

have an organization of sufficient strength—of sufficient scientists, chemists, pharmacologists, and the rest—to examine every drug to be certain as to its efficacy and safety that we could put a stamp of approval on. This was taken over by the Food and Drug Administration.

Admittedly, we also agreed that if the Food and Drug Administration, and we have testified to this repeatedly—has inadequate and insufficient funds to do so properly, they should say so.

But we cannot be in a position to evaluate every drug that is made available.

Now, when we have a department of our Government well financed, or at least it should be, to carry out a certain job, when they make out the rules and the regulations for information to be provided to a physician and when the essence of an ad is in accord with what has been spelled out by the FDA, we feel that as the ad pertains to safety and efficacy, which have been the main role of the FDA in recent years, we feel that they have the means, or should have; have the personnel, or should have; have the finances, or should have, to see that this job is accomplished.

There is no such ability on the part of any professional organization.

Senator NELSON. Yes, but Doctor, that does not, I think, address itself specifically to the question I raised, which is that 10 times in the last 2 years, ads have been run in JAMA which made false claims, 29 times in all publications.

Dr. ANNIS. Some part of which, as you indicated, has been not in accord with the facts; that is correct. The producer violated the regulations of the FDA.

Senator NELSON. This is the point, though. It made important claims, and if a doctor reads it and it is the official position of the AMA that the ads are educational, so the company makes a false claim, pays for the ad, puts it in JAMA—

Mr. HARRISON. Are there instances where we have continued to run these ads after the "Dear Doctor" has been sent, or after we have been notified that portion of the ad is unacceptable?

Senator NELSON. I shall give you another example. The point I am trying to get at—I thought I was making myself clear—is that you have a paid ad. A claim was made that was important for the drug. The AMA claims the ads are educational.

Dr. ANNIS. Which claim are you talking about?

Senator NELSON. The claim of the general counsel of the AMA before the Tax Committee in the House of Representatives.

Dr. ANNIS. No, you aren't talking about an ad containing claims that are in error.

Senator NELSON. We have a number here. I do not know whether this is the toughest one or not. But it makes my point clear that the claim was made and it is an important claim that is educational to the doctor. He reads it. The FDA says it is false and misleading and forces the company to send a "Dear Doctor" letter.

My question is: Why does not the AMA feel obligated to run a big story right then, saying, this company misled you? Maybe that doctor would be a little bit more cautious the next time about believing the claims of these brand-name companies that he stands on so firmly. Why does the AMA not do that?