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THE AMERICAN CENTER FOR LAW AND JUSTICE®

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March 12, 2001

Dockets Management Branch (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

RE: Nonprescription availability of "morning after" abortion pills

To Whom It May Concern:

My understanding is that the FDA is currently considering a petition to make so-called "morning after" abortion pills available over the counter, i.e., without a prescription. The American Center for Law and Justice strongly opposes this petition.

1. "Morning after" pills are powerful hormonal treatments. Chemical compounds of that kind require appropriate medical supervision, not uninformed self-help.

2. "Morning after" pills are deceptive. Marketed as "birth control" or "contraceptives," these pills actually can interfere with nidation or implantation, i.e., the nesting of the early human embryo in the uterine wall. This post-fertilization mode of action produces the death of the tiny embryonic human. For countless women who oppose abortion on principle (but who may not oppose genuine contraceptive birth control, i.e., measures which prevent fertilization), the intentional or knowing post-fertilization termination of human life, even prior to implantation, is abortifacient, and unacceptable, regardless of what label the FDA or pharmaceutical companies may use for their product. To mislabel "morning after" pills as "contraceptive" is to deceive these women. No matter what position FDA officials may personally take on abortion, they certainly ought not to be allowing consumers to be deceived into violating their own consciences. See generally Walter L. Larimore, MD & Joseph B. Stanton, MD, MSPH, Post-

fertilization Effects of Oral Contraceptives and Their Relationship to Informed Consent, 9 Arch. Fam. Med. 126 (2000).

3. To make "morning after" pills available over the counter is to send a message minimizing the significance of taking such pills. In light of the considerations listed above, that would be an ill-advised and misleading message to send. No woman should be put to the agony of learning, after the fact, that a pill she took might actually have killed her baby in the early stages of development.

The FDA should deny the request to allow nonprescription distribution of "morning after pills." Furthermore, the FDA should require accurate labeling that will inform women if and when a so-called "birth control" measure can operate post-fertilization, i.e., in a manner that would destroy or reject the newly conceived child even if prior to implantation. Truth in labeling requires no less.

Respectfully Submitted,

Colby M. May
Director, Office of Government Affairs

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Senior Litigation Counsel

WMW:fd

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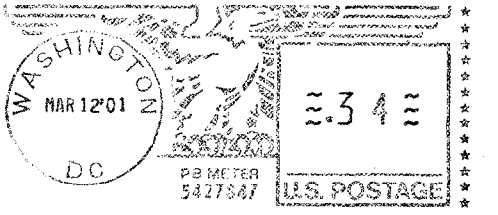

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