

what is the legal problem in saying that we will remove the indication for obesity? What is the legal question?

Mr. MERRILL. If we assume the state of facts as you assume them, I think we would remove that indication of the drug on the ground it is not shown to be safe in relation to its benefits.

I would suspect when we proceed to do that, the manufacturers will probably begin to cross-examine in somewhat the same way Mr. Gordon did a moment ago. We want to have in hand the backup evidence that makes the facts real. In terms of legal authority we should have no problem; the problem is the procedure.

Senator NELSON. I will submit for the record some letters, two from Delco Chemical Co. to doctors.

It is pretty clear to see that the promotion is very strong.

I would just like to read these:

The enigma confronting the practitioner today is his inability to substantially increase his income from a level which is determined by the number of hours in a day and his physical stamina. Extend himself as he will, the added monetary rewards are discouragingly small.

There is a means of coping with this seemingly hopeless situation which has been instrumental in doubling, tripling and quadrupling many practices formerly bogged down in lethargy.

The products offered by Delco Chemical Company have made of many physicians key men in the anti-obesity field. Their practices have been built rapidly and either have augmented or supplanted entirely former specialties. The rise in income is almost unbelievable and the added effort minimal.

The most important factor responsible for this is a therapeutically efficacious product which has been used successfully in combatting obesity, a growing problem in our affluent society.

If you are interested in a substantial increase of income may we suggest that you return the self-addressed stamped post card to us and our representative will be happy to call upon you at your convenience.

We are the prime suppliers of obesity products which have been proven highly successful to the key men in your area as well as throughout the entire country from New York to Hollywood. These physicians enjoy incomes of \$100,000.00 to \$300,000.00 yearly.

Also, we supply Obstetricians, Gynecologists, Internists and General Practitioners who have incorporated weight control into their practices and have added \$25,000.00 to \$100,000.00 to their incomes yearly.

The products offered by Delco Chemical Company have made of many physicians key men in the anti-obesity field. The most important factor responsible for this is a therapeutically efficacious product which has been used successfully in combatting obesity, a growing problem in our affluent society.

If you are interested in a substantial increase of income, may we suggest that you return the self-addressed no postage required post card to us and our representative will be happy to call upon you at your convenience.

We have a number of other letters along this line which we will put in the record.¹

Thank you, Dr. Crout, for taking your time.

Dr. CROUT. I should like to share your nausea listening to those letters.

Senator NELSON. Thank you. Mr. Gordon, please proceed.

Mr. GORDON. Doctor Crout, with respect to Eskatrol and Dexamyl, why are they still on the market?

Eskatrol should have been taken off the market a long time ago. What is the problem?

Dr. CROUT. Those two drugs are part of our whole DESI review, and the issues with those two drugs relate to their effectiveness.

¹ See materials supplied for the record by Senator Nelson beginning at p. 14975.