



## MEMORANDUM

TO: INSTITUTE FOR LEGAL REFORM

FROM: BILL McINTURFF & LORI WEIGEL / PUBLIC OPINION STRATEGIES

DATE: JUNE 13, 2017

RE: KEY FINDINGS FROM SURVEY RESEARCH REGARDING IMPLICATIONS OF TRIAL LAWYER ADVERTISING TARGETING PRESCRIPTION MEDICINES

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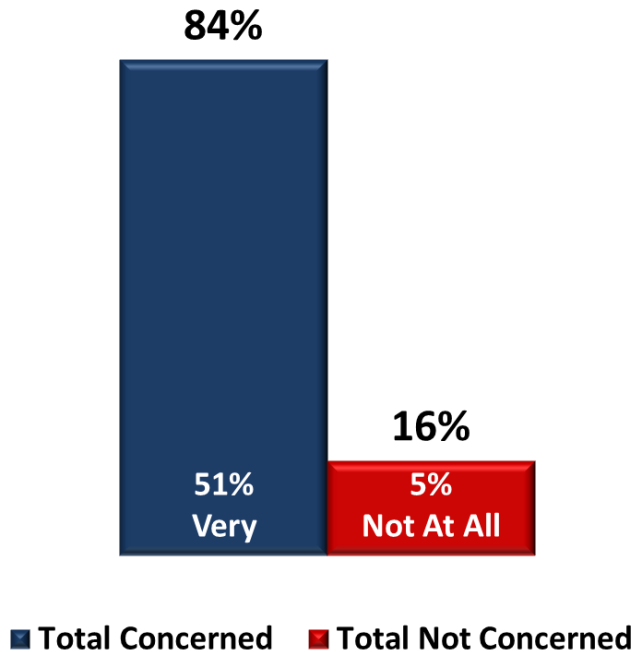
Public Opinion Strategies conducted an on-line quantitative survey to assess how trial lawyer advertising regarding prescription medicines affects the broader public, as well as those taking individual medicines which are the subject of those ads. The survey was conducted among 1,025 adults throughout the United States, as well as a total of 500 interviews (190 interviews from the main sample, and an additional 310 oversample for a total of 500) with adults who answered “I am taking” or “I have taken in past” for at least one of the following twelve drugs or their generics: Actos, Avandia, Crestor, Granuflo, Nexium, Paxil, Pradaxa, Prozac, Testosterone, Xarelto, Yax/Yasmon/Ocella, or Zoloft. Interviews were conducted May 5-24, 2017. The confidence interval associated with the broader sample is  $\pm$  3.5% and 5.0% for the sample of those taking the twelve previously mentioned prescription medicines.

### KEY FINDINGS:

- **Nearly three-quarters of Americans say they have seen ads run by law firms about pharmaceutical lawsuits in the last year.** Fully 72 percent of Americans indicate having seen or heard an ad in the last year “alerting the public to the fact that” the law firm is “suing a pharmaceutical company over a specific medication.” This rises to 78 percent of seniors who recall seeing one of these ads in the last year. Four-in-five respondents (80 percent) who take one of the dozen targeted medicines have seen one of the law firm ads in the last year. Moreover, those taking one of the prescription medicines targeted by law firms are more likely to recall advertising directed at those 12 medicines, than is the public overall.
- **Lawyers’ advertisements alerting people about lawsuits against prescription medicines raise a great deal of concern with the public.** An overwhelming majority – 84 percent – say they would be concerned if they were taking a medication, prescribed by their doctor, and “saw an advertisement by a law firm indicating they were suing the

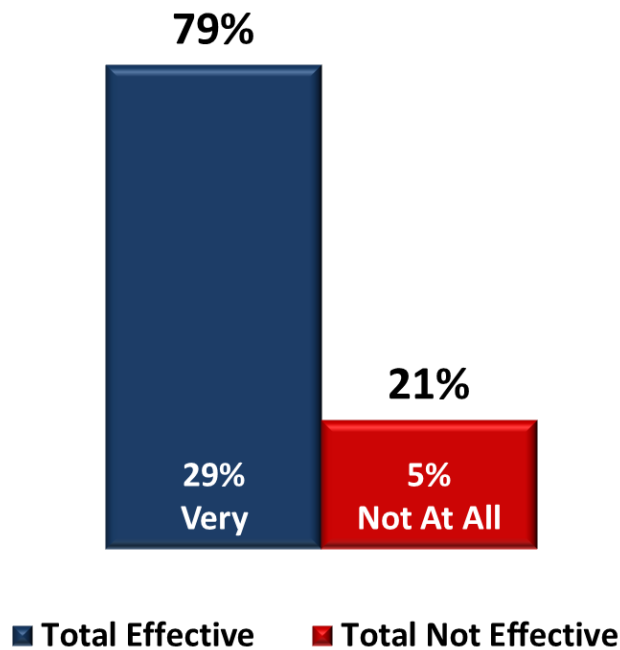
manufacturer over the medication” they were taking. Concern is just slightly higher among those taking one of the twelve targeted medicines with lawsuit advertising being run about them (86 percent say they would be concerned).

**Concern about taking a prescription medicine  
if saw a law firm’s ad about suing that medication manufacturer**



- **A majority of Americans take a prescription medicine daily.** While we only asked specifically about twelve prescription medicines, we saw significant use of some medicine on a daily basis. Even when excluding birth control among women, a majority of all Americans (54 percent) indicate taking a medicine daily. Nine percent indicate having cut back or stopped taking medicine without telling their doctor if they felt worse or experienced side effects.
- **One-in-four people who see an actual trial lawyer ad regarding a medicine they currently take say they would immediately stop taking the medicine without consulting their doctor.** Respondents who take one of twelve medicines that are subjects of potential lawsuits for which lawyers have advertised saw one of those ads regarding their actual medicine. Over three-quarters (79 percent) who see the ads call them “effective” in raising concerns about the medication.

**Ads are Effective in Raising Concerns about their Medication  
(among people taking one of 12 targeted medicines after seeing the law suit ad)**



In fact, a majority (53 percent) admit they are personally concerned after seeing the ad about the medicine they currently take, with about the same number (59 percent) saying they would call their doctor after seeing the ad.

Importantly, more than one-quarter (26 percent) say they would stop taking the medicine immediately and without consulting their doctor. Even if they do not say they would personally stop taking the medicine after seeing the ad, the vast majority think it would have this effect on other people. Fully 81 percent agree that “some people might stop taking their medication after seeing this ad.”

- **In summary**, the public is clearly saying that they have seen these ads and would feel concerned if they saw one about a medication they take. Simply watching one ad targeting a medicine – and only watching it one time – has a profound and disturbing effect on people who take that prescription medicine. One-quarter admit they would stop taking the medicine without so much as consulting their doctor. Moreover, they think many other people might engage in this potentially detrimental behavior as a direct result of seeing lawyers advertise about that medicine.