belief had developed among many physicians that the UGDP study was somehow flawed in terms of its design and execution, and therefore could not serve as a proper basis for a warning to the medical profession.

Uncertainty about the scientific quality of the UGDP study has been a prominent feature of all critical commentary since 1970 and has clearly inhibited acceptance by the medical profession of the study's most troubling finding, namely, that the administration of either tolbutamide or phenformin to patients with maturity-onset diabetes was associated with an increase in cardiovascular mortality. Undoubtedly one reason many practicing physicians were surprised by and reacted critically to the findings of the UGDP study is that the reported increase in cardiovascular mortality--though statistically significant--is not of the magnitude which can be readily detected by the individual physician in the course of practice.

The Commissioner recognizes that a large number of physicians still do not accept the position of the Food and Drug Administration as expressed in the FDA Drug Bulletin, or the position of the American Diabetes Association and the American Medical Association Council on Drugs as expressed in the references cited. An outcome of this disagreement was a prolonged legal confrontation that precluded the inclusion of warnings in the labeling for oral hypoglycemic drugs similar to those appearing in the Drug Bulletin.

III. LEGAL CHALLENGE TO THE LABELING OF ORAL HYPOGLYCEMIC DRUGS

In November 1970 a group of physicians known as the Committee on the Care of the Diabetic was formed to oppose the proposed warning