

COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY 16575

Under the Controlled Substances Act, the Attorney General may by rule transfer a drug into Schedule II if he finds that: (1) the drug has a high potential for abuse; (2) the drug has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions, and (3) abuse of the drug may lead to severe psychological or physical dependence. 21 U.S.C. §§811, 812 (b)(2). There is substantial evidence that dextropropoxyphene (Darvon) fulfills these three criteria of Schedule II.

In addition, there is reliable medical evidence that this drug is relatively ineffective as an analgesic, the primary purpose for which it is prescribed. From a therapeutic standpoint, nothing would be lost by restricting the availability of this drug through the imposition of Schedule II controls.