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**ROB BONTA**

*Attorney General*

# Attorney General Bonta Joins Landmark FTC Lawsuit Challenging 'Dangerous' Pharmaceutical Merger

Press Release / *Attorney General Bonta Joins Landmark FTC Lawsuit Challengin...*

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Contact: (916) 210-6000, [agpressooffice@doj.ca.gov](mailto:agpressooffice@doj.ca.gov)

*Lawsuit seeks to block proposed acquisition by Amgen, one of world's largest drug companies,  
in FTC's first ever challenge of a pharmaceutical merger*

**OAKLAND** – California Attorney General Rob Bonta today announced joining the Biden Administration in a legal effort to block Amgen, one of the world's largest biopharmaceutical drug companies, from purchasing Horizon Therapeutics (Horizon). In challenging the \$28 billion acquisition, the Federal Trade Commission (FTC) alleges that the proposed acquisition raises significant anti-competitive concerns. This is the FTC's first ever challenge of a pharmaceutical merger. Today, the California Department of Justice (DOJ), which has for years called on the federal government to enforce competition laws more aggressively, welcomed and joined the lawsuit. DOJ believes that

the proposed merger would allow Amgen to virtually monopolize the market for certain crucial medications, and would reduce affordability, access, and choice of drugs for California's most vulnerable patients.

"When drug companies try to unlawfully muscle out competition, it's patients who suffer," **said Attorney General Bonta**. "Amgen's proposed acquisition of Horizon is dangerous for the future of medicine, dangerous for innovation and research, and most importantly, dangerous for sick people in need of often lifesaving drugs. That's why today we are joining the FTC's effort to block the merger. The DOJ is fighting for a fair and competitive pharmaceutical market that expands access to care and treatment, and reduces medical costs for all Californians."

Horizon specializes in manufacturing medications for rare and often severe autoimmune diseases. Two of its main drugs are Tepezza, the only FDA-approved treatment for thyroid eye disease, and Krystexxa, the only FDA-approved treatment for chronic refractory gout. Over the next few years, two of Amgen's rival companies are expected to introduce new medications that could be strong market competitors for Krystexxa and Tepezza. For patients, the new medications could be safer, more affordable, more durable, and better at preventing debilitating disability.

The FTC's lawsuit alleges that Amgen's proposed acquisition of Horizon violates the Clayton Act and the Federal Trade Commission Act, and would allow it to muscle out competitors from the market for autoimmune disease medications. If it takes over Horizon, Amgen would be able to leverage its market power to negotiate with insurers and pharmaceutical benefit managers for preferred or even exclusive access for Tepezza and Krystexxa on health plans – in effect, making it potentially impossible for new, more affordable medications to reach patients. Amgen's history of leveraging its existing

market power and bundling its drugs to exclude competitors only increases this risk. This would ultimately deter other companies from researching and introducing new drugs, and ultimately reduce affordability for vulnerable patients.

DOJ today joined the FTC's lawsuit as part of its continuing fight to protect vulnerable patients and improve access to affordable and equitable healthcare. In January, DOJ sued the nation's largest insulin manufacturers and pharmacy benefit managers who allegedly engaged in similar unlawful business practices to leverage their market power and overcharge patients with diabetes.

A copy of the FTC's complaint, filed in the Northern District of Illinois on May 16, can be found [here](#).

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