DIRECT-TO-CONSUMER ADVERTISING

Background: Direct-to-consumer (DTC) advertising of drugs has been legal in the USA since 1985, but only really took off in 1997 when the Food and Drug Administration (FDA) eased up on a rule obliging companies to offer a detailed list of side-effects in their infomercials (long format television commercials). Since that time, the pharmaceutical industry has poured money into this form of promotion, spending billions on ad campaigns. The only other country in the world that allows direct-to-consumer drug ads is New Zealand. Proponents of DTC advertising maintain that it encourages consumers to become more proactive about their health in general, and fosters constructive dialogue between patients and their providers regarding their care.

AMCP Position: The Academy of Managed Care Pharmacy (AMCP) strongly discourages the use of direct-to-consumer advertising that promotes specific prescription drug products, but supports ads that educate the public about disease symptoms and available treatment options. AMCP supports the following:

- Changes that would result in a significantly improved and comprehensive program for FDA oversight of DTC advertising, including the authority to mandate prior approval of DTC advertising.

- A separate program to assess, collect and use fees for the advisory review of prescription drug television advertising.

- FDA oversight of DTC advertising to ensure it focuses on raising awareness of disease and symptoms, addresses alternative treatment options; describes both benefits and potential risks and stimulates patient/provider dialogue

Talking Points:

- **DTC advertising of products can create unwarranted patient demand.**

- **DTC advertising can be misleading and fail to sufficiently warn consumers about potential risks.**

- **AMCP urges the FDA to require review of advertisements before public dissemination, rather than the voluntary process that currently exists.**

- **According to 2005 data, DTC advertising and market share is positively correlated. Seventeen of the 20 most heavily-marketed drugs happen to be among the most prescribed.**
• **In 2007, the average time for FDA to issue a letter citing to DTC violations was six months.**

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