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This Notes from the Help Desk highlights that while responsibility for third-party content may appear straightforward in policy, it is often far more complex in practice. The circumstances surrounding third-party activities can make accountability less clear-cut. We explore some of the more challenging questions raised during December's Code Compliance Network meeting and offer practical approaches to help navigate them.

1) Sponsoring vs running your own: what's the real distinction? (apart from the obvious)

- ·Control vs influence. On one end of the spectrum of control sits company-owned events, where your responsibility is direct and comprehensive - you set the agenda and content, speakers and environment. The other end of the spectrum is the decision to sponsor a truly independent event. You make the decision based on the information provided by the 3rd party (e.g. program) but beyond that, your influence and therefore responsibility is reduced. But there may exist circumstances that sit in the spectrum between these extremes, where a companies ability to influence the event increases. And as that increases, so does your responsibility for compliance and to address issues that come to your attention.

- Reasonable foreseeability: Additionally, consider what you as a company might reasonably foresee based on the circumstances of the arrangement. For example, while the program might stand-alone, how might the perception of that change when promotional product advertisements surround the delivery of the program. For instance, you'd risk the perception of off-label promotion if you sponsored an educational webinar on a disease state that your product has a pending indication that also includes advertisements of that product surrounding the webinar.

 Again, with every variation to the arrangement that increases your influence, your responsibility to foresee the potential impact increases.

2) Do responsibilities differ pre-event, during and post-event?

- Pre-event – diligence without commandeering. Sponsors of independent education are not expected to "vet" or rewrite content, because independence matters. But proportionate diligence is still wise: understand the educational intent, agenda themes, speaker context, how your sponsorship will be presented, and any planned adjacency to promotional spaces. Ask questions early and document the answers.

- During the event – awareness and proportionate judgement: Issues can surface in real time — unsighted slides, shifts in emphasis, or unexpected proximity to promotional material. There is no expectation that a sponsor should anticipate every detail or scrutinise every component. But

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- ....once something noticeably problematic comes to light, a person managing risk, perception, and the reputation of your company should consider proportionate steps. That might be as simple as a quiet check-in with organisers, seeking clarification, adjusting branding placement, or —in higher-risk situations — requesting removal /correction of problematic content, and/or choosing to step back or disengage.

- Post-event: Don't forget the afterlife of content. Once something is recorded, packaged, or made on demand, its context - and its risk - increases. A live comment may fade quickly, but a recording endures, repeats, and amplifies any compliance issue. If a clear compliance risk appears, it's reasonable to ask for correction or removal; that's not reshaping independent content but preventing a potential breach. Your company's response matters when you have an association with the event.

3) Whe independant education appears alongside promotional material, how does responsibility shift?

It's not just the content; it's the context. Independent talks, sponsor branding, product advertising and promotional booths placed side by side can link content and blur the perception of who is responsible for what. High visibility or prominent placement can lead audiences to assume a closer association with the content than intended. Managing proximity and optics is therefore important.

Three helpful checks:
1. Ensure your own materials meet Code expectations.
2. The independent content is appropriate for the setting (high risk claims flagged early).
3. .The overall picture does not create a perception of endorsement of problematic messages. If the perception risk feels too high, adjust placement or reconsider the link.

4) What are some 'reasonable steps' to avoid your promotional material being linked to unacceptable third-party content?

- Set boundaries in writing — in the sponsorship agreement, clarify separation of education and promotion, request appropriate positioning, and agree on escalation pathways.
- Ask for visibility of the setting (not the content) so you understand where your branding will sit.
- Act when alerted - When issues surface, consider prompt, proportionate steps: seeking correction, relocating or removing branding, or disengaging if needed.
- Document your reasoning and actions - this helps demonstrate your approach if questions arise later.

5) Is responsibility driven by the material itself, or by the company's behaviour?

Both - but behaviour often decides how your conduct is judged, at least in the context of a Code of Conduct Committee. Even when content is independent, responsibility turns on what the company knew, what it reasonably should have known, and what it did once aware if any issues. Transparent, timely, and proportionate responses strongly influence how responsibility is assessed.

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Final reflections

Independence of third-party education is protected, but independence is not immunity. With visibility comes responsibility to take reasonable, proportionate steps when issues become foreseeable or known. In close calls, use simple tests: How would this look on TV? How might a layperson perceive it? Can you clearly explain what you did and why?

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