

FOR IMMEDIATE RELEASE

August 15, 2017

Attorney General Alan Wilson sues largest opioid manufacturer in historic lawsuit

(COLUMBIA, S.C.) South Carolina Attorney General Alan Wilson filed a historic lawsuit today against Purdue Pharma, the maker of OxyContin and other opioid drugs. The suit was filed in the Richland County Court of Common Pleas and alleges that Purdue unfairly and deceptively marketed opioids, which helped create and fuel South Carolina's opioid epidemic.

Opioids are prescription narcotics possessing properties similar to opium and heroin. While opioids can dampen pain, they also "can create an addictive euphoric high," the complaint alleges.

The lawsuit says Purdue violated South Carolina's Unfair Trade Practices Act, failed to comply with the terms of a 2007 consent judgment with the state for similar conduct, and created a public nuisance.

The lawsuit specifically alleges that, from 2007 onward, Purdue significantly downplayed how addictive its opioids are and also overstated the benefits of opioids compared to other forms of pain management in order to increase its market share and profits. According to the complaint, since the 2007 consent judgment, Purdue "rather than reforming its opioid marketing to comply with the law ... continued to mislead and obfuscate."

For example, Purdue continued to tell doctors that:

- Patients receiving opioid prescriptions for pain generally would not become addicted, and that doctors could use screening tools to exclude patients who might;
- Patients who did appear addicted were not; they were instead "pseudoaddicted" and needed *more* opioids;

- Opioids relieved pain when used long-term, without any studies to support this claim (the longest controlled study lasted 16 weeks) and without disclosing the other risks from long-term use of opioids;
- Opioids could be taken in higher and higher doses without disclosing the ensuing risk to the patient (which included addiction, constipation, and greater sensitivity to pain); and
- OxyContin provided 12 hours of relief when Purdue knew that, for many patients, it did not.

In addition, the complaint alleges that Purdue misrepresented the ability of its newer, abuse-deterrent opioids to reduce abuse even though Purdue knew that the abuse-deterrent formulation could be defeated with relative ease, that the formulation did not prevent oral abuse, and Purdue falsely claimed its abuse-deterrent opioids were safer than other opioids.

“Given my duty to the residents of South Carolina, my office is obligated to take action as South Carolinians continue to fall victim to Purdue’s deceptive marketing of its highly addictive opioid products without care for the lives and families it is jeopardizing,” said South Carolina Attorney General Alan Wilson. “South Carolina is not immune to the headlines we see daily about the toll of opioids on individual patients, families, and communities. It has created a public health epidemic and imposed a significant burden on law enforcement and social services in our state.” As examples of the South Carolina impact:

- In 2016, South Carolina was 9th in the nation in opioid prescribing rates.¹
- Since 2011, more than 3,000 South Carolinians have died from prescription opioid overdoses.²
- Combined heroin and prescription opioid deaths in South Carolina exceeded the number of homicides in the state in 2015.³
- The number of infants born in South Carolina hospitals addicted to opioids has quadrupled between 2000 and 2013.⁴

“This suit,” continued the Attorney General, “seeks to hold Purdue accountable for creating this crisis and seeks remedies to stop its misleading, deceptive, and dangerous marketing tactics. While there is a time and place for patients to receive opioids, Purdue prevented doctors and patients from receiving complete and accurate information about opioids in order to make informed choices about their treatment options.”

¹ <https://www.cdc.gov/drugoverdose/maps/rxstate2016.html>

² <https://www.cdc.gov/drugoverdose/data/statedeaths.html>

³ <http://www.dhec.sc.gov/Health/Opioids/OpioidStatistics/>

⁴ <https://www.cdc.gov/mmwr/volumes/65/wr/mm6531a2.htm>

“Opioid addiction is a public health menace to South Carolina. We cannot let history record that we stood by while this epidemic rages,” Wilson said.

The Attorney General’s Office is assisted in this litigation by Motley Rice LLC, Thurmond Kirchner & Timbes, P.A., and James E. Smith, Jr., P.A. For more specifics on how Purdue Pharma allegedly misled and deceptively marketed its opioids in South Carolina, read the full complaint.