

Submission to FDA: video ads for prescription drugs and vaccines that use distracting images or music when risks are presented

KEI Research Note 2023:1

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Introduction

On August 3, 2020, Knowledge Ecology International (KEI), the Center for Digital Democracy (CDD) and Dr. Reshma Ramachandran sent a petition to the U.S. Food and Drug Administration (FDA), calling for a rule banning the use of background music during the presentation of the risks in direct to consumer drug advertising.

The petition was assigned the number [FDA-2020-P-1725](https://www.regulations.gov/docket/FDA-2020-P-1725) for a Regulations.Gov nonrulemaking docket, titled “Request that the FDA amend §202.1 of the Code of Federal Regulations Title 21 on Prescription-Drug Advertisements to include a provision that bans background music from the presentation of the risks section of direct to consumer prescription drug advertising (21 C.F.R. §202.1).”

On October 27, 2020, Public Citizen provided a submission in the docket “strongly” supporting the KEI petition, but also calling on the FDA to take several other actions to further regulate direct to consumer (DTC) advertisements of prescription drugs, including to ban the use of distracting imagery during the disclosure of risk information in broadcast drug ads. The Public Citizen submission

and other subsequent submissions are available here: <https://www.regulations.gov/docket/FDA-2020-P-1725/comments>.

On May 10, 2023, 3 organizations, U.S. PIRG, the Center for Science in the Public Interest, and Generation Patient, and 7 individuals, wrote to the FDA in support of the petition. Among the 7 individuals are five academic experts and one former pharma CEO.

This submission features two tables with notes on audiovisual drug and vaccine ads for different drugs, marketed by different manufacturers that were prepared by different ad agencies.

Table 1 includes 38 drug and vaccine televisions ads, all available with metadata from the website iSpot.tv. The About page for the website states:

“iSpot.tv helps advertisers measure the brand and business impact of TV and streaming advertising, from concept to airing to conversion.”

The examples in Table 1 were found using this Google Search term: “site:iSpot.tv drugname.”

Table 2 includes 12 drug videos that are found on the drug manufacturers’ web pages.

The television ads in Table 1 run from 42 to 125 seconds. 32 of the 38 ads are dated from 2020 to 2023. All of the ads use visual images and background music that distracts and undermines the content of the information regarding the risks of products. Some ads have music that is more dramatically at odds with the risks discussed, but for every single ad, the background music is both distracting and incongruent with the purpose of the warnings and obviously designed to undermine the messages on risks.

The drug ads in Table 2 have a run time 1:15 to 14:04. Unlike the television ads, some of the videos did not use distracting music or images. In four of the eleven videos, there was no background music

when the risks were presented. In ten of the twelve videos the images were only plain text, scrolled to match the audio.

The videos from the drug manufacturer webpages that avoid the use of music or distracting images during the presentations of risk provide a sharp contrast with the way risks are presented in television ads. When spoken at a normal speed, with the scrolling text, the risks are presented in a more neutral way that is easier to understand and evaluate. The decisions to use either music or distracting incongruent images are deliberate efforts to undermine the purpose of describing the risks.

KEI reviewed all Untitled Letters and Warning Letters issued by the FDA from 2017-2022 and 2018-2022, respectively, and of the drugs below, only Trulicity had a letter issued regarding its advertising, but concerning a different ad - an Instagram post that has since been taken down.

Revised: May 15, 2023

Table 1: Drug and vaccine television commercials

Drug	Ad	Distracting music	Distracting images	Link
Biktarvy (HIV) Gilead	Keep Loving Who You Are' Length: 56 seconds January 5, 2020 Agency: Horizon Media	yes	yes	Biktarvy TV Spot, 'Keep Loving Who You Are' - iSpot.tv
Cabenuva (HIV/AIDS) ViiV	A Different Way: Beach' Length: 56 seconds February 17, 2022 Mood: Informational	yes	yes	CABENUVA TV Spot, 'A Different Way: Beach' - iSpot.tv

Drug	Ad	Distracting music	Distracting images	Link
Comirnat (COVID 19) Pfizer	'Hard on Everyone' August 22, 2022 Length: 56 seconds Mood: "Active"	yes	yes	COMIRNATY TV Spot. 'Hard on Everyone' - iSpot.tv
Cosentyx (psoriasis) Novartis	'Enough' Featuring Cyndi Lauper Length: 42 seconds December 17, 2021 Agency: Starcom	yes	yes	COSENTYX TV Spot, 'Enough' Featuring Cyndi Lauper - iSpot.tv
Dupixent (Eczema) Sanofi/ Regeneron	'Grace and Jolie' Length: 56 seconds November 7, 2022	yes	yes	Dupixent TV Spot. 'Grace and Jolie' - iSpot.tv
Eliquis (heart disease) BMS/Pfizer	'Practice For What's Next' Length: 42 seconds May 3, 2022 Agency: Publicis	yes	yes	ELIQUIS TV Spot. 'Practice For What's Next' - iSpot.tv
Enbrel (rheumatoid arthritis)	'In for What's Next' Length: 56 seconds April 04, 2022 Agency: Abelson-Taylor	yes	yes	Enbrel TV Spot. 'In for What's Next' - iSpot.tv
Entresto (heart disease) Novartis	'The Beat Goes On: Water' Length: 56 seconds November 23, 2021 Agency: Starcom	yes	yes	Entresto TV Spot. 'The Beat Goes On: Water' - iSpot.tv
Entyvio (Crohn's disease) Takeda	'Reminders' Length: 56 seconds July 18, 2022	yes	yes	ENTYVIO TV Spot. 'Reminders' - iSpot.tv
Eylea (diabetic macular edema) Regeneron	'A Beautiful Pair' Length: 59 seconds August 7, 2018 Mood: Active	yes	yes	Eylea TV Spot. 'A Beautiful Pair' - iSpot.tv

Drug	Ad	Distracting music	Distracting images	Link
Farxiga (kidney disease) AstaZeneca	'Still a Target for Chronic Kidney Disease' Length: 56 seconds January 17, 2023 Agency: Digitas Health LifeBrands	yes	yes	Farxiga TV Spot. 'Still a Target for Chronic Kidney Disease' - iSpot.tv
Gardasil (HPV vaccine) Merck	Gardasil 9 TV Spot, 'Helping Protect' Length: 1:10 January 10, 2021 Agency: Initiative	yes	yes	Gardasil 9 TV Spot. 'Helping Protect' - iSpot.tv
Humira (rheumatoid arthritis) AbbVie	Your Wake-Up Call' Length 56 seconds February 1, 2019 Agency: Publicis	yes	yes	HUMIRA TV Spot. 'Your Wake-Up Call' - iSpot.tv
Ibrance (breast cancer) Pfizer	'In This Together Moment' Length: 56 seconds March 22, 2022 Agency: Publicis	yes	yes	IBRANCE TV Spot. 'In This Together Moment' - iSpot.tv
Imbruvica (chronic lymphocytic leukemia) Pharmacyclics (AbbVie) and J&J	Camping' Length: 56 seconds May 22, 2021 Mood: Active	yes	yes	IMBRUVICA TV Spot. 'Camping' - iSpot.tv
Jardiance (Type 2 diabetes) Boehringer Ingelheim and Eli Lilly and Company	Musical' Length: 56 seconds April 02, 2023 Agency: OMD	yes	yes	Jardiance TV Spot. 'Musical' - iSpot.tv

Drug	Ad	Distracting music	Distracting images	Link
Keytruda (cancer) Merck	Teresa's Family. Length 1:24 May 12, 2021 Agency: Initiative	yes	yes	Keytruda TV Spot, 'Teresa: Family' - iSpot.tv
Kisqali (breast cancer) Novartis	'Long Live' Length: 56 seconds December 6, 2022 Mood: "Active"	yes	yes	KISQALI TV Spot, 'Long Live' - iSpot.tv
Lantus (diabetes) Sanofi	"Stay Together" Length: 56 seconds March 5, 2018 Al Green's Stay Together during risks presentation	yes	yes	Lantus TV Spot, 'Stay Together' - iSpot.tv
Neulasta (cancer) Amgen	'Stay at Home: \$5' Length: 59 seconds August 10, 2018 Agency: Abelson-Taylor Mood: Emotional	yes	yes	Neulasta Onpro TV Spot, 'Stay at Home: \$5' - iSpot.tv
Ocrevus (MS) Genentech/ Roche	'Pastel' (Spanish language) Length 56 seconds September 6, 2022 Mood: "Active"	yes	yes	OCREVUS TV Spot, 'Pastel' - iSpot.tv
Opdivo + Yervoy (NSCL cancer) BMS	A Chance to Live Longer' Length: 56 seconds September 29, 2021	yes	yes	Opdivo + Yervoy TV Spot, 'A Chance to Live Longer' - iSpot.tv
Orencia (rumatoid arthritis) BMS	'Start the Day' Length: 46 seconds October 2, 2012 Agency: Calcium	yes	yes	Orencia TV Spot, 'Start the Day' - iSpot.tv

Drug	Ad	Distracting music	Distracting images	Link
Ozempic	'My Zone' Featuring Billy Gardell Length: 1:10 February 15, 2021 Agency: Spark Foundry	yes	yes	Ozempic TV Spot, 'My Zone' Featuring Billy Gardell - iSpot.tv
Prevnar (pneumococcal pneumonia vaccine) Pfizer	Prevnar 20 TV Spot, 'Keep My Plans' Length: 56 seconds January 18, 2022	yes	yes	Prennar 20 TV Spot, 'Keep My Plans' - iSpot.tv
Prolia (osteoporosis) Amgen	'Make Or Break Moments: Icy Steps' Length: 56 seconds December 27, 2021 Agency: Hearts & Science	yes	yes	Prolia TV Spot, 'Make Or Break Moments: Icy Steps' - iSpot.tv
Rinvoq (ulcerative colitis) AbbVie	'River Rafting and Challenge Course' Length: 56 seconds June 27, 2022	yes	yes	RINVOQ TV Spot, 'River Rafting and Challenge Course' - iSpot.tv
Shingrix (shingles) GSK	Shingrix TV Spot, 'Shingles Doesn't Care: Bike Trails' Length: 56 seconds December 27, 2021 Mood: Active	yes	yes	Shingrix TV Spot, 'Shingles Doesn't Care: Bike Trails' - iSpot.tv
Skyrizi (psoriasis) AbbVie	Bare My Skin' Length: 56 seconds April 24, 2023	yes	yes	SKYRIZI TV Spot, 'Bare My Skin' - iSpot.tv
Stelara (Crohn's disease) J&J	Move Toward Relief' Length: 42 seconds April 3, 2022 Agency: OMD	yes	yes	Stelara TV Spot, 'Move Toward Relief' - iSpot.tv

Drug	Ad	Distracting music	Distracting images	Link
Symbicort (asthma and COPD) AstraZeneca	'Wolf Picnic' Length: 42 seconds January 7, 2020 Agency: Zenith	yes	yes	Symbicort TV Spot, 'Wolf: Picnic' - iSpot.tv
Taltz (psoriasis) Lilly	'See the Possibilities' Song by Novo Amor Length: 42 seconds September 28, 2021 Agency: OMD	yes	yes	Taltz TV Spot, 'See the Possibilities' Song by Novo Amor - iSpot.tv
Tremfya (plaque psoriasis and psoriatic arthritis) J&J	'Emerge: Burning: \$5 Per Dose' Length: 42 seconds May 2, 2022	yes	yes	Tremfya TV Spot, 'Emerge: Burning: \$5 Per Dose' - iSpot.tv
Trulicity (type 2 diabetes) Lilly	Trulicity TV Spot, 'Father-Son' Length: 56 seconds February 4, 2022 Agency: OMD	yes	yes	Trulicity TV Spot, 'Father-Son' - iSpot.tv
Verzenio (Breast cancer) Lilly	Seasons' Length: 56 seconds January 10, 2022 Mood: Informational	yes	yes	Verzenio TV Spot, 'Being Relentless' - iSpot.tv
Vumerity (MS) Biogen	'I'm still me' length 1:24 September 29, 2021 Mood: Active	yes	yes	VUMERITY TV Spot, 'I'm Still Me' - iSpot.tv
Xarelto (heart disease) J&J	'Not Today' December 9, 2019 Length: 1:25 Agency: J3	yes	yes	Xarelto TV Spot, 'Not Today' - iSpot.tv
Xtandi (prostate cancer) Astellas	'Carl', 56 seconds Length: 56 seconds August 14, 2021	yes	yes	XTANDI TV Spot, 'Carl' - iSpot.tv

Table 2: Drug videos on company websites

Drug	Ad	Distracting music	Distracting images	Link
Darzalex (multiple myeloma) J&J	Deb, Diagnosed in 2009. Taking Darzalex as monotherapy. Length: 14:04	no	No, plain text	Patient & Caregiver Stories DARZALEX® IV (daratumumab)
Enstresto (heart disease) Novartis	Kevin's Story: Motivation From The Heart Length: 4:47	no	No, plain text	https://www.entresto.com/patient-stories
Ibrance (breast cancer) Pfizer	Caring For Your Loved One And Yourself Length: 7:36	yes	No, plain text	Vicki's Video IBRANCE® (palbociclib) Ambassador Safety Info
Keytruda (NSCLC cancer) Merck	ED'S TRU STORY. Length: 1:54	yes	yes	Ed's TRU Story Advanced Kidney Cancer Patient Story
Otezla (plaque psoriasis) Amgen	Meet Sarah Length: 5:01	yes	No, plain text	Stories from people taking Otezla for moderate to severe plaque psoriasis
Repatha (hyperlipidemia)	Andy: Watch the impact Repatha on reducing LDL-C and MI risk for real patients with established CVD* Length: 5:03	yes	No, plain text	Patient Stories
Rinvoq (psoriatic arthritis)	RINVOQ Reels: Your peers discuss clinical data Length: 13:39	yes	No, plain text	Psoriatic Arthritis Treatment RINVOQ® (upadacitinib)
Stelara {Crohn's disease) J&J	Meet 2 STELARA® Crohn's disease patients (Mary) Length: 8:49	yes	No, plain text	Learn About STELARA® (ustekinumab) for Crohn's Disease
Tremfya (plaque psoriasis) J&J	Kate Length: 6:55	no	No, plain text	About TREMFYA® for PsO

Drug	Ad	Distracting music	Distracting images	Link
Trogarzo (HIV) TaiMed Biologics / Thera technologies	Jason Testimonial Length: 4:58	no	No, plain text	What Do Our Patients Think? TROGARZO®
Trulicity (type 2 diabetes) Lilly	Lynda, Clayton patients stories Length 3:53	yes	yes	What is Trulicity & Easy To Use Pen Trulicity (dulaglutide)
Xeljanz (rheumatoid arthritis) Pfizer	Meet Michael Diagnosis: Moderate to severe rheumatoid arthritis Length: 13:08	yes	No, plain text	Patients In Focus