

# Misleading Messages: Appreciating the Dangers of “Bad Drug” Advertisements



Home during the day? Up late at night? Listening to the radio? Browsing the internet? If you, like most Americans, do any of these things, the odds are likely that you have seen or heard an off-peak television commercial, a promoted post on social media, or a radio advertisement featuring a serious health warning about a prescription medication or medical device and informing you that you may be entitled to a large sum of money.

Personal injury law firms create these ads to persuade viewers to join class action lawsuits against drug makers, but the misleading nature of these ads can have harmful consequences. The ads often contain frightening warnings about medications or devices causing serious injuries. They may be accompanied by jarring images, such as toe tags and body bags. They may contain logos of federal agencies, suggesting that the announcements are coming from the government rather than a law firm. As a result, patients taking the medications or using the devices in question

may be scared into ending their treatments altogether without consulting their health care provider first. Yet, abruptly ending care without an appropriate alternative can result in catastrophic consequences.

To alleviate confusion, we have provided answers to common questions you may have after viewing one of these ads.

## Should I stop taking my medication or using my device?

No. You should never stop taking your medication or using your device without first consulting with your health care provider. Doing so could pose significant safety risks.<sup>1</sup>

For example, your condition could get worse, which could result in hospital visits or disease progression. In addition to impacting your health, this could increase your health care costs.

## How do I know if my medication or device is still safe for me?

If you have questions or concerns about your medication or device, consult with your health care provider. He or she can help you determine whether your medication or device is still safe and appropriate for you or if you should begin a new treatment. If you are still uncertain, you can seek a second opinion from another health care provider, or you can consider talking to a pharmacist. For the most up-to-date information about medication safety, you can visit the U.S. Food and Drug Administration's (FDA) website.<sup>2</sup> This website contains official statements from the FDA about drug and device safety – if the government has issued a warning to consumers about the dangers associated with any particular medication or device, you will be able to find it here.

## How do I determine whether the information I saw in the ad was true and objective?

To determine whether you have received objective and true information about your medication or device, ask yourself these questions:

### 1. *Where did I view this content?*

Drug injury advertisements often appear on television, radio, and social media. Social media and data technology allow law firms to target specific patient populations with advertisements, increasing the likelihood that you will be exposed to these types of advertisements if you are using a specific medication or device. If you viewed this content on social media do not immediately accept it as true, as content that is shared on social media can easily be exaggerated or deceptive.

### 2. *Where did this information come from?*

Many drug-injury advertisements deceive the viewer by concealing the entity



that paid for the advertisement. These advertisements often feature logos of federal regulatory agencies, such as the FDA, as well as medical symbols that suggest that the advertisement contains unbiased medical information, when it does not. If the FDA were to recall a medication for safety reasons, the FDA would issue a public warning through the general news media. You would also likely be directly contacted by the product manufacturer by mail. The FDA also publishes a weekly notice<sup>3</sup> of all enforcement activities, which includes recall notices. If it is unclear who is behind the advertisement, it is likely a manipulative drug-injury advertisement.



### 3. *Is the information supported by the product's label?*

Many drug-injury advertisements overstate claims about potential side effects that are already listed on the product's label and acknowledged by the FDA. While these claims may contain some element of truthfulness, they may be exaggerated. Consult your medication's label to determine if these claims are true.

### 4. *Am I being asked to take action?*

Drug injury advertisements exist to secure clients for law firms that specialize in litigation against drug makers. If you view an advertisement like this, it is highly likely that the law firm behind the ad would like to use you as a plaintiff in a lawsuit against a manufacturer.

## **What should I do in response to the ad?**

You can feel free to contact the law firm mentioned in the ad and see if you qualify for the class action. However, you should not stop taking, or encourage a loved one to stop using, the medication or device without first consulting you or your loved one's health care provider.



## **What can I do if I think the ad I watched was deceptive or misleading?**

Each state has unfair and deceptive trade practice laws, and some states have begun enacting laws that specifically address drug injury ads. If you feel that the ad you viewed was deceptive or misleading, contact your state's attorney general and let him or her know. Contact information for your attorney general can be found at <https://www.usa.gov/state-attorney-general>.

## What can I do to encourage states to make these ads less misleading?

To get involved in this effort, you can contact the Partnership to Protect Patient Health (PPPH) or Aimed Alliance.

### Aimed Alliance

Aimed Alliance is a 501(c)(3) not-for-profit organization that seeks to protect and enhance the rights of health care consumers and providers. We advance our mission by conducting legal research and analysis, developing economically sound policy recommendations, educating the public, and advocating for the enforcement of laws and professional ethics.

#### Contact

Address: 3000 K St., NW, Suite 270, Washington, DC 20007

Email: [policy@aimedalliance.org](mailto:policy@aimedalliance.org)

Phone: 202-559-0380

Website: [aimedalliance.org](http://aimedalliance.org)

Facebook: [@aimedalliance](https://www.facebook.com/aimedalliance)

Twitter: [@aimedalliance](https://twitter.com/aimedalliance)

### Partnership to Protect Patient Health

PPPH is a coalition of diverse stakeholders, including patients, health care providers, researchers and caregivers, that raises awareness among policymakers and the media about the implications of “bad drug” commercials

#### Contact

Address: 1275 Pennsylvania Ave. NW, Suite 1100A, Washington, DC 20004

Email: [Info@ProtectPatientHealth.org](mailto:Info@ProtectPatientHealth.org)

Website: [www.protectpatienthealth.org](http://www.protectpatienthealth.org)

Facebook: [@PartnershiptoProtectPatientHealth](https://www.facebook.com/PartnershiptoProtectPatientHealth)

Twitter: [@PPPHealth](https://twitter.com/PPPHealth)

<sup>1</sup> <https://www.adhereforhealth.org/mediationadherence>

<sup>2</sup> <https://www.fda.gov/home>

<sup>3</sup> <https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/compliance-actions-and-activities>