Dr. GODDARD. No.

Mr. GORDON. I am thinking of important differences.

Dr. GODDARD. Well, now——

Mr. GORDON. Binders, flavoring agents, additives, particle size, solubility, or any of the factors that make a difference in the therapeutic effect or the efficacy of a drug.

Dr. GODDARD. Mr. Barnard, do you want to try to answer this?

Mr. BARNARD. The answer is, "No, insofar as flavors, incipients and things of this sort are concerned. Differences in active ingredients, differences in proportion of active ingredients, yes."

Dr. GODDARD. Let me point out, though, that this is a very complex issue again.

Mr. GORDON. How about solubility, practicle size?

Dr. GODDARD. Any time a manufacturer changes, let us say, the incipients in his formula, if it is an NDA drug, he may be required by us to do clinical testing to demonstrate that this product is now the same and is indeed clinically effective and safe. And in fact, we have required firms to do this in changes in the antibiotic field, as I recall. I know one manufacturer of an oral contraceptive that would like to change the size of its pill by increasing the amount of excipient but will not, does not want to, because it would require additional clinical testing. So, I hesitate to give you an unqualified categorical answer.

Mr. GORDON. Well, what kind of answer can you give, then?

Dr. GODDARD. Under certain circumstances, yes, and under others, no. And I would like to submit a statement for the record, to clarify that inconsequential answer.

Mr. GORDON. Will you, please?

(The information referred to, subsequently received, follows:)

STATEMENT OF THE FOOD AND DRUG ADMINISTRATION REGARDING REQUIREMENTS DUE TO CHANGE IN FORMULATION OF PROCESSING

In the case of a new drug covered by an effective New Drug Application, any significant change in manufacturing process or formulation would require the submission to FDA of a supplement to the existing NDA. So-called minor changes, such as a change in flavoring material, would require notification to FDA but the change could be made without awaiting FDA approval of an NDA supplement.

Insofar as "announcing" any changes, the firm is not required by law to notify the medical profession or anyone else, either through label changes or package inserts, of changes other than changes in quantity or nature of active ingredients. In other words, tetracycline syrup 100 milligrams is tetracycline syrup 100 milligrams regardless of whether it is chocolate, strawberry, or vanilla. There is, however, an exception in the case of injectables where all ingredients are generally required to be declared whether active or not. Thus, in the case of an injectable, a change in even a minor ingredient would have to be communicated in the drug's labeling. However, changes in manufacturing practices which might unwittingly alter absorption or other significant characteristics are not required to be communicated to the user, be he lay or professional.

Mr. GORDON. Can a manufacturer or his detail men legally make advertising claims for the alleged superiority of his product over similar products if such statements do not appear in the package insert and are not approved by the FDA?

Dr. GODDARD. No, they cannot. They can make claims only if they are approved by us; if such claims are demonstrable scientifically and appear in the final printed labeling.