



Attorney General Maura Healey

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MAURA HEALEY
ATTORNEY GENERAL

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Media Contact

Emily Snyder
(617) 727-2543

AG Healey Sues Maker of Suboxone for Conspiring to Keep Monopoly Profits

BOSTON – Following allegations that the makers of Suboxone, a prescription drug used to treat opioid addiction, engaged in a scheme to block generic competitors and cause purchasers to pay artificially high prices, Attorney General Maura Healey has joined a coalition of states in filing a lawsuit against the companies.

Reckitt Benckiser Pharmaceuticals, now known as Indivior, is accused of conspiring with MonoSol Rx to prevent or delay generic alternatives and maintain monopoly profits on Suboxone, a prescription drug used to treat heroin addiction and other opioid addictions by easing cravings. The companies allegedly violated state and federal antitrust and consumer protection laws.

"We allege these drug makers unlawfully delayed and undermined competition for Suboxone," said AG Healey. "Companies that game the system to profit from the opioid epidemic and limit access to generic alternatives must be held accountable."

According to the lawsuit, filed by AG Healey along with attorneys general from 34 states and the District of Columbia, when Reckitt introduced the tablet form of Suboxone in 2002, it had exclusivity protection that lasted for seven years, which meant that no generic version could enter the market during that time. Before that period ended, Reckitt worked with MonoSol to create a new film version of Suboxone, which dissolves in the mouth.

Over time, through marketing, price adjustments, and other methods, Reckitt allegedly deliberately converted the market away from the tablet to the film. After the majority of Suboxone prescriptions were being written for the film, Reckitt removed the tablet from the U.S. market.

The AG's Office alleges this conduct was illegal "product hopping," where a company makes modest changes to its product to extend patent protections in order to prevent other companies from entering the market and offering cheaper generic alternatives. According to the suit, the Suboxone film provided no real benefit over the tablet, and Reckitt continued to sell the tablets in other countries even after removing them from the U.S. market. Reckitt also allegedly expressed unfounded safety concerns about the tablet version and intentionally delayed FDA approval of generic versions of Suboxone.

As a result of this product hopping, the attorneys general allege that consumers and purchasers have paid artificially high monopoly prices since late 2009, when generic alternatives of Suboxone might otherwise have become available. During that time, annual sales of Suboxone topped \$1 billion.

The lawsuit, filed in the U.S. District Court for the Eastern District of Pennsylvania, accuses the companies of violating the federal Sherman Antitrust Act and state consumer protection and antitrust laws. In the suit, the attorneys general ask the court to stop the companies from engaging in anticompetitive conduct, restore competition, and order the disgorgement of unlawful profits, and payment of penalties, costs and fees.

This matter is being handled by Division Chief William Matlack, Assistant Attorneys General Carol Head and Matthew Lyons, and Paralegal Kyle Barr.