

9090 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

Limited staffs, higher priority work, and problems in preparing legal paperwork also cause delays at the U.S. Attorney's Office and the U.S. Marshal's Service after FDA has requested the seizure. Officials of both a U.S. Attorney's Office and a U.S. Marshal's Service told us that anticipated additional increases in staffs should reduce the time required to take seizure actions.

Impact of delays

The impact of delays on the effectiveness of seizures can be seen in the following analysis of 21 seizures from one district.

<u>Number of seizures</u>	<u>Days delayed</u>	<u>Percent of product seized</u>
1	11 to 20	93
4	21 to 30	74
3	31 to 40	69
13	over 40	56

As the delay increases, the amount of the product reaching the consumer increases.

Our review of 91 seizure actions initiated by three FDA districts during fiscal year 1971, for which we could determine the percent of product seized, showed that on an average only 69 percent of the amounts of products identified for seizure were actually seized. The remaining quantities were apparently sold to the public.

The following table shows our analysis of the percentage of products removed from the market for the 91 seizure actions reviewed.

<u>Number of seizures</u>	<u>Percent of seizures</u>	<u>Percent of product removed</u>
16	18	0 to 10
12	13	11 to 50
7	8	51 to 70
12	13	71 to 90
44 ^a	48	91 to 100
<u>91</u>	<u>100</u>	

^a Includes several seizure actions where State detentions or voluntary holds by the firms were used to detain the products until removed from the market.