

Court: Can generic makers be sued for drug flaws?

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(AP)—The Supreme Court will decide whether generic drug manufacturers can be held responsible in state courts for possible design defects that are in the brand-name medicine they are copying.

The high court on Friday agreed to hear an appeal from Philadelphia-based Mutual Pharmaceutical, manufacturer of the generic, anti-[inflammatory drug](#) sulindac.

Karen Bartlett was awarded \$21.6 million after claiming a design defect in sulindac caused blindness and severe burning of her skin and [mucus membranes](#). But Mutual says they shouldn't have to pay because they made sulindac exactly the same way as its brand-name equivalent, Clinoril, as required by federal law.

The court last year said [generic manufacturers](#) are not responsible for failing to warn consumers of possible side effects if they copy the exact warnings from their brand-name equivalents.

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