NORC at the University of Chicago

ISSUE BRIEF

Strengthening Oversight of Prescription Drug Promotion on Social Media

Executive Summary

In the United States, social media has rapidly become a dominant channel for direct-to-consumer advertising (DTCA) of prescription drugs. Platforms such as Instagram, TikTok, and YouTube serve as forums for the dissemination and consumption of information about prescription drugs, functioning outside the scope of traditional oversight. While federal rules govern DTCA on television and radio, these frameworks have not kept up with the rapid evolution and adoption of social media, raising questions about how this new landscape impacts patients.

With the support of Arnold Ventures, NORC at the University of Chicago (NORC) conducted original data analyses and surveys to measure the prevalence, content, and perceptions of prescription drug content on social media. The research found **widespread promotion across platforms, frequently lacking disclosures of pharmaceutical sponsorship or omitting risk information alongside efficacy claims**. Notably, most promotional posts were not produced by manufacturers but instead **took the form of covert advertising**, where the promotional nature of pharmaceutical content was obscured or undisclosed.

Policy Options

I. Expand the Definition of Regulated Entities under the FDCA
II. Clarify FDA-Regulated Drug Promotion
III. Modernize the Definition of Regulated DTCA Content
IV. Delineate and Strengthen Agency Roles in Monitoring & Enforcement
V. Implement Financial Reporting Requirements
VI. Providing Compliance Guidance and Resources

While social media discourse around specific conditions and treatments can empower patients and foster supportive communities, these data highlight a troubling rise in misleading or incomplete prescription drug information that may pose risks to consumer health and safety.

The United States is one of only two countries that permit DTCA of prescription drugs, and while the U.S. Food and Drug Administration (FDA) has issued guidance around DTCA of prescription drugs on social media, ambiguities in current regulations create space for inconsistent promotional practices and the potential spread of misinformation. While an outright ban may be the most comprehensive approach, incremental reforms may offer a more feasible path forward amid legal and political constraints. **Supported by NORC's research, this brief offers six policy options to modernize federal oversight such that social media-based drug promotion adheres to standards of safety, accuracy, and accountability.**

Key Data Points

Social Media Data Analysis

NORC's Social Data Collaboratory conducted a cross-sectional content analysis of public posts from Facebook, Instagram, TikTok, and YouTube in 2023 to examine content characteristics, marketing practices, and prevalence of financial disclosures and key clinical information for glucagon-like peptide 1 receptor agonists (GLP-1 RAs), ADHD stimulants, and autoimmune biologics.[1]

- **Non-commercial creators generated the most content (≥69% across the four social media platforms)**, often with embedded commercial elements that suggest the potential for undisclosed financial sponsorship.
- **Only 14-38% of posts with efficacy claims included any information on health risks or side effects.**

[1] *This research is currently under review for journal publication.*

Prescriber & Consumer Surveys

NORC conducted a survey of prescribing medical professionals followed by a separate survey of U.S. adults to measure exposure to and perceptions of drug content on social media, as well as to gauge potential impacts on consumer expectations and the patient-provider relationship.

- **Nearly seven in ten prescribers (69%) had been approached by patients about a medication they saw on social media, with 61% ultimately prescribing the medication.**
- **Most consumers shared that greater transparency in prescription drug content on social media was very or extremely important to them** (66% - disclosures of financial sponsorships; 63% - disclosure of risks and side effects).

Policy Options

Findings from NORC's research suggest that current DTCA regulations may not fully address the evolving challenges posed by social media platforms. This brief outlines potential policy options to enhance oversight and align promotional practices with modernized standards for consumer safety.

1 Expand the Definition of Regulated Entities under the FDCA

According to NORC's survey results, 44% of consumers and 78% of prescribers reported seeing influencer content on Rx drugs. NORC's social media data analysis showed that non-commercial creators such as patients, lifestyle influencers, and certain providers accounted for most posts with promotional elements, with telehealth companies and medical spas notable among them. Prescription drug content produced by these entities remains largely unregulated.

One potential approach to addressing this regulatory gap could involve amending the Federal Food, Drug and Cosmetics Act (FDCA) to clarify the scope of FDA oversight over individuals or entities that receive financial benefits from the promotion of prescription drugs on social media.

Entities for Consideration

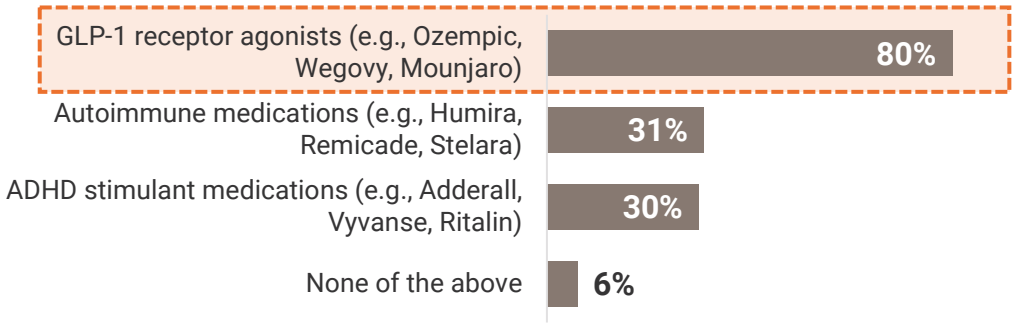
- Influencers
- Telehealth companies & providers
- Medical spas
- Other entities that digitally connect consumers with prescribers

Such revisions could include definitions for these entities with exemptions for content that specifically addresses an individual's personal experience with prescription drugs. Additionally, clarifying what constitutes a financial benefit, including indirect financial gains such as compensation (either monetary or other in-kind remuneration) from regular promotion of a prescription drug, might also provide greater clarity around regulated entities while mitigating risks of First Amendment challenges.

2 Clarify FDA-Regulated Drug Promotion

While all prescription drug promotion must be "truthful, non-misleading, and accurate," new research reveals that promotion of certain compounded drugs – such as compounded GLP-1 RAs – often does not meet this standard. These drugs are not FDA-approved, have raised FDA concerns around adverse events, and remain highly prevalent on social media. In NORC's surveys, 80% of prescribers who had patients ask about drugs they saw on social media reported inquiries about GLP-1 RAs, and over half of consumers recalled seeing promotions for them on social media.

Types of Medications Patients Inquired About After Seeing Ads on Social Media



Source: NORC Prescriber Survey, 2025.

One possible avenue for addressing this regulatory ambiguity could be to clarify the FDA's regulatory authority under the FDCA with respect to false and misleading advertising of compounded and pharmacy-made drugs. Updating the 1971 Memorandum of Understanding Between the Federal Trade Commission and the Food and Drug Administration ("1971 Memorandum") and other applicable documents to reflect this clarification may help foster consistency across rulemaking and guidance.

3 Modernize Definition of Regulated DTCA Content

NORC's social media data analysis found that off-label promotion was common in social media posts – appearing in up to 85% of relevant posts for some drug classes and platforms – and that clear disclosures of financial sponsorship appeared in fewer than 15% of posts with promotional language.

Given these findings, an update to federal regulations could be considered to address emerging promotional practices on social media by clarifying the required disclosures in prescription drug advertising.

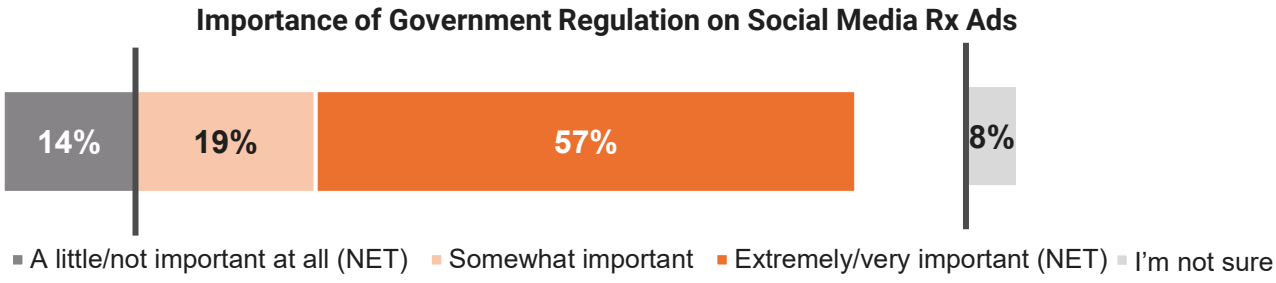
Mandatory Disclosures for Consideration

- Disclosure of sponsorships or financial relationships with manufacturers or marketers
- Disclosure of promotion for uses not approved by the FDA
- *For compounded drugs:* disclosures regarding lack of FDA approval, inclusion of balanced risk and efficacy information, and the prohibition of false equivalency to FDA-approved drugs.

To ensure this definition is inclusive and comprehensive, formal processes could be established to solicit public input, engage independent research and advocacy organizations, and incorporate perspectives from patients – particularly those managing chronic conditions who are frequently exposed to prescription drug content on social media. Collaboration with the Federal Trade Commission (FTC) to develop a joint interagency definition would further strengthen its credibility and enforceability.

4 Delineate and Strengthen Agency Roles in Monitoring & Enforcement

While the FDCA authorizes the FDA to regulate prescription drug promotion, there remains some ambiguity and instances of necessary "liaison activity" between the FDA and the FTC. Moreover, certain entities (e.g., sponsored social media influencers), drugs (e.g., compounded drugs), and disclosures (e.g., financial relationships) lack explicit language in statute that would enable greater federal oversight and enforcement, which consumers largely support. NORC's consumer survey found that over half (57%) of consumers believe it is extremely or very important to have the government regulate how prescription drugs are promoted on social media.



Source: NORC Consumer Survey, 2025.
Note: Question skipped by 2% of respondents.

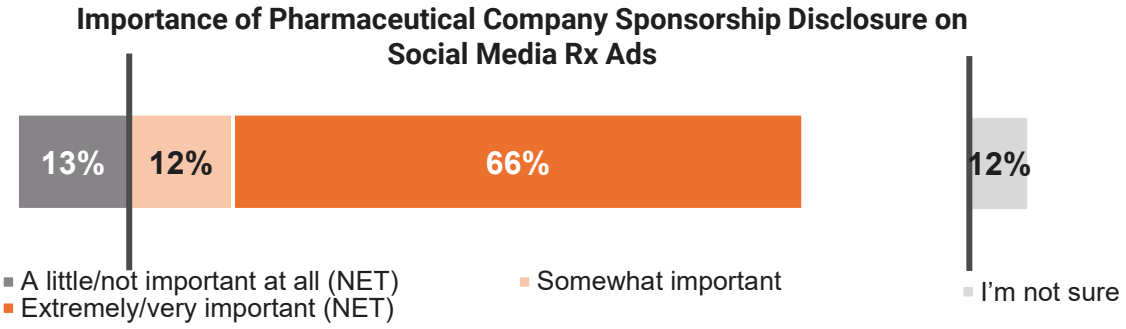
In response, the FDA and the FTC could consider pathways to collaborate in monitoring and enforcement of prescription drug promotion on social media, consistent with their statutory authorities. Updating the 1971 Memorandum to reflect modern digital advertising practices and new categories of regulated content could help formalize interagency collaboration, potentially including a formal joint task force as appropriate.

Monitoring and Enforcement Opportunities

- Developing surveillance protocols across major social media platforms, leveraging advanced analytic tools, data infrastructure, and enhanced staffing for timely monitoring
- Clarifying the roles of the Office of Prescription Drug Promotion (OPDP), which oversees prescription drug advertising, and the Advertising and Promotional Labeling Branch (APLB), which has the authority to regulate advertising of biologic medicines
- Establishing defined enforcement mechanisms, potentially ranging from written warnings to escalating fines and other civil penalties for repeated violations
- Publishing joint annual reports detailing monitoring activities, compliance trends, and enforcement outcomes for transparency

5 Implement Financial Reporting Requirements

NORC's survey research found that consumers value and desire transparency in promoted prescription drug content. Sixty-six percent of consumers surveyed believe that it is very or extremely important for pharmaceutical sponsorships to be disclosed.



Source: NORC Consumer Survey, 2025.
Note: Question skipped by 2% of respondents.

To address this, reporting requirements could be considered for all financial transactions and incentive arrangements related to the promotion of prescription drugs on social media. A centralized, publicly available FDA database could track the financial relationships involving influencers, providers, telehealth platforms, and intermediary companies.

The responsibility for disclosure could rest with the paying entity, with specific provisions for intermediary companies such as digital platforms that financially benefit from connecting patients to virtual prescribers or promoting compounded alternatives to FDA-approved drugs. These measures could improve transparency around the commercial drivers of prescription drug-related content.

6 Providing Compliance Guidance and Resources

Finally, NORC's social media data analysis highlights that many high-engagement social media posts about prescription drugs emphasize efficacy claims without balanced and plain language risk disclosures, contributing to informational asymmetry for patients.

One approach is exploring the potential for a compliance resource hub to support the implementation of any new regulatory requirements and provide guidance to all stakeholders engaged in social media-based DTCA of prescription drugs.

Resource Hub Elements

- Formal guidance, tools, and best practices tailored to manufacturers, influencers, healthcare providers, and digital prescribing platforms to ensure consistent compliance with federal regulations
- A consumer-facing educational initiative modeled to expand the OPDP's Bad Ad Program to help the public identify false or misleading drug promotions online and understand how to report them.
- Parallel educational resources under the Center for Biologics Evaluation and Research's (CBER) APLB to inform both consumers and providers about proper promotion practices and risks associated with biological products

Conclusion

Digital platforms are rapidly becoming a primary source of health information and a powerful venue for prescription drug promotion, and most consumers value transparency and government oversight in this space. As noted above, NORC's consumer survey found that two-thirds of respondents believe it is very or extremely important for pharmaceutical sponsorships to be disclosed, while 63% emphasized the importance of clearly communicating risks and side effects in posts. More than half also strongly believe the government should regulate how prescription drugs are promoted on social media.

Taken together, these findings highlight a public expectation for greater accountability in online prescription drug promotion. As the digital landscape continues to evolve, oversight approaches will need to keep pace with new promotional practices to maintain trust, support patient safety, and facilitate informed consumer decision-making.

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