

March 19, 2008



Attorney General Bill McCollum News Release

March 18, 2008

Media Contact: Sandi Copes

Phone: (850) 245-0150

[en Español](#)

Florida, 18 States Sue Abbott Laboratories for Blocking Generic Prescription Competition

~ Abbott and French drug company face allegations they blocked generic versions of a cholesterol drug ~

TALLAHASSEE, FL – Attorney General Bill McCollum today announced that Florida and 18 states have filed an antitrust lawsuit against Abbott Laboratories and French drug company Fournier Industrie et Sante and Laboratories Fournier, S.A., charging the companies with blocking a cheaper, generic version of prescription drug TriCor. The drug, which is used to reduce high levels of triglycerides and cholesterol, accounted for more than \$1 billion of Abbott's sales last year. The complaint was filed in federal court in Delaware seeks triple the amount of damages incurred by the state's public health agencies and individual consumers.

"As Florida and our senior population face ever increasing costs of prescription drugs, we cannot permit drug companies to edge out competition and potentially less expensive generic alternatives," said Attorney General Bill McCollum.

An investigation conducted by the Attorney General's Antitrust Division and other states revealed allegations that the two drug companies allegedly blocked competition from less expensive generics by continuously making minor changes in the formulations of TriCor to prevent therapeutically equivalent generic substitutions. The states charge that the product switches helped thwart generic competition, allowing the companies to charge monopoly prices for TriCor.

"With rising fuel costs, falling housing values and investment markets in turmoil, Floridians 50+ are facing tough economic pressures," said Lori Parham, AARP's Florida state director. "Using generic medications is an important tool in holding down runaway growth in prescription drug costs. AARP applauds Attorney General McCollum's strong stand on behalf of older Floridians."

The lawsuit also alleges the companies used patents, which they obtained by deceiving the Patent and Trademark Office and improperly enforced and brought a series of patent infringement lawsuits against two generic companies. According to the complaint, Abbott and Fournier filed at least ten lawsuits against two generic companies who were attempting to obtain FDA approval for their generic versions of TriCor. Abbott and Fournier eventually lost or dismissed all of the lawsuits. As a result of the product switches and patent litigation, Abbott and Fournier have successfully thwarted generic competition and denied consumers and state agencies the choice of a lower priced therapeutically equivalent generic.

A copy of a lawsuit is available online at: [http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7CUMGX/\\$file/TriCorComplaint.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7CUMGX/$file/TriCorComplaint.pdf)