

is cleverly slanted to promote it for a purpose for which it is not indicated. And it is accepted time after time.

Dr. ANNIS. Then you are suggesting that the advertising copy itself should be of a different kind?

Senator NELSON. I think that the journals in general—I am not just talking about JAMA—just default to the drug companies. When you consider the impact of advertising—doctors are not any different from lawyers and engineers. Public relations, promotion, advertising—clever people in promotion clearly have an impact on busy people.

I think that these chloromycetin ads are disgraceful, myself. I think it has been clear for a long time that if you run one bronchoscope and “when it counts” and then a whole bunch of fine print that you know is not going to be read, but you are required to print it, it has an impact that the journals do not have. You would not accept that stuff as an article in your magazine.

I think there is something wrong with what is accepted in the medical journals. I am just saying this as a layman. I have looked at a few hundred ads now, and I see that in 29 instances, better than once a month for the past 2 years, there has been a drug advertised in one of the medical journals in which the company made a claim which was absolutely not justified, and the company was forced to write letters to some 300,000 doctors, corrective “Dear Doctor” letters.

Now, as I said, there were 10 of those in your journal. The next time we have another journal, I shall just take that as an example.

But take the AMA Journal. In the 10 cases in 2 years, in which ads were carried in the JAMA which the FDA said were misleading, some of them grossly misleading, and in which they were required to send a letter to every doctor in the United States, we cannot find a single occasion where the journal said: This ad was misleading, we regret we ran it; they made claims for it that are not justified; we think that is bad advertising practice: we should not have done that. And emphasize it. After all, the doctor is looking at that ad.

Dr. ANNIS. You have indicated, Senator, that the drug company has been called to task by the FDA, and rightly so, because they violated that which has been spelled out by the FDA. We admit that the advertising, especially these past couple of years, basically is that which is in accord with the inserts demanded by rules and regulations of the FDA. We admit this. We admitted this earlier this morning as well.

Senator NELSON. The point I am making here is a little different. That is that in 10 cases where they made illegal claims, improper claims, they were required to spend a lot of money to send 300,000 letters to all the doctors in America, this ad was carried in JAMA and we cannot find any case—now, I shall stand corrected if there is—we cannot find any case where JAMA made a big point, because the ad is big, a big point of saying: This company was guilty of misleading the doctors in its ad.

Dr. ANNIS. Senator, this morning we indicated that the reason we stopped the seal of acceptance of the American Medical Association is because, in the minds of too many, it carried implied approval of the safety, efficacy, and reliability of the drugs accepted. One of the reasons we discontinued it was because of the absolute inability to