

French court finds pharma firm Servier negligent in deadly drug scandal

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Eight years after a scandal erupted over a diabetes drug linked to hundreds of deaths, a French court on Thursday found pharmaceutical firm Servier negligent for the first time for having left "defective" medicine on the market.

The health scandal came to light in 2007 when doctor Irene Frachon raised the alert on heart risks linked to the Mediator drug, which was destined for overweight people with diabetes but was also widely prescribed to others as an appetite-suppressant.

The drug, which may have been linked to up to 2,100 deaths, was later banned in France where millions of people took it. It is also banned in the United States, Spain and Italy.

Two patients aged 72 and 67 sued the company, asking for 900,000 and 125,000 euros (\$1 million and \$140,000) respectively in damages for the after-effects they say they suffered after taking Mediator.

The court in the Paris suburb of Nanterre found that at the time the medicine was prescribed to the two claimants in 2003 and 2006, "the state of scientific knowledge meant the risks of pulmonary hypertension" and heart valve damage "could not be ignored".

"The mere suspicion of such risks" should have forced the French company "to inform patients and health professionals," particularly in the instructions packaged with the drugs.

But the court awarded the two claimants only a fraction of their demands—27,350 euros and 10,000 euros respectively.

Charles Joseph-Oudin, the lawyer for one of the victims, welcomed the decision as a "victory"—the first time that a court has found Servier responsible in the scandal.

But he said his client would appeal over the "derisory" size of the financial award.

"Despite the satisfying decision, the level of financial award is not dissuasive—it will not ensure greater ethics from pharmaceutical industry," agreed Martine Verdier, another lawyer representing some of the hundreds of Mediator victims suing the company.

Servier argues that until 2009 when Mediator was withdrawn from the market, health authorities had not issued any "significant warnings" regarding the drug.

Known by its lab name as benfluorex, Mediator was initially licensed to reduce levels of fatty proteins called lipids, with the claim that it helped diabetics control their level of blood sugar.

But it also suppressed appetite, which meant it gained a secondary official use to help obese diabetics lose weight.

In the end, it was widely sold on prescription for even non-diabetics who wanted to slim down.

Servier says it has put aside 70 million euros in damages for all the victims, on top of some 14 million euros it has already paid out to patients, and has yet to decide on whether it will appeal the decision.

But associations helping victims say the figure is far too low in light of the number of patients and the costly medical examinations and operations they have incurred.

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