



## Press Releases

August 18, 2015

### **AG MADIGAN ANNOUNCES \$71 MILLION SETTLEMENT WITH AMGEN OVER DECEPTIVE PRESCRIPTION MARKETING**

**Chicago** — Attorney General Lisa Madigan, along with the Attorneys General of 48 other states today announced a \$71 million settlement with Amgen, Inc. for its deceptive marketing of the prescription biologic medications Aranesp and Enbrel.

Led by Madigan and her Oregon counterpart, the Attorneys General filed the joint lawsuit and consent order with Amgen, Inc. to resolve allegations that Amgen deceptively promoted the two biologic medications. Aranesp is used to treat certain types of anemia by stimulating bone marrow to produce red blood cells. Enbrel is used to treat a number of conditions, including plaque psoriasis.

The complaint alleges that Amgen violated state consumer protection laws by:

1. recommending that Aranesp be taken in dosing frequencies longer than those approved by the FDA without having any basis for the claims;
2. promoting Aranesp to treat anemia caused by cancer without having FDA approval or a basis for the claim; and
3. promoting Enbrel for the treatment of mild plaque psoriasis without scientific substantiation even though Enbrel is FDA-approved only to treat chronic moderate to severe plaque psoriasis.

"Companies marketing medicines to consumers have a responsibility to be accurate about uses, dosages and side effects," said Madigan. "Mischaracterizing that information can prevent consumers from receiving the relief they need, or have more serious health consequences."

The consent order prohibits Amgen from:

- Making any written or oral claim that is false, misleading or deceptive in promoting Enbrel or any drug or biologic medication in the same class as Aranesp;
- Representing that Enbrel or any drug or biologic medication in the same class as Aranesp has any sponsorship, approval, characteristics, ingredients, uses, benefits, quantities or qualities that it does not have;
- Using a compendium (a nonprofit book detailing drug information) listing or publication to promote Enbrel or any drug or biologic medication in the same class as Aranesp for off-label use to a health care professional;
- Allowing Amgen's marketing and sales departments to initiate interactions with a compendium, or to determine the content of any materials for submissions to a compendium relating to Enbrel or any drug or biologic medication in the same class as Aranesp; and
- Submitting a special supplement to a compendium to support an off-label use of Enbrel or any drug or biologic medication in the same class as Aranesp, or using a third party to lobby a compendium on Amgen's behalf without notifying the compendium that it is acting at Amgen's request.

Along with the consent order limiting Amgen's future conduct, Illinois will receive more than \$3 million as part of the settlement.

The other states participating in the settlement are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Assistant Attorney General E. Paige Boggs handled this case for Madigan's Consumer Fraud Bureau, which protects Illinois consumers and businesses that have been victimized by fraud, deception and unfair business practices.

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