

By Steve Berman
Managing Partner, Hagens Berman Sobol Shapiro LLP

Big Pharma's Love Affair with Opioids

I don't know if it is human nature or a symptom of the increasingly chaotic nature of our lives that allows us to become accustomed – even accepting – of things that would have caused us angst, anger or frustration in years past.

I could list a legion of things that fall into this category – the lack of civility in everything from rush-hour driving behavior to political discourse in Washington, to the now-common use of profanity as a part of civil society.

Most of these things are minor annoyances; we can change the channel when the talking heads begin blathering on Fox News or CNN, we move over to the slow lane on the freeway.

But our acclimation to once-troubling behavior can also be manipulated and used against the public interest. We believe that is exactly what Big Pharma has been doing now for years with opioids.

Let me explain.

Today, we don't think twice when we hear of a friend or neighbor taking prescription pain medication for a bad back, or for any number of conditions or injuries. Trademarked words like Percocet, Vicodin and Oxycontin are as much a part of the layperson's medical vocabulary as Tylenol and aspirin were for our parents.

And our perception is borne out by the facts: Opioids have become the most widely prescribed class of drug in the U.S.

But here is the alarming part: Opioids were never intended for use for long-term, chronic pain. Historically, physicians prescribed them for a very narrow window of uses, typically for pain around post-surgery discomfort or other short-lived situations.

So what happened?

In a recent court filing we made on behalf of a group of California counties, we believe five of the world's largest narcotics manufacturers – Purdue Pharma, Teva Pharmaceutical Industries, Cephalon Inc., Johnson & Johnson, Janssen Pharmaceuticals and Endo Health Solutions Inc. – began a campaign to stack the deck in favor of wider use of opioids.

One tactic was to tout the broader use of opioids to physicians by finding – and hiring – other physicians to write papers and speak at events.

At the same time, the drug companies mounted a campaign encouraging patients, including the elderly, to ask their doctors for the painkillers to treat common conditions such as back pain, arthritis and headaches.

The results are toxic. The National Survey on Drug Use and Health reported that the number of first-time abusers of prescription opioids increased from 628,000 in 1990 to 2.4 million in 2004, that emergency room visits involving prescription opioid abuse increased by 45 percent from 2000 to 2002 and that treatment admissions for primary abuse of prescription opioids increased by 186 percent between 1997 and 2002.

Opioid overdoses now account for more deaths in the U.S. than car crashes, cocaine, heroin and suicides combined.

If you're finding this a bit hard to stomach, know that this isn't the first time a company has mounted a campaign of deception with such blatant disregard for the public's well-being. Think Big Tobacco. It seems like common sense to us now that cigarettes contain harmful chemicals and are wildly addictive, but back when I led my firm's work on behalf of 13 states against Big Tobacco, we saw these same tactics used to misinform the public.

We beat them then, and I believe we can beat this new incarnation – Big Pharma – today.

At the end of the day, we may not be able to change how people drive, or the amount of venom the politicians spit at one another, but if we are successful with this case, we should be able to slow – or stop – the insidiousness of this scheme.