

Brands, advertising and the pharmaceutical market

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Fritz Hoffmann-La Roche understood earlier than most of his competitors that a medicine was also a product that had to be marketed. He gave his products memorable brand names, designed attractive packaging, advertised in medical journals and sent representatives to visit physicians and pharmacists. His marketing methods were criticised by some as unworthy of a scientific enterprise, but they were effective and became the model for the pharmaceutical industry.¹

The brand name protected the manufacturer's investment in the reputation of its product. A physician who prescribed Sirolin or Digalen trusted that the product would have the same composition and effect wherever and whenever it was bought, which allowed the manufacturer to charge a premium for this reliability. Trademarks were protected under Swiss law from 1879, when the first federal trademark act was adopted, earlier than patents.² The protection of trademarks thus preceded the protection of patents in Switzerland. Its pharmaceutical companies relied on their brands before they could rely on their patents.

The marketing of medicines raised questions of public health and consumer protection that led to regulation. The advertising of medicines to the public, the claims that manufacturers could make about their products and the relationships between manufacturers and physicians became subjects of legislation and professional codes. The modern Swiss Therapeutic Products Act, which regulates the authorisation, manufacture, distribution and advertising of medicines, and the rules on the integrity of the relationships between the industry and health professionals, are the result of this development.³

1 Notes

1. On the marketing strategy of Fritz Hoffmann-La Roche (brand names, packaging, advertising in medical journals, medical representatives), see the history of Roche. To be verified. ↩
2. Federal Act on the Protection of Trademarks of 19 December 1879, the first Swiss federal law on intellectual property; today the Trademark Protection Act of 28 August 1992 (TmPA, SR 232.11). To be verified. ↩
3. Federal Act on Medicinal Products and Medical Devices of 15 December 2000 (Therapeutic Products Act, TPA, SR 812.21), including the provisions on advertising (Art. 31 ff.) and on integrity and transparency (Art. 55 ff.). To be verified. ↩

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