

**FOR IMMEDIATE RELEASE****January 17, 2006**

WLF CALLS ON DDMAC TO WITHDRAW UNTITLED LETTER ON LOPROX (*"DDMAC Watch" Program*)

The Washington Legal Foundation (WLF) today called on DDMAC (FDA's "Division of Drug Marketing, Advertising, and Communications") to withdraw a letter sent to Medicis Pharmaceutical Corp. on January 4 regarding Medicis's allegedly improper promotion of Loprox Shampoo. DDMAC alleged that a patient brochure for Loprox, located on Medicis's web site, was false and misleading because it omitted important risk information regarding the drug and suggested that it was effective for long-term dermatitis treatment. WLF's letter to DDMAC alleged that DDMAC's actions were inappropriate because Medicis included all the necessary risk information in the brochure. WLF also argued that Medicis has a First Amendment right to discuss medical studies that indicate that Loprox is, in fact, an effective long-term treatment.

WLF's letter was sent in connection with WLF's recently inaugurated "DDMAC Watch" program. WLF has determined that DDMAC has been using letters to industry to advance questionable legal theories and request remedial actions that the agency could not require under the law. Under the DDMAC Watch program, when DDMAC sends a letter to a drug company employing theories that are legally deficient or ill-advised, WLF sends a letter of our own back to DDMAC identifying the specific ways in which this is so.

DDMAC's letter alleged that Medicis violated federal drug laws by including on its web site a patient brochure for Loprox Shampoo, a product approved for topical treatment of seborrheic dermatitis in adults. WLF's response took particular issue with DDMAC's efforts to sanction Medicis for the content of its web site, in light of FDA's reneging on a 1996 promise to issue a guidance document on internet promotion. WLF argued that it is inappropriate for FDA to sanction manufacturers for web site content in the absence of meaningful guidance to manufacturers regarding such content.

WLF is a public interest law and policy center with supporters in all 50 states. WLF for many years has been actively involved in efforts to decrease federal government restrictions on the flow of truthful information about FDA-approved drugs and medical devices, and to limit the circumstances under which the government may compel individuals and companies to speak against their will.

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For further information, contact WLF Chief Counsel Richard Samp, 202-588-0302. A copy of WLF's letter will soon be posted on its web site, www.wlf.org.