



News to You

Legislative Committee Chairman - Mike Roundtree
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Senate Passes Drug Safety Bill With No DTC Restrictions

The U.S. Senate has approved an amendment that gives the FDA authority to assess monetary penalties for false or misleading advertising and allows for pre-submission of direct-to-consumer pharmaceutical advertising to the FDA. The amendment, introduced by Sen. Pat Roberts, R-Kan., repeals restrictions on commercial speech contained in the original version of the bill that would have given the FDA authority to impose a two-year moratorium on prescription drug advertising, to preapprove DTC ads and to add additional mandatory warning language. The amended bill, S. 1082, introduced by Senate Health, Education, Labor and Pensions Committee Chairman Ted Kennedy, D-Mass., and Ranking Member Mike Enzi, R-Wyo., ultimately won bipartisan support and received a 93-1 vote. A similar bill introduced by Rep. Henry Waxman, D-Calif., has not been considered in the House. In its current form, Waxman's bill would authorize the FDA to impose a three-year moratorium on DTC ads.

House Judiciary Committee Approves Spyware Bill

The House Judiciary Committee has approved the Internet Spyware Prevention Act, which would prohibit installing unauthorized code or software on a computer and use the software to obtain or transmit personal information. Introduced by Reps. Zoe Lofgren, D-Calif., and Bob Goodlatte, R-Va., H.R. 1525 differs from other spyware bills under consideration because it targets individuals responsible for installing software, rather than placing limits on technology. Rep. Goodlatte, who originally authored the bill in 2004, said, "by imposing criminal penalties on these bad actors, this legislation will help deter the use of spyware and will thus help protect consumers from these aggressive attacks." A similar bill passed the House in 2005 but never received a Senate vote.

Study on Effects of Alcohol Advertising on Children Released

A new study has compared children's exposure to alcohol advertising with underage drinking. The study is based on a two surveys of 1,786 South Dakota children. The first phase of the study asked sixth graders about their exposure to alcohol advertising, and the second, conducted a year later, asked the same children about drinking behaviors. The RAND Corporation, a nonprofit research group, sponsored the study, titled "Early Adolescent Exposure to Alcohol Advertising and its Relationship to Underage Drinking." The study found that television ads are a factor in contributing to children's awareness of alcohol products. It also found that 19 percent of children in the study owned a promotional item such as a hat or t-shirt, and this group was nearly twice as likely to drink or intend to drink than the rest of the study group.

Utah Reconsiders Internet Keyword Search Law

The Utah legislature is reconsidering a recently enacted law that allows companies to register trademarks in order to prevent competitors from advertising alongside Internet searches for the trademark. Executives from major Internet search companies and online retailers met with members of the Utah House and warned that the registry created by the Trademark Protection Act (Senate Bill 236), would be harmful to their businesses and likely struck down in court. The two sides are working on a compromise. Because of these discussions, Utah has not taken steps toward creating the trademark protection registry authorized by the legislation.

Dairy Companies Seek Advertising Labeling Requirements

A growing number of dairy companies have petitioned the Food and Drug Administration, asking the agency to create clear labeling requirements and enforcement of the advertising and marketing of milk. Many dairies are currently advertising their milk as "rBST-free," referring to a growth hormone that increases milk production and approved by the FDA in 1993. The companies petitioning the FDA say that such marketing is deceptive and misleading because it implies that rBST is unsafe. In 2003, the FDA sent warning letters to several dairies saying they could not advertise milk or other dairy products as "hormone-free" because of naturally occurring hormones in milk.

Oregon Proposes Changes to Trade Practices Act

The Oregon Department of Justice has announced its intention to modify the definition of "free" goods and services under the state's Trade Practices Act. The proposed amendment ensures that receiving a "free" item with the purchase of another item would not cost a consumer more than the regular price for the other item and requires disclosure of the terms of "free" offers. Additionally, the revised rule would add new prohibitions against unfair uses of rebate offers. Oregon is soliciting written comments on the proposal and will hold a public hearing on June 25, 2007.