

that they were queasy about claiming it was "the" drug of choice, and this, in their mind, was to weaken the impact of the claim, and I believe they were telling the truth.

Senator NELSON. It is weaker than "the drug of choice." But why use the phrase "drug of choice" which are words of art to the medical profession unless you are trying to give the impression to somebody who glances at it that it is the drug of choice? I read all kinds of these ads. If you sit and analyze them long enough, carefully enough, you can end up defending them. But that is not the way people read ads.

Dr. McCLEERY. No, sir; but I think there is more of interest on this point than we have gotten to, and I direct your attention to the use of "a" in two other places in the same ad. If you start on your left, I believe you will see another quotation from the paper by the same authors in reference to rheumatoid arthritis. At that point you will see the use of the word "a" in brackets again inserted into the quote. The article actually said at that point this is "the first noncorticosteroid drug" to do what follows. And the company again removed the words "the first" and inserted in caution and I would say good instincts, regardless of other attributes of the ad, the word "a." You will find it again in the third panel, in a quote from, not a paper, but remarks at a symposium sponsored by Merck & Co., by a Dr. Englund of Phoenix, Ariz., where his quote is changed to include the word "a" in the body of it. Do you see that?

Senator NELSON. I see it. And if I understand what drug of choice means, I am impressed by the fact that every time the company can use the phrase "drug of choice" it is there. Why don't they say a useful drug?

What would FDA say if under the reproduction of this radiograph of the foot it said "indomethacin is a", and then in capital letters "drug of choice," and then back to lower case, "in acute gout."

Dr. McCLEERY. We would have said it is very little worse than we thought it was in its present form.

Senator NELSON. You would say it was very little what?

Dr. McCLEERY. Very little worse. I say it is bad the way it is. What you suggest would make it very little worse. It is bad enough.

Senator NELSON. These are words of art in the medical profession, so every time the words can be fitted in, the phrase "drug of choice," which captures any medical person's eye, the phrase is used. Then to technically clear themselves they add a little "a" with a bracket around it.

Dr. McCLEERY. Yes, sir. We felt it was wrong, and the use of the word "a" in the insertion did not relieve them of the fault. We charged the ad as misleading in its JAMA form. I would only like to point out to you that you also have an ad which we labeled the "The" ad, which is a November 1966 issue. There the ad that you see appears in all of its glory with the quotes intact, so that the word "the" is in all of the places where the word "a" is here. And these are the two ads that I want to discuss in detail this morning.

Senator NELSON. All right. Thank you.

These ads will be put in the record in the appropriate place.

Are you going to get to the October 24 issue of Modern Medicine, which carried almost the same ad as the Journal of the American Medical Association, again where they say it is the drug of choice?

Dr. McCLEERY. Yes, sir. The reason we submitted that little magazine,