

German thalidomide maker wins appeal in Spain compensation case (Update)

22 October 2014

A Spanish court has upheld an appeal by the German maker of the banned pregnancy drug thalidomide and scrapped a previous ruling ordering the firm to compensate Spaniards who suffered birth defects from it in the 1960s.

In the ruling reached October 13 but only announced on Wednesday, Madrid's provincial court said the statute of limitations for the case against German pharmaceutical company Grunenthal had expired.

In November 2013 a lower court had ordered the firm to pay 20,000 euros (\$25,500) for each percentage point of disability suffered by the victims as recognised by Spain's health ministry.

It did not specify exactly how many plaintiffs there were nor how much the compensation and costs would add up to in total.

The case was brought forward in 2012 by Avite, an association representing Spaniards born with severe defects after their mothers took the drug during their pregnancies.

Avite now has 20 days to appeal the court ruling and in a statement it said its legal department was already studying its options.

"We cannot hide our huge disappointment and sadness," the group said.

"In this fight of David against Goliath, this was one of the possible outcomes, but far from discouraging this group, we believe that this is only a technical draw. We won the first assault, and they have won the second. The final outcome is missing."

Thalidomide was originally marketed as a sedative, but from the late 1950s was prescribed to women around the world to combat morning sickness.

Many of the children of the mothers who took the

drug were born with abnormally short limbs and in some cases without any arms, legs or hips.

In late 1961 the drug was withdrawn from the British and German markets, but it continued to be sold in other countries including Spain, Canada and Japan for several more months.

The drug is estimated to have caused deformities in 10,000-20,000 babies in some 40 countries.

Avite estimates that up to 3,000 babies may have been born with deformities in Spain because of the drug.

It had sought compensation of 204 million euros for its members.

Dozens of Spaniards born with defects caused by thalidomide, many in wheelchairs or on crutches, attended the trial in Madrid last year. Grunenthal apologised in 2012.

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