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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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September 16, 2010

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Mr. William C. Weldon  
Chairman and Chief Executive Officer  
Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933

Dear Mr. Weldon:

I am writing to invite you to testify at a hearing of the Committee on Oversight and Government Reform on **September 30, 2010, at 10:00 a.m. in room HVC-210 of the Capitol Visitor Center. The CVC is located below the East Plaza of the Capitol on First Street SE, between Constitution and Independence Avenues. Please arrive 45 minutes early in order to get through security.** Directions to the hearing room are included in the enclosed Witness Information Sheet.

The hearing will examine the circumstances surrounding your recall of over 135 million bottles of infant and children's medicines produced by Johnson & Johnson/McNeil Consumer Healthcare, including such widely used products as Children's Tylenol, Infant's Tylenol, Children's Motrin, and Children's Benadryl. The hearing will also examine the circumstances surrounding the "phantom recall" of a certain adult Motrin product, which became public as a result of the Committee's hearing on May 27, 2010.

Since the Committee's first investigative hearing, we have received additional information from Johnson & Johnson and from the subcontractors who conducted the phantom recall at Johnson & Johnson's direction. Much of the information we have reviewed raises additional questions.

For example, one of the emails we obtained is from an executive at WIS (one of the subcontractors who carried out the phantom recall). This June 30, 2009 email states, "we are exploring another similar but potentially larger recall for July involving Children's Tylenol." The author of this email states that this new recall "would make our Motrin project look small . . ." (A copy of this email is attached for your reference.) This email raises at least two significant questions. First, was Johnson & Johnson

Mr. William C. Weldon  
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considering conducting a phantom recall of children's medicine? Second, this email is dated June 30, 2009, but your recall of millions of bottles of Children's Tylenol was not announced until April 30, 2010. Was Johnson & Johnson aware of problems with Children's Tylenol and other children's medicines months before it actually recalled these products?

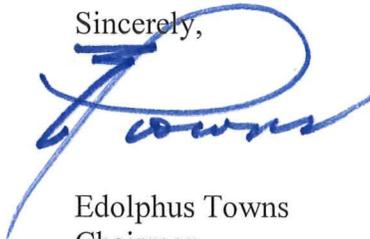
In addition, the Committee has obtained an email dated May 27, 2009, in which the president of Johnson & Johnson's McNeil subsidiary appears to approve the phantom recall of certain adult Motrin, saying "Let's make this happen ASAP." (See copy attached.) If true, this raises serious questions about the actions of the managers at the highest levels of a company that is one of the largest producers of children's medication. Please be prepared to discuss this issue at the September 30, 2010 hearing.

You may submit written testimony for the record, of any reasonable length. In addition to your written testimony, you should be prepared to provide a five minute opening statement and answer questions posed by Members of the Committee.

Information for witnesses appearing before the Committee is contained in the enclosed Witness Information Sheet. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing.

Please contact the Committee by 4:00 p.m. on September 17, 2010, to confirm your participation as a witness. Should you have any questions, please contact John Arlington or Chris Staszak of the Committee staff at 202-225-5051.

Sincerely,



Edolphus Towns  
Chairman

Enclosures

cc: The Honorable Darrell Issa  
Ranking Minority Member  
Committee on Oversight and Government Reform

**Shaffer, Janine**

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**From:** Abe Karegaran [AKaregaran@wlsintl.com]  
**Sent:** Tuesday, June 30, 2009 1:46 PM  
**To:** Adam Wagner; Andrew B. Eisen; Gary Meek; Cheryl Still  
**Cc:** Tom Dragonetti  
**Subject:** FW: More J&J Work...?

FYL

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**From:** Brian Leimbach  
**Sent:** Tuesday, June 30, 2009 10:43 AM  
**To:** IT Management  
**Subject:** FW: More J&J Work...?

FYI

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**From:** Lee Lafleur  
**Sent:** Tuesday, June 30, 2009 10:38 AM  
**To:** Senior Management  
**Cc:** Gary Galavotti; David Zalaznik; Steve Wright; Carol Hopper; Lee Lafleur; Jim Carr  
**Subject:** More J&J Work...?

As WIS finishes the below recall for CSCS (now called InMar), the client is very pleased and is interested in the next project already.

We are exploring another similar but potentially larger recall for July involving Children's Tylenol. WIS will look to explore next week the potential quantities in 400 geographically dispersed stores to "asses" the quantities on shelves...this across Mass, grocery, drug, and convenience. (Wal\*Mart is on the list).

After that assessment...J&J could ask InMar/WIS to move ahead on a scope to purchase product that would make our Motrin project look small (thousands of locations vs. the 5000 C-Stores completing now).

Working on It! Will keep you advised!  
Lee

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**From:** Lee Lafleur  
**Sent:** Friday, June 19, 2009 9:09 PM  
**To:** Senior Management  
**Subject:** FW: Motrin Recall

Our friends at CSCS (pet food recall partner) have secured WIS to execute a "silent" recall of Motrin (Johnson and Johnson) in about 5000 C-Stores beginning today.

WIS will:

- Visit each store on the list
- Purchase all Motrin product in the store
  - Utilizing a heavily controlled prepaid MasterCard
- Complete store-specific paperwork
- Periodically ship product to CSCS (using their UPS accts)
- Reconcile purchased product
- Reconcile MasterCard advances

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**From:** Benedict, Gary [MCCUS] [GBened1@its.nj.com]  
**Sent:** Wednesday, May 27, 2009 10:10 PM  
**To:** Figus, Daniel [MCCUS]  
**Subject:** FW: Market withdrawal of Motrin 8's

I'm totally in the dark on this? I thought we did not have to take any action. If you're on email, please respond back to me tonight or call me on my cell.

**From:** Luther, Peter [MCCUS]  
**Sent:** Wednesday, May 27, 2009 10:03 PM  
**To:** Miller, Bob [MCCUS]; Benedict, Gary [MCCUS]; Mahony, John [MCCUS]; Widmer, Kathy [MCCUS]  
**Cc:** Parziale, Carolyn [MCCUS]; DiPaolo, Paul [MCCUS]  
**Subject:** RE: Market withdrawal of Motrin 8's

Group,

**Where is the miss here? Given our current financial situation, I hope we're not going to really double our cost to do this. Let's make this happen ASAP.**

Thanks,

Peter

**From:** Miller, Bob [MCCUS]  
**Sent:** Wednesday, May 27, 2009 9:51 PM  
**To:** Benedict, Gary [MCCUS]; Luther, Peter [MCCUS]; Mahony, John [MCCUS]  
**Cc:** Parziale, Carolyn [MCCUS]; DiPaolo, Paul [MCCUS]  
**Subject:** Market withdrawal of Motrin 8's

Gary

As you know we have negotiated an agreement with FDA not to formally conduct a recall for Motrin 8's but rather conduct a "soft market withdrawal". This was a major win for us as it limits the press that will be seen. We had committed to FDA to complete this withdrawal by July 15<sup>th</sup>. There has been continuing issues trying to get a PO from the marketing group which is now putting our ability to meet the July 15<sup>th</sup> timeframe in jeopardy. At the same time as we delay this work the cost to complete the work continues to increase because of the fact that the outside resource will now need more resources to expedite the work. We can NOT extend our commitment date to FDA. It is now estimated that this will cost approx. \$400K which is approximately 2x that which was originally quoted. We need to start this work ASAP. If we are unable to get a PO by Friday, we will issue the PO from QA and then back charge to marketing. Please let me know how you want to proceed or how we can get the PO. Carolyn Parziale is leading this effort and should be your POC for any questions you have. Please let me know if you have any questions.

Bob

## WITNESS INFORMATION SHEET

The following is a summary of some of the pertinent rules and procedures applicable to witnesses testifying before the Committee on Oversight and Government Reform:

- Witnesses should provide 100 copies of their written testimony to Carla Hultberg, Chief Clerk, 2157 Rayburn House Office Building, no later than 10:00 a.m. two business days prior to the hearing. Witnesses should also provide their statement by this date in electronic format, either as a CD or via e-mail to [carla.hultberg@mail.house.gov](mailto:carla.hultberg@mail.house.gov).
- At the hearing, each witness will be asked to summarize his or her written testimony in five minutes in order to maximize the time available for discussion and questions.
- House Rule XI clause 2(g)(4) requires that witnesses appearing in a nongovernmental capacity submit to the Committee in advance of the hearing “a curriculum vitae and a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.” (See the attached form.)
- The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances; however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
- Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
- Committee Rules governing this hearing are online at [www.oversight.house.gov](http://www.oversight.house.gov).
- The Committee on Oversight and Government Reform is the principal oversight committee in the U.S. House of Representatives. The jurisdiction of the Committee is set forth in the House Rules X, clauses 1(m), 2, 3, and 4.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Government Reform at (202) 225-5051.

## **DIRECTIONS TO THE CVC HEARING ROOM (HVC-210)**

Enter the Capitol Visitor Center through the First Street, SE, entrance. After clearing security and are inside the Visitor Center, you will turn left and then right at the two statues. Take the stairs or elevator down to the next level. At the bottom of the stairs, you will take a left. Walk past the astronaut statue to the three metal doors labeled "U.S. House of Representatives Meeting Rooms." Please stop at the appointments desk to the left of these doors to show ID and obtain a pass before entering. Proceed down this hallway to the hearing room, HVC-210, which is the 2<sup>nd</sup> door on the right. Please check in with the clerk of the Committee when you arrive.

If you need assistance with finding the room, please go to the appointments desk in the CVC or back to security and they will be able to help you or you can also phone the Committee office at 202-225-5051.