

The background is a solid teal color. On the left side, there are several white geometric shapes: a large triangle pointing upwards, a smaller triangle pointing downwards, and a curved shape that looks like a stylized 'C' or a partial circle. The text is positioned on the right side of the image.

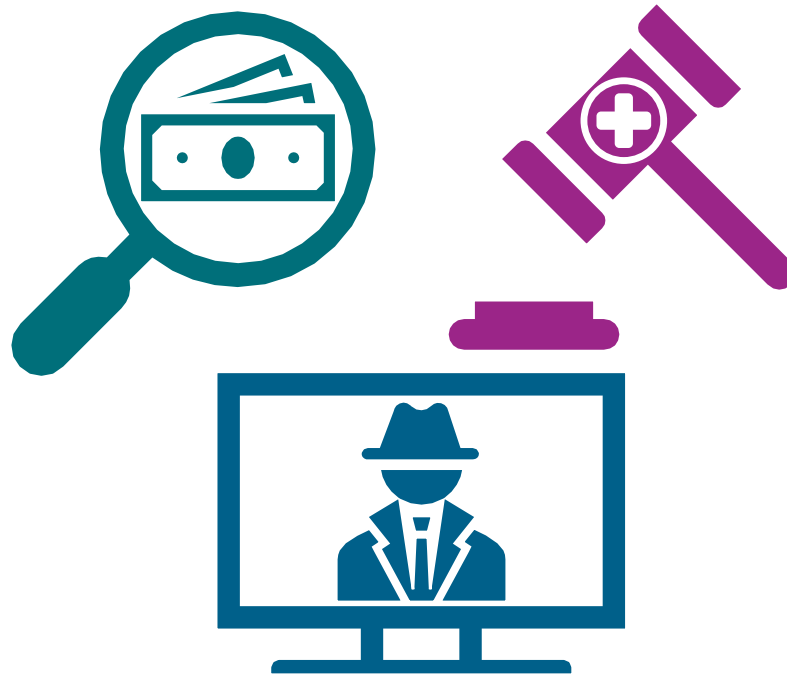
**Seeing Is Not Always
Believing: Tackling Legal
Advertising Disguised
as Medical Alerts**

February 6, 2020

CIVIL JUSTICE & LITIGATION REFORM AGENDA

Enhance Transparency of Third-Party Litigation Funding

- Require disclosure of Litigation Funding Agreement in MDLs
- Expose business model of finance machine behind the manufacturing of mass tort litigation



Defend Supremacy of FDA Decision Making on Safety and Effectiveness

- Defend PMA Preemption
- Reinforce the 510K process
- Advocate for the admissibility of FDA evidence at trial

Address Deceptive Attorney Advertising Targeting MedTech

- Regulate misleading legal advertising disguised as medical alerts
- Raise awareness of the misleading nature of attorney advertising



Updated October 2019



AdvaMed
Advanced Medical Technology Association

Seeing is Not Always Believing: Tackling Legal Advertising Disguised as Medical Alerts



John Brenner
BD



Rusty Silverstein
X Ante



Aviva Wein
Johnson & Johnson



AdvaMed

Advanced Medical Technology Association

Mass Tort Litigation Advertising: Trends & Implications

Rustin Silverstein

X Ante

AdvaMed Webinar

February 6, 2020



X ANTE

MASS TORT INTELLIGENCE

ATTENTION!

BLOOD CLOT FILTER WARNING!

FERRER POIROT
WANSBROUGH **1-800-655-4800**

imgflip.com

Knee Replacement Patients!

KNEE REPLACEMENT DEVICE FAILURE

FERRER POIROT
WANSBROUGH **1-800-620-5300**

imgflip.com

HERNIA MESH WARNING!

HERNIA MESH COMPLICATIONS

W&S WRIGHT & SCHULTE **1-800-410-6400**

imgflip.com

HIP REPLACEMENT RECALL

Stryker® Orthopaedics



Terry Bryant is affiliated with, sponsored by, or associated with the Stryker Corporation.

Terry Bryant **1-800-444-5000**

imgflip.com

IMPORTANT NEWS

BIRTH CONTROL

1-800-972-2800

imgflip.com

PELVIC MESH VICTIMS **\$11 MILLION JURY AWARD**



"...injuries she blamed on the company's vaginal-mesh device."

Windsong News, Feb 2010, 2013

You may be entitled to **FINANCIAL COMPENSATION**

1-800-123-4567

imgflip.com KNIGHTLINE↑LEGAL

Medical Devices Litigation Advertising



Number of Ads



Est. Ad Spending

2018

117K ads

\$36M

Medical Devices Litigation Advertising



Number of Ads



Est. Ad Spending

2018

117K ads

\$36M

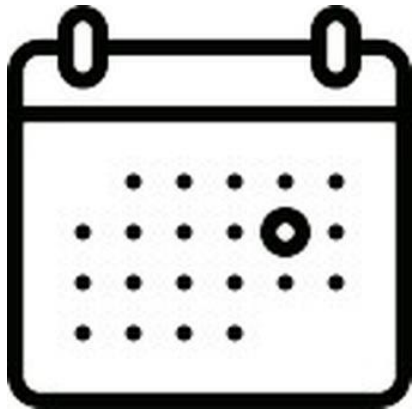
2019

224K ads

\$68M



Average Frequency of Medical Device Litigation TV Advertisements, 2019



**614 ads
per day**



**26 ads
per hour**

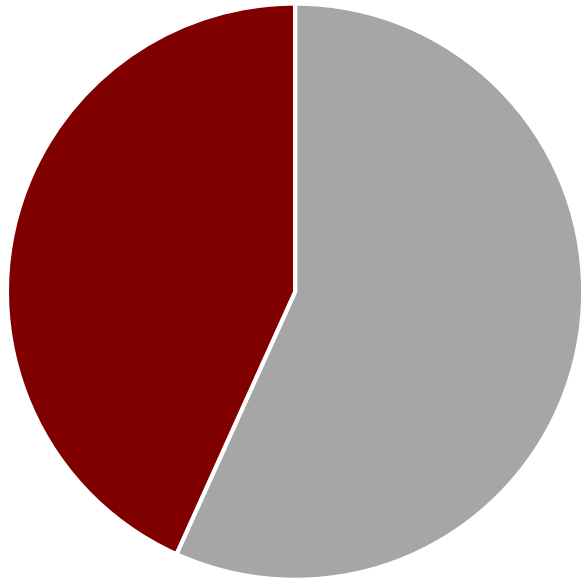


**1 ad every
2 minutes**

Rx Drugs & Medical Devices Litigation TV Advertising, Number of Ads



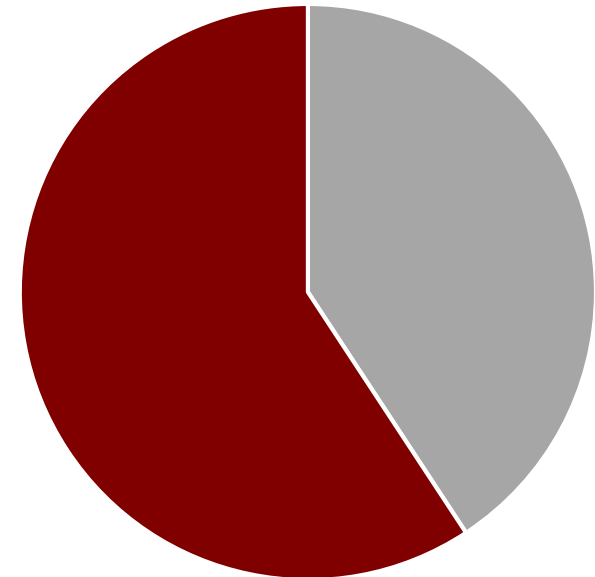
2018



■ Rx Drugs

■ Medical Devices

2019



Top Medical Devices in Mass Tort TV Ads, Jan-Jul 2019

1. Hernia Mesh
2. Military Earplugs
3. IVC Filters
4. Hip Implants
5. Pelvic Mesh
6. Essure Birth Control
7. Breast Implants
8. Surgical Staplers
9. Intrauterine Devices (Mirena, Paragard)
10. Knee Implants

“FDA Warnings”



FDA WARNING:



PIECES OF THE FILTER
CAN BREAK OFF IN
YOUR VEIN, TEARING
YOUR VESSELS,
LUNGS OR HEART,
**CAUSING
SERIOUS
INJURY
OR DEATH!**

800-756-4416



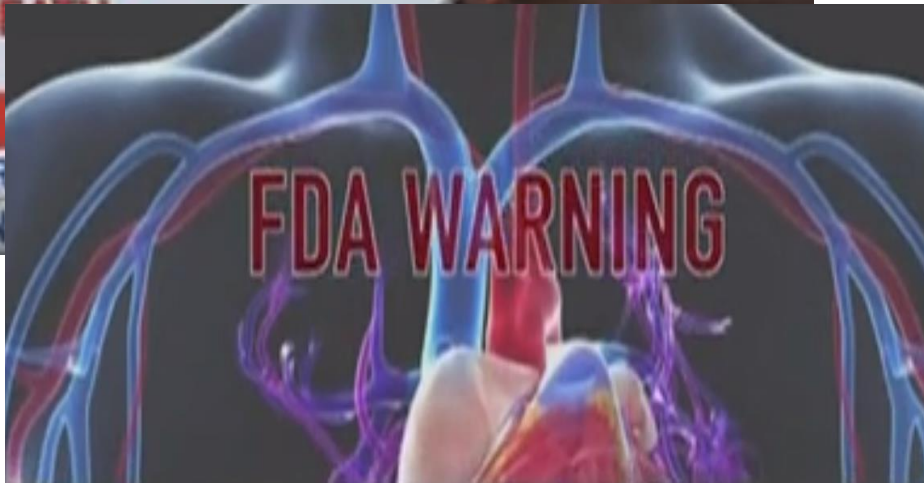
GUARDIAN

FDA U.S. FOOD & DRUG
ADMINISTRATION


STAPLES MAY CAUSE

- EXCESSIVE BLEEDING
- ORGAN DAMAGE
- BOWEL LEAKAGE
- DEATH

FERR
WAN



FDA WARNING



IGC FILTER
ALERT

800-736-9973

Paid Spokesperson NOT an attorney or member of Law Firm

Multimedia campaigns



Television

12 National Broadcast Networks



80+ National Cable Networks



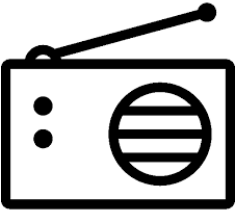
8 Spanish-Language Networks



210 Local Broadcast Networks



Online

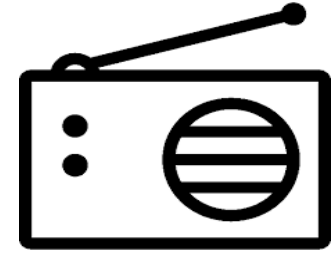


Radio



Newspapers

Radio Litigation Advertising, Jan-Aug 2019

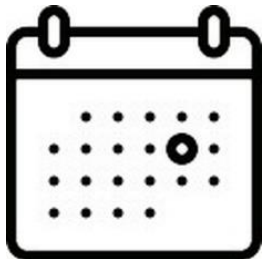


Hernia Mesh

27K ads

IVC Filters

19K ads



**110 ads
per day**

**79 ads
per day**

Search Engine Optimization



Google

hip implant complications

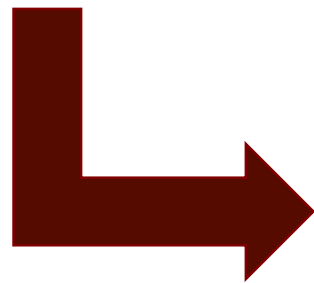
All Images News Videos Shopping More Settings Tools

About 8,600,000 results (0.66 seconds)

Metal Hip Implant Lawsuit - Stryker, DePuy, Smith & Nephew

Ad www.drugnews.net/metal-hip/lawsuit (888) 391-1315

Are you due compensation after suffering elevated...



DrugNews Prescription Drugs Medical Devices Legal Options Questions? (888) 391-1315

Side Effects Medical Studies Legal Help Settlements Quick Links

Metal Hip Implant Lawsuits

Millions awarded to those who received faulty metal hip or resurfacing implants.

Google

All Images News Videos Shopping More Settings Tools

About 8,600,000 results (0.66 seconds)

Metal Hip Implant Lawsuit - Stryker, DePuy, Smith & Nephew
Ad www.drugnews.net/metal-hip/lawsuit (888) 391-1315
Are you due compensation after suffering elevated metal levels from your hip implant? Free C...

DrugNews Prescription Drugs Medical Devices Legal Options Questions? (888) 391-1315

Side Effects Medical Studies Legal Help Settlements Quick Links

Metal Hip Implant Lawsuits

Millions awarded to those who received faulty metal hip or resurfacing implants.

DrugNews Prescription Drugs Medical Devices Legal Options Questions? (888) 391-1315

Expert Advice

Know the side effects & legal action related to your prescription or medical procedure.

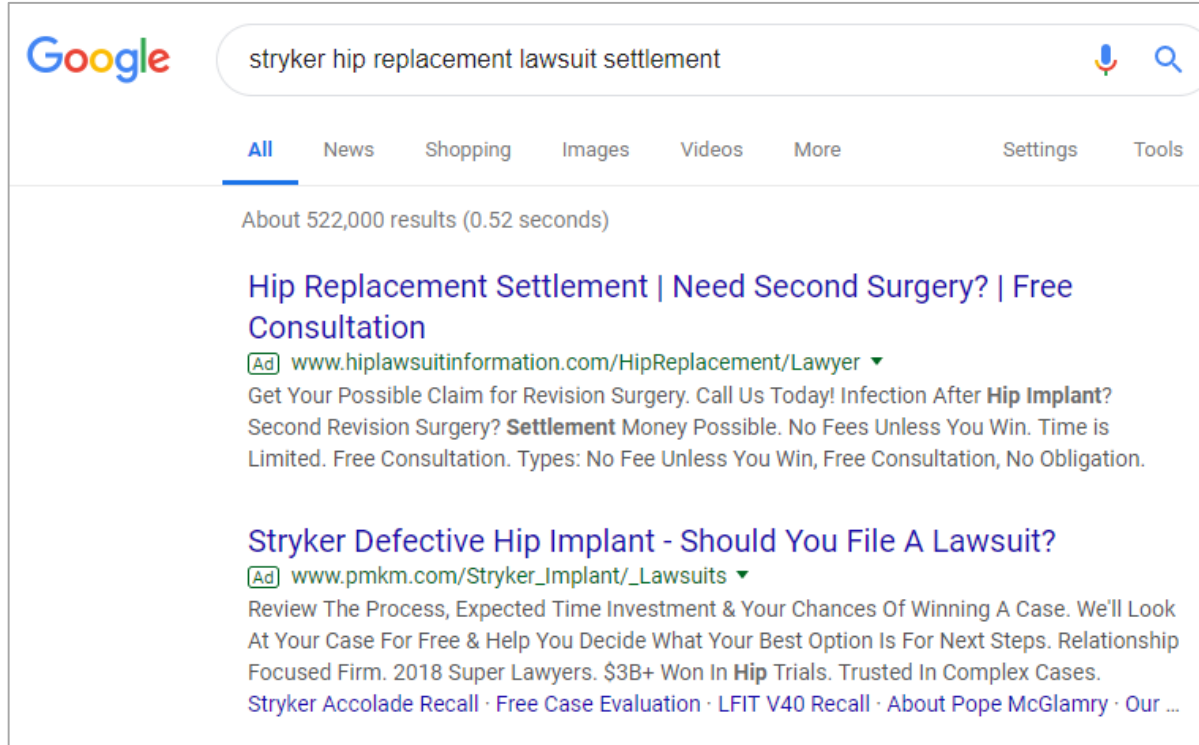
Search on drugnews.net...

About DrugNews

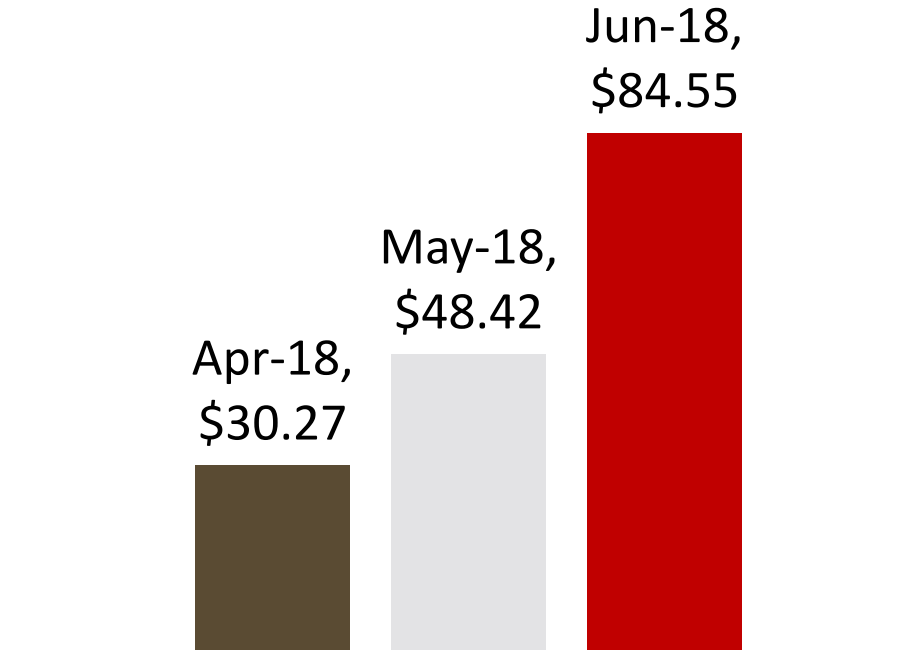
Our mission is to improve safety and patient rights through public awareness.

DrugNews partners with qualified lawyers and law firms around the country that specialize in catastrophic injury cases from defective drugs, medical devices and other products. Together, they have helped tens of thousands of injured patients learn their rights or file claims against negligent manufacturers.

Search Ad Pricing Trends



Google Ad Cost-per-click, April – June 2018



Stryker Hip Replacement Lawsuit Settlement

Facebook Advertising



Hernia Mesh Settlement Center
Sponsored • Paid for by Smooth Sales LLC
ID: 337089667243598

Those who had 2 or more Hernia Mesh surgeries *after 2006* may be entitled to compensation.



Hernia Mesh Lawsuit - Free Case Evaluation
Free, confidential case evaluation.

[Learn More](#)

HERNIAMESHCOMPENSATION.COM

Hernia Mesh Settlement Center
Sponsored • Paid for by Smooth Sales LLC
ID: 1897723940329420

Those who had 2 or more Hernia Mesh surgeries *after 2006* may be entitled to compensation.




Hernia Mesh Lawsuit - Free Case Evaluation
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[Learn More](#)

HERNIAMESHCOMPENSATION.COM

A Case for Women
Sponsored • Paid for by A Case for Women LLC
ID: 457436328362664

Hernia patients who needed to have their hernia mesh removed are coming together to take action. Contact us to learn how you can tell big pharma that this was not okay.



Hernia Mesh Lawsuit
Women are taking action now against hernia mesh. Join the movement and file a hernia mesh lawsuit today.

[Contact Us](#)

ACASEFORWOMEN.COM

**Litigation
Risk**

**Reputational
Damage**

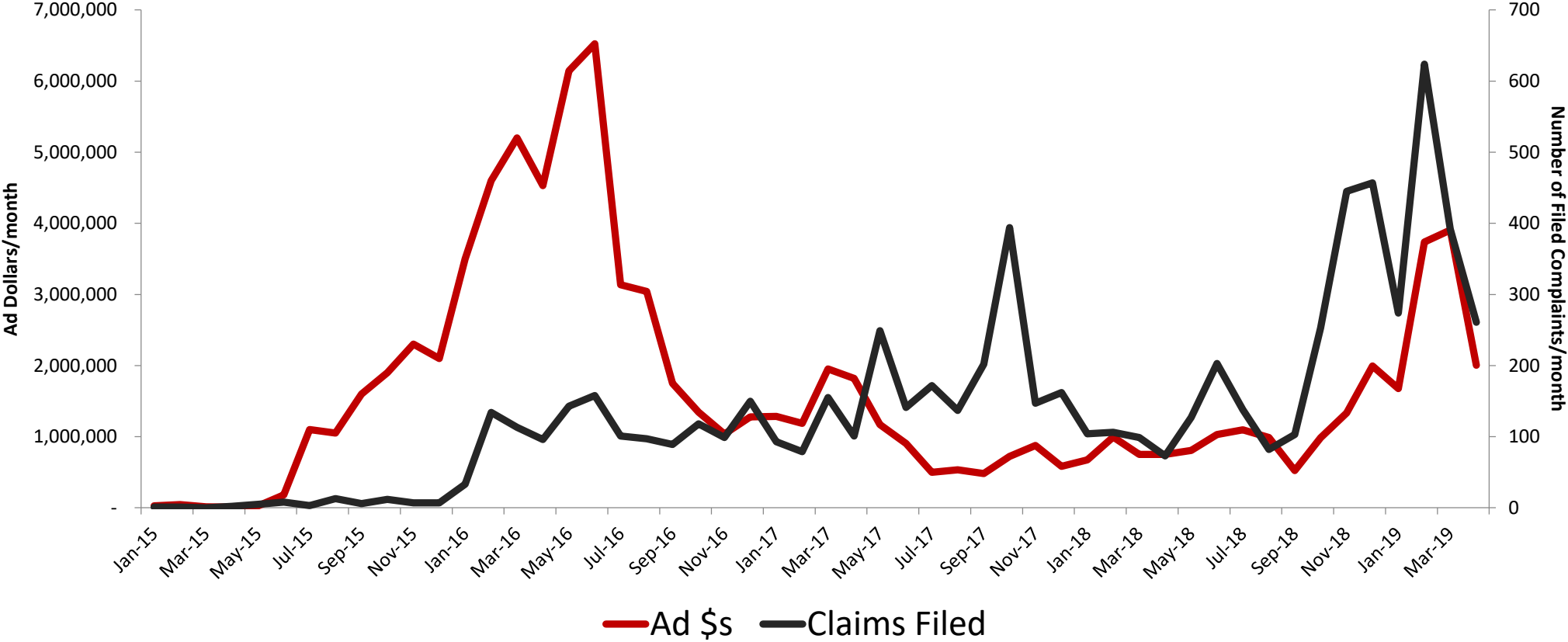


Litigation Risk



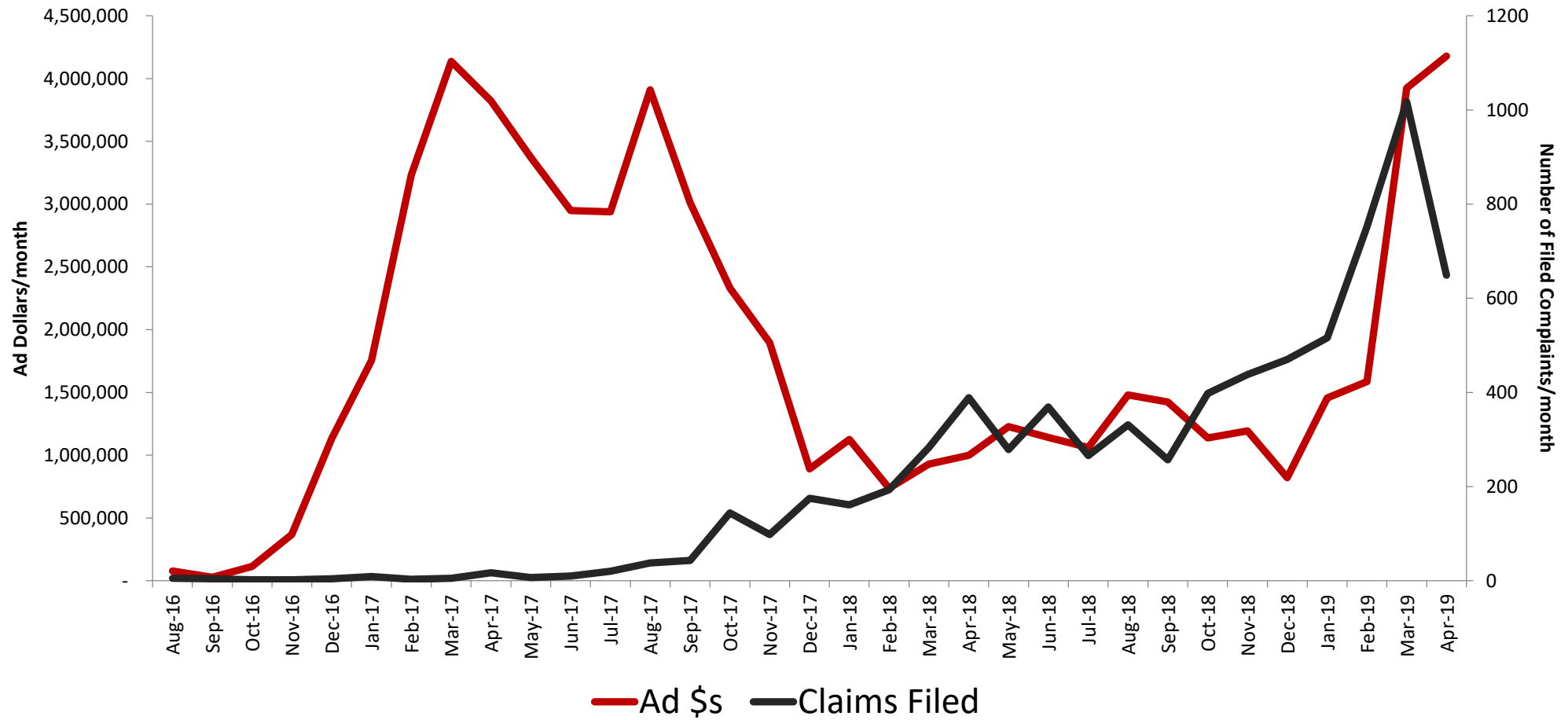
Ads early warning for lawsuit filings

Bard IVC Filter Lawsuits v. Attorney Advertising Dollars



Source: Becton, Dickinson

Bard Hernia Lawsuits v. Attorney Advertising Dollars





Johnson & Johnson to settle metal-hip lawsuits for about \$1 billion, sources say

Endo To Pay \$775M To End 'Virtually All Known' Mesh Suits

Stryker Adds Patients To \$1B Hip Implant Settlement

Wright Medical inks \$90m settlement deal for metal-on-metal hip claims

Federal Jury Returns \$247 Million Verdict in Defective Hip Implants Case

Boston Scientific Settles Nearly 350 Pelvic Mesh Suits

Artificial Knee Co. Can't Trim \$16M Injury Damages Further

Reputational Damage



Reputational Damage



Commercial loss

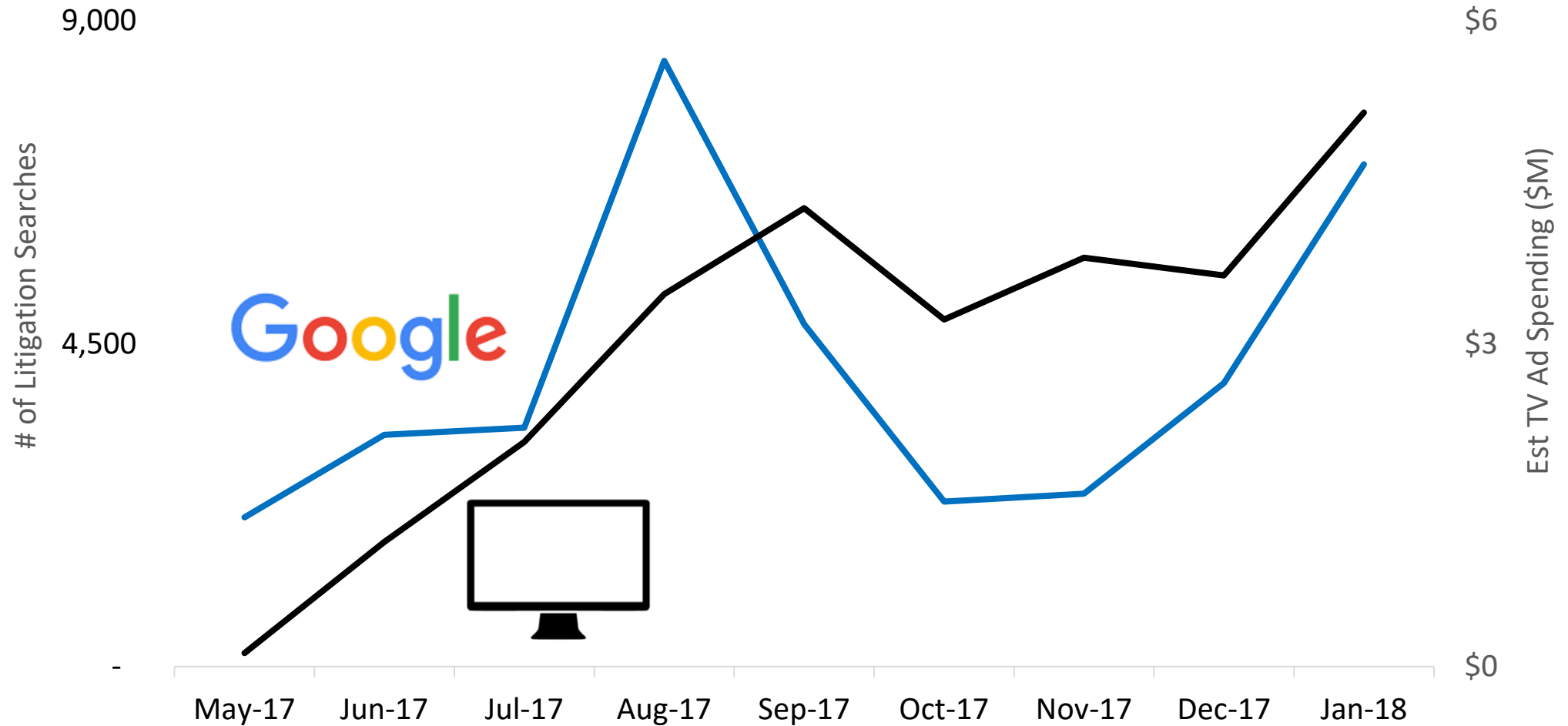
Investor scrutiny

Public health threat

Commercial Loss

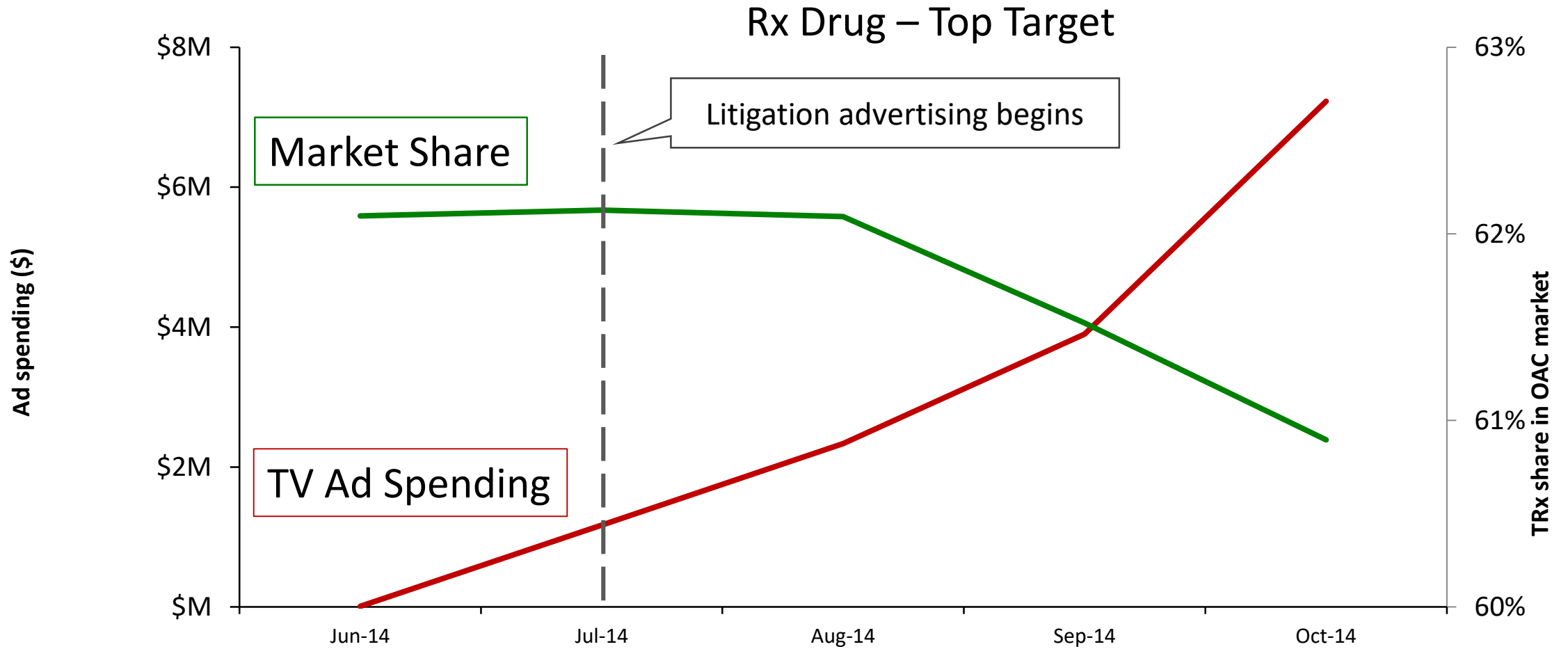


Public interest rises with litigation TV advertising...



Source: X Ante utilizing Google data

... and sales may decline



Investor Scrutiny



Growing litigation risk depresses share prices

THE WALL STREET JOURNAL.

Bayer Shares Fall After \$2 Billion Roundup Verdict

Chemical giant's shares are one of the worst performers in the Frankfurt stock exchange's blue-chip DAX index

Bloomberg

FDA Halts Vaginal Mesh Sales; Boston Scientific Shares Fall

 INVESTORPLACE

Should You Sell J&J Stock As Opioid Charges Heat Up?

J&J's legal issues will be a short-term headwind for the stock

 REUTERS

J&J shares nosedive on report it knew of asbestos in Baby Powder

Bloomberg

Getinge Slides Most in Four Years on Provision for Mesh Lawsuits



Three Trials:

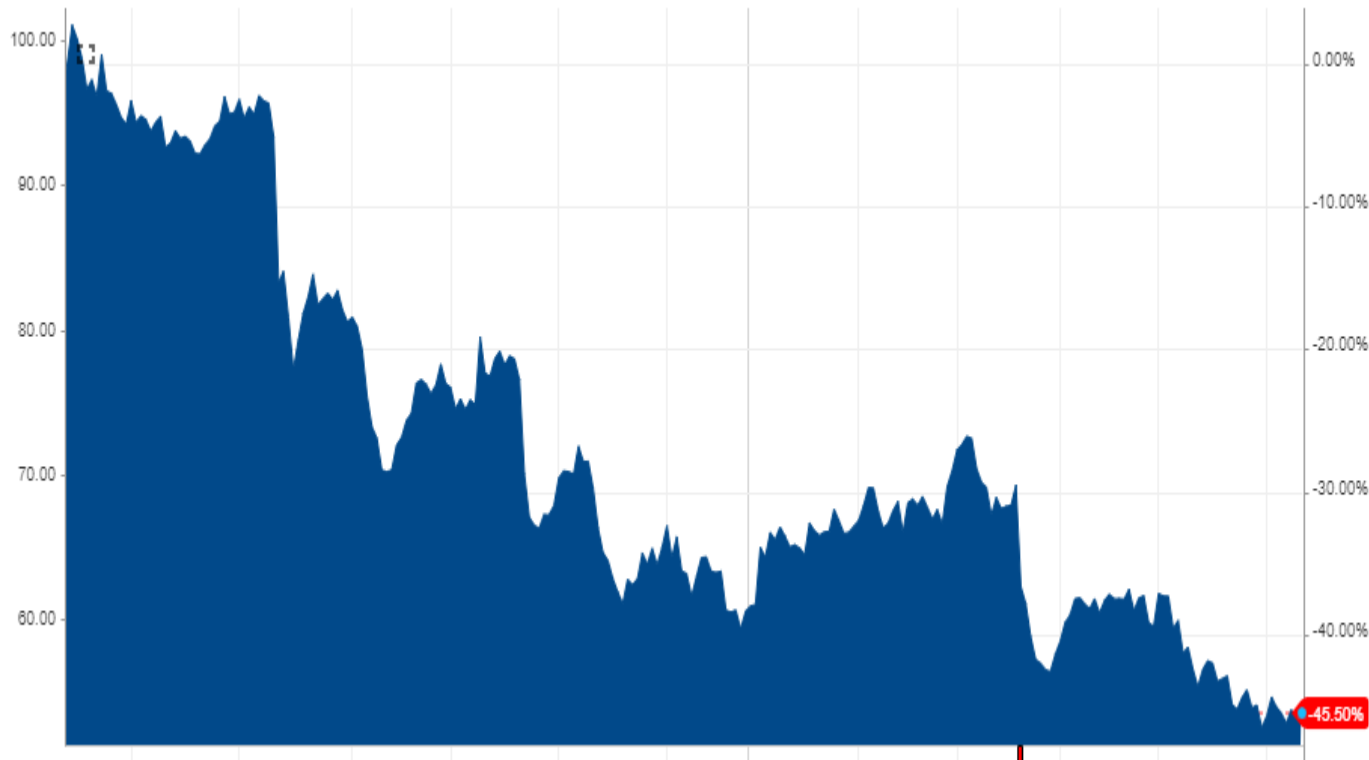
1. \$289 Million, August 2018
2. \$80 Million, March 2019
3. \$2 Billion, May 2019

18,000+ lawsuits filed



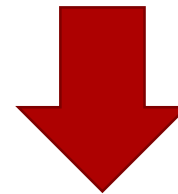
Bayer's stock falls after \$2 billion verdict against Roundup maker Monsanto

Bayer's Roundup Problem Slashes Its Market Value



46%

Stock Price Decline, 1Y



\$45B

Market Value Decline

Mass tort advertising forecast litigation risk



March 2017:
1st ad spike

August 2018:
1st jury award



“[The increase in lawsuits was] clearly driven by a substantial surge in anti-Roundup advertising spending from the plaintiffs’ side...

They are estimated to have spent over \$50 million on TV advertising alone in the third quarter...

The number of lawsuits tells us nothing about their merits.”

Bayer CEO Werner Baumann
October 30, 2019

Public Health Threat





February 6, 2019

213

Reports of patients discontinuing antidiabetic, antidepressant, or anticoagulant medications after viewing a lawsuit ads

27%

Reported adverse event after stopping treatment

Dangerous consequences of mass tort advertising

The New York Times

How Profiteers Lure Women Into Often-Unneeded Surgery

April 14, 2018

Lawyers building such cases sometimes turn to marketing firms to drum up clients. The marketers turn to finance companies to provide high-interest loans to the clients that have to be repaid only if the clients receive money from the case. Those loans are then used to pay for surgery performed by doctors who are often lined up by the marketers.

Interviews with dozens of women, lawyers, finance executives and marketers, as well as a review of court records and confidential documents, indicate that hundreds, perhaps thousands, of women have been sucked into this assembly-line-like system. It is fueled by banks, private equity firms and hedge funds, which provide financial backing.

The profits are immense. So are the costs to women. Some suffer physical problems from the surgery. Others say they have become depressed or unable to work. Still others have to get mesh reinserted.



July 21, 2016

Forbes

**AMA: Lawyer Ads Are Alarming
Prescription Drug Users,
Jeopardizing Health Care**



Don't let Lawsuit Ads Put You at Risk

“A surge in television, radio and internet ads from law firms and lawsuit marketing companies is causing some patients to take serious risks... the rhetoric of these ads have frightened some patients into stopping critical life-saving medications without consulting a healthcare practitioner.”

Fraud Alert

March 21, 2018



FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

September 24, 2019

FTC Flags Potentially Unlawful TV Ads for Prescription Drug Lawsuits

State Legislative Action



Litigation Risk



Reputational Damage

Litigation costs

Jury awards

Settlement amounts

Commercial loss

Investor scrutiny

Public health threat

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imgflip.com

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KNEE REPLACEMENT DEVICE FAILURE

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imgflip.com

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BIRTH CONTROL

1-800-972-2800

imgflip.com

PELVIC MESH VICTIMS | \$11 MILLION JURY AWARD



"...injuries she blamed on the company's vaginal-mesh device."
Worcester News, 7 Feb 2013

You may be entitled to **FINANCIAL COMPENSATION!**

1-800-123-4567

imgflip.com KNIGHTLINE LEGAL

WARNING: Ignore mass tort advertising at your own risk

Thank you



www.x-ante.com | 202.930.ANTE (2683) | info@x-ante.com

2020 Pennsylvania Ave, NW Suite 144
Washington, DC 20006



**Seeing Is Not Always
Believing: Tackling
Legal Advertising
Disguised as Medical
Alerts**

advamed.org/events