

# Public Policy Statement: Direct-to-Consumer Broadcast Advertising in the United States

Merck believes that Direct-to-Consumer (DTC) broadcast advertising can be an important and helpful way to inform patients about diseases that may be relevant to them and therapeutic options they may want to discuss with their physician. Credible data demonstrate that DTC can have a positive impact on patient health in terms of diagnosis, treatment, prevention, and adherence to prescribed therapies. We recognize that DTC is one channel amongst many to help educate patients. Print materials, telephone, websites, digital platforms, and other channels are also used to provide more in-depth information to patients. The ultimate decision to prescribe a product for any specific patient remains with the physician following discussion with their patient. Merck adheres to a set of forward-looking principles on DTC broadcast advertising, including the policies and practices outlined below.

## **Merck's Policies and Practices on DTC Broadcast Advertising:**

- Merck will adhere to the letter and spirit of FDA regulations and guidelines governing DTC promotion.
- All PhRMA guidelines will be met or exceeded.
- Merck has a long-standing policy to voluntarily submit new DTC broadcast advertising campaigns to FDA for pre-review. Merck waits until it receives a response from FDA prior to running the advertising campaign and modifies the advertising consistent with any written comments received from FDA.
- Merck carries out comprehensive programs to educate physicians and other prescribers about a new product before commencing product-specific DTC broadcast advertising. Merck generally requires a minimum of six months following the approval of a new product before launching DTC broadcast advertising.
- Health care professionals will have access to DTC broadcast advertising for new products through websites and/or professional representatives prior to broadcasting the advertisements to consumers.
- DTC broadcast advertisements will contain important and relevant information for patients:
  - DTC broadcast advertisements with product information will be balanced with appropriate benefit and risk information, consistent with FDA regulations.
  - DTC broadcast advertisements will be consistent with Merck's corporate values and mission to operate with the highest standards of ethics and transparency.
  - Patient Assistance Program (PAP) information will be included as part of all DTC broadcast advertisements.
  - Celebrities in DTC broadcast advertisements with product information must have the condition and use the advertised product.
  - Regarding the use of actors and health professionals in DTC broadcast advertisements, Merck will identify instances in which an actor is portraying a physician. In addition, if our product broadcast advertisements include a physician, we will identify that the physician has been compensated for appearing in the advertisement.
  - Regarding the use of actual patients in DTC broadcast advertisements, Merck will identify instances in which an actual patient is being used.
  - Patient education materials will be made available through additional channels (in addition to DTC broadcast advertising).
- Merck will conduct consumer market research testing of new DTC broadcast advertisements prior to broadcasting them.

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