

County Government Center
70 West Hedding Street
East Wing, 9th Floor
San Jose, California 95110-1770



Greta S. Hansen
CHIEF ASSISTANT COUNTY COUNSEL

Winifred Botha
Danny Y. Chou
Robert M. Coelho
Steve Mitra

ASSISTANT COUNTY COUNSEL

(408) 299-5900
(408) 292-7240 (FAX)

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Contact: Laurel Anderson
Office: (408) 299-5119
laurel.anderson@ceo.sccgov.org

Santa Clara County Counsel’s Office Announces Settlement Over Deceptive Advertising of Prescription Opioid Painkillers

SANTA CLARA COUNTY, CALIF. – The Santa Clara County Counsel’s Office, together with the Orange County District Attorney’s Office, announced today a settlement with Cephalon, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries, Ltd. (collectively, “Teva”) over alleged, deceptive marketing of prescription opioid painkillers for chronic pain. The agreement enjoins Teva from engaging in false and misleading marketing practices and secures a \$1.6 million payment for substance abuse treatment and education in Santa Clara and Orange Counties.

“This significant agreement will help ensure that doctors and patients receive accurate information about these highly addictive painkillers,” said Santa Clara County Counsel James R. Williams. “It also will provide much needed funds to combat the growing opioid epidemic that is plaguing Santa Clara and Orange Counties and many other parts of the country.”

“Our residents have borne the costs of the deceptive marketing scheme conducted by opioid drug companies,” explained Danny Chou, an Assistant County Counsel for the County of Santa Clara. “These costs include not only the horrors of addiction for entire families and communities, but also increased crime due to addiction outstripping treatment options. We appreciate Teva’s willingness to work with us to fight this growing epidemic.”

As part of the agreement, Teva will be enjoined from: (1) engaging in marketing that is likely to deceive a member of the public; (2) promoting its opioid painkillers for any off-label uses; and (3) supporting outside organizations and individuals if Teva learns that they make misleading claims about opioid painkillers.

Teva also must ensure that any paid opioid-related supplements in medical journals prominently disclose its sponsorship, that its sponsorship of continuing medical education programs is limited to programs that use speakers who do not receive significant financial support from opioid manufacturers, and that it prominently disclose the risk of addiction whenever promoting the effectiveness of opioid painkillers. The stipulated judgment and injunction will be submitted to the Orange County Superior Court for approval within the next few weeks.

The lawsuit is the result of an investigation by the Santa Clara County Counsel's Office and the Orange County District Attorney's Office that uncovered a decades-long scheme by the largest manufacturers of prescription opioid painkillers to falsely downplay the risks, and exaggerate the benefits, of opioids for the treatment of chronic pain. The Counties allege that these manufacturers have reaped billions of dollars in profit from their deceptive marketing schemes at the expense of millions of Americans who have misused, abused, or become addicted to prescription painkillers. Teva has expressly denied any wrongdoing.

The case is: *People of the State of California v. Purdue Pharma, et al.*, Orange County Superior Court, Case No. CGC-13-534108, filed May 21, 2014. Following this settlement, four primary defendants remain: (1) Purdue Pharma, (2) Endo Health Solutions, Inc.; (3) Janssen Pharmaceuticals, Inc; and (4) Actavis, PLC.

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