

May 3, 2006
PhRMA Office of Accountability
950 F Street, NW
Washington, DC 20004

To whom it may concern:

It has come to my attention that Sepracor is running "reminder" LUNESTA ads on prime-time network and cable TV, despite being a signatory to PhRMA's DTC Guiding Principles.

As you know, principle #10 states:

"DTC television advertising that identifies a product by name should clearly state the health conditions for which the medicine is approved and the major risks associated with the medicine being advertised."

The "reminder" ads that Sepracor is currently running do NOT mention the medical condition LUNESTA is approved to treat and therefore are in violation of principle #10.

According to an August 2, 2005, Sepracor press release ("Sepracor Adopts 'Guiding Principles' for Consumer Advertising"):

"Sepracor is committed to responsibly communicating with patients and consumers through patient awareness programs, such as that for our insomnia drug, LUNESTA(TM) brand eszopiclone. Our philosophy of increasing disease awareness, improving patient education, and encouraging candid dialogue with physicians, is mirrored in the new Guiding Principles," said Timothy J. Barberich, Chairman and Chief Executive Officer of Sepracor. "We believe that this approach to patient awareness is crucial in establishing trust with patients and physicians alike and serves as an important mechanism to help patients make more informed decisions about their health."

The press release doesn't say Sepracor will adopt *some* of the principles, so I assume it promised to adopt principle #10 as well. I am surprised, therefore, to see LUNESTA reminder ads on TV.

The following are approximate dates, times, and TV stations where these ads have appeared:

- Friday, April 21, 2006; approx. 10 PM; History Channel (Channel 53 in Philadelphia)
- Saturday, April 22, 12:54 PM, WCVB (Channel 5 in Boston)
- Tuesday, May 2, 2006; 7:55 PM; FOX; show: Seinfeld (Channel 2 in Philadelphia)

The PhRMA web site states: "If your comment relates to an aspect of a signatory company's advertising that is covered by the Principles, the Office of Accountability will forward your comment to the relevant company for consideration."

I hope, however, that PhRMA will consider a more proactive approach considering that many critics have complained that the DTC Guiding Principles have “no teeth.” Allowing Sepracor to continue to run these reminder ads just adds credence to that claim.

As the publisher and editor of *Pharma marketing News* and contributor to Pharma Marketing Blog (www.pharmamarketingblog.com), which was cited by the Wall Street Journal as a Health Care Blog “Insiders Read to Stay Current,” I eagerly look forward to PhRMA’s response to this matter.

Sincerely,

John Mack
Publisher, Pharma Marketing News

Cc: Joane R. Barnes, Sepracor; Timothy J. Barberich, Sepracor