



## DEPARTMENT OF THE ATTORNEY GENERAL

### News Release

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#### **STATE SETTLES HEART MEDICATION SUIT**

HONOLULU- Attorney General Mark J. Bennett announced a proposed settlement today for \$80 million involving the popular heart medication Cardizem CD. The fifty-state settlement resolves an antitrust lawsuit filed by the State of Hawaii and other state attorneys general against Aventis Pharmaceuticals Inc. ("Aventis"), Andrx Corporation ("Andrx") and affiliated entities.

The lawsuit, filed in the Michigan Federal Court in 2001, alleged that Aventis and Andrx illegally agreed that Andrx would stay off the market with a less expensive generic version of the drug Cardizem CD in return for Aventis paying Andrx nearly \$90 million. Delays in bringing the generic drug to market, the lawsuit alleged, resulted in higher prices for consumers and governmental agencies.

"This settlement sends a message to the large prescription drug companies that illegally conspiring to keep less expensive medications out of the hands of consumers will not be tolerated" Bennett said.

Under the settlement, Aventis and Andrx must pay \$80 million into a fund that will compensate consumers, state agencies, and insurance companies who overpaid for Cardizem CD and its generic equivalents between 1998 and January 2003. The settlement is in addition to a \$110 million settlement reached earlier between the companies and drug wholesalers involving the same alleged violations. In total, the drug companies will be required to pay over \$190 million.

The proposed settlement was filed today with U.S. Federal District Court Judge Nancy Edmunds in Detroit and requires approval from the court to become effective. If approved, the states will implement a claims administration process this summer for consumers who purchased Cardizem CD or its generic equivalent at any time between January of 1998 and January 2003. The State of Hawaii expects to receive approximately \$165,000 to reimburse Hawaii consumers and state agencies for their purchase of the drugs.

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