

Drug companies defend TV advertisements before Congress

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By MATTHEW PERRONE

The Associated Press

WASHINGTON - Some of the nation's largest pharmaceutical companies defended their TV advertisements Thursday from Democrats pushing for tougher marketing restrictions.

Executives from Pfizer Inc., Johnson Johnson and a joint venture of Merck and Schering-Plough testified before House lawmakers on three discontinued advertisements. All three promotions were criticized by Democrats as potentially misleading consumers.

Reps. Bart Stupak and John Dingell, both Michigan Democrats, pressed a Merck-Schering executive on why the company continued advertising its cholesterol pill Vytorin even after completing a study that showed it was no more effective than a low-cost generic.

The study was completed in 2006 but the companies didn't release the results until this past January.

"I saw a vigorous debate around the quality of that data," said Senior Vice President Deepak Khanna, explaining why the study was not released earlier. "Ultimately we took steps to make sure the data was there and meaningfully analyzed before its release."

Stupak, who chairs the Energy and Commerce Committee's oversight subcommittee, said he is considering new restrictions to "protect American consumers from manipulative commercials."

Democrats have intensified their scrutiny of the drug industry, energized by a recent discovery that Vytorin is no better at stopping plaque buildup than Zocor, a Merck drug available for a fraction of the cost.

Two congressional committees have requested interviews and documents on Vytorin from the companies. And Kenilworth, N.J.-based Schering disclosed on Tuesday that the Department of Justice is seeking similar information.

Merck and Schering halted TV marketing for Vytorin after releasing the disappointing study results, but Stupak said that action came too late.

"Many consumers may not have taken Vytorin had they been aware of the study results," Stupak said.

The advertisements pictured fatty meals alongside "relatives" with similar-sounding names, a frankfurter and Uncle Frank, for example, explaining that both diet and family can cause bad cholesterol. The promotions first ran in 2004 and helped push Vytorin sales to more than \$5.1 billion last year.

Sales pitches from Pfizer and J J also caught the unwanted attention of lawmakers.

Earlier this year, Pfizer discontinued its TV campaign for cholesterol drug Lipitor after Stupak and Dingell questioned the credentials of spokesman Dr. Robert Jarvik, the inventor of an artificial heart.

Democrats said that Jarvik was unqualified to give medical advice since he is not a licensed physician, though he did graduate from medical school.

Lawmakers also criticized J J's Procrit ads for suggesting the anemia drug gives patients more energy and increases quality of life, a claim that is not approved by regulators.

J J said it stopped airing the ads in 2005 and has no plans to put them back on.

Dingell asked all three executives to adopt new standards for marketing, but each said they did not have authority to make such commitments.

"Maybe we need to have another hearing with someone who can really speak on behalf of the companies," said Dingell, who chairs the Energy and Commerce Committee. "Perhaps the company presidents would be able to respond in a more helpful fashion."

Last year, Democrats tried unsuccessfully to pass a law that would ban consumer-directed advertisements in the three years after a drug's approval. They are expected to make a similar push later this year.

TV marketing has become a pillar of the pharmaceutical business since regulators first loosened rules to allow the practice a decade ago. Companies spent roughly \$3.5 billion on spots last year.

A government investigator from the General Accountability Office told lawmakers Thursday that the Food and Drug Administration reviews only a small portion of the advertising materials it receives.

House Democrats have frequently accused FDA of not doing enough to ensure the safety of food and drugs.

But representatives for the drug industry say the Democrats' criticism of FDA's oversight of the drug industry is primarily driven by political motives.

"It's all about politics, not advertising," said John Kamp, director of the Coalition for Healthcare Communication, a lobbying group for drug and media companies. "They hold a hearing so they can pretend their guys would do a better job running the agency than the Republicans."

The FDA is headed by a Republican commissioner appointed by the White House.

While consumer-directed advertising is getting more of Washington's attention, industry data suggest it may be fading as an industry priority.

Ad expenditures declined 3 percent last year to \$5.3 billion, according to Nielsen Co. It was the first drop in the industry's history.

One witness to prove the negative side of this fact, the court should be recognized in accordance with the law

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First, the case

nbsp2004 in November, the plaintiff and the defendant of a trading company in a construction company signed purchase and sale contracts, to the plaintiff by the defendant to sell cement, cement on the specifications of the contract model, price, quality standards, inspection standards, such as the contents of the agreement, also agreed: TAC Beijing venue for the shipment of a site, from a seller (the plaintiff) is responsible for transportation and affordable transportation costs; billing method, time of supply 5,000 tons after the actual number of settlement, each 5,000 tons closure of one of the automatic completion of the contract Lifting. After the signing of the contract, the actual implementation of the plaintiffs agreed to P042.5 models for the price of cement by 328 yuan per ton reduced to 325 yuan per ton. In the course of fulfilling the contract, the trading companies and the self-employed business manager Liumou Han representing both supply and payment for specific matters. Under the trading habits, the buyer after the receipt, storage invoices issued to the seller, warehousing settlement money alone is the only certificate, the buyer timely payment recovery has been regarded as warehousing single payment.

Yiyue trading company called the plaintiff to the defendant to provide cement, the defendant paid the plaintiff to be part of the purchase price, money is still owed to the plaintiff 659 nbsp615.9 yuan. October 2005 termination of the contract the plaintiff.

The defendant of a construction company that: 1, although both parties signed a contract for the sale, but the actual implementation is the seller to the buyer by Han supplier, the buyer is settled by Han money, the two sides do not directly contract for the sale occurred, but by contract Relations. 2, the plaintiff provided by the 11-warehousing, material supply units and materials for the Han people, the storage invoices for all the Han, a trading company can not be used recipients. 3, the defendant has paid off most of the purchase price.

Second, the trial results

Court of First Instance that the original, the defendant signed the purchase and sale contracts and the actual implementation of the later part of the changes, compliance with the law, legal and effective. The plaintiff cement delivered to the defendant, the defendant should pay the purchase price, although the storage invoices from the plaintiff can not prove that the defendant is to supply cement the direct supplier, but the evidence, a contract for the sale of industrial products , receipt, Jinzhang Dan, a cement plant Certificates issued, transport agreements and Han witness testimony to the court a chain of evidence to prove that the plaintiff and the defendant signed and to fulfil the contract, a trading company from a cement plant, etc. An

Wairen purchase of cement, and then sold to a construction company, An Wairen directly by the cement plant, such as cement will be sent to the site of a construction company, is the plaintiff s storage invoices show the defendant has not yet settled is the amount of the loan amount. Therefore, a judgement of the defendant construction company of a trading company paid the plaintiff 439,615 yuan loan companies Kok and Kowloon interest 5,769 yuan.

The defendant of a construction company against the first-instance judgement, the appeal hearing of first instance, the two sides reached by the court mediation, a construction company phased payment of a trading company loans and interest owed 340,000 yuan.

Third, assessment advice

Although the case closed mediation, but the evidence of a problem that there are different views, it should be clear. Namely: the first instance trial, the appearance of witnesses for the plaintiff to the court Han Han and submitted a Liumou on November 4, 2004 issued by the receipt of the copy, says Han, Liu duo from a building The company took a 100,000 yuan transfers cheque, payable to a trading company, but did not recover the corresponding storage invoices. That is, the plaintiff s request for the storage of single-payment has actually paid 100,000 yuan to a trading company. The only evidence that the plaintiff did not copy the original, should not be identified. The defendant accepted the evidence. The Court of First Instance to review that because witnesses failed to provide evidence of the original, it finds that the evidence is not. The second trial, the defendant of a construction company to provide evidence of the originals.

In recognition of this evidence there are two views, one view, in the first trial failed to provide evidence of the original, and the plaintiffs raised objections to the evidence, not the first instance it is correct that, during the second trial the defendant to provide the original copy, Therefore, at this time be satisfied that the evidence of effectiveness. Another view was that, despite the evidence of the contents of the plaintiff to prove that negative, but because the evidence for the plaintiffs for the witnesses, the plaintiffs considered the evidence provided, as long as this is the other side no objection to the defendant, It should be satisfied that the evidence of effectiveness.

The second view is correct.

Article 1 of 1

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About the Author

From www.phillyburbs.com:

Students will use their powers of persuasion to give advice to someone. People give each other advice all the time. Define advice as suggestions.

But the idea of choosing the Leader of the Free World based on the advice of someone who lives in the cloistered world of stardom seems a bit loony to me.

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