

Dr. GODDARD. Or that Mr. Goodrich is not a real lawyer. Most companies wish Mr. Goodrich were not.

Seriously, Senator, we will explore this. We are aware of the gradual creeping encroachment into public media of paid advertisement on prescription drugs in a variety of forms. And I think it is bad.

Senator NELSON. If the lawyers, with their great tendency to legalisms and legal conservatism, said you could not impute this to the Parke, Davis Co., which I think the court ought to take judicial notice of—but if they did, would you not be prepared to recommend that the law be amended so that the same authority applies to advertising of this kind as it does to advertising in medical journals, by individual companies?

Dr. GODDARD. If that is what it takes to stop this kind of practice; yes, sir.

Senator NELSON. Now, there is another part of this ad that troubles me—you quoted from it, and I will quote from it again: "The new drug was to prove effective against dozens of diseases."

The first implication is that it is just a drug indicated for wide use. But, all the scientific evidence we have is that it is a drug indicated for a very limited use—in typhoid fever and in diseases against which there is no other effective drug, and when the condition is very serious. But are there dozens of diseases in which this drug is indicated, really?

Dr. GODDARD. Dr. Ley—I would have to say that it is probable that there are dozens of conditions in which one could say this drug is indicated.

Now, the wording here is very carefully done, as you recognize. It says, "was proved." Now, that, in a historical sense, is true. It does not speak to the issue of what the indications are today, or that there has been a charged curtailment of the indications, and that even more curtailments are being considered, or that there are serious problems viewed with respect to the usage and overusage of this drug.

So the wording here is actually, in my opinion, factually correct. I think that if Dr. Ley and I sat down for a few minutes he and I could come up with a dozen indications for the use of this drug. Don't lose sight of the fact that one of the indications that is appropriate is for use in those conditions for which the organism has resisted other antibiotics, and these are serious conditions. And so there are literally dozens of those. Certain kidney infections, to give you one example.

It is that kind of clever wording that is in my opinion very misleading in this kind of advertisement. It leaves the impression this is still the case today. And technically that is correct. But it certainly does minimize the side effects part. We would not approve this kind of thing in an ad to a physician who knows what lies behind each word.

Senator NELSON. This does not say dozen. It says dozens—which means many dozens.

Dr. GODDARD. More than 1 dozen would be dozens, would it not, Senator—to quibble about grammar?

Senator NELSON. Well, if it is 2 dozen, they ought to say 2 dozen. I get the impression, when they say dozens that the—

Dr. GODDARD. I think it is misleading.

Senator NELSON. If I may say decades, I usually mean more than