

Santa Clara County sues drug makers for hyping painkillers

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Citing a "campaign of deception," Santa Clara County has taken on the powerful pharmaceutical industry, suing five large drug makers for allegedly hooking Californians on prescription painkillers to line their pockets with billions of dollars in profits.

In a lawsuit filed Wednesday, Santa Clara and Orange counties accuse the drug industry of concealing the addictive properties of painkillers such as OxyContin and Percocet to boost their use, creating a public health risk by misleading doctors and patients through aggressive marketing efforts. The lawsuit, filed in Orange County Superior Court, cites violations of California's false advertising, unfair competition and public nuisance laws.

"Defendants' deceptive marketing campaign deprived California patients and their doctors of the ability to make informed medical decisions and, instead, caused important, sometimes life-or-death decisions to be made based not on science, but hype," the lawsuit alleges.

The lawsuit targets Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis, citing the fact the industry generated \$3.1 billion in revenue from OxyContin alone in 2010.

The drug industry has faced litigation across the country over similar allegations, including a criminal case against Purdue that resulted in a guilty plea from top executives and more than \$600 million in fines in 2007. The state of Kentucky also filed a lawsuit against Purdue, seeking to recover the costs of money spent on law enforcement, drug treatment and public health care as a result of overuse of OxyContin.

The companies could not immediately be reached for comment. In the past, drug manufacturers have argued that prescription drugs are regulated under federal law by the Food and Drug Administration, not state and local laws.

The Santa Clara and Orange case attempts to stop deceptive marketing practices, recover restitution for California consumers in an unspecified amount and orders that would force the companies to fix harms from over-prescription of the painkillers. The lawsuit alleges that the overuse of the opiod painkillers has fueled addiction to other drugs, including heroin.

"This lawsuit simply seeks to hold those companies accountable for the harms they have caused," said Danny Chou, Santa Clara's assistant county counsel.

For Santa Clara County, the lawsuit is the latest attempt to use local government powers to bring legal action on behalf of consumers. The county's lawsuit against the lead paint industry resulted in a \$1.1 billion verdict last year in a case that is now on appeal.

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