



For Immediate Release
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MADIGAN ANNOUNCES DISTRIBUTION OF ANTITRUST SETTLEMENT PROCEEDS TO ILLINOIS CONSUMERS

Chicago – Attorney General Lisa Madigan today announced that checks have been issued to Illinois consumers who filed valid claims in the Remeron antitrust litigation. In all, 2,993 Illinois claimants who purchased the drug Remeron during the period June 15, 2001 to January 25, 2005 will receive a total of \$481,568.

The payments are the result of a nationwide settlement of allegations that a pharmaceutical company violated federal antitrust laws by delaying a less expensive generic form of the anti-depressant drug Remeron from coming on the market. Madigan joined the attorneys general from all 50 states, the District of Columbia and the five U.S. commonwealths and territories in the allegations against Organon USA, Inc., and parent company Akzo Nobel N.V., in a 2004 complaint filed in federal court in New Jersey.

The \$8.6 million consumer portion of the \$36 million settlement will compensate consumers for a portion of the higher price they paid for Remeron than they would have paid for a generic substitute. State purchasers, reimbursing agents such as Illinois' Medicaid and third-party payors also shared in the aggregate settlement.

"I am pleased that consumers who were overcharged for this important medication are now being compensated," Madigan said. "This is another warning that pharmaceutical companies that use illegal means to keep less expensive medications from consumers will be called to account."

Madigan said the states' complaint alleged that Organon misled the U.S. Food and Drug Administration (FDA) about the scope of a new "combination therapy" patent it had obtained to extend its monopoly. In addition, the complaint alleged that Organon delayed listing the patent with the FDA in another effort to delay to consumers the availability of lower-cost generic substitutes. These actions resulted in higher prices for those who paid

for Remeron. With annual sales in excess of \$400 million at their peak, Remeron was Organon's top-selling drug, but sales stood to decline substantially with the onset of generic competition.

The settlement was approved in federal court in August 2005. Subsequent court proceedings as well as the notice and claims process itself resulted in a delay in the distribution of proceeds until now Madigan said.

Bureau Chief Robert Pratt handled the case for Madigan's Antitrust Bureau.

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