

Prescription Drug Advertising in the United States



Kathryn Eyster
PTMG Prague 2026

The Pros and Cons

Pros

- Reduce underdiagnosis
- Empower and inform patients
- Remove stigma
- Doctor as teammate not gatekeeper

Cons

- Misinformation > helpful information
- Manufactures disease
- Interferes with productive doctor visits
- Oversaturated and overmedicated patients?
(65% on Rx meds)

Three Types of Rx Advertising

Help Seeking

Discusses the medical condition to be treated –

Reminder

Identifies the drug name

Product Claim

Identifies both the medical condition and the medicine that might help



Pre 1900 – Before crisis

SNAKE OIL LINIMENT

THE STRONGEST AND BEST LINIMENT KNOWN FOR THE CURE OF ALL PAIN AND LAMENESS.

USED EXTERNALLY ONLY FOR RHEUMATISM NEURALGIA SCIATICA LAME BACK LUMBAGO CONTRACTED MUSCLES TOOTHACHE SPRAINS SWELLINGS ETC.

CLARK STANLEY'S

TRADE MARK

CURES FROST BITES CHILL BLAINS BRUISES SORE THROAT BITES OF ANIMALS INSECTS AND REPTILES.

IT GIVES IMMEDIATE RELIEF

IS GOOD FOR EVERYTHING A LINIMENT OUGHT TO BE GOOD FOR

Manufactured by **CLARK STANLEY**
Snake Oil Liniment Company
Providence, R. I.

SNAKE OIL LINIMENT.



Am. J. Ph. [December, 1900]

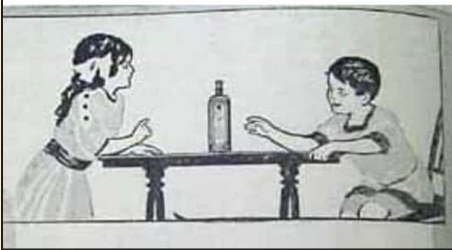
BAYER Pharmaceutical Products

HEROIN-HYDROCHLORIDE

is pre-eminent adapted for the manufacture of cough elixirs, cough balsams, cough drops, cough lozenges, and cough medicines of any kind. Price in 1 oz. packages, \$4.50 per ounce; less in larger quantities. The official dose being very small (1-16 to 1-24 gr.), it is

The Cheapest Specific for the Relief of Coughs
(In bronchitis, phthisis, whooping cough, etc., etc.)

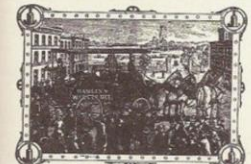
WRITE FOR LITERATURE TO
FARBENFABRIKEN OF ELBERFELD COMPANY
SOLE AGENTS
P. O. Box 2100 40 Stone Street, NEW YORK


HAMLIN'S WIZARD OIL

THE GREAT MEDICAL WONDER.

There is no Sore it will Not Heal, No Pain it will not Subdue.



HAMLIN'S COUGH BALSAM

PLEASANT TO TAKE
MAGICAL IN ITS EFFECTS.

HAMLIN'S BLOOD & LIVER PILLS

For Liver Complaint, Constipation,
Disorders of the Stomach and Digestive Organs.

PREPARED AT THE LABORATORY OF
HAMLIN'S WIZARD OIL COMPANY, CHICAGO, ILL.

PERRY DAVIS' PAIN KILLER

A SURE CURE for all the diseases for which it is recommended, and always perfectly safe in the hands of even the most inexperienced persons.

It is recommended by Physicians, Ministers, Managers of Factories, Work-Shops, and Institutions, Nurses in Hospitals—in short, by Everybody everywhere who has ever given it a trial.

IT HAS STOOD THE TEST OF FORTY YEARS' TRIAL.

PAIN KILLER should have a place in every factory, machine-shop, household, ready for immediate use not only for accidents, cuts, bruises, sores, etc., but in case of sudden sickness of any kind.

PAIN KILLER is the well-tried and trusted friend of all who want relief internally or externally without fear of harm and with certainty of relief.

Its price brings it within the reach of all; and it will annually save many times its cost in doctors' bills. For sale by all druggists at 25c, 50c, and \$1.00 per bottle.

PERRY DAVIS & SON, Proprietors, Providence, R. I.



ONE NIGHT COUGH SYRUP

TRADE MARK

EACH OUNCE CONTAINS

ALCOHOL, (less than 1%)	4 1/4 m.
CANNABIS INDICA, F.E.,	4 1/2 m.
CHLOROFORM,	2 1/2 m.
MORPHIA, SULPH.,	1/6 gr.

SKILLFULLY COMBINED WITH A NUMBER OF OTHER INGREDIENTS

used internally or externally without fear of harm and with certainty of relief.

safe in the hands of even the most inexperienced persons.

Even trading cards



BEFORE TAKING
WILLIAMS' Blood Purifier.
AFTER TAKING

WILLIAMS' BLOOD PURIFIER.

THE CHOLERA

Or any other disease hardly ever attacks a *healthy* person. In order to keep the body in a healthy condition, it is

ABSOLUTELY NECESSARY

to have the blood perform its proper work. If you do not feel thoroughly **WELL** and **STRONG**, you should take

WILLIAMS' BLOOD PURIFIER

immediately. One bottle of this medicine will convince any one that it is worth its weight in gold.

TRY IT. FOR SALE EVERYWHERE.

WILLIAMS & CARLETON,
(Formerly GEO. W. WILLIAMS & CO.),
PROPRIETORS,
HARTFORD, CONN.

(OVER.)



MRS. WINSLOW'S
SOOTHING
SYRUP

FOR CHILDREN TEETHING

MRS. WINSLOW'S
Soothing
Syrup
For
CHILDREN
TEETHING.



ANTI-FAT

ALLAN'S ANTI-FAT is the great remedy for Corpulence. It is purely vegetable and perfectly harmless. It acts upon the food in the stomach, preventing its being converted into fat. Taken in accordance with directions, **it will reduce a fat person from two to five pounds per week.**

"Corpulence is not only a disease itself, but the harbinger of others." So wrote Hippocrates two thousand years ago, and what was true then is none the less so to-day. Sold by druggists, or sent, by express, for \$1.50. Quarter-dozen \$4.00. Address,

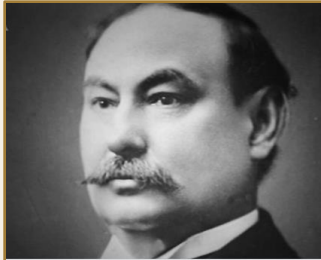
BOTANIC MEDICINE CO., Prop'rs, Buffalo, N. Y.

For corpulence – "perfectly harmless"

Crisis and Solution

Upton Sinclair writes The Jungle

The Poison Squad Study



Dr Harvey Wiley c.1905

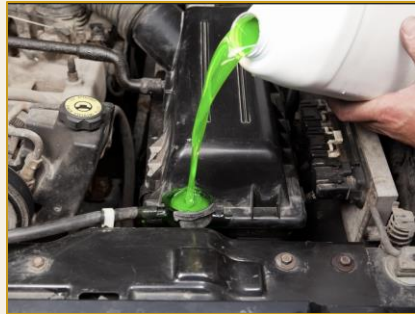
Pure Food and Drugs Act of 1906

- **Drug cannot be adulterated**
 - US Pharmacopoeia and National Formulary (private) is the test
- **Drug cannot be misbranded**
 - Disclose the alcohol and cocaine
- **Drug cannot be false or misleading... as to ingredients**

Crisis and Solution

Sulfanilamide in liquid form

- No fraudulent claims, but...



Food, Drug and Cosmetic Act of 1938

- Must file NDA (60-day approval!!)
- Safe limits for unavoidable poisons
- Don't need to show intent to defraud
- Some drugs need Rx
- Identify ingredients and side effects

Crisis and Solution

Thalidomide



1962 Amendments

- Prove drugs are safe before marketed
- FDA will regulate ads for Rx drugs
 - Fair balance
 - Not false or misleading
 - Brief summary

First Rx communications with consumer

Patient
package insert



The first DTC ads

Print ad (1981)

ADVERTISEMENT

Over 65?

Under Medicare, you are now eligible for protection against a potentially serious health hazard.

The hazard—pneumococcal pneumonia

In spite of modern antibiotics, *pneumococcal pneumonia* remains a leading cause of serious illness, hospitalization, and death among people 65 and over—especially when certain chronic ailments are present, such as diabetes or lung, kidney, or heart disease. *Pneumococcal pneumonia* is a year-round threat to health. It is not the same as a cold or flu—but it can follow as a complication in patients weakened by these illnesses.

How modern science can help protect you

A vaccine called PNEUMOVAX® (Pneumococcal Vaccine, Polyvalent, MSD) is now available that may provide protection for as long as five years against the most common causes of *pneumococcal pneumonia* in the United States. PNEUMOVAX is not a cure or a treatment, so it's important to remember that you must receive the vaccine well before such an infection develops.

What you can do

Ask your doctor how PNEUMOVAX can help you. If your physician decides you should be protected against *pneumococcal pneumonia* and you are given this vaccine, you will not need to be revaccinated for at least five years.

And now, Medicare coverage

Both the cost of PNEUMOVAX® (Pneumococcal Vaccine Polyvalent, MSD) and its administration are now covered by Medicare. Why has the government decided to pay for this vaccine? The answer is simple and sensible: Preventing a disease is much less costly than having to treat it. So, helping to prevent *pneumococcal pneumonia* is in the public interest—and certainly in your interest. Be sure to ask your doctor about PNEUMOVAX on your next visit.

MSD
MERCK
SHARP
DOHME

A message from
Merck Sharp & Dohme—
leader in vaccine research

Copyright © 1981 by Merck & Co., Inc.

Tear out this coupon and show it to your physician

Dear Doctor:

Please inform this patient whether or not he or she is an appropriate candidate for vaccination with PNEUMOVAX® (Pneumococcal Vaccine, Polyvalent, MSD) under Medicare coverage.



The first DTC ads

Television ad (1982)



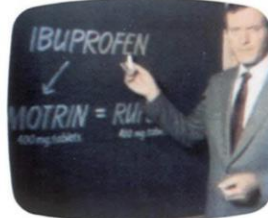
MR. JOHN BRYER: If you're one of the many people who take the prescription drug Motrin... you should ask your physician or pharmacist about Rufen.



They will tell you that both Motrin 400 milligram tablets



and Rufen 400 milligram tablets



are different brand names for the same drug, ibuprofen.



There is only one important difference: Rufen can cost you considerably less!



Rufen comes to you from Boots, the British pharmaceutical company that spent 16 years researching, developing and obtaining the worldwide patents on ibuprofen.

Wait – is that legal?



Statutes & Regulations

21 U.S.C. §352

Misbranded drugs



21 C.F.R. 202.1

Prescription Drug Advertising

21 C.F.R. 314.81 (b)

Reporting requirements

FDA Guidance

1985 Notice

- Same rules as for doctor ads
- Brief summary
- Fair balance
- Not false or misleading

1999 Rule

- Major statement
- Fair balance
- Adequate provision

2024 Rule

- Clarifies Presentation of the Major Statement

Guidance

- 2014 – Social Media



Brighter Days Start with Zippy™ (fakitrine)



FDA-approved treatment for adults with Persistent Low-Energy Disorder

Is your spark stuck on dim? Zippy™ is a prescription medication designed to help adults manage ongoing low energy, reduced motivation, and persistent irritability.

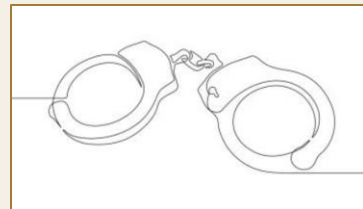
Why ask your doctor about Zippy™?

- Helps patients manage daily routines and relationships
- May even help patients achieve a healthier weight

Zippy™ is not for everyone.* Ask your healthcare provider if Zippy™ is right for you.

Punishment

- Seizures, injunctions
- Required corrective communications
- Fines
- Private litigation (consumer protection/unfair and deceptive)
- Exclusion from Medicare reimbursement/False Claims Act



Who Enforces?

- RX - FDA

Center for Drug Evaluation and Research (CDER)

Specifically, Office of Prescription Drug Promotion (OPDP)

- OTC - Federal Trade Commission

Unfair or deceptive trade practices

- Public - National Advertising Division of the BBB

Challenges from consumers, other businesses, trade associations

- Who governs compounding pharmacies?



Is this compounding ad a pharma ad?

Seems like it

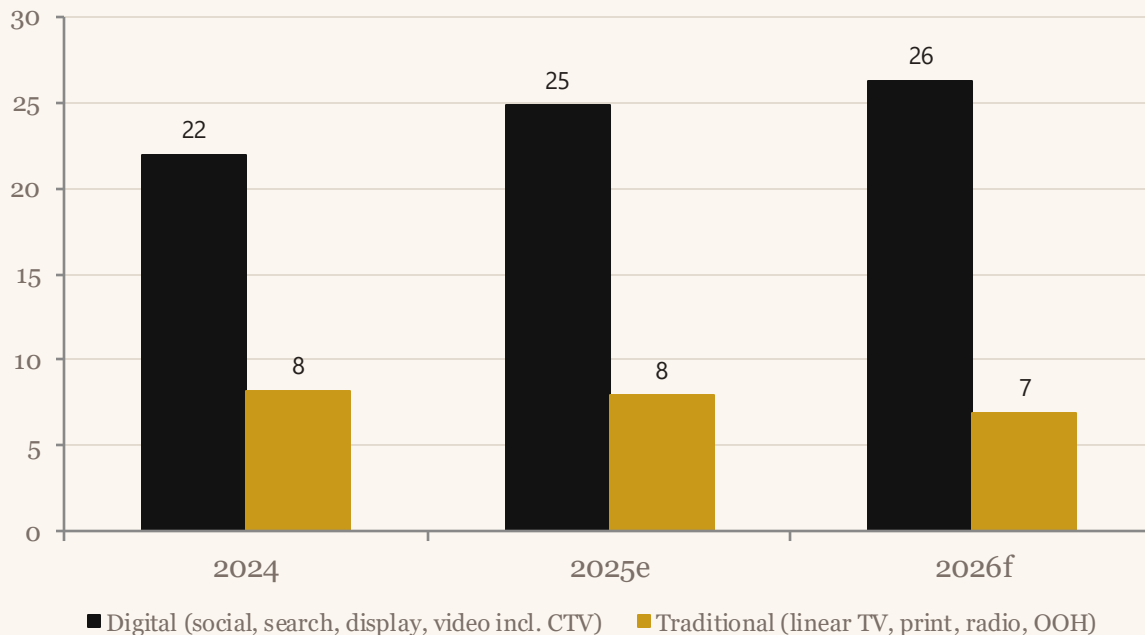
- They are selling a medication
- They say it is for weight loss treatment
- Does say that there are approved drugs and show pictures



Does it comply?

- Does not give side effects/black box warnings
- Weight loss is not an FDA approved use for all patients

Digital is pulling away from traditional



The crossover

2025 marked the first year that social media outspent linear TV in healthcare and pharma budgets.

\$26.2B vs \$6.9B

Forecast for 2026 digital versus traditional spend

Source: eMarketer data shared with Fierce Pharma Marketing, December 2025. Healthcare and pharma category.

New advertising... new crisis?

Digital advertising

01

Paid spokespersons

- When is the company responsible?
- Be sure they are only marketing in US
- Keeping up with the Kardashians

02

Social Influencers

- Misleading?
- Must reveal any “material connection”

03

Social Media Posts

- JAMA study results – misleading in terms of content and sponsorship

04

AI Generated Info

- Who regulates?
- Whose obligation to monitor?

Enforcement changes

● Executive changes

- Presidential Memo Sept 2025 - Directs HHS and FDA to require fuller risk disclosure and to enforce existing law
- Make America Healthy Again Campaign
 - Thousands of cease-and-desist letters
- Bipartisan legislation to end DTC Rx Advertising

● FDA changes – new rulemaking

- moves to close the “adequate provision” loophole
- Seeking more authority to enforce social media, AI, targeted ads...
- More advanced use of AI and technology to review drug ads

● Bad Ad Program Option



Options Going Forward

- FDA and FTC issue joint guidelines
- Take away pharma tax deduction to cover oversight
- Get rid of DTC advertising altogether?
- Get your multidisciplinary teams working now!



Thank you!

