



July 9, 2007

## New drug war looms

Pharmaceutical advertising could be coming to Canada

By MINDELLE JACOBS

Now that the Supreme Court of Canada has upheld our tobacco advertising restrictions, the next giant court battle -- over prescription drug marketing -- is around the corner.

Cross-examination of expert witnesses is set to begin this fall in a constitutional challenge that pits CanWest MediaWorks Inc. against a coalition of health, consumer and union groups.

CanWest, which owns a string of newspapers, as well as Global Television, wants the ban on so-called direct-to-consumer advertising (DTCA) of prescription drugs removed, arguing that it's a violation of freedom of expression.

### **OPPOSED BY COALITION**

The coalition, which includes the Canadian Federation of Nurses Unions, the Canadian Union of Public Employees and the Women and Health Protection advocacy group, is fighting to maintain the existing advertising limitations and has been granted intervener status in the case.

Last week's tobacco decision by the Supreme Court augers well for the coalition, says lawyer Steven Shrybman, who is acting for the group.

"The court has acknowledged (in the tobacco case) that in the interests of protecting public health, governments may be justified in encroaching on free speech rights."

Some may not realize it, with the constant patter of drug ads on U.S. television stations, but such marketing is not allowed in Canada. Here, ads can mention the name of the drug but not what it's for. Or ads can discuss a medical condition without naming a specific brand.

Some argue we might as well loosen our regulations on prescription drug advertising since we're already swamped with American ads anyway.

But author and Harvard University faculty member Dr. John Abramson, a key witness for the coalition, warns Canadians not to go down that road.

Patients aren't able to critically assess reams of drug-related information, and liberal drug marketing rules in the U.S. have inflated the demand for new prescription drugs, Abramson says in his recently filed affidavit.

Abramson, author of the 2004 book *Overdosed America*, also points to the increasing control that drug companies have over medical research, publishing and medical education.

Most clinical trials in the U.S. are now funded by drug companies, he says.

And drug companies have the ability to control the data because they hire the research firms that do the work.

"This has created a danger to patients, as results of clinical trials can be spun to favour the interests of corporate sponsors, exaggerating benefits and minimizing adverse effects," he says in his affidavit.

As if that's not scary enough, there's compelling evidence that health-care costs will skyrocket if the DTCA ban is lifted.

If, over the last decade, Canada had permitted the kind of advertising that is common in the U.S., and if per capita expenditures on prescription drugs had risen as much here as they did in the U.S., Canadian expenditures would be \$10 billion higher per year, University of British Columbia pharmaceutical researcher Steven Morgan noted earlier this year in the online medical journal *Open Medicine*.

## **40,000 DOCTORS**

That's enough to pay the annual salaries of 40,000 doctors, he added.

Curiously, Rx&D, the group that represents Canada's drug manufacturers, is not challenging the DTCA ban.

"This issue is not a priority for the industry," says spokesman Francois Lessard,

For CanWest, it's obviously all about the potential for huge ad revenue.

CanWest just wants some of the pie, says Shrybman.

That revenue pie, however, would poison our health-care system. Let drug companies market all they want -- to doctors, not patients.