

Medical Product Advertising

The Food and Drug Administration and the Council of Better Business Bureaus have requested advertising managers at newspapers to review the advertisements they receive for medical products more carefully before accepting them. We have adopted their suggested guidelines that are used for evaluating questionable "medical" advertising. Medical advertising which is clearly legitimate need not be scrutinized under this policy.

- Watch for ad copy that claims FDA approval. The law does not permit the mention of "FDA" or the U.S. Food and Drug Administration in any way that suggests marketing approval for any nonprescription drug or medical device.
- Look for key words. If the ad copy uses words such as "miracle", "miraculous cure", or "breakthrough", be particularly skeptical about the product.
- Ask to see the product's label. By following the instructions on the label, a user should be able to realize the benefits claimed for the product. If the label instructions don't explain how to achieve all the benefits, be suspicious. It is a violation of federal law to sell a medical product with inadequate instructions for use.
- Insist on full identification of the business, a form of verification and protection for readers.
- Ask for proof of the product listing with FDA, which may be required. All medical product manufacturers engaging in interstate commerce must be registered and their products require FDA's pre-market approval. When in doubt, ask the ad's sponsor to provide a copy of the firm's FDA registration letter, the product's listing letter, or the marketing approval letter from FDA.
- Be wary of those who say their products don't need FDA approval. A substance is a drug if a medical claim is made for it, even though it is also sold as a food or dietary supplement.
- Watch out for "cures" for serious diseases -- the more serious the disease, the more questionable the ad.
- Be especially wary of claims that a product can be used for multiple problems.
- Check "big-name" testimonials. Sometimes, no permission has been given. The FDA's district and field offices can often answer questions about a product's legitimacy and the veracity of claims made for it. And, while the BBB will not advise newspapers whether or not to accept any particular ad, they can give factual information that can help determine the product's validity.

Links:

Better Business Bureau, Medical Products and Scams

<http://www.bbb.org/alerts/article.asp?ID=252>

