

that notwithstanding what was in the labeling, chloramphenicol was no more dangerous than some other competing product.

The physician reported that back in here, and the Commissioner took it up with Mr. Loynd, the president of Parke, Davis. That exchange is in the hearings on the Kefauver investigation.

Senator HATFIELD. So it was in the oral detailing that the misuse or improper use of this drug was experienced that created some of these ill effects?

Mr. GOODRICH. At least in part, yes.

Senator HATFIELD. What I am trying to get at is, is there a lack of authority or breakdown in the relationship between the industry and the FDA and the doctors and what have you that could be precluded from arising again or finding another similar experience? Do you feel that the pharmaceutical house or the houses chose to promote this drug in an improper way or make this decision on the basis of economics rather than therapeutic value?

Mr. GOODRICH. I wouldn't like to judge their motives. I only know that from what we have seen, this drug, chloramphenicol, was grossly misprescribed. Nonetheless on the broader issue of detailing, we had no authority whatever to get into this in an inspection way prior to 1962. Now we have a lot to learn about detailing. As I said a moment ago, detail men have not favored us with these inside communications. We found, after we saw the material Senator Nelson submitted to us, a need to make some further inquiry into what was going on in the detailing. That project is underway, but is still in the preliminary stages, and we are not prepared yet to discuss it in any final way.

Senator HATFIELD. Could you enjoin an industry or a drug house, say, to stop immediately?

Mr. GOODRICH. Yes.

Senator HATFIELD. Do you have that power?

Mr. GOODRICH. Yes, we have that authority. We don't have the authority to enjoin them. We would have to of course seek—

Senator HATFIELD. Through the court?

Mr. GOODRICH. Court, yes.

Senator HATFIELD. But you have the authority?

Mr. GOODRICH. We do have the authority to seek a statutory injunction.

Senator HATFIELD. It seems like we have two very important problems here to resolve at least in my clear understanding that perhaps would be helpful for the record. We have two specific problems. One is the relationship of FDA to the industry, to the practice of medicine as it relates to the matter of protecting the public against drugs that would be harmful. As I understand it, you feel you have existing authority sufficient to deal with this.

Mr. GOODRICH. We think so.

Senator HATFIELD. So when something like this arises, then as far as that part of the problem is concerned, you feel you could act upon it adequately and quickly enough to protect the public, such as the chloramphenicol situation?

Mr. GOODRICH. We think we have the authority. Now whether we are alert enough, whether we exercise our authority quickly enough, or whether we are diligent enough in our investigation, are human issues, but the law is there.