#1420

OFF-LABEL USE

Public Citizen

Buyers Up • Congress Watch • Critical Mass • Global Trade Watch • Health Research Group • Litigation Group
Joan Claybrook, President

July 17, 1997

Dear Senator:

In addition to urging you to oppose S. 830, because of the multiple ways that it endangers the health and safety of American people, when (if) it comes to the Senate floor for a vote, I also urge you to oppose an equally dangerous amendment which I have learned is certain to be offered when the floor debate begins.

I have obtained a copy of a July 15, 1997 letter from the American Medical Association to Senator Jeff Bingaman and, presumably, to other members of the Senate urging support for an extremely dangerous amendment to S. 830 (the so-called FDA Modernization Act).The amendment, which would make it legal, for the first time, for companies to promote drugs and medical devices for unapproved uses, can most accurately be described as the **killer fen-phen amendment**, because it would have made legal the promotion of an even greater use of this unapproved combination of weight-reduction drugs (**fen**fluramine and **phen**termine, approved individually for about 20 years, but not in combination) than has already occurred without the manufacturers being able to promote this deadly combination. In addition, there are many other examples of dangerous drugs such as calcium channel blockers and certain anti-arrhythmia drugs such as encainide and flecainide whose promotion and subsequent prescription for unapproved uses would have caused, collectively, thousands of additional deaths or serious injuries of American patients had this amendment been law.

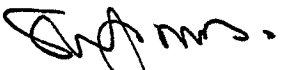
It is especially ironic that heart surgeon Senator Bill Frist of Tennessee is a major co-sponsor of this legislation (along with Senators Wyden, Mikulski and Dodd) because it is now clear that the fen-phen combination of drugs has caused serious life-threatening damage to heart valves in 33 women reported to the FDA (thus, because only one in ten cases which occurs is actually reported, several hundred cases have probably occurred). This amendment, if it had been in effect for the last 13 years since publication of the first peer-reviewed medical journal article demonstrating the effectiveness and "safety" of fen-phen, would have dramatically increased the number of people using the combination and, therefore, the toll of those suffering damage to their heart valves would likely have been more than 1,000 people. According to the FDA, at least six of the women with fen-phen induced heart valve damage have required open-heart surgery.

The amendment would have authorized drug companies such as A.H. Robbins, manufacturer of fenfluramine (Pondomin) or SmithKlineBeecham, manufacturer of phentermine (Fastin) or other companies which make generic or other versions of these drugs, to send out to

doctors hundreds of thousands of copies of peer-reviewed journal articles hyping the use of the fen-phen combination, such as one appearing in the AMA's Archives of Internal Medicine in 1984[1] supported by two manufacturers of the individual drugs (the article concluded that "Combining fenfluramine and phentermine capitalized on their pharmacodynamic differences , resulting in equivalent weight loss, fewer adverse effects and better weight control.") and subsequent articles in 1992,[2] the mere publication of which to a limited number of doctors resulted, according to the FDA, in a 100-fold increase in the prescribing of these drugs in combination. Had the manufacturers been free---as this legislation would allow---to send out hundreds of thousands of reprints of the 1984 and 1992 articles to doctors, there is little question that the use of the fen-phen combination would have been much higher than it has been. Since the drugs were only approved for individual use and since no company was interested in doing the kinds of studies necessary to get FDA approval for the combination---partly because the combination was already selling well---there was no FDA review of the combination until the results of a Mayo Clinic Study, to be published in August, documenting 24 cases of damaged heart valves in women using the fen-phen combination were made public earlier this month. At this point, but not before, according to the legislation, FDA could require the companies which had been massively distributing the earlier, fen-phen-favorable studies to put them in the context of the new findings if they wished to continue such promotion. Too late for too many women.

I strongly urge you to vote against S. 830 and against this dangerous off-label use amendment which is certain to be added to the bill.

Sincerely,



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[1] Weintraub M, Hasday JD, Mushlin AI, Lockwood DH. A double-blind clinical trial in weight control: Use of fenfluramine and phentermine alone and in combination. Arch Int Med 1984; 144:1143-1148.

[2] Weintraub M and others. Symposium on Weight Control. Clin Pharm Ther. (Supplement) May, 1992