



Missouri Attorney General

Attorney General's News Release

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Attorney General Koster announces antitrust settlement with pharmaceutical companies

--Missouri to receive \$1.2 million--

Jefferson City, Mo. – Attorney General Chris Koster today announced that Missouri will receive \$1.2 million in a multistate antitrust settlement with pharmaceutical companies Abbott Laboratories and Fournier.

Koster said a lawsuit against the companies alleged that Abbott and Fournier blocked competition to the sale of TriCor, a medicine used to reduce high levels of triglycerides and cholesterol. TriCor accounted for more than \$1 billion of Abbott's sales last year.

The lawsuit alleged that the companies conspired to violate antitrust laws in delaying the availability of a cheaper, generic version of TriCor. He said the companies thwarted generic competition to TriCor using a variety of strategies, including a practice called "product hopping." Under this practice, the companies made various clinically insignificant changes in the dosage and form of TriCor, abandoned the promotion of and removed older versions of TriCor from the market, and manipulated the drug codes used to facilitate generic substitution.

Due to Abbott and Fournier's conduct, consumers had to pay higher co-pays because a generic was unavailable in the market for substitution.

"These companies acted with the intent to maintain a monopoly on TriCor, resulting in increased profits for the pharmaceutical companies and increased expense to Missouri consumers," Koster said. "Whenever a generic substitute is unavailable, the result is higher co-pays for both consumers and Medicaid."

Under the settlement, Missouri will receive \$1.2 million, representing overcharges to Missouri's Medicaid program and costs incurred by the Attorney General's Office in investigating and litigating the case. Abbott and Fournier have also agreed not to delete the drug codes for the latest version of TriCor in the event a generic manufacturer seeks FDA approval of a generic version of TriCor, until after a specified time has lapsed.

Missouri joined 24 other states and the District of Columbia in the lawsuit. The total settlement is \$22.5 million.