

So I would not raise any question about that. I think if a publication conscientiously misrepresented or defended a bad cause in the medical field, practically all individual doctors would be very critical of it. So I am not raising that question.

I simply say that if you are a publication and you rely heavily upon an advertiser—in this case, it is drugs—you just may omit criticizing them. You do not have to mislead by commission, you can mislead by omission. I think it is true of almost every magazine or paper that relies heavily upon some industry for advertising.

I do not see tough criticisms in various publications of the major advertiser in that publication, when it is a daily newspaper. They are pretty careful. If something breaks and they have to cover the news, maybe they do.

But here is a case where the profession has the primary obligation to the public and its patients. And it is important that the profession at all times be vigorously, conscientiously evaluating all aspects of medicine, including the promotion of drugs and the use of drugs and advertising policies and claims for drugs. The fact is that there are just endless examples of the drug companies making claims for their drugs that are not acceptable to the FDA.

Dr. ALFANO. They do not appear in journals, to my knowledge, that type of ad. They cannot. The journal must have the approved information.

Senator NELSON. Counsel advises me that last year—within about the last year and a half—as a consequence of paid drug ads in publications, medical publications, the FDA required 29 “Dear Doctor” letters—in other words, 29 times in the last year and a half, because of misleading advertising, the FDA has required the company to write a letter to every single doctor in America correcting the misleading claim. That is quite a bit. But it appeared in the journals.

Dr. ALFANO. These were ads that appeared in journals?

Senator NELSON. In medical journals.

Dr. ALFANO. Excuse me, the Medical Tribune is not a medical journal.

Senator NELSON. I do not want to mislead you. Some of them were in these other publications which rely exclusively upon drug advertising.

I recognize a distinction between a publication that receives 100 percent of its money from drug advertising and one that receives 50 percent. But if they receive a large percentage, I think that they cannot really be independent and objective in the fashion they ought to be in order to protect the interests of medicine itself. Do you really?

Dr. ALFANO. I believe the scientific medical journals, journals that are published by societies, they are published by these same individuals who you state are the most dedicated group in the country. I do not believe they would be influenced one way or the other by the amount of money that comes in by an ad. If they have something valid to say in criticism of a particular company or of the industry, they would put it in.

Now, there are more than just scientific medical journals that carry the same ads. I am only speaking as far as the medical journals that are published by medical societies.

Senator NELSON. Counsel advises me that 19 of the 29 “Dear Doctor” letters were based upon ads in medical journals.