

Dr. GODDARD. Well, perhaps this is not properly stated, Senator. I have 10 men in the advertising division who have to review all drug advertising put out by the pharmaceutical industry. Now, as a matter of priority, we have tried to concentrate on new products entering the marketplace, to try to catch misleading promotional campaigns in the early days before the misinformation gets firmly implanted in the physician's mind. So, in terms of extent of coverage, we perhaps have not been as comprehensive as one could or might determine desirable. But we think we have the authority. In fact, we have been getting corrections of misleading advertising put out by pharmaceutical firms in the form of "Dear Doctor" letters mailed to every physician.

Senator JAVITS. But we are justified, then, in the impression that up to now you have been sort of overwhelmed by the problem and by these practices and you have not been able to do too much about them. You have gotten some corrections, you have amassed some "Dear Doctor" letters; you have a small staff, you are issuing regulations which are being considered, but really, the problem has inundated you? It has certainly been testified to us as if you did not have any power over it at all, and that things were just running wild.

Dr. GODDARD. Well, Senator, I think it is just a question of the volume that is involved. I am told the expenditures in drug advertising, in all forms of drug promotion, exceed \$800 million a year. Now, we in truth can't review every ad in every journal. I do not think this would be desirable. What we have been trying to accomplish is, through our selective actions, to get the pharmaceutical manufacturers to exercise some leadership and to voluntarily see to it that their ads are honest, truthful, and provide the information as Congress intended, in fair balance.

Senator JAVITS. Well, now, you have not even issued adequate regulations to make them do that, let alone policing the authority that you have.

Dr. GODDARD. Senator, we think these regulations that are out now are more adequate than the ones that were issued in 1963. I personally thought the ones issued in 1963 were adequate in both the degree of detail they provided and in expressing what was intended. But, continually I heard the complaint from the firms that came into my office that the regulations were not explicit enough, they were not clear on what is meant by "in fair balance." So these new regulations are more detailed.

Senator JAVITS. Well, now, have you tried any enforcement against firms you thought were abusing the old regulations?

Dr. GODDARD. Yes; we have seized products in the marketplace in at least three instances in the past year. We have in other instances had the firm come in and we have sampled their product. In the event that they chose not to issue corrective letters and drop their misleading journal advertising, we have been prepared to go the other route of bringing the issue before the courts. So we have taken action of that nature.

Senator JAVITS. But you have obviously not taken enough action to have a material effect on the situation.

Dr. GODDARD. Senator, I may be an optimist, but I begin to feel that I am seeing some improvement in journal advertising. I look at these journals and I have greater difficulty in finding violative ads