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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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May 4, 2011

Via Electronic Transmission

Patricia M. Babjak
Chief Executive Officer
American Dietetic Association
120 South Riverside Plaza, Suite 2000
Chicago, IL 60606

Dear Ms. Babjak:

In December 2009, I asked for an accounting of industry funding that the American Dietetic Association (ADA) receives from pharmaceutical and medical device companies as well as foundations established by these companies or the insurance industry. I appreciate your response, which I have attached to this letter. I write today to follow up on any efforts by your organization to improve transparency and accountability in its relationships with the pharmaceutical and device industries.

As I stated in my previous letter, I started my inquiry, in part, as a result of accounts documenting the lack of transparency in financial relationships between the pharmaceutical industry and nonprofit health and medical organizations. Specifically, I cited the April 2008 article in *The Wall Street Journal*, which reported that industry representatives, including ten major drug companies, had formed a coalition to promote looser restrictions on off-label marketing.¹ The coalition had asked the National Alliance on Mental Illness (NAMI) to speak in favor of this issue.

In response to my concerns in my April 2009 letter to NAMI, NAMI began to voluntarily disclose to the public any amount of funding exceeding \$5,000 that it received from pharmaceutical companies and foundations on its website. Further, NAMI began to provide a brief description of the purpose of the funding on its website. I commend NAMI for its leadership and had hoped that when I reached out to your organization and 32 others, your organization would follow NAMI's example and begin posting similar funding information on ADA's website.

As of the date of this letter, it appears that no additional information regarding your organization's industry funding has been posted on the ADA's website. If ADA is currently

¹ Alicia Mundy, "Off-Label Use of Drugs Gets a Push --- Big Pharma Lobbies Washington to Relax Rules on Marketing," *The Wall Street Journal*, April 18, 2008.

taking steps to enhance the transparency of its financial relationships with the pharmaceutical and device industries, I would appreciate information regarding those steps. If not, please explain why your organization does not support the disclosure of funding it receives from pharmaceutical and device companies.

The Medicare Payment Advisory Commission (MedPAC) recommended in a report to Congress in March 2009 that Congress require that pharmaceutical and device companies report their financial relationships with physician groups, patient organizations, and others. More specifically MedPAC said the following:

Given the potential benefits of public reporting, we recommend that the Congress mandate the reporting of comprehensive information on industry relationships with physicians and other health care entities and that the Secretary post this information on a public searchable website.²

MedPAC then went on to say in Recommendation 5-1 that:

The Congress should require all manufacturers and distributors of drugs, biologicals, medical devices, and medical supplies (and their subsidiaries) to report to the Secretary their financial relationship with: . . . physician groups and other prescribers . . . patient organizations; and professional organizations.³

I look forward to working with you and other health and medical organizations to further increase sunshine on financial relationships.

Thank you for your cooperation and attention in this matter. I would appreciate a response by May 25, 2011. If you have any questions, please do not hesitate to contact Brian Downey for the Committee on the Judiciary at (202) 224-5225.

Sincerely,



Charles E. Grassley
Ranking Member

Attachments

² Medicare Payment Advisory Commission, "Public reporting of physicians' financial relationships," Report to Congress: Medicare Payment Policy, March 2009.

³ *Id.*

Attachment

December 18, 2009

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The Honorable Charles E. Grassley
United States Senate
Washington, DC 20510-6200

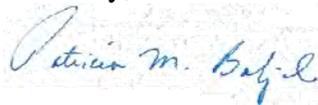
Dear Senator Grassley:

We are pleased to provide the information that you requested in your communication dated December 17, 2009. Attached is a breakdown of support received from pharmaceutical, medical device companies, foundations established by these companies or the insurance industry that has been provided to the American Dietetic Association (ADA) from the period January 2006 to the present.

A copy of the policy governing the acceptance of industry funding is attached. The ADA does not allow companies to place restrictions on how funding will be spent. These policies, which include full disclosure and full transparency practices, are reviewed on an ongoing basis.

Also provided is the ADA's Conflict of Interest Policy that all board members and top executives sign annually addressing the disclosure of conflicts. The disclosure of outside income from companies is covered by this policy. From 2006 until the present, we have not received any disclosures of outside income filed with our organization by our top executives and board members.

Sincerely,



Patricia M. Babjak

PMB:MBW:mlo

Attachments

Funding Period	Name of Company	Amount of Funding	Funding Purpose
2006	Ross Nutrition	\$16,160.00	ADA Food & Nutrition Conference and Expo Keycard Sponsorship
2006	Ross Nutrition	\$10,000.00	ADA Food & Nutrition Conference and Expo Educational Session Sponsorship
2006	Abbott Nutrition	\$50,000.00	ADA Food & Nutrition Conference and Expo Opening Session Keynote Sponsorship
2006	GlaxoSmithKline Consumer Healthcare	\$20,000.00	ADA Food & Nutrition Conference and Expo Educational Session Sponsorship
2006	McNeil Nutritionals, LLC	\$8,000.00	ADA Food & Nutrition Conference and Expo Culinary Demo Sponsorship
2006	Seabury & Smith	\$105,452.13	Royalty Revenue
2006	Liberty Mutual	\$11,942.87	Royalty Revenue
2006	Abbott Labs (Ross Division)	\$69,500.00	Dietetic Practice Group Sponsorships
2006	Bristol-Meyer Squibb	\$11,000.00	Dietetic Practice Group Sponsorships
2006	Eli Lilly	\$12,500.00	Dietetic Practice Group Sponsorships
2006	GlaxoSmithKline	\$20,000.00	Dietetic Practice Group Sponsorships
2006	McNeil Nutritionals, LLC	\$26,000.00	Dietetic Practice Group Sponsorships
2006	Johnson & Johnson (*)	\$57,000.00	Dietetic Practice Group Sponsorships
2007	Seabury & Smith	\$87,587.01	Royalty Revenue
2007	Liberty Mutual	\$10,956.72	Royalty Revenue
2007	Abbott Labs (Ross Division)	\$148,300.00	Dietetic Practice Group Sponsorships
2007	Bristol-Meyer Squibb	\$22,700.00	Dietetic Practice Group Sponsorships
2007	Eli Lilly	\$58,500.00	Dietetic Practice Group Sponsorships
2007	GlaxoSmithKline	\$15,000.00	Dietetic Practice Group Sponsorships
2007	McNeil Nutritionals, LLC	\$54,850.00	Dietetic Practice Group Sponsorships
2007	Par Pharmaceutical	\$75,750.00	Dietetic Practice Group Sponsorships
2007	Takeda Pharmaceutical	\$8,800.00	Dietetic Practice Group Sponsorships
2007	Johnson & Johnson (*)	\$35,000.00	Dietetic Practice Group Sponsorships
2007	Solvay Pharmaceutical	\$20,000.00	Dietetic Practice Group Sponsorships
2008	Seabury & Smith	\$39,934.97	Royalty Revenue
2008	Liberty Mutual	\$12,366.13	Royalty Revenue
2008	Abbott Labs (Ross Division)	\$99,379.00	Dietetic Practice Group Sponsorships
2008	Baxter Health Care	\$7,500.00	Dietetic Practice Group Sponsorships
2008	Bristol-Meyer Squibb	\$15,600.00	Dietetic Practice Group Sponsorships
2008	Eli Lilly	\$33,000.00	Dietetic Practice Group Sponsorships
2008	GlaxoSmithKline	\$11,148.00	Dietetic Practice Group Sponsorships
2008	McNeil Nutritionals, LLC	\$23,000.00	Dietetic Practice Group Sponsorships
2008	Par Pharmaceutical	\$1,000.00	Dietetic Practice Group Sponsorships
2008	Takeda Pharmaceutical	\$48,000.00	Dietetic Practice Group Sponsorships

Funding Period	Name of Company	Amount of Funding	Funding Purpose
2009	Seabury & Smith	\$80,543.45	Royalty Revenue
2009	Liberty Mutual	\$12,530.78	Royalty Revenue
2009	Abbott Labs (Ross Division)	\$217,550.00	Dietetic Practice Group Sponsorships
2009	Baxter Health Care	\$4,000.00	Dietetic Practice Group Sponsorships
2009	Bristol-Meyer Squibb	\$31,500.00	Dietetic Practice Group Sponsorships
2009	Eli Lilly	\$53,000.00	Dietetic Practice Group Sponsorships
2009	GlaxoSmithKline	\$5,000.00	Dietetic Practice Group Sponsorships
2009	McNeil Nutritionals, LLC	\$20,000.00	Dietetic Practice Group Sponsorships
2009	Takeda Pharmaceutical	\$37,500.00	Dietetic Practice Group Sponsorships
2009	Johnson & Johnson (*)	\$30,500.00	Dietetic Practice Group Sponsorships
2010	Seabury & Smith	\$39,671.45	Royalty Revenue
2010	Liberty Mutual	\$8,894.50	Royalty Revenue
2010	American Insurance Marketing Service Check	\$1,877.40	Royalty Revenue
2/2007-2/2008	GlaxoSmithKline Consumer Healthcare	\$325,000.00	Sponsorship
2/2008-1/2009	McNeil Nutritionals, LLC	\$100,000.00	Sponsorship
2/2008-2/2009	GlaxoSmithKline Consumer Healthcare	\$325,000.00	Sponsorship
2/2009-1/2010	McNeil Nutritionals, LLC	\$100,000.00	Sponsorship
2/2010-1/2011	McNeil Nutritionals, LLC	\$108,000.00	Sponsorship
2/2011-1/2012	McNeil Nutritionals, LLC	\$108,000.00	Sponsorship
6/2008-5/2009	SOYJOY (a Pharmavite brand)	\$105,000.00	Sponsorship
6/2009-5/2010	SOYJOY (a Pharmavite brand)	\$105,000.00	Sponsorship
7/2007-6/2008	Abbott Nutrition	\$100,000.00	Sponsorship
7/2008-6/2009	Abbott Nutrition	\$100,000.00	Sponsorship
7/2009-6/2010	Abbott Nutrition	\$108,000.00	Sponsorship
7/2010-6/2011	Abbott Nutrition	\$108,000.00	Sponsorship

(*) has a pharmaceutical Division