

runs ads like this. If I were a practitioner out in the country someplace, with a patient, and saw an ad like this showing feet and hips and hands, and stating that Indocin "extends the margin of safety," I would be impressed, too. After all, this is the Journal of the AMA—I am shocked that they would even run it. But here it is. I am a doctor. And I have high respect for the JAMA. They would not permit cheating in their advertising—I know that. And this distinguished company would not try to mislead me. So I prescribe it. And that is why the testimony was yesterday that this drug is being widely misused.

All I am saying is, for heaven's sakes why don't you do something instead of all this fluff-fluff we get all the time that goes on and on. It is a simple answer. You have the authority. Tell them to stop it "or we are going to review all your ads." And I predict you will be able to come back in 6 months and say "Senator, we have no trouble with advertising any more."

Mr. GOODRICH. Our answer is on that that we did tell Merck Sharp & Dohme, quite bluntly and quite pointedly, that the ad was bad, they stopped running it within 2 weeks after we told them, they destroyed, according to their statement, \$73,000 worth of comparable promotional material. They have been, according to the statement from Dr. McCleery made here, better since that experience. And he has in fact been over some ads with them to—brand new products, to show that we did get the messages across to this company. We think we have gotten it across to others. But your suggestion is a good suggestion, and we will certainly consider it.

Senator NELSON. Well, if I am around here for that long, the next time I find an ad that extends the claims beyond what is allowed in the package insert, I am going to invite you back, and we will talk about it again, and find out whether you are still satisfied with the methods you are using. I am not saying you have not improved them a lot.

Mr. GOODRICH. And I am not saying that the present method, Senator, is a hundred percent or the best one available. But it was one that was within our capability, it was one that has been carried out, I believe, with effectiveness.

Senator NELSON. Well, as you say, I think Dr. Goddard has done a magnificent job. I just think it is nonsense to permit this to go on, and you have been pretty soft on the industry. They know what they are doing. They are fooling the public—particularly the doctors. And it ought to stop. A great industry like this should not be overpromoting drugs for nonindicated cases. It is as simple as all that. Now, as long as they can get by with it, and make money, I guess this is what happens. I am not saying that it is a criminal offense. We had the same thing with the auto industry. As long as they could give us cheap tires that would not even hold the car, they did so. But, then we passed a law telling them to stop it. That does not mean the automobile industry is not a great industry—it is. But putting on cheap tires saved them \$400 or \$500 million a year, so they did it. And, it took Congress to do something about it. And the industry, or if necessary, the Congress ought to do something about this, because it has gone too far.

Mr. GOODRICH. We think Congress did do something about it. And in dealing with patients taking drugs, we expect a higher responsibility even than the automobile manufacturers.