

WISCONSIN DEPARTMENT OF JUSTICE

ATTORNEY GENERAL J.B. VAN HOLLEN

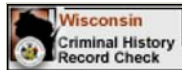


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BRISTOL-MYERS SQUIBB SETTLES STATE ATTORNEYS GENERAL'S CLAIMS THAT COMPANY VIOLATED COURT ORDERS RELATING TO ANTI-COMPETITIVE CONDUCT

FOR IMMEDIATE RELEASE:
December 23, 2008

MADISON – Attorney General J.B. Van Hollen announced a settlement with Bristol-Myers Squibb resolving contentions that Bristol-Myers Squibb violated court orders in two earlier lawsuits. In settling, Bristol-Myers Squibb acknowledged its responsibility, agreed to pay \$1.1 million to the states, and consented to court orders designed to avoid future misconduct.

“When a court issues an order, it is to be followed,” Wisconsin Attorney General J.B. Van Hollen said. “When court orders aren’t followed, there can be very real consequences.”

In the two prior cases, Bristol-Myers Squibb settled State charges that the company unlawfully deprived consumers of cheaper generic versions of its drugs Buspar and Taxol. Under those settlements, Bristol-Myers Squibb paid the States \$150 million and agreed to two federal court orders enabling the States to detect future similar anti-competitive conduct by the company. Each court order required Bristol-Myers Squibb to notify the States of patent litigation settlements with generic drug competitors, and further required Bristol-Myers Squibb to provide the States with yearly compliance reports.

After the court orders were in place, in March 2006, Bristol-Myers Squibb reached a settlement with generic drug manufacturer Apotex, Inc. in a patent infringement lawsuit involving Bristol-Myers Squibb’s drug, Plavix. The Plavix settlement triggered Bristol-Myers Squibb’s notification obligations under the Buspar and Taxol court orders and was also subject to State approval. According to the States, the Plavix settlement provided by Bristol-Myers Squibb was inaccurate and incomplete. Also incomplete were Bristol-Myers Squibb’s 2007 and 2008 compliance reports because Bristol-Myers Squibb failed to disclose “side” arrangements that a company official made with Apotex.

“As Attorneys General, we have a role to play patrolling our marketplaces for anti-competitive activity that violates the law,” Van Hollen said. “Not only can these cases result in monetary damages, but they often include court-ordered requirements to protect consumers against future wrongdoing. Those requirements aren’t just words on paper. They are mechanisms to help ensure a competitive marketplace.”

The New York Attorney General’s Office investigated Bristol-Myers Squibb’s conduct on behalf of all 50 States, the District of Columbia and four U.S. territories.

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As a result of the investigation, Bristol-Myers Squibb acknowledged responsibility for making incomplete and false statements to the States and agreed to pay the States \$1.1 million. Bristol-Myers Squibb further agreed to revised court orders extending its reporting obligations and establishing monetary penalties for any future violations of the Buspar or Taxol court orders.

In June 2007, Bristol-Myers Squibb pled guilty to federal criminal charges relating to its conduct in notifying federal officials of the same settlement with Apotex.

Assistant Attorney General Gwendolyn Cooley represented the State.

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