

Senator NELSON. I realize that both you and Dr. Dameshek were making what you conceded was a guess as to the percentage of cases in which chloramphenicol was prescribed and was indicated. You both were guessing about 10 percent, but even if it were 20 or 30 or 40 percent, it does obviously indicate that there is some breakdown in proper communication to the physician as to the proper use of this drug; does it not?

Dr. BEST. Yes, I think so.

Mr. GORDON. Dr. Best, I have one question. In a case in California—I think it was Love against Wolfe and Parke, Davis—the court held that even though the warning is given, it could be regarded as canceled out if a vigorous promotional campaign was being waged. How do you feel about that?

Dr. BEST. Well, I have trouble responding to that. That seems like a legal question.

Mr. GORDON. Well, do you feel that a vigorous promotional campaign, say especially by the detail men, could cancel out the effect of the written warning on the packages or at least mitigate it? I told you that the court found that there is substantial evidence that it did wash out the warnings. How do you feel about that?

Dr. BEST. Well, it seems to me that if all of this promotional activity included the warning on each particular aspect of the promotion, I cannot say that that would necessarily negate it. On the other hand, the reason they put on a strong promotional campaign obviously is to sell more drugs and I can see a grain of truth in the court's point of view in that the more somebody is brainwashed, the more they are apt to think of this particular drug without necessarily thinking of the warnings; but it is a hard thing to give an absolute answer to.

Senator NELSON. The report of the Kefauver hearings, dated June 27, 1961, comments on this exact point about chloramphenicol. I will just read briefly from it. The report says, starting on page 198:

"Despite the obvious importance of providing the physician on whom this responsibility rests with full and accurate information on side effects, the drug companies in their advertisements have tended to handle the matter in either one of two ways: ignore side effects entirely or note and then dismiss the subject with some sort of reassuring phrase. When the latter technique is employed, the physician is comforted with such language," and these are quotes from the advertising, "virtually free from side effects"; "with few significant side effects"; "with low incidence of side effects"; "minimum side effects"; "unexcelled freedom from major as well as minor side effects."

That, obviously, would not be correct.

"With no irreversible side effects." "Fewer and less severe side effects"; "absence of serious side effects specially noted"; "accompanied by fewer and milder reactions"; "incidence of side effects is lowest ever reported"; "by adherence to recommended dosages side effects will be generally infrequent, mild, transient"; "without clinically significant side effects"; "side effects minimal"; "serious reactions have been practically nonexistent"; "no serious side effects noted"; obviously incorrect.

"Relative freedom from untoward reactions"; "side effects are fewer and milder"; "fewer old and no alarming new side effects"; "fewer