

2004-02-05

Hon. Pierre Pettigrew
Minister of Health
Brooke Claxton Building
Tunney's Pasture
Ottawa, Canada

Dear Minister Pettigrew,

Re: Illegal Direct-to-consumer Ad in Today's Globe & Mail

The advertisement for Prevnar (pneumococcus vaccine) that ran in the *Globe & Mail* today, February 5, 2004, (page A11), violates *the Food & Drugs Act*. We expect you to perform your statutory duty to uphold the law and instruct your officials to immediately order this ad removed, apply appropriate sanctions, and ensure that the public receives corrective information. Failure to respond to flagrant violations of the *Food & Drugs Act* is to sanction illegal and unethical actions that jeopardize the health of children.

Vaccines must be administered by a health professional, and therefore fall under the same regulatory status as prescription-only drugs. This advertisement is aimed at the public, and thus is an illegal direct-to-consumer ad. There is no rationale for considering it to be legal under Section C.01.044 of the Act (price advertising amendment), as it contains many representations other than name, price and quantity: the claims of benefit, the picture of the little girl, heart-wrenching story about her little brother, suggestion to ask your doctor for the vaccine, etc.

The Prevnar ad is highly objectionable on ethical grounds as it plays so strongly on parents' fears for their children's health and well-being -- including fear of death -- without providing them any solid information about the actual level of risk and the potential benefits and risks of vaccination as a preventative measure.

The ad is also illegal under several other grounds:

1) Section 9 (1) *No person shall label, package, treat, process, sell or advertise any drug in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding its character, value, quantity, composition, merit or safety.*

The ad fails to provide accurate and complete information about how common pneumococcus infection is in infants, the proportion leading to complications and the proportion of disease and complications prevented by the vaccine. Instead, it provides the impression that everyone needs to fear these complications.

This is suggestive of commonly occurring disease risks, highlighted by the statement that 84% of pneumococcal diseases occur before a child's fifth birthday without any accompanying statement about the prevalence of these diseases. Without any statement of the proportion of cases of disease or complications prevented, the impression is also that this product will prevent these problems, period. This creates an erroneous impression of the product's merits.

The ad provides no information on risks and thus creates an impression that it is 100% safe; again erroneous.

2) Section 3. *No person shall advertise any food, drug, cosmetic or device to the general public as a treatment, preventative or cure for any of the diseases, disorders or abnormal physical states referred to in Schedule A.*

The ad strongly fits into the rationale for Schedule A restrictions, as it is playing on parents' anxieties about their children becoming sick and dying or facing severe disability. It also directly includes a claim for prevention of one of the Schedule A diseases, 'septicemia' (described as blood infection in the ad).

Minister Pettigrew, a strong message must be sent to the pharmaceutical industry that illegal and unethical behaviour will not be tolerated in Canada.

Sincerely,

Kathleen Connors, RN, Chairperson, Canadian Health Coalition

Barbara Mintzes, Ph.D., Centre for Health Services & Policy Research, UBC

cc:

Ann Sztuke-Fournier, Advertising Coordinator
Marketed Health Products, Health Canada

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