

COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY 12293

"3. The pharmacist may have greater knowledge of the quality and costs of drug products in some situations.

"4. It is appropriate that decisions with regard to choice of drug product be made by the individual having the greatest amount of information concerning the particular selection in question. Having selected the chemical to be used for therapy, the physician, therefore, may explicitly delegate to the pharmacist, or retain to himself, selection of the particular drug product to be received by the patient.

"5. In some way, it should be made clear that no economic benefit should accrue to the pharmacist by virtue of his authorization to substitute one drug product for another."

This wording was recast in the format appropriate for a resolution, with the proper "whereas" and "be it resolved" phrases, and was presented to the full DRB on 25 October 1974. The agenda for that meeting listed the item as "VI. Proposed Resolution of the DRB on Anti-Substitution Legislation - Dr. Hussey; Dr. Pittman," and several times during the discussion of that item "anti-substitution legislation" or "anti-substitution laws" were referred to. After considerable reworking and some alterations in the wording, including changing the phrase ".... may delegate to the pharmacist" to ".... should be required to delegate to the pharmacist, or explicitly to retain to himself," the resolution was passed in the form given at the outset of this Statement.

It should be noted here that, at that point, the resolution reflected the approval of the DRB only. It had not even been submitted to the ALS (Assembly of Life Sciences) of the NRC/NAS, which had to act upon it before the resolution became official policy of the NRC/NAS. Nevertheless, almost immediately (in fact, October 28, only three days after the DRB meeting) the publication "FDC Reports" (the "Pink Sheet") published the full resolution under the heading "Drug Research Board Provides Unexpected Support for prescribing generically in resolution adopted at October 25 meeting. The board, a part of the National Academy of Sciences, has been accused of working only with the high-fashion group or the internatl. set. The resolution reads:" etc.

Then in the November 15 issue of the *American Druggist* magazine, pages 21 and 22, carried an article entitled "Substitution Gets Limited Okay from Science Group." The article (attached) included a boxed section which gave the text of the DRB resolution but also included a verbatim copy of a statement written by me and taken to the meeting of 25 October to be distributed with the proposed resolution. That statement was intended by me to be used simply as an explanation of my own reasoning with regard to the resolution, and it was no way approved, or even considered for approval, by the DRB. Nevertheless, in the article in the *American Druggist* it appeared under the heading "Text of DRB's Statements," although the text of that article did identify me as the author. Never before have I obtained such rapid publication of anything I have written, nor so effortlessly!