

13278 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Mr. CHAYET, I am not embarrassed at all. As I said to you, I am willing to provide it under a proper subpoena. I believe in confidentiality and that is my response to that question.

May I continue, sir?

The CHAIRMAN. Go ahead.

Mr. CHAYET. Thank you.

With me is Dr. Robert Bradley, who is director of Joslin Clinic and who is also the chairman of the Committee on the Care of the Diabetic.

I have a written statement which I would like to submit and ask that it be printed in full in the record.

The CHAIRMAN. It will be printed in full in the record as though read and you may present extemporaneously whatever you desire.

Mr. CHAYET. Thank you very much, sir.

This matter has continued now for nearly 5 years and the Committee for the Care of the Diabetic as well as physicians and scientists throughout the country have been engaged fully in this controversy. When my involvement began, it was solely as a lawyer for a client. I now have another interest in this matter which I would like to disclose to the committee at this time.

Since I began handling this matter in 1971 my mother has been diagnosed as a diabetic, and she has become very severely ill and crippled by this disease; and so while I still function as an attorney here, I also have a personal interest in this matter because of this situation.

The Committee for the Care of the Diabetic is a group of leading diabetologists from all over the United States which was formed in November of 1970. It initially sought to deal with the Government administratively before seeking legal counsel.

The CHAIRMAN. Are you saying this was the year that the Committee for the Care of the Diabetic was created?

Mr. CHAYET. Yes, sir. It was created shortly after the results of the UGDP were first brought forth; I did not become counsel until about a year later. It is clear from the record that there was extensive correspondence between Dr. Bradley and the Committee and the FDA in an attempt to settle this matter administratively. These are not litigious individuals. They chose the courts only as a last resort because there was simply no place else to turn.

When I first reviewed this matter from a legal point of view it concerned me that if a doctor continued to prescribe this medication in the face of a package insert which indicated there was an increased risk of cardiovascular disease, it appeared to me, having looked at some recent cases, that such physician could well be sued for malpractice. I have found several cases where the package insert was introduced as expert testimony into evidence. That was my initial concern from the legal point of view; there is, however, a far greater concern, and that is the impact that this entire matter has had on millions of patients throughout the country; it is the fear and the panic that has been caused by a combination of governmental action and the press, and by the great confusion that has swirled around this issue that has really done the damage.

And while the issue of potential malpractice actions is still present, it is now much more a question of how patients react when they