

South Carolina sues drug manufacturer over opioid crisis

August 15 2017, by Meg Kinnard



South Carolina Attorney General Alan Wilson, left, stands next to Rep. Eric Bedingfield, whose son died last year of a drug overdose, on Tuesday, Aug. 15, 2017, at his offices in Columbia, S.C. Wilson on Tuesday announced the state had sued Purdue Pharma, accusing the maker of OxyContin and other opioid drugs of violating South Carolina's Unfair Trade Practices Act. (AP Photo/Meg Kinnard)

South Carolina has become the latest state to accuse a drug manufacturer

of exacerbating its opioid drug crisis by using deceptive marketing, with the state's top prosecutor suing the maker of OxyContin.

Attorney General Alan Wilson on Tuesday announced the state had sued Purdue Pharma, accusing the maker of OxyContin and other opioid drugs of violating South Carolina's Unfair Trade Practices Act.

"While we vigorously deny the allegations, we share South Carolina officials' concerns about the opioid crisis and we are committed to working collaboratively to find solutions," Purdue Pharma responded in a statement.

The suit, filed in Richland County, accuses Purdue of failing to comply with a 2007 agreement it signed with South Carolina and dozens of other states over allegations of its promotion of OxyContin. Purdue admitted no fault in that case, which accused the company of encouraging doctors to prescribe OxyContin for unapproved uses and failing to disclose its potential for addiction.

That consent agreement required Purdue to correct its allegedly abusive and excessive marketing practices, maintain a program to identify prescribers who over-prescribe OxyContin and train sales representatives in the abuse and diversion detection program before they can promote the drug.

Since that time, Wilson said the company has continued to mislead doctors about the risks of addiction, by saying that patients who appeared addicted actually needed more opioids, and that opioid drugs could be taken in even higher doses without disclosing the greater risks to patients.

"We do not believe that a single lawsuit against a single company will magically fix the problem," Wilson said Tuesday. "But what I can do

today as South Carolina's chief legal officer is to bring this lawsuit against Purdue for its deceit and misrepresentation."

Wilson said South Carolina had the ninth highest rate of opioid prescriptions in the nation last year. Since 2011, prosecutors said, more than 3,000 South Carolinians have died from prescription opioid overdoses.

"OxyContin accounts for less than 2% of the opioid analgesic prescription market nationally, but we are an industry leader in the development of abuse-deterrent technology, advocating for the use of prescription drug monitoring programs and supporting access to Naloxone - all important components for combating the opioid crisis," the Stamford, Conn.-based company said.

But the lawsuit accuses Purdue of falsely claiming that its newer, abuse-deterrent opioids are safer than other opioid drugs.

South Carolina has already won millions from another drug company over unfair trade practice allegations. In 2011, a Johnson & Johnson subsidiary was ordered to pay the state \$327 million for downplaying to doctors the links between diabetes and Risperdal. The award represented a \$300 penalty per sample box of the drug that was distributed, plus \$4,000 for each letter the company wrote to doctors.

This latest lawsuit drew praise from state Rep. Eric Bedingfield, whose son Josh died last year of an overdose. He hopes state lawmakers also will keep working to combat addiction when they return to session in January, but says it will take more than lawsuits and legislation.

"Government can't fix this problem," Bedingfield said Tuesday, holding a large photograph of his son. "This is a people problem. ... These people have a disease, and they need to be treated with respect and dignity."

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