

# *Principles Governing Advertising* in Publications of the American Medical Association

**Revised February 2016**

These principles, developed jointly by editorial and publishing staff, are applied by the American Medical Association (AMA) to ensure adherence to the highest ethical standards of advertising and to determine the eligibility of products and services for advertising in the AMA's print and digital publications.

The appearance of advertising in AMA publications is neither a guarantee nor an endorsement by the AMA or the AMA publication of the product or the claims made for the product in such advertising. The fact that an advertisement for a product, service, or company has appeared in an AMA publication shall not be referred to in collateral advertising.

As a matter of policy, the AMA will sell advertising space in its publications when the inclusion of advertising does not interfere with the mission or objectives of the AMA or its publications.

To maintain the integrity of the AMA publications, advertising (ie, promotional material, advertising representatives, companies, or manufacturers) cannot influence editorial decisions or editorial content. Decisions to sell advertising space are made independently of and without information pertinent to specific editorial content. AMA publications' advertising sales representatives have no prior knowledge of specific editorial content before it is published. Placement of advertising adjacent to (ie, next to or within) editorial content on the same topic is prohibited.

## I. General Eligibility Requirements

1. The AMA, in its sole discretion, reserves the right to decline any submitted advertisement or to discontinue publication of any advertisement previously accepted. By submitting ads for consideration, all advertisers agree to the Principles Governing Advertising in Publications of the American Medical Association and all Rate Card provisions, as amended from time to time.
2. Products or services eligible for advertising shall be germane to, effective in, and useful in (a) the practice of medicine, (b) medical education, and/or (c) health care delivery and shall be commercially available.
3. In addition to the above, products and services that are offered by responsible advertisers that are of interest to physicians, other health professionals, and consumers are also eligible for advertising.
4. Pharmaceutical products for which approval of a New Drug Application by the Food and Drug Administration (FDA) is a prerequisite for marketing must comply with FDA regulations regarding advertising and promotion.
5. Institutional advertising germane to the practice of medicine and public service messages of interest to physicians may be considered eligible for appearance in AMA publications.
6. Alcoholic beverages and tobacco products may not be advertised.
7. **Equipment, Instruments, and Devices:** The AMA determines the eligibility of advertising for products intended for preventive, diagnostic, or therapeutic purposes. Complete scientific and technical data concerning the product's safety, operation, and usefulness may be required. These data may be either published or unpublished. Samples of equipment, devices, or instruments should not be submitted. The AMA reserves the right to decline advertising for any product that is involved in litigation with a governmental agency with respect to claims made in the marketing of the product.
8. **Food Products:**
  - (a) General-purpose foods such as bread, meats, fruits, and vegetables are eligible.
  - (b) Special purpose foods (eg, foods for carbohydrate restricted diets and other therapeutic diets) are eligible when their uses are supported by acceptable data.
  - (c) Dietary programs: Only diet programs prescribed and controlled by physicians may be eligible.
9. **Dietary Supplements:** Advertisements for dietary supplements and vitamin preparations are not eligible unless the safety and efficacy of the product have been reviewed and approved by the FDA for a disease claim.
10. **Books:** A book may be requested for review to determine its eligibility to be advertised.
11. **Insurance Coverage:** Claims made in advertisements for insurance coverage must conform with the following specific criteria:
  - (a) Claims relating to policy benefits, losses covered, or premiums must be complete and truthful.
  - (b) Claims made shall include full disclosure of exclusions and limitations affecting the basic provisions of policy.
  - (c) Claims incorporating quoted testimonials must meet the same standards as other claims.
  - (d) Each advertisement for insurance products and services must include a statement indicating either the states in which the products or services are available or the states in which the products or services are not available.
12. **CME Programs:** Advertisements for Continuing Medical Education (CME) programs are not eligible unless the CME sponsor is accredited by the ACCME and is an accredited medical school (or hospital affiliated with such a school), a state or county medical society, a national medical specialty society, or other organization affiliated with the ABMS member boards.
13. **Miscellaneous Products and Services:** Products or services not in the above classifications may be eligible for advertising if they satisfy the general principles governing eligibility for advertising in AMA publications.

## II. Advertising in Digital Publications

The current standards for ensuring the editorial integrity of print publications apply to advertising in electronic publications and derivative products, such as online journals, CD-ROMs, Web sites, and online databases, especially for publications in clinical and health-related fields.

Placement of advertising within or on full text article pages is prohibited. In-text linking within an article to an advertisement is not permitted.

Advertisements that appear on journal Web site pages may coincidentally be related to the subject of an article, but such juxtaposition must be random.

Viewers will not be sent to a commercial site unless they choose to do so by clicking on an advertisement. Expanding advertisements will expand only if a viewer scrolls over or clicks on them. Advertisements with audio will play audio only if a viewer clicks on the advertisement.

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### A. Advertising

1. Digital advertising may be placed on The *JAMA Network* journals Web sites.
2. Digital advertisements must be readily distinguishable from editorial content and the word “Advertisement” must be displayed. Advertisements may link off-site to a commercial Web site.
3. Digital advertisements may appear as static, rotating, or animated advertisements.
4. Digital advertisements may not be sold to be intentionally juxtaposed with, appear in line with, or appear adjacent to an article on the same topic. However, because ads rotate in various positions, adjacency may occur coincidentally or at random.
5. AMA, *AMNews*, and *The JAMA Network* journals logos may not appear on commercial Web sites as a logo or in any other form without prior written approval by the individuals responsible for the respective areas within AMA.
6. Web sites shall not frame *The JAMA Network* journals Web site content without express permission; shall not prevent the viewer from returning to *The JAMA Network* journals Web site or other previously viewed screens, and shall not redirect the viewer to a Web site the viewer did not intend to visit. *The JAMA Network* journals reserve the right to not link to or to remove links to other Web sites.
7. All online advertising (including e-mail advertisements) must be reviewed and approved by *The JAMA Network* journals Editorial and Publishing staff. Such review will include the Web site landing page to which the advertisement links. Specific requirements are provided below.

### B. Web Site Advertisement Requirements

1. Advertisements will not appear within full text articles. Articles will not include internal links to advertisements.
2. Advertisements must follow the Guidelines for Advertising Copy (below) and must not include unsubstantiated claims.
3. The word “Advertisement” will appear adjacent to the advertisement and will be hyperlinked to a landing page that states the following: This is a paid advertising placement and *The JAMA Network* journals do not endorse the advertised product. Advertisements must adhere to *The JAMA Network* journals Online Advertising Principles.
4. The Web site URL to which the advertisement links must be provided to Editorial and Publishing staff for review and prior approval, and must contain the following elements:
  - (a) Company sponsoring the Web site is clearly displayed
  - (b) No registration of personal information is required before reaching the Web site

### C. Requirements for Advertisements in E-mail Alerts

1. E-mail alerts may have text or HTML advertisements embedded in the e-mail (top and/or bottom).
2. The word “Advertisement” must appear above the advertisement.
3. Advertisements must follow the Guidelines for Advertising Copy (below) and must not include unsubstantiated claims.
4. The Web site URL to which the ad links must be provided for review and must contain the following elements:
  - (a) The company sponsoring the Web site is clearly displayed
  - (b) No registration of personal information is required before reaching the Web site

### III. Policy on Pharmaceutical Advertising

Pharmaceutical advertisements appearing in AMA publications serve an important function in calling attention to available pharmaceuticals and in providing a direct channel of communication between the manufacturer and the physician.

Physicians do not rely exclusively on pharmaceutical advertisements and pharmaceutical representatives as sources of drug information. Physicians also refer to articles appearing in *The JAMA Network* journals, other authoritative medical journals, drug-prescribing references, and selected books in determining the products used in the treatment of patients. Information derived from these diverse sources supplements the experience of individual physicians and their colleagues.

The policy of the AMA with respect to pharmaceutical advertising is to offer ethical manufacturers the opportunity to communicate directly with the medical profession about their products.

It should be noted, however, that the regulations of the FDA provide exacting legal controls over the claims that pharmaceutical advertisers may make for their products and require them to state contraindications, hazards, etc—unless in reminder advertising they make no product claims.

Adherence to legal requirements concerning advertising by pharmaceutical companies is their responsibility.

### IV. Guidelines for Price Comparison Advertising

These guidelines on advertising containing price comparisons are an attempt to ensure fairness to all advertisers while establishing a base of comparison for the reader. All price comparison advertising in AMA publications must meet the following:

1. **General Guidelines:** The source of all prices quoted must be identified with the advertisement and substantiation must be available on request. If a price comparison is based on the advertiser's own research, that research must be available on request. All advertising must contain a qualification similar to the following: "Prices will vary from pharmacy to pharmacy due to location and services offered."

2. **Pharmaceutical Product Advertising:** In the absence of standard retail price comparison data, the manufacturers' suggested wholesale price may be used for comparisons.
3. **OTC Product Advertising:** Comparisons must be based on manufacturers' suggested retail (or resale) price.

These guidelines are in addition to, and in no way modify, other AMA standards of advertising acceptance.

### V. Guidelines for Advertising Copy

1. The advertisement should clearly identify the advertiser of the product or service offered. In the case of pharmaceutical advertisements, the full generic name of each active ingredient shall appear.
2. Layout, artwork, and format shall be such as to be readily distinguishable from editorial content and to avoid any confusion with the editorial content of the publication. The word "advertisement" may be required.
3. Unfair comparisons or unwarranted disparagement of a competitor's products or services will not be allowed.
4. Advertisements will not be acceptable if they conflict with either the *Principles of Medical Ethics of the American Medical Association* or the advertising guidelines in

*Current Opinions of the Council on Ethical and Judicial Affairs of the American Medical Association.*

5. It is the responsibility of the manufacturer to comply with the laws and regulations applicable to the marketing and sale of its products. Acceptance of advertising in AMA publications should not be construed as a guarantee that the manufacturer has complied with such laws and regulations.
6. Advertisements may not be deceptive or misleading.
7. Advertisements will not be accepted if they are offensive in either text or artwork, or contain attacks or derogations of a personal, racial, sexual, or religious nature, or are demeaning or discriminatory toward an individual or group on the basis of age, sex, race, ethnicity, religion, physical appearance, or disability.

## VI. Time Requirements

Although the AMA cannot guarantee adherence in all cases to a fixed time schedule, every effort will be made to expedite AMA consideration in the following time intervals:

### Advertisements for Currently Eligible Products

From the time copy and, if necessary, supportive data are received, 7 working days should be allowed for AMA consideration.

### Advertisements for New Products

From the time copy and supportive data are received, 14 working days should be allowed for AMA consideration. In those cases

in which the AMA consideration cannot be completed prior to the expiration of the foregoing time intervals, the advertiser or agency will be so informed.

As a matter of policy, the AMA periodically reviews its advertising principles with the view of keeping pace with changes that may occur in the industry and in the profession. This practice of continuous review and reevaluation is intended to ensure and improve the timeliness, relevance, and appropriateness of the advertising content of AMA publications.

## VII. Correspondence

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## VIII. American Medical Association Publications

JAMA	<a href="http://JAMA.com">http://JAMA.com</a>
JAMA Cardiology	<a href="http://JAMACardiology.com">http://JAMACardiology.com</a>
JAMA Dermatology	<a href="http://JAMADermatology.com">http://JAMADermatology.com</a>
JAMA Facial Plastic Surgery	<a href="http://JAMAFacialPlasticSurgery.com">http://JAMAFacialPlasticSurgery.com</a>
JAMA Internal Medicine	<a href="http://JAMAInternalMedicine.com">http://JAMAInternalMedicine.com</a>
JAMA Neurology	<a href="http://JAMANEurology.com">http://JAMANEurology.com</a>
JAMA Oncology	<a href="http://JAMAOncology.com">http://JAMAOncology.com</a>
JAMA Ophthalmology	<a href="http://JAMAOphthalmology.com">http://JAMAOphthalmology.com</a>
JAMA Otolaryngology – Head & Neck Surgery	<a href="http://JAMAOtolaryngology.com">http://JAMAOtolaryngology.com</a>
JAMA Pediatrics	<a href="http://JAMAPediatrics.com">http://JAMAPediatrics.com</a>
JAMA Psychiatry	<a href="http://JAMAPsychiatry.com">http://JAMAPsychiatry.com</a>
JAMA Surgery	<a href="http://JAMASurgery.com">http://JAMASurgery.com</a>
JAMA Network Open	<a href="http://JAMANetworkOpen.com">http://JAMANetworkOpen.com</a>