

the above representations and because I had a number of elderly people in the hospital with a sleep problem on whom I expected to use the drug. . . . I did receive a letter from Wm. S. Merrell dated August 21, 1961 which stated among other things 'Nulsen administered Kevadon to expectant mothers with a sleep problem without effect on the newborn infants.' This letter also requested that I fill out a brief summary report of my clinical experience with Kevadon. I did not complete or return these forms because of the extremely limited use I had made of the drug because I had initially not been asked for any reports and understood that such were not necessary. . . ."

H. Glenn Williams, M.D., 273 South Bellevue, Memphis, Tenn., Obstetrician-Gynecologist, signed an affidavit which is quoted in part "Mr. Walker told me about Kevadon and stressed both the safety of the drug and the fact that it had about the same potency as barbiturates. Mr. Walker also stated that it was almost impossible to take an overdose of Kevadon. He said that his firm wanted physicians with private practices such as mine to try the drug. He said that this was to be done both to acquaint the doctor with Kevadon and to test patient acceptance of the drug. Mr. Walker said that the drug had already been proven safe in Europe and this program which was promotional in nature was to be accomplished prior to the formal release of Kevadon early in 1961. . . . I cannot recall whether or not I signed a Statement of Investigator for Merrell. In any event I made it quite clear that I did not plan to do further research on the drug. . . . To reiterate, I did not furnish the Wm. S. Merrell or their representative with any written reports. I told them from the beginning that I did not have time to keep records. If they still wanted me to try their drug out I would do just that. It was my impression that reports would not be required. I recall at least one instance on an undetermined date where the Merrell representative possibly Mr. James M. Walker asked me informally how I liked the drug. I told him I liked it fine. There was no detailed questioning, and as far as I remember my answer was confined to how I like Kevadon. I do not know whether this impression of Kevadon was to be considered as clinical data. I did not give it as such as I had not agreed to enter into an investigational program. From the beginning it was my impression that Kevadon was not an experimental drug. I was lead to believe from both the clinical reports and by verbal assurances from the Merrell representative that Kevadon was safe. I actually thought the drug had been released by FDA. I even wrote several prescriptions for the drug which bounced, of course. I felt from the very first that the Wm. S. Merrell Company wanted physicians with private practices to become familiar with Kevadon and test patient acceptance. It was my impression that my participation in this program was promotional in nature and was to precede formal introduction of Kevadon to the American market early in 1961. . . ."

Claude H. Workman, M.D., 273 S. Bellevue, Memphis, Tenn., Obstetrician-Gynecologist, signed an affidavit which is quoted in part "When Mr. Walker approached me about Kevadon in late 1960, he told me that the drug was safe. Mr. Walker did not seem to know much else about the drug but he said that he would send me some literature which contained all of the necessary details. To the best of my knowledge Mr. Walker wanted me to try Kevadon to see how I liked it. I interpreted the program to be promotional rather than investigational. To the best of my knowledge I did sign a statement of investigator. I told Mr. Walker that I did not plan to enter into a formal investigation of Kevadon. I was informed that Merrell just wanted me to try the drug. It was my impression that the drug had been proven safe and would be on the market in a few months. . . . During the period in which I was trying Kevadon, I did not submit any written reports to either Wm. S. Merrell Company or to any of their representatives. I do recall giving a verbal report on at least one instance to Mr. James M. Walker, Merrell representative. He asked me informally how I liked the drug, I told him it was the best sedative that I had run across. . . . It is my firm belief that the Wm. S. Merrell asked me to enter into this Kevadon program for promotional investigation reason. . . ."