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Corporate Compliance Insights: Off-Label and Online: Social Media Communication for Prescription Drug and Medical Device Companies

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As businesses move further into the 21st century, the desire to make use of the ever developing opportunities of social media is fast becoming a race between the businesses using these platforms as part of marketing campaigns versus the perceived need of regulators to control the content. This conflict is no clearer than in the world of prescription drugs and medical device companies. The marketing and public relations potential of social media is enormous. In May, 2011, Facebook had over 140 million unique visitors who collectively spent over 53 million minutes on the website. Although Facebook far exceeds its nearest competitor, the growth in numbers of individuals accessing social media is strong across the board. For example, there has been a 109 percent growth in individuals age 55 and over in accessing social networking sites on their mobile phones. From a marketing perspective, active social networkers are also a prime market for many businesses.

While the social media arena has tremendous potential benefits to drug and medical device companies, it comes with risks. These include regulatory concerns not only from the Food and Drug Administration and the Securities and Exchange Commission, but also issues with respect to the creation and preservation of trademarks and branding, as well as controlling the content of information about the company on social media sites.

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