



2022

Report of the PhRMA Member Signatory
Companies to the PhRMA Guiding Principles on
Direct-to-Consumer Advertisements About
Prescription Medicines

Volume XVII



Introduction

The Pharmaceutical Research and Manufacturers of America's (PhRMA) *Guiding Principles on Direct to Consumer (DTC) Advertisements about Prescription Medicines* ("PhRMA Guiding Principles") affirm the industry's commitment to providing accurate, accessible and useful information on innovative medicines to patients and consumers. A list of the principles in effect for 2022 can be found as Appendix A to this report.

Pursuant to the PhRMA Guiding Principles, PhRMA welcomes public comments about signatory companies' compliance with the PhRMA Guiding Principles and forwards those comments, if any, to the appropriate member company for further consideration. In addition, PhRMA annually surveys PhRMA member companies and other companies that are signatories to the PhRMA Guiding Principles about comments that the companies received, and it prepares a summary report of the companies' responses. **This is the 17th volume published and it covers the period from January 1, 2022 to December 31, 2022.**

A list of companies that are signatories to the current version of the PhRMA Guiding Principles can be found at <https://www.phrma.org/media/certification-submission>.

Methodology

To prepare this report, PhRMA conducted a survey of signatory companies that are current PhRMA members and other signatory companies requesting information regarding the number and nature of comments that signatory companies had received between January 1, 2022 and December 31, 2022. Unless otherwise indicated, all information provided in this report is based solely on survey responses from 14 signatory companies.

Comments or questions about this report can be directed to PhRMA at cocertifications@phrma.org.

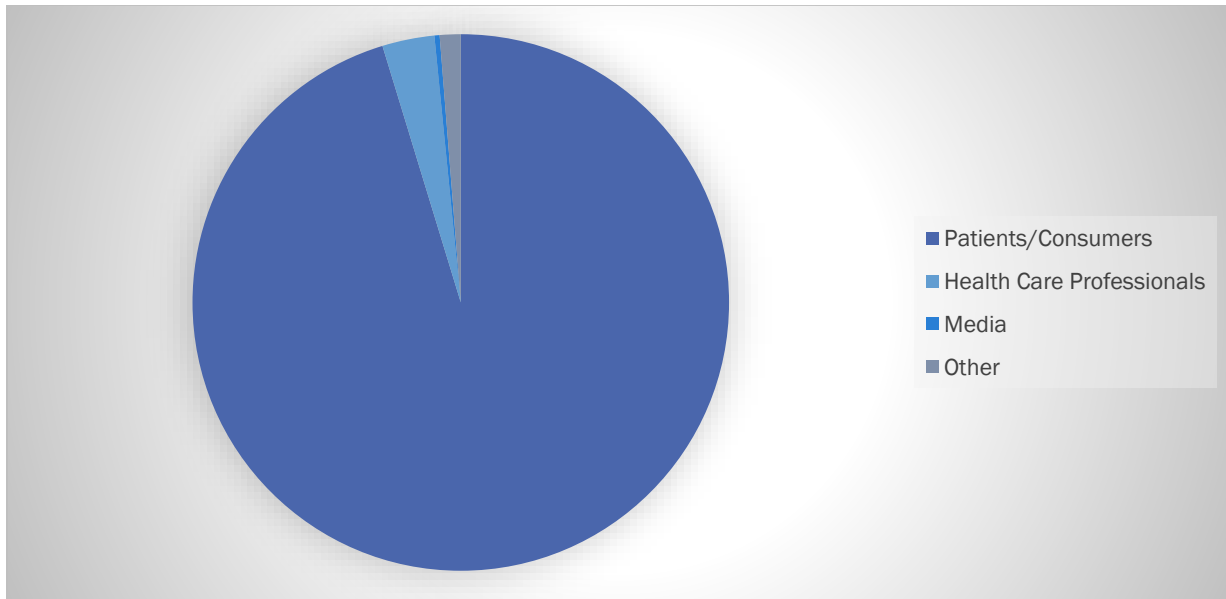
Survey Results

Of the 14 survey respondent companies, 14 stated that they had developed and continued to maintain internal policies and procedures to foster compliance with the current version of the PhRMA Guiding Principles. Of the 14 respondents, 12 responded that they informed their media and advertising partners about their imperative to adhere to the principles.

Survey respondents reported that they received a total of 318 comments relating to DTC advertisements that were associated with television, print or online advertising during the time period covered by the survey. Of those comments, 267 related to television advertising, 9 related to print and 42 related to online or other advertising.

The majority of comments received by signatory companies were submitted by patients and consumers (303 comments or 95%). Other comments were submitted by health care professionals (10 comments or 3%), the media (1 comment or .3%) and others (4 comments or 1.3%).

Who Submitted Comments?



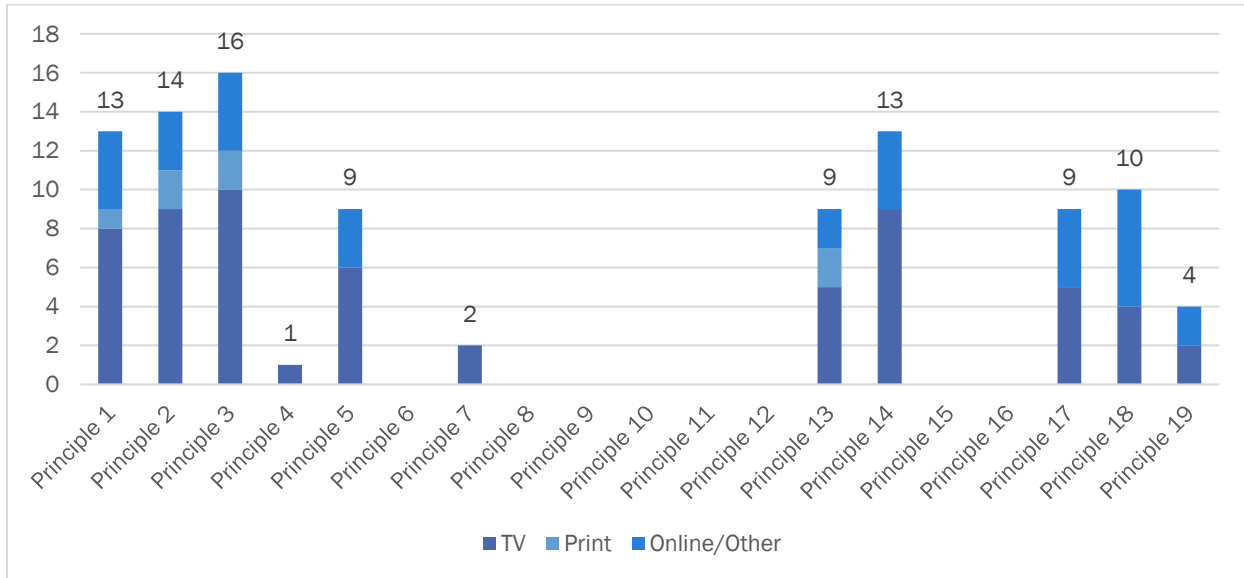
Of the 318 comments received regarding DTC advertisements, not all were related to a specific PhRMA Guiding Principle in the determination of the survey respondents. Each survey respondent makes the determination as to which, if any, principle a comment is related. Further, commenters are not always aware that their comment is or is not related to a specific principle.

Survey respondents reported that approximately 68.6% (218) of the 318 comments on DTC advertisements fell within the scope of the principles but were not associated with a specific principle or did not relate to the PhRMA Guiding Principles. These comments were both negative and positive about the creative approach in television advertising, diversity in advertising and feedback on quality of the advertisements. Negative comments focused on the volume of advertising, general displeasure with advertising and the cost of medicines. Signatory companies reported that they responded to all substantive questions or comments.

Summary of Comments that Related to the PhRMA Guiding Principles

Characterized below are comments that were determined by the survey respondents to fall under specific PhRMA Guiding Principles in effect in 2022.

Number of Comments by Principle and Advertising Type



Comments by Principle

Companies received 13 comments relating to **Principle 1**, which refers to the public health benefits of DTC advertising. Positive comments were related to the benefits of the medicine, as well as providing wellness tips in the DTC advertising. Other comments reflected on disease education and the public health impact of the advertisement.

Companies received 14 comments related to **Principle 2**, which calls for compliance with FDA regulations and labeling standards in DTC advertising. Both positive and negative comments focused on accuracy and the balance between the risks and benefits of a medicine. A negative comment found that the educational materials mentioned in the advertisement were difficult to find.

Companies received 16 comments related to **Principle 3**, which addresses the educational value of DTC television and print advertising and the importance of obtaining appropriate feedback prior to airing/publication. Comments related to reasonably educating consumers about the medicine and the condition.

Companies received 1 comment related to **Principle 4**, which states that DTC television and print advertising of prescription drugs should clearly indicate that the medicine is a prescription drug to distinguish such advertising from other advertising for non-prescription products.

Companies received 9 comments related to **Principle 5**, which states that DTC television and print advertising should foster responsible communications between patients and health care professionals to help patients achieve better health and a more complete appreciation of both the health benefits and the known risks associated with the medicine being advertised. Comments received were negative in nature.

Companies received 2 comments related to **Principle 7**, which states that working with the FDA, companies should continue to responsibly alter or discontinue a DTC advertising campaign should new and reliable information indicate a serious previously unknown safety risk.

Companies received 9 comments related to **Principle 13**, which states that DTC television advertising that identifies a product by name should clearly state the health condition for which a medicine is approved and major risks associated with the medicine. Comments received were questions about indications and product side effects. Comments also regarded the medicine's approved indications and side effects; one commenter thought the medical condition in the advertisement was unclear.

Companies received 13 comments relating to **Principle 14**, which addresses the need for DTC television and print advertising to achieve a balanced presentation of both the benefits and risks associated with an advertised prescription medicine. Comments related to the balanced presentation of both the benefits and risks in the advertisement and included requests for more information on the medicine and the patient experience and questioning whether the medicine was an appropriate treatment given the side effects.

Companies received 9 comments relating to **Principle 17**, which encourages companies to promote health and disease awareness as part of their DTC advertising. Negative comments received focused on the unrealistic portrayal of the disease.

Companies received 10 comments related to **Principle 18**, which addresses the goal of including information in all DTC advertising that directs patients to company resources that may help them with the cost of their medicine. Comments focused on the affordability of medicines and for more information about copay assistance and patient assistance programs.

Companies received 4 comments related to **Principle 19**, directs all DTC television advertising that identifies a prescription medicine by name should include direction as to where patients can find information about the cost of the medicine. One comment related to the cost of the medicine being unclear.

Appendix A

PhRMA Guiding Principles: Direct to Consumer Advertisements About Prescription Medicines

1. These Principles are premised on the recognition that DTC advertising of prescription medicines can benefit the public health by increasing awareness about diseases, educating patients about treatment options, motivating patients to contact their physicians and engage in a dialogue about health concerns, increasing the likelihood that patients will receive appropriate care for conditions that are frequently under-diagnosed and under-treated, and encouraging compliance with prescription drug treatment regimens.
2. In accordance with FDA regulations, all DTC information should be accurate, truthful and not misleading, should make claims only when supported by appropriate evidence, should reflect balance between risks and benefits, and should be consistent with FDA approved labeling. Accordingly, companies should continue to base promotional claims on FDA approved labeling and not promote medicines for off-label uses, including in DTC advertisements.
3. DTC television and print advertising which is designed to market a prescription drug should also be designed to responsibly educate the consumer about that medicine and, where appropriate, the condition for which it may be prescribed. During the development of new DTC television advertising campaigns, companies should seek and consider feedback from appropriate audiences, such as health care professionals and patients, to gauge the educational impact for patients and consumers.
4. DTC television and print advertising of prescription drugs should clearly indicate that the medicine is a prescription drug to distinguish such advertising from other advertising for non-prescription products.
5. DTC television and print advertising should foster responsible communications between patients and health care professionals to help patients achieve better health and a more complete appreciation of both the health benefits and the known risks associated with the medicine being advertised.
6. In order to foster responsible communication between patients and health care professionals, companies should spend an appropriate amount of time to educate health professionals about a new medicine or a new therapeutic indication and to alert them to the upcoming advertising campaign before commencing the first DTC advertising

campaign. In determining what constitutes an appropriate time, companies should take into account the relative importance of informing patients of the availability of a new medicine, the complexity of the risk-benefit profile of that new medicine and health care professionals' knowledge of the condition being treated. Companies are encouraged to consider individually setting specific periods of time, with or without exceptions, to educate health care professionals before launching a branded DTC television or print advertising campaign. Companies should continue to educate health care professionals as additional valid information about a new medicine is obtained from all reliable sources.

7. Working with the FDA, companies should continue to responsibly alter or discontinue a DTC advertising campaign should new and reliable information indicate a serious previously unknown safety risk.
8. Companies should submit all new DTC television advertisements to the FDA before releasing these advertisements for broadcast.
9. DTC print advertisements for prescription medicines should include FDA's toll-free MedWatch telephone number and website for reporting potential adverse events. DTC television advertisements for prescription medicines should direct patients to a print advertisement containing FDA's toll-free MedWatch telephone number and website, and/or should provide the company's toll-free telephone number.
10. Companies that choose to feature actors in the roles of health care professionals in a DTC television or print advertisement that identifies a particular product should acknowledge in the advertisement that actors are being used. Likewise, if actual health care professionals appear in such advertisements, the advertisement should include an acknowledgment if the health care professional is compensated for the appearance.
11. Where a DTC television or print advertisement features a celebrity endorser, the endorsements should accurately reflect the opinions, findings, beliefs or experience of the endorser. Companies should maintain verification of the basis of any actual or implied endorsements made by the celebrity endorser in the DTC advertisement, including whether the endorser is or has been a user of the product if applicable.
12. DTC television and print advertising should include information about the availability of other options such as diet and lifestyle changes where appropriate for the advertised condition.

13. DTC television advertising that identifies a product by name should clearly state the health conditions for which the medicine is approved and the major risks associated with the medicine being advertised.
14. DTC television and print advertising should be designed to achieve a balanced presentation of both the benefits and the risks associated with the advertised prescription medicine. Specifically, risks and safety information, including the substance of relevant boxed warnings, should be presented with reasonably comparable prominence to the benefit information, in a clear, conspicuous and neutral manner, and without distraction from the content. In addition, DTC television advertisements should support responsible patient education by directing patients to health care professionals as well as to print advertisements and/or websites where additional benefit and risk information is available.
15. All DTC advertising should respect the seriousness of the health conditions and the medicine being advertised.
16. In terms of content and placement, DTC television and print advertisements should be targeted to avoid audiences that are not age appropriate for the messages involved. In particular, DTC television and print advertisements containing content that may be inappropriate for children should be placed in programs or publications that are reasonably expected to draw an audience of approximately 90 percent adults (18 years or older).
17. Companies are encouraged to promote health and disease awareness as part of their DTC advertising.
18. Companies should include information in all DTC advertising, where practical and appropriate, directing patients to company resources that may help them with the cost of their medicine.
19. All DTC television advertising that identifies a prescription medicine by name should include direction as to where patients can find information about the cost of the medicine, such as a company-developed website, including the list price and average, estimated or typical patient out-of-pocket costs, or other context about the potential cost of the medicine.