Antitrust Lawsuit Slams Creator of Suboxone for Profiting From Opioid Addiction

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Late last month, 35 U.S. states and the District of Columbia filed a massive antitrust lawsuit against the British drugmaker responsible for the popular opioid-treatment drug Suboxone. The case alleges that over the last decade, Reckitt Benckiser, a pharmaceutical company based in Slough, England, has used a variety of “deceptive and unconscionable” practices to profit from people struggling with heroin addiction and keep generic alternatives of the medication from being sold in international markets, The Daily Beast reports.

The 92-page suit, which was recently filed in a federal court in Philadelphia, describes how the company, its spin-off brand Indivior and a third company called MonoSol RX, worked together to manipulate pharmaceutical regulatory processes at the U.S. Food and Drug Administration (FDA) and beyond to help ensure its almost universal control on the market for medication-assisted treatment (MAT) for opioid addiction. The case also accuses Reckitt Benckiser of “product hopping,” the practice of tweaking a product only slightly—often without many improvements—so that a pharmaceutical company can apply for a new patent in order to keep its market share intact.

In Reckitt Benckiser’s case, the product switch involved the recent changeover from popular orange Suboxone tablets, for which the patent expired in 2009, to a new dissolvable film strip version of the drug. Plaintiffs allege that over the last six years, the company has used “fear-based messaging” and “sham science” to illegally subvert the market for the older version of the drug, while aggressively promoting this expensive new alternative, which was introduced in 2010 and is under patent until 2023.

The suit lists a multitude of strategies Reckitt Benckiser used to maintain its monopoly on Suboxone, which accounts for nearly 85 percent of spending on medication-assisted treatment in the United States. These include allegedly compensating doctors for being advocates of the new version of the drug, lobbying U.S. legislators and raising the price of its older and cheaper Suboxone tablets in order to make them more expensive than the new drug.

This latest case against Reckitt Benckiser follows an ongoing investigation initiated by the Federal Trade Commission in 2013 for possible anticompetitive behavior, as well as a recent criminal

probe by the U.S. Department of Justice against the company’s West Virginia offices. Consumer advocates argue that the firm broke new ground with its product-hopping scheme, making millions of dollars off the backs of Americans struggling with heroin addiction, for which there are few alternative treatment options.

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