

Public Health Protection Act

We call on Congress to enact the Public Health Protection Act to prohibit direct-to-consumer marketing of prescription drugs.

Background:

In 2004, pharmaceutical companies spent more than \$4 billion in advertising for prescription drugs. This advertising does not promote public health. It increases the cost of drugs and the number of unnecessary prescriptions, which is expensive to taxpayers, and can be harmful or deadly to patients.

Provision 1:

Direct-to-consumer advertisements of prescription drugs are prohibited, including “reminder advertisements,” and “help-seeking advertisements” that direct people to websites that are intended to promote the sale of particular prescription drugs.

An exception is created for print advertising that presents only the names and prices of prescription drugs, or informs consumers that certain prescription drugs are available at a certain location. Ads may not use emotive imagery that is not primarily educational.

Provision 2:

If provision 1 is held unconstitutional, the following provisions will immediately become effective:

- a. Direct-to-consumer advertisements for a prescription drug shall include additional warnings appropriate to the drug to inform consumers that (1) this drug was approved based on testing that included fewer than [typically 3000] people, and it may be dangerous to your health in ways that this limited research has not yet revealed; and, (2) the Food and Drug Administration does not certify that this drug is more effective, safer or cheaper than other drugs in its class.
- b. Direct-to-consumer advertising of prescription drugs shall not be tax deductible.
- c. Pharmaceutical companies shall be subject to a 3% windfall profits tax, which shall be dedicated to a fund, controlled by the National Institutes of Health, for conducting studies on comparative benefits of drugs (also compared to non-pharmaceutical interventions) and a mechanism for publicly disseminating those results, including academic detailing and advertising.

If any portion of provision 2 is held to be unconstitutional, the other provisions shall not be affected.

Endorsers:

Action Alliance of Senior Citizens of Greater Philadelphia
Action Coalition for Media Education
Alive & Well AIDS Alternatives
Alliance for Human Research Protection
American Medical Student Association
Breast Cancer Action

California Chapter of the American Academy of Emergency Medicine
Center for a New American Dream
Center for Justice & Democracy
Commercial Alert
Congress of California Seniors
Connecticut Alliance for Retired Americans
Connecticut Citizen Action Group
Consumer Project on Technology
DES Action USA
Essential Action
Florida Alliance for Retired Americans
Florida CHAIN
Government Accountability Project
Gray Panthers
Health Care For All
Healthcare-NOW
Health Education AIDS Liaison-NYC (HEAL)
Just Health Care
Justice in Michigan
Maine Council of Senior Citizens-Alliance for Retired Americans (MCSC-ARA)
Maryland NOW
Massachusetts Breast Cancer Coalition
Massachusetts Senior Action Council
Minnesota COACT
National Women's Health Network
Nevada Alliance for Retired Americans
New View Campaign for Women's Sexual Problems (FSD-Alert.org)
Obligation, Inc.
Pennsylvanians United for Reform in Health Care (PURe-HC)
Pennsylvanians United for Single Payer Healthcare (PUSH)
People Against Cancer
Physicians for a National Health Program
Prescription Access Litigation Project
Women's Health Institute

For more information about the Public Health Protection Act, contact Commercial Alert at 503-235-8012 or the National Women's Health Network at 202-347-1168.