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ATTORNEY GENERAL ANNOUNCES REMERON SETTLEMENT

CHEYENNE, Wyo. – Attorney General Pat Crank today announced completion of a proposed \$36 million nationwide settlement for consumers, state purchasers, and other end payors with drug maker Organon USA Inc. and its parent company, Akzo Nobel N.V., over the antidepressant drug, Remeron. A multi-state complaint and preliminary settlement papers were filed in New Jersey federal court yesterday. Subject to court approval, Organon will pay monies that should bring financial relief to state agencies and thousands of consumers. A ten-month state investigation led to this settlement, which was joined by every U.S. state and territory. The settlement resolves claims brought by state attorneys general, as well as a private class action brought on behalf of a class of end payors.

“The defendants in this case abused the regulatory scheme to stifle competition and prevent consumers from having access to low-cost generic equivalents of this drug. This lawsuit represented a way for us to help lower prescription drug costs for consumers,” Crank said.

The states’ complaint alleged that Organon misled the U.S. Food and Drug Administration about the scope of a new “combination therapy” patent it had obtained in order to extend its monopoly. In addition, the complaint alleged that Organon delayed listing the patent with the FDA in another effort to delay the availability of lower-cost generic substitutes. This resulted in higher prices to those who paid for the drug. With annual sales in excess of \$400 million at its peak, Remeron is Organon’s top-selling drug.

Organon has also agreed to strong injunctive relief that will require the company to make timely listing of patents and prohibits Organon from submitting false or misleading listing information to the FDA.

Wyoming consumers will be among consumers nationwide who can submit claims for reimbursement. If the court approves the settlement, the Attorneys General will implement a claims administration process for consumers who purchased Remeron or its generic equivalent between June 15, 2001 and the present. Wyoming will also be among states receiving monies for damages incurred by certain governmental entities that purchased Remeron or its generic equivalent.

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