

Regulation of Promotion of Prescription Drugs



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Goal and Objectives

Goal

- To protect and promote public health

Objectives

- Ensure that RX drug promotion is not false or misleading
- Ensure that complete picture of drug is conveyed
- Get more useful information about drugs and diseases to the American public



Mechanisms for Meeting Objectives

- Comprehensive surveillance and enforcement program

- Voluntary compliance

- Guidance documents
- Request for comments
- Educational efforts



Advice to Industry

- Provide comments on promotional materials (VOLUNTARY)
 - Launches
 - Direct-to-consumer (DTC) broadcast ads
 - Other materials
- Guidance Documents
- Educational efforts
 - Outreach
 - Website



Enforcement Options

- Untitled letters (notice of violation or NOV)
- Warning Letters
- Injunctions/consent decrees
- Seizures
- Criminal actions



Hydrea/Droxia Warning Letter

- Promotion of unapproved use
 - treatment of HIV
- Failure to disclose safety information
 - study results of higher toxicity and two fatal cases of pancreatitis



Avandia Warning Letter - Background

- Labeling was revised to include warning about use with insulin
 - The use of Avandia in combination therapy with insulin is not indicated
 - In clinical studies, an increased incidence of heart failure and other cardiovascular adverse events were seen in patients on Avandia and insulin combination therapy compared to insulin plus placebo



Avandia Warning Letter

- Sales rep stated that there had been no changes to the PI concerning risk of CHF with Avandia
- Another sales rep also stated that there had been no changes to the Avandia PI and stated that he was unaware of any new risk information concerning CHF



Viread

- Commercial exhibit hall
- Minimized boxed warning
 - Lactic acidosis and severe hepatomegaly with steatosis, including fatal cases, have been reported with the use of nucleoside analogs alone or in combination with other antiretrovirals



Viread

- “No toxicities”
- “Extremely safe”
- “Extremely well-tolerated”
- The boxed warning is a “product class warning, and there are no problems but it was put into the PI as a ‘wait and see’ warning”



Accutane

- **Bolded Warning - Psychiatric Disorders:** Accutane may cause depression, psychosis, and rarely, suicidal ideation, suicide attempts. Discontinuation of Accutane may be insufficient; further evaluation may be necessary.



Accutane

- “We don’t feel it’s an issue.”
- “News has hyped it up.”
- “Like any drug used in patients with depression, such as penicillin, it could bring it out.”



Thalomid Warning Letter

- Violative Promotion by Company Representatives
- Representatives promoted off label uses
 - Use for various types of cancer
 - Use for cancer patients' "weight loss"
 - Use for feeling of "general well being"



Xanodyne Warning Letter

- Multiple Products
 - Methotrexate
 - Leucovorin
 - Amicar
- Omission of risk information
- Omission of material facts - indications



Xanodyne Warning Letter

■ Methotrexate

- Claims such as “has its maximum effect on cells ... such as cancer cells
- Omission of risks such as
 - Boxed warning regarding possibility of serious toxic, fatal reactions
 - Deaths have been reported with the use of methotrexate in the treatment of malignancy
 - Patients should be monitored for bone marrow, liver, lung, and kidney toxicities



Tamiflu

- DTC radio broadcast advertisement
- Omission of material facts
 - indicated ... who have been asymptomatic for no more than two days
 - no evidence that drug will convey any benefit if taken later in the illness
- “So when I felt the flu symptoms again, I took Tamiflu”



Tamiflu

- Overstatement of Efficacy
 - “I felt better so soon that I didn’t miss a single day of training”
 - “with the first dose things started to look up”
- 1.3 day reduction to flu symptom improvement vs placebo



Imitrex

- DTC television advertisement
- Unsubstantiated comparative claim
 - comparison to other prescription drugs
- Video: Migraine suffer looking at amber rx bottle
- Voiceover: "...a migraine my medicine just dulled the pain. So I talked to my doctor. He prescribed Imitrex. Imitrex targets your total migraine."