

16578 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Even the Eli Lilly Company has had to modify its public posture. By 1972, it had conceded that "propoxyphene's general pharmacologic properties are those of the narcotics as a group."¹⁰

Placing DPX in Schedule IV has not significantly affected the sales or abuse of this dangerous narcotic. The value of Lilly's sales (revenue to manufacturer) of 7 DPX products increased from \$82,001,000 in 1976 to \$82,878,000 in 1977.¹¹ Considering that the retail drug markup is often close to 70%¹², Americans spent nearly \$140,000,000 during 1977 on Lilly-produced Darvon and Darvon combinations, even though there was a slight decrease in the total number of prescriptions. This does not include the products of the other 32 companies licensed to produce DPX. While reported abuse of DPX has not significantly increased since March 1977, neither has it declined as will be seen in the next section. This is due in large part to the ready availability of DPX--the vast majority of DPX abusers obtain the drug with legal prescriptions. This petition will show that the more stringent controls of Schedule II should be imposed on DPX in order to restrict its availability.

V. Criterion 1 - High Potential For Abuse

In determining that a drug should be included in Schedule II, it must be established that the drug has a high potential for abuse* 21 U.S.C. §812 (b)(2)(A). A drug's potential for abuse can be estimated in clinical tests such as those for opiate narcotics.

"Assessing Abuse Potential....A drug is considered to be nonopioid with respect to abuse liability (1) if it does not suppress the opioid withdrawal syndrome when tested in subjects physically dependent on morphine, (2) if it does not produce morphine-like physical dependence when given chronically, and (3) if postaddicts neither consistently identify it as "dope"(morphine-like) nor repeatedly request it when offered the opportunity to do so. On the other hand, if a compound is found to share these key characteristics with morphine, it is considered to have a high abuse liability."¹³

* As used herein, "abuse" refers to intentional non-therapeutic use of a drug. This included taking a drug for any of the following reasons: (1) dependence (addiction); (2) psychic effects; (3) attempted or successful suicide. See section on Legal Analysis, below, for discussion of legislative interpretation of the term.