

5. Withdrawal from the market

In the meantime, Chemie Grünenthal had received a letter dated November 21 from its English business partner Distillers in reference to the suspicion expressed by the Australian gynecologist William McBride that thalidomide could have teratogenic effects. The company's board of management refused to withdraw the drug from the market nonetheless. Only after Lenz's suspicion was made public in an article entitled "Mißgeburten durch Tabletten?" ("Miscarriages caused by pills?"), which appeared the next day in *Welt am Sonntag*, did corporate management decide to remove Contergan from the market, even though the name of the drug was not mentioned in the article.

Beginning on November 27, 1961, Chemie Grünenthal withdrew Contergan and the other thalidomide-based products from the retail trade in the Federal Republic of Germany (the withdrawal was delayed in some other countries). However, government authorities were reluctant to issue a prohibition, which had only recently become possible at all on the basis of the newly enacted Medicinal Drugs Law. The prerequisite for prohibition was sufficient justification for suspicion, which had not yet been established by November 1961, as no one could say with certainty whether the number of cases would actually decrease during the summer of 1962. At this point, the influence of Chemie Grünenthal was evident. The company attempted to influence the health authorities through its seeming or actual willingness to cooperate, on the one hand, while threatening legal action, on the other. It was not until November 1962, when it was made known that remaining pharmacy stocks of Contergan had been sold legally in isolated cases, that the authorities decided to prohibit sales of the drug. A corresponding directive was issued in North Rhine-Westphalia on March 8, 1963.