

ful phrase called a "dangling comparative." And this is represented well by this headline.

Senator NELSON. You are referring to the headline that reads "extends the margin of safety in long-term management of arthritic disorders"?

Dr. McCLEERY. Yes.

This implies that the drug, as a theme of advertising, has greater long-term safety than something else, or in effect, in our view, everything else.

To the contrary, in our experience the longer the drug had been on the market, the more serious adverse experience information had been reported to us.

Now, the ad, as you have seen, and talked about, used four blocks of depictions of X-rays that were accurate representations of the four indications for the drug. And they quoted underneath these depictions, and in support, presumably, if the ad were a good ad—in support of the headline claim. And they quoted apparently authoritative sources, but without the full impact of the limited experience contained in the actual articles they were quoting. And the ad features, for example, one reference which on checking proved to be only a 2- or 3-inch abstract of a 1964 speech. That is the one on the second block by Dr. Rothermich.

The ad quoted the author's opinion that "results have been uniformly excellent or good." Dr. Rothermich's same abstract, although brief, also included his view that while "excellent results have also been obtained in some cases of rheumatoid arthritis, there have been striking failures as well." So it is perhaps not surprising that while the advertising included this author's favorable remark regarding his experience with spondylitis, which they did, they then turned to another author, namely Hart and Boardman for a more favorable quote concerning the possible value of the drug on rheumatoid arthritis, and did not reflect Dr. Rothermich's view on rheumatoid arthritis in the ad. We consider this as not quite cricket, at least.

It offered the drug for "arthritic disorders," rather than solely for the specific four conditions for which it has been approved.

This is a small point, and one of the kind of things we have been accused of "nit-picking" about. All we would have asked here was they merely put in the word "certain," to show the reader when he was getting a quick view of what the drug was for, that this was not for all arthritic disorders, but at least only for certain of them. And then he would look more carefully as to what he expected the drug to be indicated for.

Senator NELSON. Did the company object to the insertion of the word "certain"?

Dr. McCLEERY. Well, we met them somewhat later than this time. Whereas I am not sure whether they objected or not, there was a marked change in their advertising subsequent to our meeting, so that this became an issue of no importance, because all of these claims disappeared subsequently.

The ad goes on in a major way to characterize the drug as non-steroid, which of course it is, but failed to disclose in this connection that whereas it was not a corticosteroid, which is a class of drugs also used for the treatment of these conditions, and for which there are major side-effect concerns already well established in the minds of