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Attorney General

Attorney General Bonta Joins Historic FTC Settlement with Major Pharma Company Amgen

Press Release / *Attorney General Bonta Joins Historic FTC Settlement with Ma...*

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OAKLAND – California Attorney General Rob Bonta today announced joining the Federal Trade Commission (FTC) in a groundbreaking settlement with Amgen, one of the world’s largest biopharmaceutical drug companies. The settlement resolves a lawsuit filed by the FTC and California, alleging Amgen’s proposed acquisition of Horizon Therapeutics (Horizon) would allow it to virtually monopolize the market for certain crucial medications, in violation of antitrust laws. The lawsuit was the FTC’s first ever challenge of a pharmaceutical merger. Attorney General Bonta, who joined the FTC’s lawsuit in June, now welcomes and joins the settlement, which will help protect the affordability, access, and choice of drugs for California’s most vulnerable patients.

“I am proud to join this historic settlement – the first of its kind to address the anticompetitive impacts of a pharmaceutical merger,” **said Attorney General**

Bonta. “The California Department of Justice has for years called on the FTC to enforce competition laws more aggressively. Now, it has heeded our call and taken an important step forward in protecting sick patients in need of lifesaving drugs. My office will continue advocating and fighting to ensure all patients, especially the most vulnerable, have access to high-quality, affordable healthcare and medications in California and beyond.”

Horizon specializes in manufacturing medications for rare and often severe autoimmune diseases, such as thyroid eye disease and chronic refractory gout. The FTC’s lawsuit, joined by California and five other states, alleged that Amgen’s proposed acquisition of Horizon would allow it to muscle out competitors from the market for autoimmune disease drugs – in effect, making it potentially impossible for new, more affordable medications to reach patients.

The settlement resolves these allegations by providing meaningful safeguards against such future anticompetitive practices by Amgen. The terms of the settlement include:

- A 15-year prohibition on Amgen from engaging in the anticompetitive practice of exclusionary ‘rebate bundling’ to exclude or disadvantage competitors to its autoimmune disease drugs.
- A requirement for an independent monitor who would oversee compliance for up to 15 years. The 15 year-timeframe gives other companies the necessary time to introduce new drugs that could be strong competitors in the market for autoimmune disease medications. For patients, the new medications could be safer, more affordable, more durable, and better at preventing debilitating disability.

The California Department of Justice’s Healthcare Rights and Access Section (HRA) provided significant input and was instrumental in the shaping of today’s settlement.

HRA works proactively to increase and protect the affordability, accessibility, and quality of healthcare in California. HRA's attorneys monitor and contribute to various areas of the Attorney General's healthcare work, including nonprofit healthcare transactions; consumer rights; anticompetitive consolidation in the healthcare market; anticompetitive drug pricing; privacy issues; civil rights, such as health equity, reproductive rights and LGBTQ healthcare-related rights; and public health work on tobacco, e-cigarettes, and other products.

A copy of the settlement agreement can be found [here](#).

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