

I have reviewed the matter and feel that the following questions would be appropriate:

1. *In your opinion have the drug manufacturers, in engaging in the type of promotional activities described in your testimony engaged in conduct which is actionable criminally or civilly, or which violates any existing government regulations.*

2. *Should drug manufacturers have the right to engage in promotional activity, except to the extent restricted by existing law?*

3. *If you believe that a drug manufacturer's right to engage in promotional activity should be restricted beyond the limitations presently imposed by existing law and regulations, please state the manner in which such activities should be limited and the objectives sought to be achieved by such limitations.*

4. *Who should have the responsibility for determining the precise nature and extent of such limitations and for their enforcement?*

5. *Would such further limitations on the right of a drug manufacturer to engage in promotional activity result in a significant reduction in health care costs, and if so, how much of a reduction?*

I would appreciate your submitting the above questions to each of the witnesses who testified on June 19, and inserting their answers, together with these questions at the proper place in the record.

With best wishes,

Sincerely,

JACOB K. JAVITS.

STUDENT AMERICAN MEDICAL ASSOCIATION,
PUBLISHERS OF THE NEW PHYSICIAN,
Flossmoor, Ill., September 23, 1969.

Senator GAYLORD NELSON,
Chairman, Monopoly Subcommittee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: This letter is in response to your letter of September 2, 1969, in which you requested answers for questions submitted to us by Senator Javits.

The following are our responses to the questions enclosed in your letter.

1. *In your opinion have the drug manufacturers, in engaging in the type of promotional activities described in your testimony engaged in conduct which is actionable criminally or civilly, or which violates any existing government regulations.*

We are in no position to judge whether drug manufacturers have engaged in activities which violate existing government regulations or conduct which is actionable criminally or civilly. It was our feeling, however, that we must take a close look at the professional standards which the profession sets in accepting promotional material or advertising. It is the government and the courts that should give opinions as to the legal considerations and how they are adhered to, not medical students.

2. *Should drug manufacturers have the right to engage in promotional activity, except to the extent restricted by existing law?*

The drug manufacturers should have the same rights and responsibilities to engage in promotional activity as does any industry related to the health of the people in the free enterprise system. If these privileges are adjudged to have been violated, as in the case of misleading advertising, price-fixing, etc., one would assume that extensions of the existing laws would be made by Congress, as with any other industry or business.

3. *If you believe that a drug manufacturer's right to engage in promotional activity should be restricted beyond the limitations presently imposed by existing law and regulations, please state the manner in which such activities should be limited and the objectives sought to be achieved by such limitations.*

Our testimony clearly defined areas such as increased support for FDA investigative and regulatory work, the development of a drug compendium, etc. The question whether extensive promotional activity is detrimental to the American people should be answered by Congress in the form of legislation. It is our feeling that while we perceive inconsistencies in the present promotional efforts with the best interests of educating the profession, we, as medical students, are not able to propose limitations on the scope of promotional activity. We can say that