



Alabama AG's office sues Purdue over opioid marketing

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The nation's prescription opioid crisis is one of the worst problems facing society today. According to the Centers for Disease Control and Prevention, about 91 Americans die daily from an opioid overdose, which is a conservative estimate. (Photo: Getty Images)

The Alabama Attorney General's Office on Tuesday filed a lawsuit against the pharmaceutical manufacturer Purdue alleging its "deceptive and unfair marketing practices" were contributing to opioid use in the state.

The lawsuit, filed in the U.S. District Court for the Middle District of Alabama, says Purdue's "misrepresentations" enabled the spread of opioid use in the state. According to studies, Alabama has 1.2 prescriptions for opioids for every man, woman and child in the state.

More: [Alabama opioid report looks for better data, future plans](#)

[\(/story/news/politics/southunionstreet/2018/01/26/alabama-opioid-report-looks-better-data-future-plans/1069280001/\)](http://story/news/politics/southunionstreet/2018/01/26/alabama-opioid-report-looks-better-data-future-plans/1069280001/)

"Purdue knew, and has known for years that, except as a last resort, opioids were addictive and subject to abuse — particularly when used long-term for chronic pain," the 71-page lawsuit states. "Purdue further knew, and has known for years, that with prolonged use, the effectiveness of opioids wanes, requiring increases in doses and markedly enhancing the risk of significant side effects and addiction."

At least a dozen other states are pursuing lawsuits against the drug company, which manufactures OxyContin. In a statement, Alabama Attorney General Steve Marshall said he expected Alabama's lawsuit to join the current litigation.

"It will take years to undo the damage but an important first step we must take is to hold the parties responsible for this epidemic legally liable for the destruction they have unleashed upon our citizens," Marshall said in the statement.

In an emailed statement Tuesday, Purdue said "we vigorously deny these allegations and look forward to the opportunity to present our defense."

"We are deeply troubled by the prescription and illicit opioid abuse crisis, and are dedicated to being part of the solution," the statement said. "As a company grounded in science, we must balance patient access to FDA-approved medicines, while working collaboratively to solve this public health challenge."

The state's lawsuit cites studies questioning the efficacy of opioids, and accuses Purdue of continuing to market the drug despite that. The lawsuit acknowledges that Purdue disclosed the chance of addiction on its drug packages, but says it did not do so in its marketing, and accuses the company of working to convince doctors that patients under a doctor's care "would not become addicted."

"Contrary to Purdue's misrepresentations, pain patients who use opioids precisely as prescribed by a legitimate doctor can -- and do -- become addicted," the lawsuit says. "Addiction is the result of using opioids, not simply misusing, or abusing them."

The state also accuses Purdue of "inundat(ing) Alabama prescribers with promotional sales visits to deliver its message that opioids were appropriate for the treatment of chronic pain" and using paid experts to talk up opioids, even after pleading guilty in 2007 misbranding a drug with intent to defraud or mislead, acknowledging lying to doctors about OxyContin's potential for abuse and paying \$600 million in fines.

The lawsuit also says Purdue "routinely omitted other significant risks from long-term opioid use" including increased sensitivity to pain, declines in the immune system and harmful interactions with alcohol.

The company has posted an open letter on its website saying it supports efforts to limit the length of prescriptions and the use of centralized databases to control opioid prescribing.

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The state is seeking "compensatory and punitive damages," among other items.

The AG's office retained Rhon Jones of Beasley Allen and Joshua Hayes of Prince Glover & Hayes to handle the case. The attorneys will receive a sliding percentage of any money awarded to the state, not exceeding 22 percent.

The state released a 74-page report on opioids abuse last month, listing a series of long-term solutions, including better funding for mental health and addiction treatment and making state records more accessible for research.

[Purdue Pharma Complaint \(https://www.scribd.com/document/370890900/Purdue-Pharma-Complaint#from_embed\)](https://www.scribd.com/document/370890900/Purdue-Pharma-Complaint#from_embed) by [Montgomery Advertiser \(https://www.scribd.com/user/252992404/Montgomery-Advertiser#from_embed\)](https://www.scribd.com/user/252992404/Montgomery-Advertiser#from_embed) on Scribd



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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THE STATE OF ALABAMA,)	
)	
Plaintiff,)	
)	
v.)	
)	
PURDUE PHARMA L.P.; PURDUE)	CIVIL ACTION NO.:
PHARMA, INC.; THE PURDUE)	
FREDERICK COMPANY, INC.;)	
RHODES PHARMACEUTICALS, L.P.,)	TRIAL BY JURY REQUESTED
)	
Defendants.)	

COMPLAINT

The State of Alabama files this Complaint against Defendants Purdue Pharma L.P., Purdue Pharma, Inc.; The Purdue Frederick Company, Inc.; and Rhodes Pharmaceuticals, L.P. (collectively "Purdue") and alleges as follows:

PRELIMINARY STATEMENT

- The State of Alabama, by and through its Attorney General, brings this action to protect its citizens from deceptive and unfair marketing practices in the sale of opioids that are ravaging the State's communities, burdening the State with increasing monetary and societal costs, and fueling an ever-growing crisis in Alabama.
- Opioids are highly addictive synthetic drugs derived from opium which is pharmacologically similar to heroin. The U.S. Drug Enforcement Administration ("DEA") has categorized opioids as having a "high potential for abuse[.]"¹ The Centers for Disease Control and Prevention ("CDC") declared that "[o]pioid pain medication use presents serious risks,

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