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are cosmetically undesirable is to ignore the realities of good patient care. And, as the United States Attorney notes, there were several more serious side effects that were neglected in the advertisements.

Your letter of October 30, 1968 states that you have no basis for disputing the judgment of the United States Attorney because we have not supplied you with a narrative account of expected testimony of witnesses, copies of exhibits, and a brief of legal points.

We did not go to the expense of preparing this case for trial before it was even filed. The exhibits have been sent to you with our letter of November 7, 1966. If they have been misplaced, we will replace them. We didn't know what points to brief because we did not have the United States Attorney's questions.

We write to you at this length to be sure that the file is not left indicating that there are some facts we have not supplied or arguments we have not made. But we will have to agree with you that the age of this case and the reluctance of the Department of Justice to prosecute the action makes it seem unlikely that pressing this case will improve the advertising practices of this Company or the Pharmaceutical Industry.

Yours very truly,

WILLIAM W. GOODRICH,
Food, Drug, and Environmental Health Division.

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
SOUTHERN DISTRICT OF NEW YORK,
New York, N.Y., February 25, 1970.

Re *U.S. v. American Cyanamid Co.*, t/a Lederle Laboratories, Div., F.D.C. No. 53050 118-943 A et al.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE,
FOOD AND DRUG ADMINISTRATION,
Brooklyn, N.Y.

Attention JEROME J. DONOVAN, *Hearing Officer*

DEAR SIRs: In checking the file in this matter we find a letter dated September 25, 1968, in which you ask for the status of this matter. I have no indication that this letter was answered. However, this is to advise you that on April 29, 1968 prosecution was declined and the file was closed.

Very truly yours,

WHITNEY NORTH SEYMOUR, Jr.,
United States Attorney.
By SILVIO J. MOLLO,
Chief Assistant, United States Attorney.

OCTOBER 30, 1968.

Re *American Cyanamid Co., Inc.*, F.D.C. No. 53050.
Mr. WILLIAM W. GOODRICH,
Assistant General Counsel,
Department of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. GOODRICH: We are in receipt of a further communication from the United States Attorney for the Southern District of New York, setting forth his reasons for declining prosecution in the above matter. Since the material submitted to us by your office has not been augmented as we suggested in our letter to you dated June 4, 1968, we have no basis on which to dispute any of the judgments of the United States Attorney.

Therefore, we have acquiesced in his decision and have closed this matter without prosecution.

Sincerely,

FRED M. VINSON, Jr.,
Assistant Attorney General,
Criminal Division.
By HAROLD P. SHAPIRO,
Chief, Administrative Regulations Section.