

Australian court rejects British painkiller firm's appeal

April 5 2017, by Rod McGuirk

Australia's highest court on Wednesday rejected British company Reckitt Benckiser's appeal of a 6 million Australian dollar (\$4.5 million) fine for misleading consumers about the effectiveness of a popular painkiller.

The High Court full-bench refused to hear the appeal after Reckitt Benckiser's lawyers outlined its argument for why the fine imposed by the Federal Court in December was too high.

The Federal Court had upheld an appeal by the Australian Competition and Consumer Commission, the watchdog that launched the court action, against the leniency of a AU\$1.7 million fine.

Reckitt Benckiser sold Nurofen painkillers that were marketed to relieve specific ailments, such as back pain and menstrual pain, when all of the products contained an identical amount of the same active ingredient, ibuprofen lysine. The court ordered the company to remove the products from Australian stores.

The specific pain products were nearly double the price of Nurofen's standard ibuprofen painkiller and other general pain relief products sold by competitors. The company sold 5.9 million packets of the specific pain products over four years for AU\$45 million.

Rod Sims, chairman of the Australian Competition and Consumer Commission, welcomed the High Court ruling. He told Australian

Broadcasting Corp that the same offenses would likely be punished by fines of between AU\$40 million and AU\$50 million under proposed amendments to consumer law that could be legislated this year.

Reckitt Benckiser said it was disappointed by the High Court decision.

"Nurofen did not intend to mislead consumers and we apologize to those of our consumers who were misled," a company statement said. "We recognize that we could have done more to assist our consumers in navigating the Nurofen specific pain range," it added.

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