

rect that misleading ad in the same place, in the same way, something similar to the way in which the claim was made.

Do you not think so?

Dr. ANNIS. I would suggest that you give the Food and Drug Administration enough money to do the job for which they are authorized and which they are qualified to do.

Senator NELSON. What is your obligation in JAMA? You are a private, independent, publication in an area that has run a false and misleading ad that was paid for—

Dr. ANNIS. Not deliberately.

Senator NELSON. I did not say that.

Dr. ANNIS. May I ask how long Dr. Goddard said it required the Food and Drug Administration to review one ad for approval?

Senator NELSON. I do not recall.

Dr. ANNIS. I do not, either, but it was 11, 12, 13 days or more. I am talking about reviewing each ad on this basis.

Senator NELSON. No, I am not talking about that. I am talking about the case where you ran the ad, you did not know that they were making false claims. FDA discovers they were making false claims.

Dr. ANNIS. Maybe they do not know it.

Senator NELSON. We have seen enough of it, so we do not think there is any question of it. It happens all the time. They are leading toward getting wider use of the drug than the FDA thinks—

Dr. ANNIS. As an attorney you are better at this than I am, but if there is evidence that they are deliberately trying to get around the law, they should be called to task on.

Senator NELSON. They run a bronchoscope in one of your ads. If that is not fact, I do not know what it is. If that does not indicate that that is to be used for general use in that area, I do not know how any other person in the world would interpret that, "When it counts," and a bronchoscope.

Dr. ANNIS. No, they said, "When it counts, think of Chloromycetin."

Senator NELSON. You and I are sophisticated enough to know what it means.

Dr. ANNIS. I have told you I have never used it. But my point is that many physicians still feel, and have testified before your committee, that there are indications for it.

Senator NELSON. We know that. But it is being used 90 percent of the time, 90 to 95 percent, in nonindicated cases.

Dr. ANNIS. These are guesses, and the men who testified admitted this. I do not know what the figure is. If somebody else says 20 percent, I would say, could be. I do not know that, either.

But the essential point is to get the message. It would seem to me that this should be the main point of what you are driving at; that is, that more physicians get notice of the potential side effects of this drug so that they are critical in their appraisal of the need and justification for its use.

And again, I would agree with you—we are in total agreement. I believe the records will show that since you have started this investigation, many physicians have paid attention. In fact, I believe, according to Dr. Ley, there has been a decrease in the use of chloramphenicol to a considerable degree.

Senator NELSON. From about 41 or 42 million grams in 1967 to 17 or 18 million grams in 1968.