



PAAB ADVISORY – October 2000

Internet Advertising – An Ethical Guidance

The Internet is a hot topic. At a recent Drug Information Association meeting in Boston I learned details about terms like e-business, e-process, e-patients and my favourite, “cyberchondriacs”. In the PAAB office, I am frequently asked if the PAAB Code covers Internet advertising. The answer is “yes”. Pharmaceutical product advertising intended for health professionals and placed on Internet Web-sites **that originate in Canada and are controlled by Canadian pharmaceutical companies** are subject to the PAAB Code of Advertising Acceptance. In fact, if it is *advertising* as defined in federal legislation, it is subject to the Food & Drugs Act and Regulations. For the purposes of the Act, *advertising* is defined as “any representation by any means whatever for the purpose of promoting directly or indirectly the sale or disposal of any food, drug, cosmetic or device.”

For the purposes of the PAAB Code of Advertising Acceptance *advertising* is defined “as any paid message communicated by Canadian media with the intent to influence the choice, opinion or behavior of those addressed by commercial messages.”

To determine if it is subject to PAAB preclearance review, you should determine the following:

- Is the message directed to health professionals?
- Is it a message about the company’s products, mentioning brand names or non-proprietary names?
- Is the insertion of the message paid by the manufacturer or distributor of the drug product?

If all of the answers are yes, it is advertising subject to PAAB review and it should be submitted to PAAB in the usual manner for preclearance review.

If the information is directed to the general public, then you must remember the requirements of the Food & Drugs Act. You cannot promote the sale of a prescription drug except for name, price and quantity, or a treatment of a disease listed in Schedule A of the Act. You should consult the Health Canada guideline, *The Distinction of Advertising and Other Activities*. PAAB provides an advisory service on whether or not your communication of information about prescription drugs would be considered advertising with respect to the Food & Drugs Regulations.

If the information/advertising on the Web-site is directed to health professionals, you should make that intent obvious by:

- Using passwords to protect the site or the portion of the site directed to practitioners
- Making the content of the site obviously directed to health professionals as demonstrated by subject matter and terminology
- Not providing key words for search engines that appear to attract the **general public** to your site
- Not promoting the site in any manner to the **general public**

You can provide links to other sites provided it does not appear that you are promoting the sale of a Schedule F Drug e.g. “for U.S. Company X Web-site click here” as opposed to “for information on brand X click here”. Health Canada compliance officials advise me that this is a grey area, so caution is advised.



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According to Health Canada personnel, it is also possible for a pharmaceutical company to place complete Health Canada approved Product Monographs on a company's Web-site in a manner that provides the Product Monograph as *information* rather than *advertising*. To date, I have not seen this done by any Canadian pharmaceutical company.

In conclusion, the Internet is a new, exciting media that is subject to the same federal regulations regarding drug advertising originating in Canada.