

Senator NELSON. This puzzles me a little bit, not necessarily about this drug in particular, but about any drug. If the country does not have a qualified scientific agency to make a judgment, then a drug can be advertised and sold for any purpose the company desires to sell it for, can it not, regardless of whether it is indicated or not?

Mr. GADSDEN. I would have to agree that it could be, but I do not think a responsible company would do so, sir.

Senator NELSON. We had the case here of chloramphenicol being promoted in Great Britain with no precautions being given in the ads at all. At the same time, the firm testified here that it agreed that all the specific precautions in the package insert required here were important and necessary and should be listed. Yet in Great Britain and other countries, the firm said it did not list these because the law of those countries did not require them.

What I am getting at is the claims of the company that they follow a very ethical, high standard. Yet here is a clear-cut case where as soon as there are no regulations, they promote the drug for a purpose which is illegal in this country, and without any precautions, contrary to the best testimony of all the medical experts in America.

Mr. GADSDEN. Sir, I do not want to be put in the position of talking about whether the conduct of a competitor was appropriate or not. But if you like, I have a statement here which I would be happy to read indicating that the British Pharmaceutical Association, working with the appropriate medical and regulatory bodies in England, concluded that—in advertising—it was undesirable to put such contraindications and warnings in the advertisement when it was a so-called reminder advertisement. I think that the earlier witness who was questioned on this, if my memory is correct, was perhaps not conversant with the subject of advertising.

Senator NELSON. What is your definition of a reminder ad?

Mr. GADSDEN. In this case, sir, this is one—

Senator NELSON. In any case, what is, in your industry, the definition of a reminder ad?

Mr. GADSDEN. I shall have to give you several definitions, sir.

In the United States, the Food and Drug Administration has taken a very narrow definition of what is a reminder ad and we comply with that.

In England, with the agreement of the British medical group and the appropriate governmental authority, it was stated that if there was no dosage indication which would be helpful to the physician in prescribing the product, that is a reminder ad. The editor of the British Medical Journal said he considered it an insult to the intelligence of the British physician to include such material.

Senator NELSON. So, that is different from the reminder ad in America, in which you cannot include any language indicating the usage of the drug; is that correct?

Mr. GADSDEN. Yes.

Senator NELSON. But you can in England and you need not put any warnings or precautions about its use in the ad; is that correct?

Mr. GADSDEN. It is a broader definition in England, where the definition of a reminder ad is any advertisement in which information with reference to dosage is eliminated.

Senator NELSON. In this country?