

Senator HATFIELD. As I say, the implications may be in error, but it does seem to me that we have here an awful lot of negotiations, discussions, and involvement that I am sure are very technical and very difficult to handle, but I do think that the agency was in error in permitting the films shown, the visual aids shown, when it had to be predicated on a modification, oral modification by those who were showing it. It is just one of the, I think, sloppy procedures.

Dr. McCLEERY. It may well be true, Senator, but I think you might for your own sake, in talking in terms of reality, want to be aware of what it is we are talking about. I don't think you have seen and, therefore, couldn't understand what it is we are talking about. We are not talking about a film at all.

We have submitted the visual aid for the record, which I am afraid you haven't had the opportunity to see. The agreement to which you are taking some exception, is the agreement by the agency to allow the company to use it in the training session of their detail men. It was not an approval to use the visual aid when the product was on the market to be detailed to physicians.

What they were requesting was that since they had their detail men en route to a series of company meetings across the country, that, rather than to take some typewritten copy, they be permitted to use the printed visual aid. The men would later get corrected copies before they went out to detail physicians. This is the nature of what we are talking about.

Senator HATFIELD. You have not impressed me with your comment at all, because I think, and I stand corrected on whether it is a film or a visual aid, they should have received nothing, or they should have received something mimeographed. I mean a film certainly takes a lot longer to produce. If we are dealing now with just pieces of paper here, I mean that is all we are dealing with, it is attractively presented in color, and so forth.

But to let them go ahead and present this, I think, is even less excusable, less excusable when you found it objectionable. They should have either totally corrected it—

Dr. McCLEERY. They did.

Senator HATFIELD (continuing). Or eliminated it.

Dr. McCLEERY. They did totally correct it, Senator Hatfield. Let me just say that there is no film in this problem at all. There were very specific negotiations.

Senator HATFIELD. Well, we are in a judgment area rather than a factual area.

Dr. McCLEERY. If we are in a judgment area it would be nice to have the facts on which to base a judgment.

Senator HATFIELD. Yes; we have the facts here, and I think the judgment is still wrong on the part of the agency.

Dr. McCLEERY. You may be correct, but it might be helpful to get the facts before a judgment is made.

Senator HATFIELD. We have the facts here and the judgment has been made on the basis of facts, so the record will show that, too.

Any other comments or questions?

Dr. McCLEERY. Yes; I have a comment.

Senator HATFIELD. I think Mr. Gordon has some questions he would like to ask.