

with at the time. They have observed that law, and you are digging back to 1952, some 15 years ago, to whip this company which brought you some evidence.

I must object to that, Mr. Chairman, most respectfully.

This witness did not come to testify about advertising. Neither you nor Mr. Gordon said anything to him in advance to indicate you intended to question him about advertising. If you want to query Parke, Davis about its advertising, give them notice and they will produce a witness to reply to you.

Senator NELSON. I am perfectly happy to have any statement you want to make in the record. I did not tell you what witnesses to bring. You are familiar with the questions that have been raised.

Mr. CUTLER. You knew what they were going to cover. This witness testified until 11 o'clock this morning on an issue you have been inviting the entire industry to bring in some evidence about; namely, therapeutic equivalency. He brought it in. You asked him perhaps half an hour of questions on that subject and ever since, you have been off on advertising as a way to harm this company.

Senator NELSON. I have not been discussing advertising as a way to harm this company. And, I do not blame this witness. He does not run the advertising.

But now that you mention it, you select the date, you bring in your advertising people, and we will stick to this one issue of advertising and we will take 1 day or 2 days or whatever amount of time you need to explain this kind of advertising and what you do in this country versus what you do in underdeveloped countries or in England or elsewhere.

Do you want to give me a date? I will cancel everything I have.

Mr. CUTLER. I cannot act for the company, sir, but if you wish to have a Parke, Davis witness, they will be happy to supply one.

Senator NELSON. We will be glad to have Parke, Davis come in at any time. We will set a date and we will go through all this advertising with them.

I have not been beating the company over the head unfairly. I think if you raised this issue on moral and ethical grounds before any objective citizen in America, he is going to say it is shocking.

Mr. CUTLER. Mr. Chairman, it is an issue that was fought and resolved in 1962. Everything you have said here has been put into the record of the Congress before 1962. The law was passed, the companies are doing their level best to comply with it. Parke, Davis, as this witness said, has never since been accused by FDA of issuing any improper ad, as I understand it. We are on a different issue now: namely, the issue of generic equivalency. That is what you invited people to come and testify about. That is what Dr. Lueck testified about and you do not have any questions to ask him about that.

Senator NELSON. The issue was not resolved in 1962. The issue I am talking about right now is February 20, 1967, and February 11, 1967. I am talking about two ads run by the same company. I am talking about the witness' testimony as a professional person that he thinks that this warning should be in the ad.

Mr. CUTLER. Speaking of warnings, Mr. Chairman, would it not have been appropriate for this committee to say to some representa-