

## FDA Issues a Warning Regarding Improper Use of Social Media

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On July 29, 2010, the FDA sent Novartis Pharmaceuticals a letter regarding Novartis' use of a "Facebook Share" social media widget that generated Novartis-created information regarding its leukemia treatment drug Tasigna. Clicking on the widget sent the Novartis-created information about Tasigna to the user's Facebook page for sharing with other Facebook users. The FDA maintained that this content was misleading because it contained representations regarding the drug's efficacy but failed to communicate any information regarding the risks associated with the drug and improperly implied superiority over competitor's products. Notably, in November 2009, the FDA held public hearings regarding the promotion of drugs and medical devices through social media but the FDA has not yet released guidance on the issue.

**TIP: Remember that even though certain social media applications only provide limited space to communicate with the consumer, the advertiser remains responsible for including all necessary disclosures in the messages communicated using such social media, and sometimes creative means must be used to comply with applicable laws.**

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