

## A Bright Future for DTC

*Critics of DTC will never disappear, thus industry members will need to stay vigilant. Marketers should remain focused on the positive – DTC is the only form of consumer promotion subject to FDA clearance, and DTC provides Americans with necessary, fact-based information.*

**T**he political threats to DTC have not completely gone away despite failing to get very far in Congress. A Congress looking for bad guys in the health care debate is now focused on insurance companies but will still use drug makers as a back-up evil doer when expedient. As health care reform stumbles we can expect drug companies to re-emerge as a cost control target and scapegoat for rising costs.

Despite this negative sentiment DTC will likely be safe from punitive regulation for the foreseeable future. We see no reason to assume anything will happen to make broadcast or print ads harder to execute. We also see some willingness to provide common sense provisions from FDA to make

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Internet advertising easier. At least FDA showed its willingness to listen by holding recent hearings on the subject. We are seeing more vigorous enforcement based on the number of violation letters issued in 2009 versus 2008, up from 21 to 41. FDA knows who is in charge in Washington and is responding with speedier enforcement. Most of the warnings have to do with inadequate risk disclosure. We see this trend increasing as FDA expects fair balance to mean more prominent treatment of risk in the creative elements of an ad. We hope drug companies will all pre-clear their ads so warning letters will not be necessary. The drug companies do not need more negative publicity.

The encouraging trend for media companies is that DTC has been a prominent part of almost all

new drug launches in the past year. Drug companies know that DTC is a fast way to get consumer awareness and that doctors pay attention to what their patients see in media. Despite a recession lull in DTC spending, latest numbers show that decline lessening and growth in 2010 is indeed possible.

What is clear is that the DTC critics will not go away and those interested in protecting commercial free speech need to remain aggressive with Congress. DTC is highly transparent as every claim is vetted by FDA. We wish other forms of health advertising were equally as regulated. Consumers like to make decisions with all information on the table. DTC is clearly designed to sell and drug makers should not be embarrassed trying to sell their products. What the public deserves is access to varying opinions about a drug based on facts. DTC is one part of that flow of information, albeit with a purpose to present a positive drug story. There are plenty of other pro and con opinions across various media about drug selection and Americans have the opportunity to see all sides. Information sunshine is good medicine.

