

Stinging Endorsement

By Reg P. Wydeven
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When I was a kid, Michael Jordan was my idol. My room was literally covered with posters and pictures of his Airness. I bought whatever products he endorsed. I wore his Air Jordan Nike sneakers and apparel. I drank Gatorade. I ate Big Macs from McDonald's. I even wore Hane's underwear.

Looking back, it was silly to buy products simply because Michael Jordan endorsed them. But I must say, I'm seriously thinking about buying a Ford truck, switching to State Farm insurance and using Prevea Health because Aaron Rodgers thinks I should.

Silly or not, celebrity endorsements do have tremendous sway over consumers – if they didn't, companies wouldn't hire them. That's why the Food and Drug Administration is concerned about Kim Kardashian.

The reality star is a highly sought after celebrity endorser, seeing as she has over 42 million followers on Instagram, almost 35 million on Twitter, and more than 25 million on Facebook. In other words, lots and lots of people listen to what she has to say.

For this reason, Canadian pharmaceutical company Duchesnay Inc. hired Kardashian to endorse Diclegis, their prescription medication designed to treat morning sickness. Kardashian is currently five months pregnant with her second child, a boy, with husband Kanye West. As part of the endorsement deal, Kardashian would use her social media accounts to promote the drug. Such endorsement deals are common for prescription drugs, such as golfer Phil Mickelson's deal to promote the drug, Enbrel, which treats his psoriatic arthritis.

Earlier this month, Kardashian talked about her struggles with morning sickness in posts to Instagram and Facebook. She said, "I tried changing things about my lifestyle, like my diet, but nothing helped, so I talked to my doctor. He prescribed me #Diclegis, and I felt a lot better and most importantly, it's been studied and there was no increased risk to the baby."

In response, the FDA made an online post of its own, issuing a warning letter addressed to the CEO of Duchesnay indicating that Kardashian's posts violate federal drug-promotion rules. The agency claims the posts failed to mention the side effects of Diclegis, including sleepiness, which makes it dangerous to drive or perform other activities that require mental alertness. In addition, the drug label warns that Diclegis should not be combined with alcohol or other medications that cause drowsiness, such as sleeping aids or certain pain relievers. It is also not approved for women with a form of prolonged vomiting that causes dehydration.

While Kardashian's posts contained a link to a website that contained all of this information, the FDA rules mandate that drug manufacturers balance benefit claims with information about a drug's risks, even though space in social media posts is limited.

Just like Kim Kardashian is no stranger to drama, this isn't Duchesnay's first run-in with the FDA. The company received a similar warning in 2013 for omitting risk information from a letter to doctors. The agency is "concerned that Duchesnay is continuing to promote Diclegis in a violative manner." The FDA demanded the company remove the posts, which it did, and outline a plan to prevent future violations.

I'm hoping Duchesnay can develop a drug to treat nausea caused by too much reality TV.

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