

# Legal loophole exposes Canadians to drug advertising banned in US: UBC research

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A legal loophole is counteracting Canada's ban on direct-to-consumer drug advertising and has exposed Canadians to more than \$90 million worth of ads, including those for drugs with life-threatening risks, according to a study by UBC researchers.

Barbara Mintzes, Steve Morgan and James M. Wright from UBC's Centre for Health Services and Policy Research analyzed advertising spending on [prescription drugs](#) from 1995 to 2006 and saw spending rise from less than \$2 million per year prior to 1999 to more than \$22 million in 2006.

The study is published today in the online journal *Public Library of Science ONE* and available at <http://dx.plos.org/10.1371/journal.pone.0005699>.

The increase in advertising spending coincided with a policy change in 2000, when Health Canada allowed "reminder ads" - ads that state the brand name without additional information or health claims -under the price advertising provision in the Food & Drug Act. This provision was created in the 1970s to allow consumers to compare prices of prescription drugs.

"This loophole is being exploited to advertise prescription-only medicines to the Canadian public, including those with U.S. 'black-box' warnings and those subject to Health Canada safety advisories," says Mintzes, an assistant professor in the UBC Dept. of Anesthesiology,

## Pharmacology & Therapeutics.

The U.S. and New Zealand are the only two developed countries that allow direct-to-consumer advertising (DTCA) of prescription drugs. However, the U.S. prohibits reminder ads with a "black box" warning - the country's strongest regulatory warning of serious harmful side effects. Canada is the only country in the world where prescription drug advertising to the public is banned while "reminder ads" of such drugs are allowed.

"It makes no sense to issue safety advisories telling physicians to prescribe a drug cautiously while turning a blind eye to a loophole that allows persuasive advertisements that make the same drug look like an effortless key to happiness and good health," says Mintzes.

The UBC study found that of the eight drugs most heavily advertised on television in 2005-06, four had black box warnings and five had been subject to Health Canada safety advisories.

Despite the recent increase in drug advertising in Canada, the study shows Canadian per capita spending is still far below the U.S. level. From 1995-2006, U.S. companies spent more than \$38 billion on ads to the public for prescription medicines, compared to \$191 million in Canada. This is likely one of a number of factors contributing to overall lower drug spending here, according to the researchers.

"Research has shown that the greater exposure to these ads, the greater the effect on medicine use and costs," says Morgan, an associate professor at the UBC School of Population and Public Health. "And there is conspicuously little evidence to suggest this is a net benefit to the population's health or to the health care system."

Source: University of British Columbia ([news](#) : [web](#))

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