Report to the Boards of Health

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Direct-To-Consumer Advertisements (DTCA)

Drug companies spend more than $10 billion every year on direct-to-consumer advertisements (DTCA). The United States and New Zealand are the only two countries that allow drug companies to advertise prescription medicines directly to the public.

How Did Drug Ads Become Legal?

After laws and regulations in the early 1900s required most drugs to need a prescription, DTCA stopped and advertising focused on doctors. Over time more regulations were added that required this advertising contain specific information.

The first print ad toward consumers for a prescription drug came out in 1981 and the first TV commercial for a prescription drug ran in 1983. As they had no regulations for these types of ads, the FDA asked drug companies to pause TV ads while they figured out what to do. In 1985, they stopped this pause and had them follow the same rules as ads directed to doctors. Not many DTCA ran on TV or radio since it was not possible to list all the required information in the allotted time.

In 1997 the FDA changed the DTCA rules, allowing ads to give just a summary then tell people to visit a website or call a phone number to learn more information about the risks and benefits. This made TV advertising much easier for drug companies. Ad spending shot up from $360 million in 1995 to $1.3 billion by 1998. Today, drug companies spend over $10 billion a year on ads.

Are there Good Things About Drug Ads?

People who support drug ads say they can help in several ways. The advertisements can educate people about diseases and available treatments. This can be helpful for conditions people might be hesitant to talk to their doctors about, like depression or sexual problems.

Second, some studies show that when drug ads run, more people go to the doctor and get medicine they need. This includes people who need treatment but weren't getting it. For example, someone with high cholesterol might see an ad and finally decide to talk to their doctor about it.

Third, some studies show that advertising get people to go to their doctor, which can lead the doctor to find other health problems and discuss other treatment options. The visit might lead to helpful conversations about staying healthy.

What Are the Bad Things About Drug Ads?

Many doctors and health experts worry about drug ads and research shows some concerns.

People get drugs they don't need. DTCA do lead to increased numbers of prescriptions, and an overuse of expensive brand name drugs. Studies show that when patients ask for a specific drug by name, doctors are more likely to give it to them, even when a different drug would work better, or when they don't really need medicine at all.

The ads can be misleading. More than half of drug ads have information that is misleading or wrong. The ads may use tactics to distract from side effects, like using confusing camera work or distracting pictures.

They make healthcare more expensive. Drug ads promote expensive brand-name drugs and research found that about 7 out of 10 of the most advertised drugs don't work any better than cheaper drugs that already exist. Americans spend over $450 billion a year on prescription drugs. Critics say the billions spent on ads could be better used.

What Are People Doing to Change This?

Many people want to ban or limit drug ads. This includes doctors, patient groups, and lawmakers from both political parties.

The American Medical Association: This is the largest group of doctors in the country. In 2015, they voted to call for a ban on drug ads. They said the ads drive up drug prices and push people toward medicines they might not need.

Bills in Congress: Several lawmakers have introduced bills to ban drug ads. Most recently in June 2025, Senator Bernie Sanders and Senator Angus King introduced a bill called the "End Prescription Drug Ads Now Act." Other senators have signed on to support it. Similar bills have been introduced in the House of Representatives.

Government action: In September 2025, the Department of Health and Human Services said it would start requiring ads to give more complete information about risks. The FDA also said it would do a better job of watching for ads that break the rules and sending warning letters to drug companies.

Is Banning Drug Ads Legal?

The First Amendment to the Constitution protects free speech, including some advertising. If Congress passed a law banning drug ads, drug companies might go to court and say the law is unconstitutional. Legal experts disagree about what would happen. Some think a ban could survive if the government showed it was protecting people's health. Others think courts would strike down a total ban. Smaller steps, like requiring ads to show drug prices or waiting until a new drug has been on the market for a few years, might be easier to defend in court.

Recommendations:

1. **Report bad ads.** if you see any commercial that you think is false, misleading, or biased, you can report the ad to the Office of Prescription Drug Promotion (OPDP), a body within the FDA that reviews drug advertisements, by calling 1-301-796-1200 or emailing CDER-OPDP-RPM@fda.hhs.gov.
2. **Be a smart patient.** When you see a drug ad, remember that the goal is to sell you something. Ask your doctor about all your options, including cheaper generic drugs and non-drug treatments.
3. If you think drug ads should be banned or changed, here are some things you can do:
    a. **Contact your lawmakers.** Call or write to your U.S. senators and your representative in Congress. Ask them to support bills that would ban or limit drug ads.
    b. **Support groups working on this issue.** Some organizations are pushing for changes to drug advertising. These include the National Center for Health Research and MedShadow.

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