

US Supreme Court allows cholesterol drug suit

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The US Supreme Court on Thursday allowed a class-action suit by alleged victims of the anti-cholesterol drug Baycol, which was taken off the market in 2001 by German pharmaceuticals giant Bayer.

The top US court said in a unanimous decision that lower courts were not allowed to ban class-action suits for the drug, which went on the US market in 1997 and was blamed for the deaths of 31 Americans four years later due to side effects, including fatal muscle toxicity leading to kidney failure.

Several legal cases were lodged over the drug, also known by its chemical name cerivastatin.

The suits were put together in a federal court in Minnesota, but in the case delivered to the high court, the plaintiffs were from West Virginia.

Bayer, which had argued that the class-action suit could not proceed because the judge in charge of cases in Minnesota banned such suits back in August 2005, expressed disappointment with the decision.

"Bayer is disappointed by today's ruling, which overturns a decision by the US Court of Appeals for the Eighth Circuit that upheld a decision to prevent the proposed state economic loss class action lawsuit from moving forward," the company said in a statement.

Bayer will continue to defend this case, including on the issue of class

certification, should it move forward at the state level," the company statement said.

But the Supreme Court reversed the Eighth Circuit's decision to issue an injunction that had banned a class-action suit, saying "the federal court exceeded its authority under the 're-litigation exception.'"

Bayer voluntarily recalled the drug in August 2001 after 31 deaths due to rhabdomyolysis, a breakdown of muscle tissue.

Baycol, part of the class of cholesterol-lowering drugs known as statins, was first approved by the US Food and Drug Administration in 1997.

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