

in the journal. I think our advertising there more clearly relates to ethical drugs and certain other very restrictive kinds of material. We will not accept general commercial advertising for the drugs.

Senator HATFIELD. What's the definition of a "drug"?

Mr. HARRISON. Prescription drugs, primarily.

Senator HATFIELD. In other words, Alka-Seltzer, Bufferin, aspirin, or Excedrin, or so forth, would not necessarily be accepted?

Mr. HARRISON. I believe that is correct. We can check that in a moment. Such things as automobiles and other types of advertising which may be acceptable in another publication would not be acceptable in our scientific journals. Scientific journal advertisements relate primarily to the prescription drug and prescription device kind of advertising.

Senator HATFIELD. Then any claim which is made in terms of the efficacy or the therapeutic value of a drug is to be determined by the FDA. But the FDA is only looking at the scientific value. What about a pharmaceutical house? Let's take a hypothetical case.

A pharmaceutical house has received the approval of the FDA for a certain drug. Then through its advertising agency or such, it beefs up a hard-sell type of program and makes all sorts of fantastic claims.

You have no way, then, to make judgments on those claims on it, merely because it says it carries the FDA "good housekeeping seal" of approval.

Mr. HARRISON. There are two points I would make in response to that. First, the Food and Drug Administration goes far beyond that. It actually checks the claims. It has the responsibility of checking the claims, making sure the claims are accurate and scientifically correct. But even beyond that, when I say the Association will accept the fact that the Food and Drug Administration has accepted that drug as being safe scientifically, efficacious scientifically, and that the claims being made for it are acceptable to the Food and Drug Administration, even beyond that, the Association would not accept advertising which clearly is "puffy," in nature. For example, if the advertiser says, as you have indicated, that this is the best drug or the only drug, or uses that kind of language, we would screen the ad for the purpose of rejecting it, or we would request the agency for a change in language. So to that extent, too, we would look at the ad and not accept for our publications puffing or exaggerated statements which can clearly be seen as such on their face.

Senator HATFIELD. My understanding is that oftentimes, the FDA does not really take any action in policing or reviewing advertising programs until after the fact, until after the advertising program has been on the market or has become evidenced by printing or other means.

Mr. HARRISON. I think there are instances where the manufacturer has submitted a drug in advance of seeking FDA approval, but that may not be correct, Senator, as to advertising.

Senator HATFIELD. So hypothetically again, you conceivably could receive an advertisement which has not received FDA approval as it relates to the claims for that drug, then later finding that you have to withdraw it because the FDA in its policing activity has determined that these claims are not in keeping with what the actual scientific review of it shows. Is this possible?