ACHP
ALLIANCE
OF COMMUNITY HEALTH PLANS

March 30, 2026

Dr. Marty Makary
Commissioner
Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

Dear Commissioner Makary,

The United States and New Zealand are the only two countries in the world that permit direct-to-consumer (DTC) prescription drug advertising. That distinction is not something we should be proud of. As you wrote, "direct-to-consumer pharmaceutical advertising has evolved into a public health crisis demanding immediate action." These advertisements present a limited and often incomplete account of a drug's benefits, shaping demand and creating unrealistic patient expectations before a clinician can fully assess a patient's needs.

As you noted at ACHP's October 2025 Symposium, the FDA became increasingly lax over the last few decades as these ads blossomed. Pharmaceutical companies have exploited weak enforcement, flooding U.S. consumers with misleading content. Research has shown that DTC advertising increases prescription requests and can contribute to inappropriate use. In practice, these ads prioritize flashy marketing over clinical judgment and steer patients toward expensive brand-name therapies, enriching Big Pharma at the expense of Americans' wallets. Given the financial pressures on American households today, it is urgent that the Administration continue to crack down on misleading marketing that drives up drug spending.

ACHP and its regional health plan members applaud your efforts to rein in DTC drug advertising. While spending on drugs continues to skyrocket, we urge FDA to strengthen enforcement, beyond warning letters, to protect American tax dollars. We are excited about forthcoming FDA rulemaking to close the adequate provision loophole, address digital loopholes on social media and aggressive enforcement of violations. Patients should be informed not only about a drug's intended benefits, but also its full safety profile, cost and whether equally effective, more affordable alternatives are available. We also encourage FDA to require disclosure of a drug's Wholesale Acquisition Cost and whether lower-cost generic or biosimilar alternatives are available, so patients can understand the full range of treatment options.

We appreciate your commitment to ensuring promotional claims in DTC prescription drug advertisements reflect the full evidence evaluated by FDA. Complete and balanced claims are critical to grounding treatment decisions in evidence and protecting patients from higher-cost options without added benefit. ACHP and its member companies stand shoulder-to-shoulder with you in support of informed decision-making by patients and clinicians.

Sincerely,

Ceci Connolly

Ceci Connolly
President and CEO
Alliance of Community Health Plans