

August 28, 2024

The Honorable Dick Durbin United States Senate Washington, DC 20510 The Honorable Mike Braun United States Senate Washington, DC 20510

Dear Senators Durbin and Braun:

On behalf of the American College of Physicians (ACP), I am writing to express our support for your bipartisan legislation, the Protecting Patients from Deceptive Drug Ads Online Act ("Act"). The Act would tackle the explosion of misleading promotions by new entities—social media influencers and telehealth companies—that generally are not subject to the Food and Drug Administration's (FDA's) existing prescription drug requirements of manufacturers to disclose the side effects, be accurate, or provide a fair balance of risk information. The legislation would enable the FDA to strengthen its guidelines to close the regulatory loophole.

ACP is the largest medical specialty organization and the second largest physician membership society in the United States. ACP members include 161,000 internal medicine physicians, related subspecialists, and medical students. Internal medicine physicians are specialists who apply scientific knowledge, clinical expertise, and compassion to the preventive, diagnostic, and therapeutic care of adults across the spectrum from health to complex illness.

## Protecting Patients from Deceptive Drug Ads Online Act

As direct-to-consumer (DTC) advertising has increased, the Act seeks to protect public health and display PDM paign FDA's regulatory and enforcement authority over prescription drug promotions by social media influencers and telehealth companies with existing rules for manufacturer-sponsored prescription drug ads. The legislation would close this loophole by requiring the FDA to issue warning letters and fines for noncompliance to influencers and telehealth companies for deceptive and misleading promotions that accrue a financial benefit to the speaker and contain false/inaccurate statements, omit facts regarding a prescription drug, or fail to include traditional risk and side effect disclosures. The legislation would make it harder for influencers and telehealth companies to promote prescription drug products to consumers without disclosing health and safety risks of consuming those drugs. In addition, the Act would require manufacturers to report payments dl8 ts to consumers p4(ay)-4(m)@nt)4(s)-4()nBT/F2 4()-2(p4(ay)-4(m)@nt)4(s)-4()nBT/F2 4()-2(p4(ay)-4(