



DRUG COMPANIES TO PAY \$22.5 MILLION FOR BLOCKING GENERICS

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AG contends anti-cholesterol drug makers used illegal tactics to preserve monopoly

Raleigh: Makers of the popular cholesterol-lowering drug TriCor have agreed to pay \$22.5 million to resolve allegations that they illegally kept generic versions off the market, Attorney General Roy Cooper said Thursday.

“Blocking competition so that you can make an unfair profit from consumers and taxpayers is just plain wrong,” Cooper said.

Cooper and 25 other state attorneys general entered into a settlement with Abbott Laboratories of Illinois and Fournier Industrie et Sante and Laboratories Fournier, S.A of France to settle allegations that the pharmaceutical companies blocked competitors from creating a generic drug for TriCor.

As a result of these practices, consumers and state governments paid higher prices for the cholesterol drug.

Under the agreement, Abbott and Fournier will pay \$22.5 million to the states. North Carolina’s share of nearly \$800,000 will go to the state’s Medicaid program, a joint federal-state program that provides health insurance for the poor.

TriCor is a brand-name prescription drug that uses the active ingredient fenofibrate to regulate triglyceride and cholesterol levels.

Cooper and the other attorneys general allege that since 1998, Abbott and Fournier have successfully monopolized sales of fenofibrate drugs by blocking generics from the market. The companies crafted elaborate schemes like filing multiple patents with the Federal Drug Administration and then filing patent infringement lawsuits to delay generic versions of TriCor.

The attorneys general also contend that Abbott and Fournier thwarted competition by making various clinically insignificant changes to the dosage and form of TriCor and manipulating the drug codes used to create generic substitutions. Under the settlement, Abbot and Fournier have agreed not to delete the drug codes for the latest version of TriCor in the event a generic manufacturer seeks FDA approval of a generic version of the drug.

Besides North Carolina, the other states participating in this settlement are: Arizona, Arkansas, California, Connecticut, District of Columbia, Florida, Idaho, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New York, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Vermont, Washington, and West Virginia.

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