



Attorney General Jon Bruning

NEWS RELEASE

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Attorney General Bruning Announces Settlement with Pfizer *Nebraska Will Receive \$1.7 Million*

Note: A sound bite on this topic will be available shortly at: <http://www.ago.ne.gov>

(Lincoln, Neb.) Attorney General Jon Bruning announced that pharmaceutical manufacturer Pfizer Inc will pay \$1.7 million to the State of Nebraska. The agreement settles civil and criminal allegations that Pfizer and its subsidiaries paid kickbacks and engaged in off-labeling marketing campaigns that improperly promoted numerous drugs that the company manufactures.

“Marketing drugs for uses that haven’t been approved by the Food and Drug Administration and providing kickbacks to providers is illegal and unacceptable,” said Bruning. “This agreement will help protect consumers and hold drug companies accountable.”

The states alleged that Pfizer engaged in a pattern of unlawful marketing activity to promote multiple drugs for certain uses which the Food and Drug Administration (FDA) had not approved. While it is not illegal for a physician to prescribe a drug for an unapproved use, federal law prohibits a manufacturer from promoting a drug for uses not approved by the FDA.

This promotional activity included:

- Marketing Bextra for conditions and dosages other than those for which it was approved;
- Promoting the use of the antipsychotic drug Geodon for a variety of off-label conditions such as attention deficit disorder, autism, dementia and depression for patients that included children and adolescents;
- Selling the pain medication Lyrica for unapproved conditions;
- Making false representations about the safety and efficacy of Zyvox, an antibiotic only approved to treat certain drug resistant infections.

In addition to the improper off-label marketing of these drugs, Pfizer is alleged to have made illegal payments to health care professionals to induce them to promote and prescribe Bextra, Geodon, Lyrica, Zyvox, Aricept, Celebrex, Lipitor, Norvasc, Relpax, Viagra, Zithromax, Zolofit and Zyrtec. These payments allegedly took many forms, including entertainment, cash, travel and meals. Federal law prohibits payment of anything of value in exchange for the prescribing of a product paid for by a federal health care program.

This is the largest settlement in history in a health care fraud matter. Pfizer will pay the states and the federal government a total of \$1 billion in civil damages and penalties to compensate Medicaid, Medicare, and various federal healthcare programs for harm suffered as a result of its conduct.

In addition, a Pfizer subsidiary, Pharmacia & Upjohn Company, Inc., has agreed to plead guilty to a felony violation of the Food, Drug, and Cosmetic Act (FDCA) and to pay a criminal fine and forfeiture of \$1.3 billion. The criminal component of the resolution centers on the illegal marketing and promotion of Bextra, an anti-inflammatory drug that Pfizer pulled from the market in 2005. Because of the illegal promotion, Pharmacia & Upjohn Company, Inc. has agreed to plead guilty to a felony violation of the FDCA for misbranding the drug with the intent to defraud or mislead.

As a condition of the settlement, Pfizer will enter into a Corporate Integrity Agreement with the United States Department of Health and Human Services, Office of the Inspector General, which will closely monitor the company's future marketing and sales practice

The case was handled by the National Association of Medicaid Fraud Control Units and the Nebraska Medicaid Fraud and Patient Abuse Unit in the Attorney General's Office.

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