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Suit Charges Eli Lilly with Illegal Practices in Promoting and Marketing Zyprexa

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Another lawsuit against the major pharmaceutical manufacturer Eli Lilly and Company, Inc., has emerged on the state level, this time in Connecticut. Attorney General Richard Blumenthal has initiated a suit against Eli Lilly for illegally marketing its antipsychotic drug Zyprexa for unapproved uses. The suit alleges that the company has been concealing the serious side effects of the drug and that this practice has been going on for more than a decade.

As a result of the lawsuit, the attorney general seeks to recover millions of dollars of taxpayer and consumer money improperly spent on Zyprexa. This money was spent as a result of the company's illegal marketing of the drug and millions more required to treat the serious side effects resulting from use of Zyprexa. According to the suit, the deceptive marketing campaign concealed the risks associated with the drug including the onset of diabetes, cardiovascular problems and significant weight gain.

Zyprexa has been on the market since it was introduced in 1996. In the United States, it is prescribed for short- and long-term schizophrenia, acute mixed and manic episodes of bipolar disorder and for the maintenance treatment of bipolar disorder. According to the company, 23 million people worldwide have been prescribed the drug to treat these disorders. These are the only uses for which Zyprexa has been approved by the U.S. Food and Drug Administration (FDA).

According to the suit, Eli Lilly created unlawful enterprises to promote Zyprexa for unapproved uses and at the same time worked to avoid federal prohibitions against off-label drug marketing. ("Off-label" is prescribing drugs for uses that have not been approved by the FDA.) Some of these nefarious activities included creating a facade of independent doctors paid by Eli Lilly to promote Zyprexa to peers at "educational" forums and to pay ghostwriters to create favorable articles promoting Zyprexa for unapproved uses while omitting details about the serious side effects of the drug. This would include unapproved uses for adolescents at detention centers and the elderly in nursing homes. Sometimes these promoting physicians received tens of thousands of dollars to illegally promote Zyprexa, according to the suit.

Through the Connecticut Medical Assistance Programs (CMAP), the state pays for part or all medical benefits for those enrolled. This includes pregnant women, newborns, adults with disabilities, people age 65 and over and people who live in nursing homes. Between 1996 and 2006, the CMAP spent more than \$190 million on Zyprexa. In addition, millions of dollars have also been spent to treat injuries related to the use of Zyprexa.

"The illegal marketing campaign exploited children and senior citizens, causing severe weight gain, diabetes and cardiovascular problems," said Blumenthal. "Through a complex series of illegal rackets and lies, Eli Lilly built a multi-billion dollar drug enterprise at the expense of taxpayers, consumers and patient's lives. This action seeks millions for Connecticut taxpayers and consumers

who continue to suffer the financial and physical ruin resulting from the improper prescribing of Zyprexa. Eli Lilly adopted a sick marketing mindset: profits over patients, sales over safety. Driven by fierce greed, Eli Lilly corrupted doctors, pharmacies and public officials nationwide who easily abandoned integrity and decency for self-enrichment.”

“Despite only limited studies on its efficacy and safety, and only limited federally approved use”, said Blumenthal, “Zyprexa has become the third best-selling drug in the world. As a result of Eli Lilly’s illegal promotions, the company has grossed an estimated \$22 billion to date”, he said.

Sources: The State of Connecticut Office of the Attorney General. Press Release. “Blumenthal Sues Eli Lilly for Illegally Marketing Antipsychotic Drug Zyprexa for Unapproved Uses.” March 2008. <http://www.ct.gov/ag/cwp/view.asp?A=2795&Q=411628> and Eli Lilly Company, Inc., Press Release. “Statement from Eli Lilly and Company: Response to Connecticut Attorney General News Release.” March 2008. <http://newsroom.lilly.com/ReleaseDetail.cfm?ReleaseID=299082>