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### ***Drug giants blocked sales of generics, say attorneys general***

SEATTLE – While marketing a drug to lower cholesterol, attorneys general say pharmaceutical giants Abbott and Fournier fattened their wallets by clogging the pathway for cheaper generics to be sold.

Attorney General Rob McKenna today announced a [settlement](#) that requires the companies to allow competition from generic drugs and reimburse government health programs in 23 participating states and the District Columbia.

“Abbott and Fournier schemed to keep cheaper drugs off the market so they could rake in money from TriCor sales,” McKenna said. “Our settlement recaptures ill-gained dollars for government programs and ensures money-saving choices for patients.”

Today’s settlement resolves a [civil complaint](#) brought by attorneys general in March 2008 concerning the marketing of TriCor. Their suit accused Abbott Laboratories, based in Illinois; Fournier Industrie Et Sante, of France; and subsidiary Laboratoires Fournier, S.A., of violating federal and state consumer protection and antitrust laws.

The defendants denied any wrongdoing but agreed to cease “product hopping” with respect to TriCor and to allow competition from generic drugs. The settlement also requires the companies to pay to the states \$22.5 million dollars. That’s on top of the more than \$67 million paid to consumers and certain third-party purchasers in [related litigation](#).

Washington’s share is a little more than \$767,500. That includes nearly \$560,000 for state programs including Medicaid and Basic Health, as well as approximately \$207,000 for legal costs and fees. Washington and other states will likely have to use some of the money to reimburse the federal government for its Medicaid funding.

Since 1998, Abbott and Fournier have partnered to sell TriCor, whose annual sales exceed \$1 billion. By 2002, several other drug companies sought approval from the FDA to market a generic equivalent to TriCor.

Fearing that generic competition would end their monopolistic market position and premium prices for TriCor, Abbott and Fournier allegedly devised a scheme to delay the approval of competitors’ products. According to the attorneys general, they improperly obtained patents for minor changes to the form and dosage strength of TriCor, switched physicians to the newer formula and a filed more than a dozen patent infringement lawsuits against two generic drug manufacturers.

Laws prohibit the Food and Drug Administration from approving a generic drug for 30 months after patent infringement lawsuits have been filed. After the 30 months passed, the suits were all eventually dismissed. The states claim the companies knew that the infringement actions were flimsy and the litigation was merely a sham designed to block competition.

The other states involved in today’s lawsuit include: Arizona, Arkansas, California, Connecticut, District of Columbia, Florida, Idaho, Iowa, Kansas, Massachusetts, Maine, Maryland, Michigan,

Minnesota, Missouri, Nevada, New York, North Carolina, Oregon, Pennsylvania, South Carolina, Texas and West Virginia.

[TriCor Complaint](#)

[TriCor Agreement](#)

[TriCor Stipulated Injunction and Proposed Order](#)

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