

Are There Different Rules if a Company Uses Celebrities or Another Third-Party Endorsement?

October 18, 2024

By: Alicia Whittlesey

Pulse Point

Are there Different Rules if a Company Uses Celebrities or Another Third-Party Endorsement?

Key Highlights

The same standards should be applied to all communications done on behalf of a company regardless of who is promoting the message or what venue the message is being promoted within. They should be truthful, accurate, balanced and non-misleading. The use of celebrities, influencers or any third party to endorse a company's product is an area that continues to be scrutinized by government agencies such as the FDA and FTC, and one for which there has been additional exposure from an enforcement perspective.

OPDP recently issued an untitled letter for false and misleading statements about the efficacy and benefits of a treatment for migraines in adults. The letter highlights a TV commercial featuring a well-known celebrity who suffers from migraine pain and claims that the celebrity's activities and statements in the commercial were misleading because they implied quicker relief from migraine than was demonstrated in clinical trials. Among other things, OPDP explains that statements such as, "One dose works fast to eliminate migraine pain," and snapshots of the celebrity feeling better shortly after taking the medication contributed to the misleading presentation. This letter serves as a reminder of the high-profile nature of celebrity endorsements and that claims in endorsements must be adequately supported by clinical data, as well as the important considerations that come into play when presenting efficacy data in TV and other video presentations.

Compliance Checkup

How is your company managing third-party influencers and endorsements? Stay ahead of FDA and FTC enforcement trends by ensuring your practices align with the latest guidance and standards. Ready to enhance your compliance strategy?

Learn more about how Porzio's Life Sciences attorneys can help safeguard your brand and ensure your marketing strategies meet regulatory standards.