

16606 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

102. Miller, R.R., "Propoxyphene: A Review," Am J Hosp Pharm 34: 413, 1977.
103. Hopkinson, J.H., III, et al., supra note 97.
104. Moertel, C.G., et al., "Relief of Pain by Oral Medications, a Controlled Evaluation of Analgesic Combinations," JAMA 229: 55, 1974.
105. Bauer, R.O., et al., "Evaluation of Propoxyphene Napsylate Compound in Postpartum Uterine Cramping," J Med 5: 317, 1974.
106. Memorandum from Theodore Cooper, M.D. to Peter Bensinger, "Scheduling Recommendations for Propoxyphene," August 12, 1976.
107. See infra at 6.
108. The penalty under the Act where a controlled substance under Schedule II is involved is up to 5 years imprisonment, a fine of up to \$15,000 or both. In the case of a Schedule IV Substance, the penalty is up to 3 years imprisonment, a fine of up to \$10,000 or both. 21 U.S.C. § 841(b)(1)(B) and (b)(2).
109. 21 U.S.C. § 812. The findings required for Schedules II and IV are as follows:
 - (2) Schedule II
 - (A) The drug or other substance has a high potential for abuse.
 - (B) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
 - (C) Abuse of the drug or other substance may lead to severe psychological or physical dependence.
 - (4) Schedule IV
 - (A) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
 - (B) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (C) Abuse of this drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
110. H.R. 91-1444, 91st Congress, 2d Session pt. 7, at 34, cited in U.S. Code Cong and Admin New 1970, p 4601.[Hereinafter referred to as H.R. 91-1444]
111. The term "potential for abuse" is adopted from Section 20 1(v) of the Food, Drug and Cosmetic Act as defined in 21 C.F.R. 166.2(e), cited in U.S. Code Cong. and Admin. News 1970, p 4601.
112. H.R. 91-1444, supra note 110, at 4602.
113. DAWN Quarterly Report, supra note 9, at 13.
114. Id.
115. Infra at 5.
116. Drug Enforcement, Vol 2, No 2, Spring 1975, at 39.
117. Infra at 17.