

legitimately excluded from regulatory action because they are in paragraph 14 of Judge Bryant's order, which permits the manufacturer to have some extra time for testing, so there is a legitimate amount of research being done on a number of them. I think the kind of document, or the kind of message that you are talking about to the doctors would be unfair for some of those. They should be considered as in scientific limbo. On the other hand, there are some others that really are kind of egregious problems, and I think we have all been intrigued with seeing this advertising, which common sense tells you that if it is profitable for a manufacturer to advertise with that message in his ad, that somehow the right message is not getting across. So we have been disturbed by that, too, and would be delighted to have your suggestions.

I might say we are in the midst of drafting some new regulations for drug advertising, and anybody's ideas on how to change the regulations to correct that problem we would welcome.

Mr. HURT. Mr. Gordon, the way, perhaps, to distinguish between the drugs that, I agree with Dr. Crout, should not be castigated because they are medically important and good sound research is ongoing at the moment, as opposed to those where there is no evidence and where the kind of message you would like to see would make very good sense, would be to do it when we raise a notice of opportunity for a hearing. We have not issued a notice of opportunity for a hearing to withdraw the new application for the drugs to which Dr. Crout referred. Thus, at that point, when the Government makes a decision that there is no evidence, and no reason not to remove that drug from the market, then perhaps you are correct. That message should be accurately and adequately conveyed throughout the country.

Mr. GORDON. Thank you very much, gentlemen. Thank you for coming.

The hearings are recessed until tomorrow morning at 10:00 o'clock, in the same room.

[Whereupon, at 11:50 a.m., the subcommittee recessed, to reconvene at 10 a.m., Friday, April 25, 1975.]