

# Philly DA Accuses Drugmakers Of Deceptive Opioid Marketing

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Law360 (February 2, 2018, 7:49 PM EST) -- Philadelphia's district attorney took aim at the pharmaceutical industry on Friday as his office launched a lawsuit accusing a slew of drugmakers, including [Johnson & Johnson](#) and [Teva Pharmaceuticals USA Inc.](#), of fueling the opioid crisis through deceptive marketing of painkillers.

The suit is the latest in a string of cases — the city of Philadelphia [filed its own independent action](#) in mid-January — being pursued around the country against major drugmakers for allegedly irresponsible promotion of addictive opioid medication for use treating long-term pain.

The complaint said that the drugmakers “engaged in massive, systemic, false and deceptive marketing aggressively promoting the prescription and use of prescription opioids to treat chronic pain.”

The marketing efforts, the complaint added, “succeeded in significantly modifying the prescribing practices of physicians around the country and in the Philadelphia area with respect to opioids, thereby dramatically increasing the legal prescription and use of opioids in the city, regionally and nationally.”

The complaint pointed to several settlements or guilty pleas on the part of several of the drugmakers in prior cases over marketing efforts for painkillers.

In one such case, the complaint said, [Purdue Pharma LP](#) and a group of executives pled guilty in Virginia in 2007 for promoting OxyContin as less addictive and less likely to cause tolerance and withdrawal than other pain medications.

In another example, it pointed to a settlement that [Endo Pharmaceuticals Inc.](#), which sells the painkiller Opana ER, inked with New York's attorney general in 2016 over its claims that health care providers agreed that individuals treated with prolonged opioid medicines “usually do not become addicted.”

The DA's suit is the latest in a string of lawsuits both locally and nationally looking to hold drug companies liable for what they say are the increased health care and other costs of responding to increased rates of addiction and overdoses.

Several local governments in Pennsylvania, including Delaware County, Luzerne County and Bensalem Township outside Philadelphia, have also filed suit against drugmakers over their costs for responding to the opioid crisis.

Many of the firms working on the DA's lawsuit are also involved in the city of Philadelphia's

suit.

Endo Pharmaceuticals said in a statement that it denied the allegations in the lawsuit, but added that it shared concerns about opioid overuse.

"We are committed to working collaboratively to develop and implement a comprehensive solution to the opioid crisis, which is a complex problem with several causes that are difficult to disentangle," the company said. "Any serious solution must therefore be multifaceted and consider, among other things, the legitimate access needs of the millions of patients suffering from acute or chronic pain who rely on opioids to improve their quality of life."

It added that it had voluntarily ceased opioid promotion and withdrawn Opana from the market.

J&J subsidiary Janssen Pharmaceuticals Inc. likewise said it planned to fight the allegations.

"Janssen opioid pain medicines consistently have some of the lowest rates of abuse among these medications," the company said.

The other pharmaceutical companies targeted in the lawsuit did not immediately return messages seeking comment.

The state is represented by Bryan Hughes of the Philadelphia County Office of the District Attorney, Daniel Berg, Lawrence Lederer, Tyler Wren, Jon Lambrias, Sarah Schalman-Berger, Michaela Wallin and Neil Makhija of [Berger & Montague PC](#), Thomas Biemer and Jerry DeSiderato of [Dilworth Paxson LLP](#), Andrew Sacks and John Weston of [Sacks Weston Diamond LLC](#), Stephen Sheller and Lauren Sheller of [Sheller PC](#) and David Kairys.

Counsel information for the defendants was not immediately available.

The case is Commonwealth of Pennsylvania v. Purdue Pharma LP et al., case number 180105594, in the Court of Common Pleas of Philadelphia County, Pennsylvania.

--Editing by Jack Karp.

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