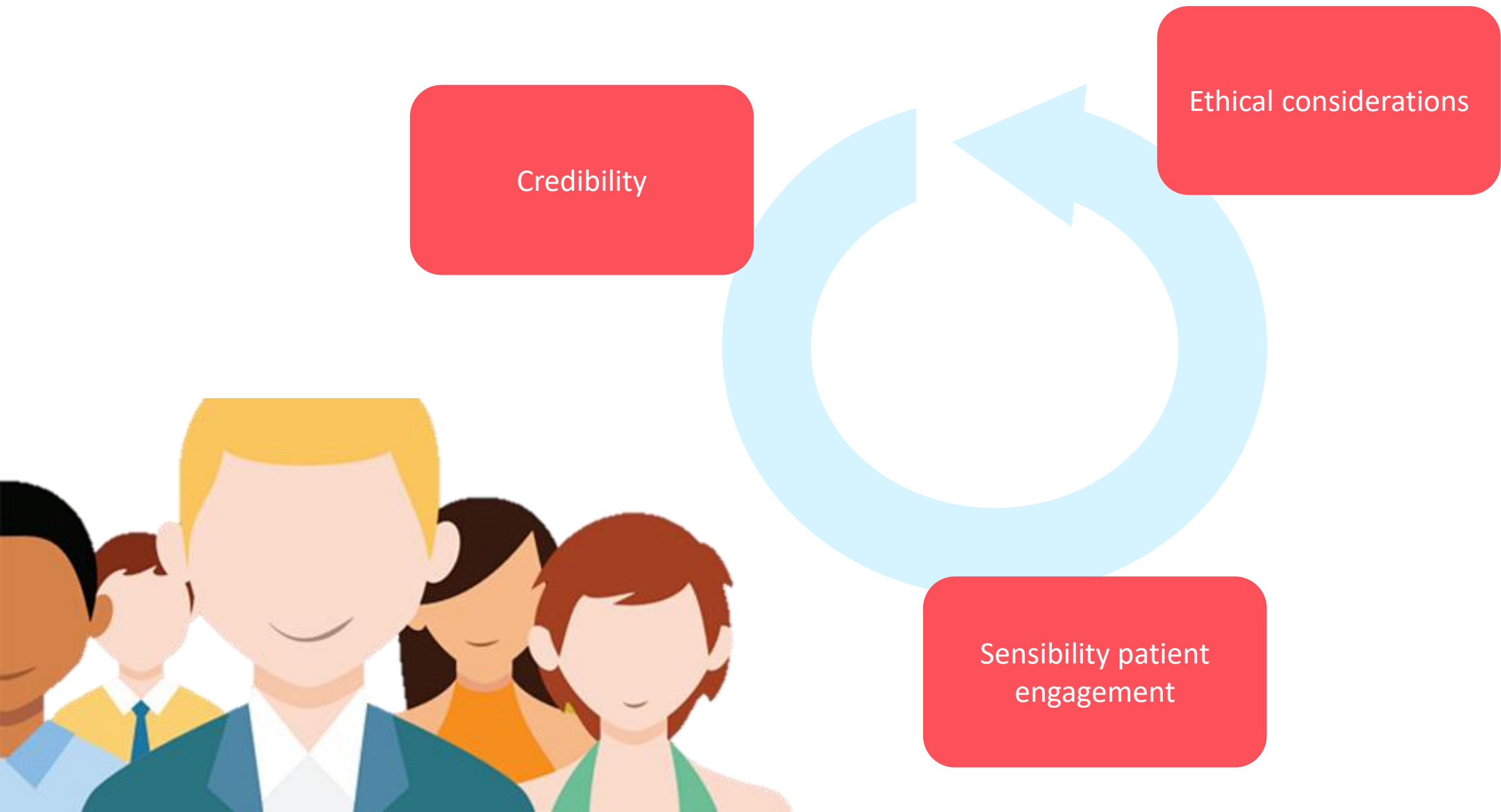
- Sarunas' personal example
- What do we mean by influencers ?
- What is the value for patients ?



# How can the industry interact with influencers ?



# The patients' view



Questions and  
discussion



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