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CLOSING STATEMENT

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

“Johnson & Johnson’s Recall of Children’s Tylenol and
other Children’s Medicines.”

May 27, 2010

Frankly, what we have heard today is not reassuring.

The initial story was bad enough: On April 30, Johnson & Johnson announced the largest recall of children’s medicine in history. But it turns out there wasn’t just one recall. What we have heard about today is rolling recalls, a phantom recall, a plant shut down, and management firings.

I was hoping that J&J would be completely forthcoming today, but I think there are still unanswered questions.

J&J told the Committee staff that this most recent recall involved only 6 million bottles. That’s a huge

number. But today we learned from the FDA that it was more than 20 times that, namely 136 million bottles.

Regarding the phantom recall, J&J testified that there was no attempt to hide anything. But we uncovered a J&J document showing that they told their contractor not to say this was a recall.

J&J says that none of its contaminated products has had any adverse health effects. But the FDA testified today that the issue of whether any of these products caused deaths is still being investigated.

This is an issue of trust. When parents and grandparents give these medicines to their children, they want to be confident that they are not harmful. Johnson & Johnson has the duty to ensure their safety and the FDA has the duty to enforce that duty.

One thing we know now is that the FDA needs mandatory recall authority. They shouldn't have to persuade a company to recall suspect products. I intend to introduce legislation to give FDA that authority. FDA should also have the power to order a halt in drug production.

At this point, there are still many unanswered questions. We intend to pursue this further.