action to contest this action, but on December 28, 1973, the United States Court of Appeals for the Eighth Circuit upheld FDA's order. (North American Pharmacal v. Department of Health, Education, and Welfare; 491 F2d 546.) At the same time, several other manufacturers sought formal hearings on the withdrawal of their products from the market. Two products in this category remain unresolved at the present time. The Agency has denied a hearing on one of them, Dexamyl, but this denial is stayed pending judicial review. The hearing request on the other product, Eskatrol, is still under review.

4. We recommended to DEA in 1973 that all of the drugs in the anorectic class be scheduled under the CSA. Previous to this recommendation, only the amphetamines and phenmetrazine were under the CSA; these were in Schedule II. The advisory group headed by Dr. Prout had recommended, as I mentioned, that all of the anorectics, with the exception of fenfluramine, also be controlled in Schedule II. After reviewing all of the information, however, we felt that the medical and scientific facts available at that time could not support this position since evidence of significant street abuse was not available for all drugs in the anorectic class. Consequently, the Agency recommended that seven of the anorectics be controlled in Schedule III on the basis of abuse potential even in the