

Mr. GORDON. These reminder ads are designed to sell the drug, are they not?

Mr. GOODRICH. Of course, all advertising is intended for selling, and I do not accept the idea that they are not. But the argument is that these are institutional type reminders, and as long as they do not carry any information to the physician about how to use the drug, it is not necessary to have the warnings on them.

Mr. GORDON. Whose argument is that?

Mr. GOODRICH. This is the argument advanced by the PMA at the hearing in 1962, when the regulation was adopted.

Mr. GORDON. And you accepted the argument?

Mr. GOODRICH. Yes.

Mr. GORDON. Do you agree with it?

Mr. GOODRICH. I do not.

Mr. GORDON. Why hasn't something been done about it since 1952?

Mr. GOODRICH. Because I did not have the power of decision.

Mr. GORDON. I am not asking why you personally did not do anything. Why didn't the Food and Drug Administration do something about it since 1962?

Mr. GOODRICH. The Commissioner in 1962 and his advisers were persuaded that this was a practice that would not be abused and could be allowed.

We reinstituted consideration of it last fall when the regulations were up again. The same arguments were advanced, and tentatively accepted this time. But we did point out that the reminder ads were being abused by being used for drugs having more serious side effects, and this issue brings it to a head with Chloromycetin.

Dr. GODDARD. Let me also say, Mr. Gordon, that in my opinion we have had far more serious problems with drug advertising to contend with since I have been Commissioner than the reminder ads. And I have directed most of my attention to the extent I can be directly involved in this to the other problems of drug advertising, along with Dr. Ley and Dr. McCleary, who have done such an outstanding job trying to clean up medical advertising. There have been serious problems, in my estimation, some far more pervasive than the reminder ads as such.

Senator NELSON. Just for clarification of the record, what is permitted in the reminder ad?

Dr. GODDARD. Only the name of the company, Senator, and the drug that they are reminding the physician of. "Don't forget Chloromycetin, doctor, Parke, Davis."

Senator NELSON. They may not say in the reminder ad "broad spectrum antibiotic," any descriptive language like that?

Dr. GODDARD. No, sir.

Senator NELSON. So this is a reminder ad that complies with FDA regulations. It has a picture of a doctor and so forth, and says "A name you can count on when it counts. Chloromycetin, chloramphenicol, Parke, Davis, complete information on usage available to physician upon request," and so forth. That is a reminder ad?

Mr. GOODRICH. Yes, sir.

Senator NELSON. And they may not say more than that under the present regulations?

Dr. GODDARD. That is correct.