

and asked whether we had any letters. Mr. Noar, at Mr. Fletcher's request, sent Mr. Goldman six letters from patients who had voluntarily written to the Company. Identification of the individuals and their physicians was blocked out in the copies sent to Mr. Goldman.

a. The first letter, dated August 1965 from San Diego, California, dealt with osteoarthritis of the hip joint (an approved claim).

b. The second letter, dated December 14, 1965, related in the patient's language to arthritis (there was no reason to suppose it other than rheumatoid—an approved claim).

c. The third letter, dated December 24, 1965, from Morganton, North Carolina, related to osteoarthritis of the hip (an approved claim).

d. The fourth letter, dated January 6, 1966, from Williamstown, Massachusetts, related in the patient's language to arthritis (there was no reason to suppose it other than rheumatoid—an approved claim).

e. The fifth letter, dated January 10, 1966, on the letterhead of the Enterprise City School District, related to rheumatoid arthritis (an approved claim).

f. The sixth letter, dated October 4, 1965, contained the following paragraph: "I am not too sure whether I have bursitis, tendonitis, or just plain arthritis, and also, my doctors don't know. However, I do know that I had to give up playing golf and I do know that after these few days that I have been taking your wonderful capsules, that I am going to play golf again, and soon."

4. On April 14, 1965, Mr. Goldman wrote Mr. Fletcher stating that he had done the piece on 'Indocin' and that it would probably appear in *Pageant* in July, with the magazine to be on the stands about June 16, 1966. According to his records, Mr. Fletcher also received a telephone call in mid-May from Mr. Goldman in which the latter said that he thought his story would appear in a summer issue of *Pageant*.

5. On the morning of June 15, 1966, while driving to work, a member of the Company's public relations staff heard a radio commercial about a story on 'Indocin' in *Pageant*. He stopped by a newsstand and purchased the magazine in which the article appeared. This was the first time anyone from the Company had seen it.

6. On June 21, 1966, a copy of the article was sent to Mr. Cron, then Director of Public Information and Education of the Food and Drug Administration, together with a copy of an internal memorandum explaining the article's origin.

7. Nothing was heard from the FDA about the article or our part in it until a speech was delivered by Mr. William W. Goodrich, Assistant General Counsel of the Food and Drug Administration, before the Pharmaceutical Advertising Club in New York on October 20, 1966, in which he criticized the *Pageant* article and gave his version of the Company's role in it.

This chronology of events demonstrates that:

1. The Company did not stimulate or cause publication of the article; it responded to a request for information from a recognized science writer.

2. Approved claims were named in all of the letters supplied to Mr. Goldman by Merck. No case histories on unapproved claims were submitted. No testimonials on unapproved claims were submitted. In one single letter the patient reported that he and his doctors did not know whether he had tendonitis, bursitis, or arthritis—arthritis being an approved claim.

3. Merck did not see the text of the article before it appeared in print; it first saw the article when the July issue was purchased from a newsstand on June 15, 1966.

4. Analysis of the article shows that, of the nine personal experiences recited by the authors, only four are attributable to the Company. Of these four, three involve approved claims only. The fourth mentions "bursitis." Although the article purports to quote extracts from this fourth letter, the quotations are not accurate and they changed the letter's meaning by omitting the reference to arthritis, an approved claim.

5. The Company voluntarily made the facts known to the FDA shortly after the published article came into Merck's hands.

6. The FDA did not discuss the *Pageant* article with Merck or seek to verify Merck's role with respect to it prior to the time Mr. Goodrich made a public speech attacking the article and the Company on October 20, 1966.

Senator NELSON. If you have a supplementary comment, it will be printed in the record at the appropriate place.