

Senator NELSON. But you would agree, would you not, that one of these long closely typed "Dear Doctor" letters coming to a busy doctor is a whole lot less effective than a series of Roentgrams demonstrating how effectively this drug cures the patient's problem? So you end up with an after-the-fact situation where the doctor has been misled by the ad, and then you require that a letter be sent afterward which probably is not going to be read. As a matter of fact, since I have been conducting these hearings, many doctors, and good ones, have told me that the first thing they do with any of this material is throw it in the waste basket—they do not have time to read it all.

Mr. GOODRICH. We have, as you know, made sure these "Dear Doctor" letters are sent first-class mail, that they are sent in a distinctive type of envelope—the letters themselves, I am sure you will read them, are devised to put across the essence of the complaint about the advertising, and the details are put on the next page. We think those letters are effective as a means of communication.

Senator NELSON. They are not effective with the doctors who tell me they do not read them, any more than they are with the doctors who tell me they do not read the package insert.

If you are really going to make this work, why don't you do a couple of more things. One of them is, when they violate our regulations in an ad—this is a nice, beautiful, big color ad that I have here—why don't you just tell them you are going to send the "Dear Doctor" letter, and you are going to enclose a copy of the ad, because this is the ad that has been impressing the doctors; and, in addition, you are going to have the firm say "We have been required to correct this ad. This ad is inaccurate, and here is why."

No. 2—if you are really going to be effective, why don't you just tell the firm, "we are going to review for the next year all of your ads." I think they would shape up pretty fast. But if all you have is a little thousand dollars penalty here and there, and a little discussion here and there, you will have 22 "Dear Doctor" letters in the next 6 months, and have another 22 in the following 6 months. In the meantime doctors are being misled in a very important matter involving the health of their patients. And you have the power to do this. I do not know why you do not say, "You clearly violated advertising regulations, and for 1 year you must submit to us all ad copy in advance of publication." I think you would find that you would not have to send many "Dear Doctor" letters after that. They would take the package insert and use it as a basis for their ads.

Mr. GOODRICH. I think it is equally effective for the Commissioner to have the president of the firm come in and go over the faults in the ads, what was wrong with them, and then to require the company to mail out a first-class mailing to every physician in the United States, telling what was wrong with the ad.

Now, this is the mechanism that has been adopted. We think it is effective. We have seen in the case of Merck Sharp & Dohme, that after the meeting between the Commissioner and the president of that firm there was a significant improvement. We have seen this same pattern with most of the other companies that have been involved in "Dear Doctor" letters. But there have been some that have had more than one "Dear Doctor" letter. We are constantly working on this. Dr. McCleery has a relatively small staff. But I am sure Dr. Ley will agree this is a