STATEMENT BY ROBERT C. BRANDENBURG, DIRECTOR, OFFICE OF CERTIFICATION SERVICES OFFICE OF ASSOCIATE COMMISSIONER FOR COMPLIANCE, FOOD AND DRUG ADMINISTRATION, U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman, it is a great privilege and pleasure to appear before this Subcommittee this morning to discuss my part in the investigation of MER/29.

During 1962, my duties included the direction of investigations, the evaluation of their results, and the preparation of recommendations for legal actions appropriate to the offenses demonstrated, if any.

During early May 1962, I was assigned the direction of an investigation involving the new drug, MER/29 or triparinol. This investigation had already begun in April 1962, with the inspection of the drug firm, the William S. Merrel Company, Cincinnati, Ohio, by Supervisory Inspector Thomas Rice, Dr. E. I. Goldenthal, and Dr. John O. Néstor, of the Food and Drug Administration.

During May and June 1962, I had the FDA inspection force visit all William S. Merrel employees who had participated in these studies, and a number of other individuals who had been concerned with animal studies of the drug. As we compared the results of these investigations and the raw data on animal studies (which we obtained from the firm), with the data on these studies submitted to FDA in the new drug application, it became obvious that the submissions to FDA had been changed to conceal or withhold adverse effects of the drug on the test animals.

Our investigation developed leads concerning animal studies performed by other firms and individuals on MER/29, of which the William S. Merrell Company was aware, and I had the FDA inspectional force conduct the indicated visits.

In addition to the significant descrepancies and withholdings in animal studies which Dr. Goldentahl and Mr. Rice has dicussed, our investigations disclosed that the firm was aware of additional animal studies on the drug which showed it to be extremely toxic, and not only failed to report the results of these studies to FDA, but had actively attempted to keep some of this information from both FDA and the medical community.

In one instance, by letter dated November 3, 1961, Dr. Murray of William S. Merrell, sent FDA a manuscript entitled "Lethal Effect in Dogs of Prolonged Oral Administration of Triparinol" written by Doctors Scanu, Hawk, and Page of the Cleveland Clinic Foundation. Dr. Nestor of FDA, had heard of this paper and has requested the firm to submit it. This paper reported extremely toxic effects produced by the drug in the test animals.

At my request, Mr. Rice visited the Cleveland Clinic and interviewed Dr. Page on June 26, 1962. He found that the William S. Merrell Company had been apprised of the results of the Cleveland Clinic study in January 1960, almost two years previously. Drs. Blohm and King of the William S. Merrell Company had actually visited the clinic sometime in March 1960, to discuss the study with those who had performed it.

This investigation revealed that the William S. Merrell Company had prevailed upon those who had prepared a paper concerning the results of this study to permit representatives of the firm to edit it, since they claimed that the adverse effects of the drug found by the researchers could possibly have been caused by some other factor. Due to this intervention, the paper was not published until June 1962. We also learned that although no brochures, proposed labeling, or other documents submitted to FDA had referred to any blood dyscrasias produced by MER/29 in rats, the firm had actually prepared a brochure, never submitted to FDA, which did refer to this condition.

Our investigations revealed that a number of these so-called "preliminary" brochures had been distributed, including one to the American Medical Association. From this brochure and from information obtained during an interchange of correspondence with the firm, the American Medical Association prepared a proposed monograph on MER/29 which was to appear in the 1962 edition of the book "New and Non-Official Drugs," now known as "New Drugs," which the Association publishes yearly. The interchange of correspondence shows clearly that the firm made determined efforts to have any reference to a blood dyscrasia in rats associated with MER/29 deleted from this monograph.

We also learned that the Upjohn Company, like Merck, Sharpe & Dohme and the Cleveland Clinic group, had conducted a MER/29 dog toxicity study in March 1961, which showed the drug to be quite toxic; had notified the William S. Merrell Company of this fact by July 14, 1961; and had shown their data on this study to Dr. King of the William S. Merrell Company on July 31, 1961.