

14058 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

editorial board participants do not accept this infringement by Federal Government authority over what they want to say. In addition, package inserts in the educational material are a tacit endorsement of the manufacturer's products. The effect of drug labeling on education is an infringement on free speech and presupposes that content control cannot be achieved by the medical profession.

The Food and Drug Administration has proposed a series of guidelines to differentiate education from advertising to overcome these problems. As you can see, we agree with these guidelines and have introduced additional guidelines. There is one serious difference of opinion. They propose that the intent should not be for ultimate distribution by the pharmaceutical industry. If the manufacturer supporting the program meets all of these criteria, why can't he give it away? He has the distribution channels and can use them effectively to get the program to the doctor. If he paid for the program and has the ability to help get it used correctly, why shouldn't he do this? If he can't do this, why should he pay for it? Finally, our opinion is that if the manufacturer is forced to produce educational materials as advertising with labeling, we will all lose -- the medical educators, medical schools, organized medicine, the pharmaceutical manufacturer, the doctor in practice, and the patient.

We have produced programs both with and without labeling. Obviously, we favor the former as do all of our medical advisors. As a matter of fact, Doctor Crout, in his appearance before this Committee, complimented Health Learning Systems for a program we are producing called "Dialogues in Hypertension," which is developed in cooperation with the National High