

Dingell, Stupak Welcome PhRMA Invitation to Discuss DTC Regulations

Leaders of the Committee on Energy and Commerce today responded to four pharmaceutical companies and their trade association regarding their business practices related to Direct-to-Consumer (DTC) advertising. On May 20, 2008, Reps. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce, and Bart Stupak (D-MI), Chairman of the Oversight and Investigations Subcommittee, wrote to the Chief Executive Officers of Merck & Co., Inc., Schering-Plough Corporation, Pfizer, Inc., Johnson & Johnson, and the Pharmaceutical Research and Manufacturers of America (PhRMA), requesting a commitment to business practices that would reduce misleading and deceptive DTC advertisements.

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Contact: Committee on Energy and Commerce Press Office / 202-225-5735

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Dingell and Stupak praised the companies for their agreement to voluntarily accept two of the six specific requests including: adhering to AMA guidelines regarding the use of doctors and actors portraying doctors

in DTC ads and agreeing not to advertise off-label uses in DTC ads. However, the remaining requests were not adopted. PhRMA has invited the Committee leaders and their staff to discuss these issues and other concerns as the trade association reviews and updates its Guiding Principles related to DTC advertising.

"This is the first part of an ongoing review of DTC advertisements," said Dingell. "We are pleased with PhRMA's response, and we accept their invitation to discuss revisions to its DTC Guiding Principles. We understand that the companies did not want to place themselves at a competitive disadvantage at our hearing, but we hope that PhRMA will be more responsive with an industry position that addresses our significant concerns. Regardless, our investigation is not over, as more work clearly needs to be done on this issue."

"Although we appreciate the drug companies' willingness to change some of their business practices, they have not agreed to all of our requests, which would protect consumers from misleading and deceptive advertising," said Stupak. "We accept PhRMA's offer to discuss these issues seriously. We hope the discussions with PhRMA will result in an industry position that addresses the concerns that Pfizer, Merck, Schering-Plough, and Johnson & Johnson continue to ignore."

On May 8, 2008, the Oversight and Investigations Subcommittee held a hearing on DTC advertising, which focused specifically on three broadcast DTC ads: Pfizer's ads for Lipitor featuring Dr. Robert Jarvik, Merck/Schering-Plough's "Food and Family" ads for Vytorin, and Johnson & Johnson's ads for Procrit. At the hearing, representatives for each company invoked the PhRMA guidelines as a source of their DTC policy. The Committee on Energy and Commerce began investigating misleading and deceptive DTC advertising in January 2008. Both the Jarvik Lipitor ads and the Vytorin "Food and Family" ads were voluntarily withdrawn shortly after the investigation began.

The May 20, 2008 letter from Dingell and Stupak and responses are posted on the Committee's website at <http://energycommerce.house.gov>.

Read the letters and responses:

[Johnson & Johnson »](#)

[May 30, 2008 Johnson & Johnson response »](#)

[Merck & Co., Inc. »](#)

[May 30, 2008 Merck response »](#)

[May 30, 2008 Merck Schering-Plough response »](#)

[Pfizer, Inc. »](#)

[May 30, 2008 Pfizer, Inc. response »](#)

[PhRMA »](#)

[June 9, 2008 PhRMA response »](#)

[Schering-Plough Corporation »](#)

[May 30, 2008 Schering-Plough response »](#)

Prepared by the Committee on Energy and Commerce

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