

**FOR IMMEDIATE RELEASE****July 27, 2005**

WLF CALLS ON DDMAC TO WITHDRAW WARNING LETTER ON ZYVOX (*"DDMAC Watch" Program*)

The Washington Legal Foundation (WLF) today called on DDMAC (FDA's "Division of Drug Marketing, Advertising, and Communications") to withdraw a warning letter sent to Pfizer, Inc. on July 20, 2005 regarding Pfizer's allegedly improper promotion of Zyvox -- based on an professional journal advertisement run by Pfizer. WLF's letter to DDMAC alleged that DDMAC's actions violated the First Amendment, inappropriately sought to restrict comparative claims, and challenged DDMAC's statutory authority to seek "corrective" advertising by Pfizer.

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 to Pfizer alleged that Pfizer violated federal drug laws by placing an advertisement in a professional journal for Zyvox, which is used to treat skin infections and two types of pneumonia. WLF's response took particular issue with DDMAC's demand that Pfizer cease disseminating clinical data regarding Zyvox that was published in a reputable, peer-reviewed medical journal. WLF alleged that DDMAC's efforts to suppress this data violate the First Amendment.

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.