WHEN DRUG ADS GO GLOBAL:

POLICY CHALLENGES IN THE AGE OF ONLINE DTCA

By Katie Wolter and Audrey Nott
Phoenix Policy Institute

ABSTRACT

In a rapid age of technology development, direct-to-consumer advertising (DTCA) of prescription drugs is now an interactive global marketing network. The evolution of online drug promotion, which is vastly unregulated and borderless, is posing serious risks to global public health, patient safety, and ethical marketing strategies. When profit-driven pharmaceutical advertising is increasing patient vulnerability, policymakers must ask: ***what happens when the next prescription is only a click away?***

John Hopkins School of Public Health

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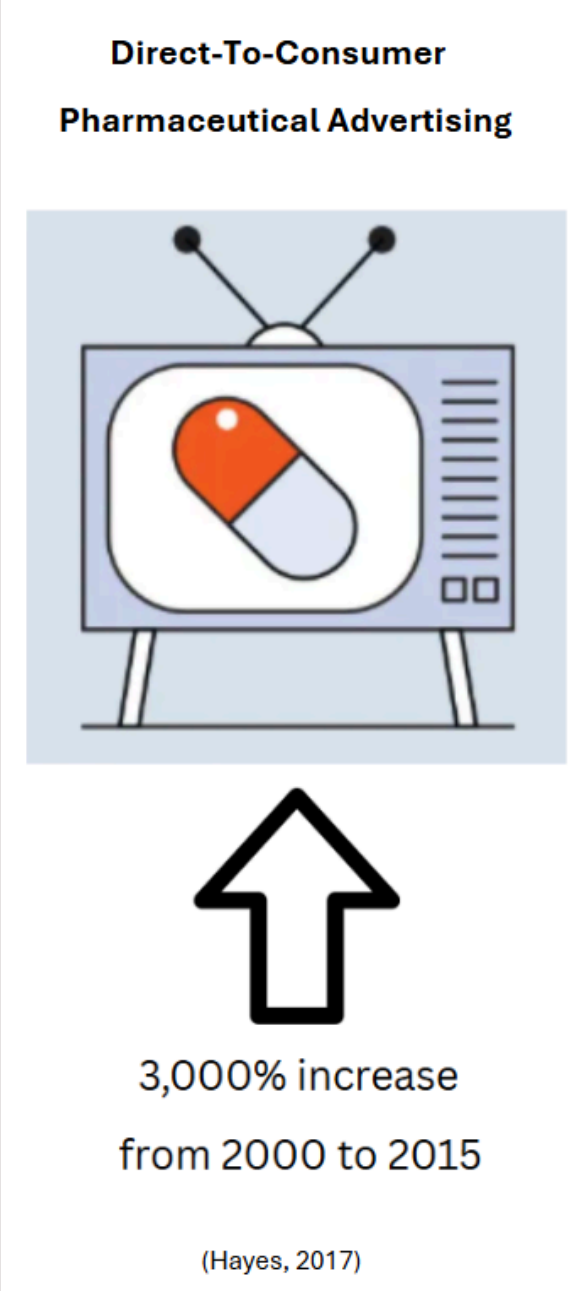
INTRODUCTION

What Is Direct-To-Consumer Advertising?

The United States is the world's largest market for prescription drug sales (Mackey et al., 2015). They were able to reach this level of influence through direct-to-consumer advertising. **DTCA is a type of pharmaceutical promotion that directly targets the consumer and patient.** It emerged in the late 1990s and created a new form of marketing influence. DTCA accounts for $4 billion in US expenditure, which is more than physician marketing and research and development (Liang & Mackey, 2011).

However, this form of advertising is only permitted in two countries: the United States and New Zealand. This is largely due to stricter government regulations on commercial speech and broader public health concerns in most countries. **DTCA is critiqued for leading to wrongful and overuse of prescriptions**, with many advertisements emphasizing the benefits rather than the risks involved. It has also been linked with drug overutilization, public health concerns, and higher costs.

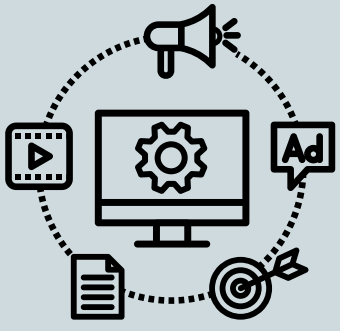


PROBLEM DEFINITION

Online DTCA Capabilities Represent a Global Health Challenge

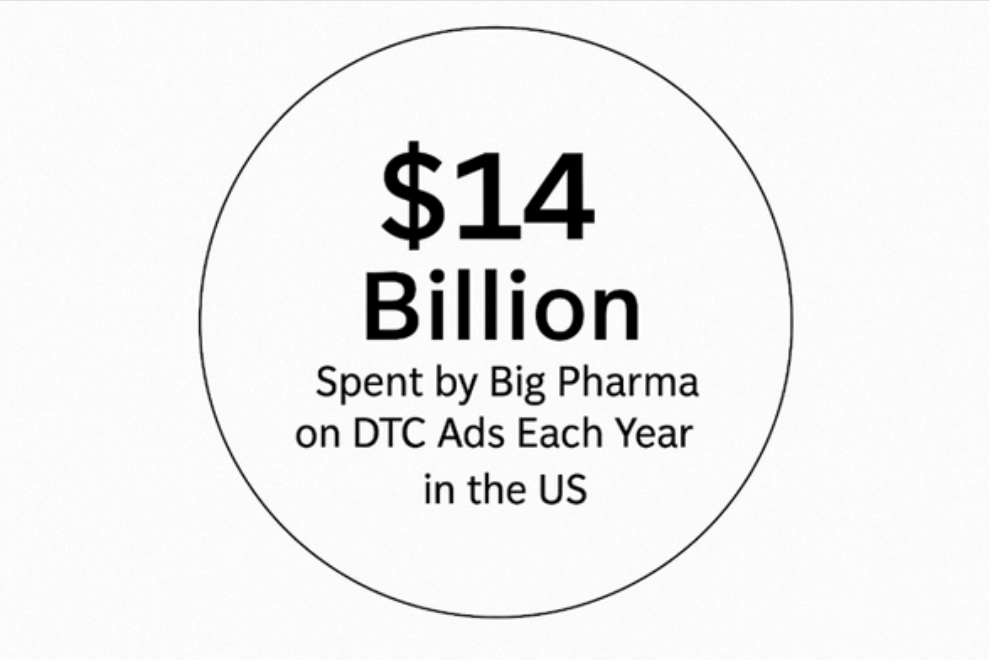
DTCA is an unregulated marketing tool, and online DTCA has further increased the reach of interactive marketing, which now reaches millions of potential consumers globally. eDTCA defines pharmaceutical advertisements that are Internet-based or spread through social media platforms. The rapid development and global reach of eDTCA is a risk for countries who have banned DTCA. **Safety concerns occurring in the United States may now become global health concerns.**

The spectrum and accessibility of online tools used by drug companies is extensive. These range from corporate-sponsored YouTube videos advertising drugs to online pharmacies with sponsored links, all without sponsorship disclosure. Online pharmacies are particularly concerning because patients may end up purchasing drugs that are unapproved or unsafe, often without any medical oversight. The National Association of Boards of Pharmacy reports that **49% of non-approved online pharmacies sell foreign or non-FDA-approved medications**, underscoring the significant risks that these sites pose. Many online pharmacies are operated from remote countries, where the legal and businesses practices are not accessible to international research (Orizio et al., 2011). Online DTCA is undermining patient-safety regulations and making it increasingly difficult for the FDA and other global public health agencies to effectively monitor and regulate pharmaceutical advertising.



CURRENT POLICY CONTEXT

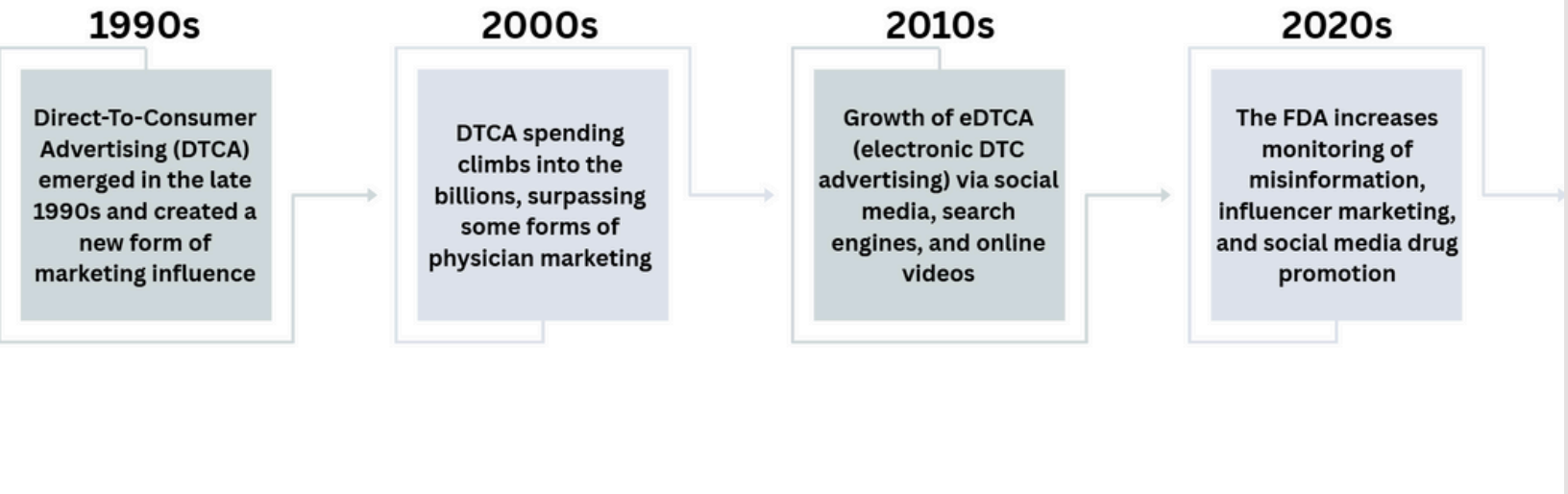
The United States as a Global Outlier in Drug Advertising



In the United States, direct-to-consumer (DTC) prescription drug advertising is legal and overseen by the Food and Drug Administration (FDA). **The FDA plays a significant role in making sure that these ads are accurate, balanced, and not misleading** (U.S. Department of Health & Human Services, 2023). They require companies to clearly showcase **both the benefits and the risks of medication, avoid exaggerating what a drug can do, and only make claims that are supported by scientific evidence.** The FDA also reviews whether ads use understandable language, whether they incorporate easily noticeable safety information, and whether companies manipulate how the public interprets the ad.

Since drug ads can influence patients to request specific medications from their doctors, the **FDA must closely monitor how pharmaceutical companies market their products.** The agency can issue warning letters, require companies to correct misleading ads, or take further action if federal rules are violated.

In contrast, most countries around the globe ban or heavily restrict prescription drug advertising directly to consumers. **Only the U.S. and New Zealand authorize DTC advertising at the scale and in the formats commonly found on television, social media, and print outlets.** Other nations typically limit advertising to healthcare professionals, arguing that prescription decisions should be based on medical judgment rather than consumer marketing (Semin, Aras, & Guldal, 2006). This makes the United States an international outlier, with a unique system that relies on strong oversight to ensure that advertising does not misinform the public or encourage inappropriate drug use.



ROLE FOR GOVERNMENT

Balancing Commercial Interests and Consumer Protection

The government plays a central role in making sure people are protected from misleading, biased, or incomplete medical information. The Food and Drug Administration (FDA) is specifically responsible for monitoring prescription drug advertisements and ensuring they follow strict standards. According to the FDA, one of its core duties is to prevent ads from overstating a drug's benefits or downplaying serious risks (U.S. Department of Health & Human Services, 2023). **This oversight is essential because pharmaceutical companies are profit-driven** and therefore have strong financial incentives to market their drugs in ways that increase consumer interest, even if the messaging is not fully balanced.

Government involvement is critical because **research shows that commercial advertising often prioritizes sales over scientific value** (Pevzner, Oleinik, & Lurie, 2023). Instead of promoting drugs that provide the greatest medical improvement, pharmaceutical companies tend to advertise medications that are most profitable. **A Johns Hopkins study found that companies spend the most money advertising drugs that offer low added clinical benefit**, meaning the drugs may not significantly improve patient outcomes compared to existing treatments (Johns Hopkins Bloomberg School of Public Health, 2023). This creates a gap between what is medically useful and what is most heavily promoted to the public.

These pressures make regulatory safeguards essential to ensure that drug advertisements provide clear, truthful information and that consumers are not misled by marketing strategies. **Without strong government oversight, advertisements could distort public understanding of medications, push unnecessary drug use, and undermine informed decision-making**. Strong oversight also maintains public trust in the healthcare system and ensures that medical decisions are based on evidence rather than the influence of marketing. These safeguards encourage pharmaceutical companies to prioritize patient safety along with their commercial interests.

Food and Drug Law Institute

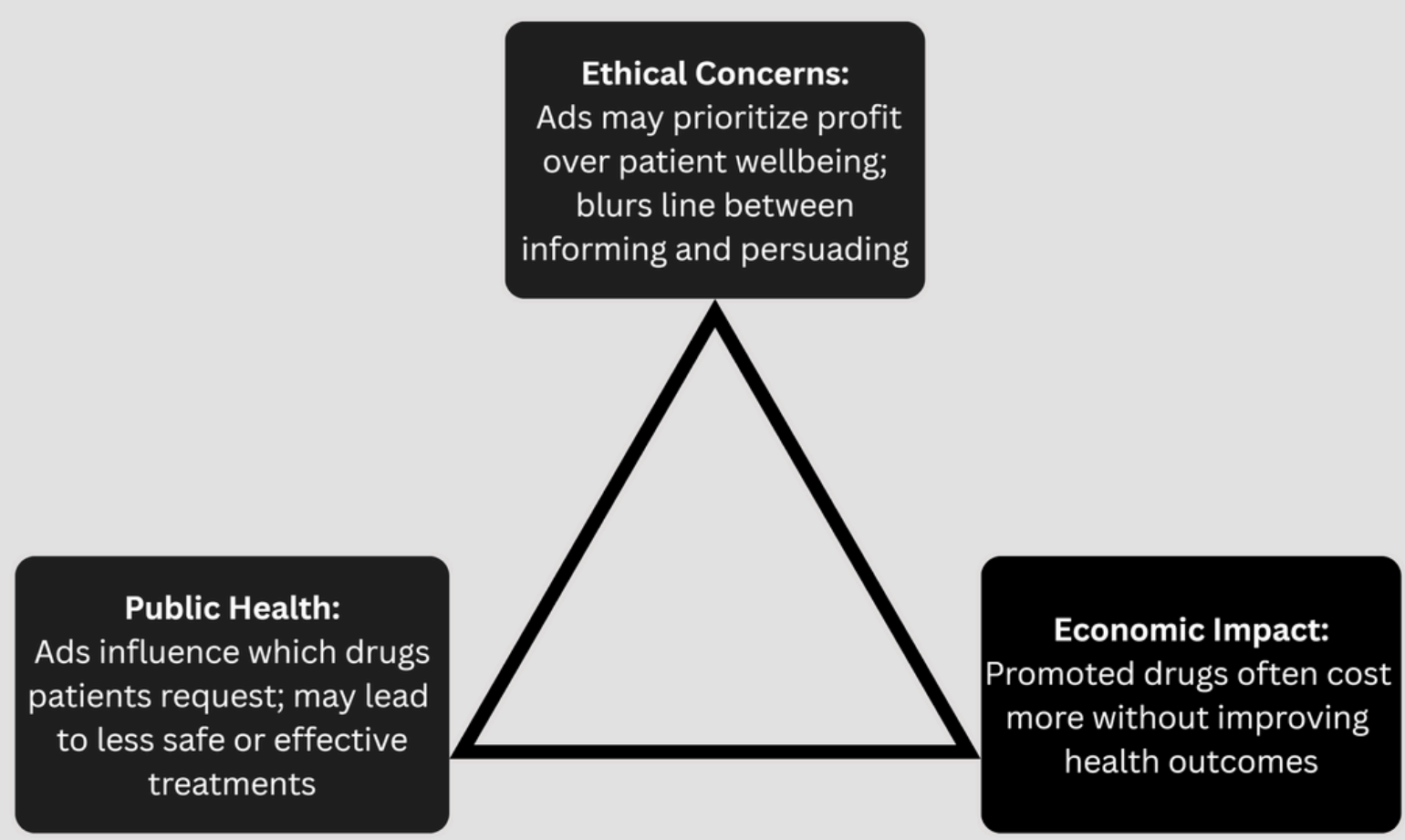
IMPACTS

Public Health, Economic, and Ethical Consequences of DTC Advertising

Direct-to-consumer (DTC) drug advertising has important consequences for public health, economics, and ethics. From a **public health perspective**, the FDA notes that these ads can significantly influence how individuals understand medical treatments and which drugs they ask their doctors about (U.S. Department of Health & Human Services, 2023). Given that ads often highlight benefits in a persuasive way, patients have been found to request specific medications despite those drugs not being the most suitable option. **This can complicate clinical decision-making and may lead to the use of treatments that are less effective or less safe than alternatives treatment options**.

Economically, DTC advertising can contribute to higher healthcare costs. A Johns Hopkins study discovered that pharmaceutical companies focus much of their advertising budgets on top-selling drugs that often provide low added clinical value. In other words, **the most heavily promoted drugs are not necessarily the ones that deliver major improvements in health outcomes.** When advertising drives demand for these expensive medications, it increases overall prescription drug spending without offering matching public health benefits (Johns Hopkins Bloomberg School of Public Health, 2023).

Ethically, these trends raise concerns about whether the **industry is prioritizing patient wellbeing or profit**. When ads encourage consumers to seek costly drugs that may not be significantly better than existing options, it creates a tension between commercial interests and responsible medical care. This dynamic suggests that **DTC advertising can blur the line between informing patients and persuading them**, raising important ethical questions about how medications should be marketed and how patients can make truly informed decisions. These challenges express the growing need for consistent global regulations that uphold, rather than diminish, patient wellbeing and public health standards.



RECOMMENDATIONS

Policy, Public Awareness, and International Cooperation

FDA Policy

The purchase of online drugs is efficient for the elderly, disabled, and home-bound individuals. However, the Internet has made it possible to avoid necessary safety measures. This decreases the effectiveness of the healthcare system and puts the health of millions at risk. Policy should strengthen public health rules for online drug sales. There should be increased laws at the national and international level. **A comprehensive FDA policy needs to be established to minimize regulatory ambiguity and to protect patient privacy and safety.** This framework should focus on oversight rules for online pharmacies, define cross-border drug distribution, and establish stricter verification standards for digital sellers. The aim of this framework would be to establish consistent rules and enable policymakers to prevent regulatory gaps from being exploited.

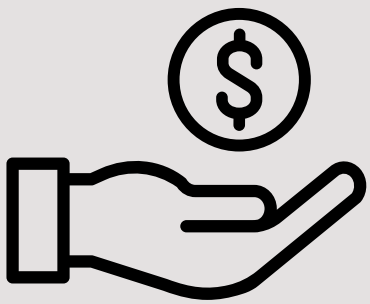
Health Literacy

Concerns about DTCA at the consumer and individual level should be prioritized. There should be increased health literacy education on recognizing risks and making appropriate health decisions. **Current FDA outreach campaigns target those that are least in need of information** (Montoya & Jano, 2007). To ensure that certain consumers are not disadvantaged in the digital health marketplace, public health communication must be redesigned to reach those at the highest risk of misunderstanding or manipulation. This can be enacted by **creating clear, culturally relevant health education materials and delivering them through trusted community partners.** Schools, clinics, and local organizations can help reach populations with low health literacy. Empowering individuals through accessible, equitable health literacy initiatives is essential for safeguarding public health.

Expand ACA's Sunshine Act Disclosures

Enhanced funding-source transparency for patient-safety safeguards are essential components that should be integrated into eDTCA. More specifically, there should be explicit public information on which parties own, administer, and fund pharmaceutical advertisements. Problems emerge when companies use third parties, such as bloggers, to promote their products without disclosing the financial interests involved. Covert drug marketing must be exposed to protect consumers and ensure transparency.

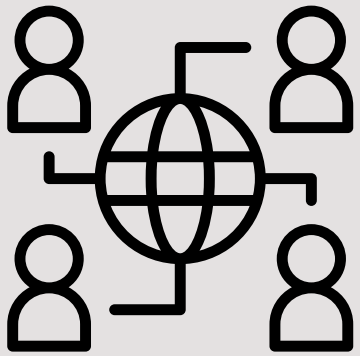
Policymakers should expand disclosure provisions to include funding and compensation of third parties who are involved in eDTCA on behalf of pharmaceutical manufacturers. These disclosure provisions would include recipient information, products promoted, payments, and identification of supported web addresses. This kind of transparency has proven benefits. A Health Services Research (HSR) study found a 7% reduction in new branded statin prescriptions after the Affordable Care Act's Physician Payments Sunshine Act (PPSA) required the disclosure of industry payments to physicians, showing the public value of payment disclosures. Similarly, proposed expansions to the Sunshine Act would require manufacturers to report payments made to patient advocacy organizations, even when routed through third parties, further demonstrating how broader reporting can reveal financial relationships that are usually hidden (Latham & Watkins, 2024). Overall, **expanding disclosure provisions would help identify the scope and impact of eDTCA and improve detection of illegal online pharmacies.**



Partnerships

Public-private collaboration is essential for creating filtering software that can be shared globally. Since the United States is the largest producer and eDTCA exporter (Liang & Mackey, 2011), they need to proactively regulate DTCA and reduce its transmission across borders. This can be effectively enacted with a joint task force between the FDA and the Federal Trade Commission. The United States needs to require marketers, pharmaceutical manufacturers, and internet content providers to actively surveille and block foreign internet protocol (IP) addresses from viewing eDTCA content.

Cooperation and collaboration between the U.S. FDA and foreign regulatory authorities is a significant area of promise. However, bureaucracy risks come into play with the sharing of information, especially those that concern the economy. This illustrates the **need for streamline processes and the establishment of clear and secure channels for international communication.**



CONCLUSION

The development of eDTCA is changing how patients consume medical information. As digital and online marketing become more common, it is exposing the world to misinformation, wrongful self-diagnosis, and removes the power away from medical authority and into the hands of uninformed consumers.

We are in the midst of a global health dilemma. The balance between commercial freedom and public safety needs to be restored. Pharmaceutical marketing needs to focus on informing, not manipulating. Policymakers need to focus on transparent regulation, ethical advertising standards, improved health literacy, and international cooperation.

In our current digital age, the need for safer pharmaceutical advertisements that protect public health is only growing. **Future policies must anticipate emerging technologies, such as AI-generated ads, which are likely to intensify the spread of misinformation.** Policies and regulations need to ensure that credible, evidence-based medical guidance remains accessible and prioritized in algorithms. As technology develops, so must our safeguards for patient wellbeing and global public health. Innovation should not become a threat; it should be harnessed to strengthen and safeguard our public's wellbeing.

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