

Loophole clears path for direct-to-consumer drug ads, critics charge

By Carly Weeks

A Conservative amendment leaves open a loophole that could allow pharmaceutical companies to directly advertise drugs to consumers.

It's a move critics say could drive up health-care costs and influence which drugs people take.

Under an amendment to the federal Food and Drugs Act, the government could authorize companies to promote drugs and their benefits directly to consumers through television, radio and print commercials, as they do in the United States.

The change was included in sweeping updates to food, drug and consumer product safety laws that Prime Minister Stephen Harper introduced at a news conference earlier this week.

A Canadian expert on direct-to-consumer advertising condemned the change and said it could have wide-reaching consequences on the health-care system and the treatment Canadians receive.

"That's absolutely wrong," said Barbara Mintzes, a health policy expert and professor at the Centre for Health Services and Policy Research at the University of British Columbia. "It should not stay in any act that actually becomes law."

Health Minister Tony Clement yesterday denied his government plans to make any changes that would allow direct-to-consumer advertising of drugs in Canada.

"We're, in fact, in court defending the government's position that such direct-to-consumer advertising should not be allowed in Canada, so I can't see how you can be much clearer than you are actually going to court to fight for the fact that we don't want direct-to-consumer advertising," Mr. Clement said after Question Period, referring to the Charter challenge launched by CanWest MediaWorks Inc. on Canada's drug advertising ban. The case is before the Ontario Superior Court.

Under the current system, drug ads directed at consumers can only state the name, quantity and price of their product. That means ads can use a drug's name, but not say the condition it treats. Ads can also describe a specific disease and urge people to see their doctors, but can't name a specific product.

The proposed changes state that no one can advertise a prescription drug "unless they are authorized by the regulations to do so."

That provides a clear and disturbing window of opportunity to change the long-standing ban on drug ads, according to federal NDP health critic Judy Wasylycia-Leis.

"They've created the possibility, the very real possibility, of opening the door in this country to direct-to-consumer advertising on drugs, which is something we've fought against," she said in an interview, adding that it would make our expensive health-care system even more expensive.

Regulations are not debated or voted on by Parliament, which means possible changes to drug advertising could simply be made by an order of cabinet.

Direct-to-consumer advertising of drugs has long come under fire from critics who say it exposes people to new drugs that may be expensive or whose benefit is unproven, and can influence the type of drugs people request from doctors.

But a senior scientist at Health Canada said the new rules clearly prohibit direct-to-consumer advertising. The only regulations the government intends to bring forward are rules that would allow drug companies to advertise the name, quantity and price of the drug, as is the current practice, said Maurica Maher, senior scientific adviser at the health products and food branch of Health Canada.

"There's absolutely no change in the policy or the intent of the government with respect to direct-to-consumer advertising for prescription drugs," she said. "What we are doing actually is indicating our commitment to that position."

With a report from Gloria Galloway in Ottawa