

Dr. BRILL. I think you are asking a question that we don't really have an answer for. And that is, what would the physician do in the absence of advertising. It really is a scientific question. And we are trying to answer on the basis of projections of our experience. My own feeling is that it would not improve practice. It might even be more unfortunate than it is now with respect to errors in prescribing. It would be a rather—I would prefer to see a positive form of education introduced rather than to rely on merely a withdrawal of this type of information.

Senator NELSON I suppose each publication has a different standard, and I have looked at a great many of them. Now, Dr. Freyhan would not have accepted this ad because he thinks it is misleading. But as I look at it I can show you a large number of such ads in distinguished medical publications which are every bit as misleading as this one, if not more so. Each publication seems to have some standard. But in some publications, quite obviously, the advertising department decides what goes in the publication, and not a group of qualified physicians.

But supposing we had a good, tough standard—your ads can't be misleading. Any group of physicians who know the field can read these ads and tell you whether they are misleading or not. And in every medical publication in every edition there are ads that would be strongly criticized by those members of the profession who are familiar with the use of the drug being advertised.

Why are they there?

Dr. FREYHAN. I think that medical publications may, to some extent, take the same attitude that, let us say, the New York Times takes. The New York Times is a highly respected paper which, while judicious in the acceptance of advertisements, would not want to be identified with message or content of the advertisements it publishes. How to react to an advertisement is left to the reader who may be a potential buyer. And I think that many editors of medical journals may take somewhat the same attitude. While responsible editors would not want to accept an ad which is misleading in the sense of factual misstatements, they leave the message of the advertisement to the judgment of the reader since the advertisement section is clearly not part of the journal's scientific content. There is something in the very nature of any advertisement which demands critical evaluation from the reader.

Senator NELSON. Isn't there a very sharp distinction between the New York Times responsibility and the responsibility of the medical publications?

Dr. FREYHAN. Yes.

Senator NELSON. People are qualified to make judgments about the value of automobiles and sewing machines and lawnmowers and whatever that may be advertised in the New York Times. But in the field of drugs the consumer of the product isn't qualified at all, and,