

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
No. 1884-cv-01808 (BLS2)

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

PURDUE PHARMA L.P., PURDUE PHARMA INC.,
RICHARD SACKLER, THERESA SACKLER,
KATHE SACKLER, JONATHAN SACKLER,
MORTIMER D.A. SACKLER, BEVERLY SACKLER,
DAVID SACKLER, ILENE SACKLER LEFCOURT,
PETER BOER, PAULO COSTA, CECIL PICKETT,
RALPH SNYDERMAN, JUDITH LEWENT, CRAIG
LANDAU, JOHN STEWART, MARK TIMNEY, and
RUSSELL J. GASDIA,

Defendants.

**AFFIDAVIT OF JEFFREY J. PYLE IN SUPPORT OF
EMERGENCY MOTION TO TERMINATE IMPOUNDMENT**


I, Jeffrey J. Pyle, hereby depose and state as follows.

1. I am counsel to non-parties Dow Jones & Company, Inc., publisher of *The Wall Street Journal*; Boston Globe Media Partners, LLC, publisher of *STAT* and *The Boston Globe*; Reuters News and Media Inc., owner of the Reuters news agency; The New York Times Company, publisher of *The New York Times*; and Trustees of Boston University, through its radio station, WBUR (collectively, the “Media Consortium”). I make this affidavit pursuant to Rule 10 of the Uniform Rules of Impoundment Procedure in support of the Media Consortium’s emergency motion to terminate impoundment of the First Amended Complaint and its accompanying exhibits.

2. The members of the Media Consortium are moving to terminate impoundment in order to further the efforts of their journalists to report on the above-captioned litigation. Each of the members of the Media Consortium has published one or more news articles concerning this litigation, and wishes to publish newsworthy information concerning the information contained in the Commonwealth's First Amended Complaint and the exhibits thereto.

3. Examples of news articles published by members of the Media Consortium concerning this case are attached hereto as Exhibit A.

Signed under the pains and penalties of perjury this 18th day of January, 2019,


Jeffrey J. Pyle

Certificate of Service

I, Jeffrey J. Pyle, hereby certify that on January 18, 2019, the foregoing document was served pursuant to Uniform Rule of Impoundment 4(a) by first-class mail and e-mail on counsel for all parties, as follows:

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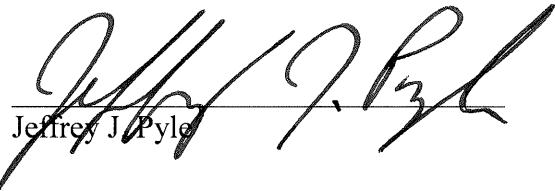

Jeffrey J. Pyle

EXHIBIT A

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<https://www.wsj.com/articles/purdue-pharma-family-had-heavy-hand-in-opioid-marketing-complaint-says-11547600253>

U.S.

Purdue Pharma Family Had Heavy Hand in Opioid Marketing, Complaint Says

Recently revealed internal emails suggest Sackler family involvement in sales and marketing efforts



Purdue Pharma's signature drug is OxyContin. PHOTO: GEORGE FREY/REUTERS

By Sara Randazzo and Jared S. Hopkins

Jan. 15, 2019 7:57 p.m. ET

In early 2011, Purdue Pharma was gearing up to promote its newest opioid painkiller, Butrans. Richard Sackler, a board member, former president and second-generation member of the company's controlling family, made his high expectations for sales clear.

"I had hoped for better results," he emailed sales staff after hearing about a week of prescriptions that doubled Purdue forecasts, new court documents show. "What else more can we do to energize the sales and grow at a faster rate?" he said after reviewing another weekly report, according to the documents.

The internal emails emerged Tuesday in an amended complaint filed by Massachusetts Attorney General Maura Healey, who sued Purdue, eight Sackler family members and other board members and executives in June for allegedly contributing to the state's opioid epidemic through its aggressive marketing of opioids. Massachusetts is one of at least 36 states to sue Purdue, along with more than 1,500 cities and counties, accusing the company of helping create a public health crisis that kills more than 100 Americans daily.



The lawsuit was filed by Massachusetts Attorney General Maura Healey. PHOTO: BRIAN SNYDER/REUTERS

The complaint, using information culled from company emails, presentations and handwritten notes, suggests Richard Sackler and

other Sackler family members at times influenced the marketing of the company's opioids, including its signature drug OxyContin. Those actions include Sackler family members poring over detailed sales reports, pressing its sales force to improve numbers and even attending sales pitches themselves, according to the complaint.

Company staff informed the Sacklers about opioid-related deaths and other addiction issues, the complaint says, as well as doctors prescribing pills inappropriately.

Purdue said Tuesday the amended complaint cherry-picks from the tens of millions of emails and documents the company has produced so far in the litigation and is "littered with biased and inaccurate characterizations."

A Purdue spokesman, speaking on behalf of the Sacklers, said the Sacklers declined to comment.

The Sackler family has for years cultivated a persona as global benefactors of the arts and sciences, while avoiding speaking publicly about their ties to OxyContin and the wider opioid crisis.

In Massachusetts, more than 11,000 people have died from opioid-related overdoses over the past decade. An attorney general investigation tied 671 of those to people who filled

prescriptions for Purdue opioids, according to the complaint.

Three Sackler brothers—Raymond, Arthur and Mortimer—helped build Purdue into a powerful drug company after buying its predecessor in 1952.

OxyContin, approved by U.S. regulators in 1995, became the company's breakthrough product and remains its biggest-selling drug. The company is still entirely owned by Sackler members through family-controlled trusts.

Raymond's son Richard became president in 1999. Known inside Purdue as "Dr. Richard," he served as president until 2003 and remained a hands-on board director.

At an OxyContin launch party, the complaint alleges, Richard Sackler told the audience that "the launch of OxyContin tablets will be followed by a blizzard of prescriptions that will bury the competition."

In 2001, after a federal prosecutor reported 59 deaths from OxyContin in a single state, Richard Sackler wrote to executives, "This is not too bad. It could have been far worse," the complaint says. That same year, according to the complaint, he wrote in an email, "We have to hammer on the abusers in every way possible. They are the culprits and the problem. They are reckless criminals."

Most of the amended complaint focuses on Purdue's marketing and activity starting in 2007, the year the company agreed to pay \$600 million to resolve federal charges that it misled consumers. A handful of company officials also pleaded guilty to misdemeanor charges and were fined by more than \$34 million. The Sacklers weren't personally accused of any wrongdoing.

In 2011, Richard Sackler asked to be sent into the field to shadow sales representatives, the complaint says. To overcome concerns that Mr. Sackler promoting opioids could be a compliance problem, staff said in an email cited in the complaint: "Richard needs to be mum and be anonymous."

After going along on the sales visit, the complaint alleges, "Richard argued to the Vice President of Sales that a legally required warning about Purdue's opioids wasn't needed. He asserted that the warning 'implies a danger of untoward reactions and hazards that simply aren't there.' Richard insisted there should be 'less threatening' ways to describe Purdue opioids."

Purdue said Tuesday the complaint "irresponsibly and counterproductively casts every prescription of OxyContin as dangerous and illegitimate," ignoring the approvals by the Food and Drug Administration and patients who rely on the medicine for severe chronic pain.

Purdue is one of many drugmakers and wholesalers facing litigation over the opioid crisis. The companies have been engaged in settlement talks with state attorneys general and municipalities to reach a global resolution.

The majority of the lawsuits don't target the Sacklers specifically, but a handful name individual family members as defendants.

In 2016, Forbes magazine ranked the Sackler family 19th among America's richest families, with assets estimated at \$13 billion. The family has become a regular figure in philanthropy, helping fund art exhibits including the Sackler Wing of the Metropolitan Museum of Art in New York and the Arthur M. Sackler Gallery at the Smithsonian Institution in Washington.

About a year ago, the Stamford, Conn., company stopped promoting its opioid drugs to doctors and shed its sales force by more than half. It has donated money to developing and distributing opioid-overdose antidotes.

Write to Sara Randazzo at sara.randazzo@wsj.com

Appeared in the January 16, 2019, print edition as 'Family's Role in Opioids Under Fire.'

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U.S. LEGAL NEWS

JANUARY 15, 2019 / 3:52 PM / 3 DAYS AGO

Family behind Purdue Pharma pushed opioid marketing, Massachusetts says

Nate Raymond



BOSTON (Reuters) - Members of the wealthy Sackler family behind Purdue Pharma LP pushed it to boost sales of OxyContin and other opioids even as questions emerged about the extent its painkillers were being abused, Massachusetts' attorney general alleged on Tuesday.

\$11 toothpaste: Immigrants pay big for basics at for-profit detention centers

FILE PHOTO: Bottles of prescription painkiller OxyContin made by Purdue Pharma LP sit on a shelf at a local pharmacy in Provo, Utah, U.S., April 25, 2017. REUTERS/George Frey/File Photo

Attorney General Maura Healey filed an amended lawsuit against Purdue and current and former officers and directors of the drugmaker that drew on years of internal records to reveal new details about the family's involvement in the company.

The lawsuit, originally filed in June in Suffolk County Superior Court, was the first by a state to try to hold members of the Sackler family, who own privately-held Purdue, personally responsible for contributing to the U.S. opioid epidemic.

Purdue in a statement on Tuesday said Healey's lawsuit "distorts critical facts" and "is littered with biased and inaccurate characterizations of these documents and individual defendants."

Healey's lawsuit, one of hundreds state and local governments have filed against the company, accuses it of deceiving doctors and patients by misrepresenting the risks of addiction and death associated with prolonged use of prescription opioids.

The allegations were made public despite Purdue's efforts to keep much of the 279-page complaint redacted.



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The complaint cites internal records to argue Sackler family members, including Purdue's former President Richard Sackler, personally directed the marketing of opioids in order to make billions of dollars.

They did so even after Purdue and three executives in 2007 pleaded guilty to federal charges related to the misbranding of OxyContin and agreed to pay a total of \$634.5 million in penalties, the lawsuit said.

Their push to boost sales, the lawsuit said, came even after staff showed family members on Purdue's board a map correlating suspected illegal prescribers and reports of opioid poisonings in 2011.

Richard Sackler, as Purdue's president, in a 2001 email argued the company needed to shift responsibility away from Purdue and "hammer on the abusers in every way possible," the complaint said.

'Thousands' more immigrant children separated at border

\$11 toothpaste: Immigrants pay big for basics at for-profit detention centers

After leaving that position in 2003 but still a member of Purdue's board, he frequently demanded detailed opioid sales data, the lawsuit said.

In 2011, Richard Sackler personally accompanied sales representatives to observe how they marketed Purdue products to doctors and afterwards argued that a legally required warning about opioid risks was unnecessary, the lawsuit said.

In an email cited in the complaint, he said, it "implies a danger of untoward reactions and hazards that simply aren't there" and he pushed for a "less threatening" way to describe Purdue's opioids.

(This story corrects spelling of Purdue in 12th and 13th paragraphs)

Reporting by Nate Raymond in Boston; editing by Alexia Garamfalvi, Tom Brown and Bill Berkrot

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Mass. AG Implicates Family Behind Purdue Pharma In Opioid Deaths

04:27

January 15, 2019 Updated Jan 15, 2019
6:24 PM

By [Christine Willmsen](#) and [Martha
Bebinger](#)



The Sackler family behind Purdue Pharma knew that their painkiller OxyContin was causing overdoses, yet continued to cash in as deaths mounted, the Massachusetts attorney general alleges in court documents filed Tuesday.

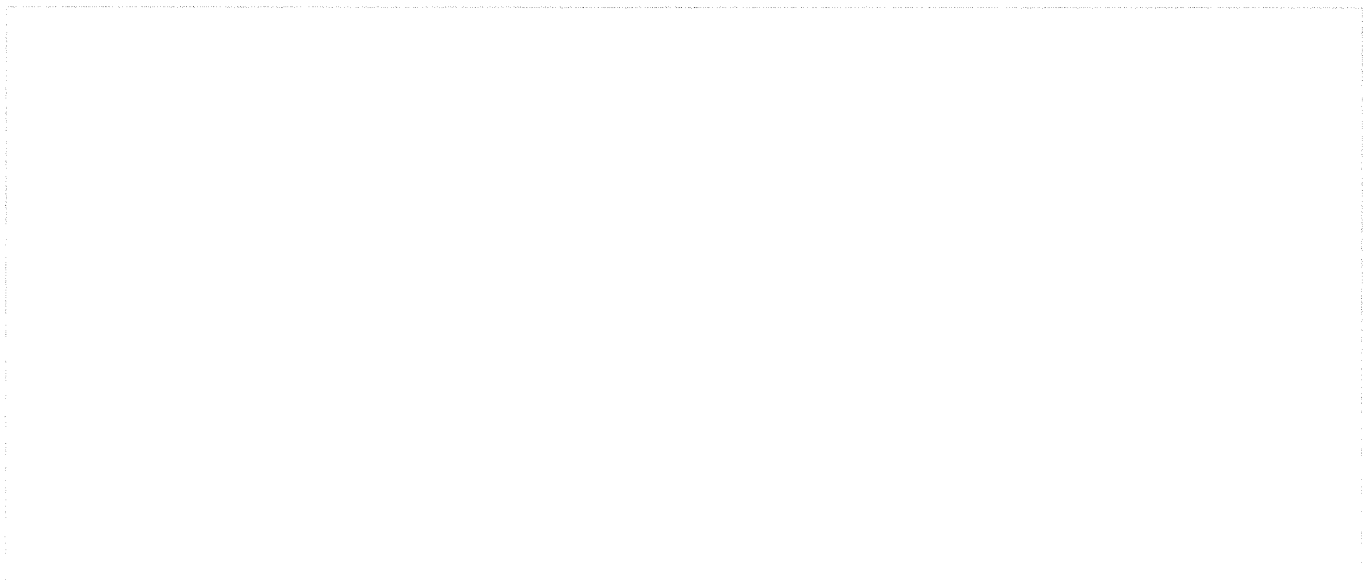
In a new 274-page memorandum, Attorney General Maura Healey details a chain of command that she alleges implicates eight Sackler family members, as well as nine Purdue board members or executives, in the nation's deadly opioid epidemic.

An earlier version of the memo, filed on Dec. 21, was more than half redacted, after Purdue Pharma argued to withhold information about the Sacklers, one of the richest families in the United States. Some sections remain blacked-out in Tuesday's filing.

The new memo spells out Healey's allegations that the Sacklers flooded Massachusetts with sales reps, influenced state legislation, and financially backed medical facilities and universities so they could tout Purdue opioids.

Story continues below

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Artist Nan Goldin Seeks Justice For Opioid Victims, Wants To Strip Sackler Name From Museums

The ARTery 02:47 6 hours ago

The Mass. Ties In Healey's Complaint Blasting The Sackler Family And Purdue Pharma

CommonHealth 05:23 Jan 16, 2019

Healey describes former Purdue Chairman and President Richard Sackler as a micro-manager, obsessed with profits in Massachusetts and the rest of the country.

Tracking national sales, Sackler demanded he travel to doctor's offices alongside reps and complained advertising about the opioids wasn't as positive as he wanted. Internally, execs worried about Sackler's promotion of opioids, according to Healey.

Sackler wasn't satisfied with Purdue Pharma's sales in 2011, the documents allege. "After one week of prescriptions doubled Purdue's forecast, Richard

[Sackler] wrote to the sales staff: 'I had hoped for better results.' ”

That year Massachusetts sales reps pushed doctors to prescribe Purdue Pharma's opioids more than 1,000 times to elderly patients with arthritis, the memo says. But Sackler wanted more.

One sales rep was ordered to increase prescriptions by 62 percent in Massachusetts. Purdue also threatened to fire two reps in Massachusetts because the physicians they visited hadn't written enough opioid prescriptions, Healey says.

The then-sales vice president, Russell Gasdia, drafted a message to Purdue's Boston district in February 2012, stating “the Boston District is failing.”

The sales manager agreed in an email, stating they should fire Massachusetts sales reps who weren't increasing their opioid prescriptions. Gasdia allegedly agreed that firing all the reps would “send a message.”

It's unclear if they fired anyone.

In a statement to WBUR, Purdue Pharma claims that Healey is trying to “vilify a single manufacturer whose medicines represent less than 2 percent of opioid pain prescriptions rather than doing the hard work of trying to solve a complex public health crisis.”

The company, which is based in Stamford, Connecticut, adds that “the complaint distorts critical facts and cynically conflates prescription opioid medications with illegal heroin and fentanyl, which are the leading cause of overdose deaths in Massachusetts.”

175. At the OxyContin launch party, Richard Sackler spoke as the Senior Vice President responsible for sales. He asked the audience to imagine a series of natural disasters: an earthquake, a volcanic eruption, a hurricane, and a blizzard. He said: **“the launch of OxyContin Tablets will be followed by a blizzard of prescriptions that will bury the competition. The prescription blizzard will be so deep, dense, and white....”**⁶⁴ Over the next twenty years, the Sacklers made Richard’s boast come true. They created a manmade disaster. Their blizzard of dangerous prescriptions buried children and parents and grandparents across Massachusetts, and the burials continue.

A screenshot from Attorney General Maura Healey's updated memorandum

The AG's complaint includes a map of Massachusetts with areas of the state Purdue allegedly targeted during a rapid period of sales workforce expansion: Boston, southeastern Massachusetts and Cape Cod. Sales reps visited primary care doctors considered ripe for influence. In a few cases these were daily visits.

Purdue staff warned its board that a New Bedford doctor and Brookfield doctor had prescribed opioids inappropriately, according to the memo, but no one in the company immediately reported it to medical licensing officials. The two doctors made Purdue Pharma \$823,000 combined in two years.

The two physicians and several others, who became Purdue's most frequent prescribers in Massachusetts, eventually lost their licenses but not before authorizing hundreds of thousands of pills each. At least three of the physicians lost patients to an overdose death.

In 2013, according to the memorandum, staff told the Sacklers that drug overdose deaths had tripled since 1990, while OxyContin had become the

top-selling painkiller in the country.

The complaint alleges “staff told the Sacklers that tens of thousands of deaths were only the 'tip of the iceberg.' ... [F]or every death, there were more than a hundred people suffering from prescription opioid dependence or abuse.”

Purdue counters in its statement that Healey “has cherry-picked from among tens of millions of emails and other business documents produced by Purdue.”

In the memo, Healey lists Purdue or Sackler family investments and influence in Massachusetts, including a Purdue pain program at Massachusetts General Hospital and the Sackler School of Graduate Biomedical Sciences at Tufts University.

After Purdue Pharma donated \$3 million to MGH in 2002, the hospital named its pain center after the company. The hospital's plan included seminars designed by Purdue to increase OxyContin prescriptions.

MGH dropped Purdue Pharma's name from the pain center after a nationwide spike in crime was attributed to those addicted to the medication.

In 2007, Purdue Pharma and three of its top executives were criminally charged in the federal Western District of Virginia with intentionally deceiving doctors about OxyContin.

The company's then-president, lawyer and chief medical officer pleaded guilty to a felony and Purdue Pharma paid \$600 million in fines for misleading the public about the addictive qualities of the medication. While individuals of the Sackler family weren't charged, as board members

they admitted the company encouraged physicians to overprescribe OxyContin.



This 2007 file photo shows the Purdue Pharma offices in Stamford, Conn. (Douglas Healey/AP)

In a separate suit, Purdue Pharma also paid 26 states, including Massachusetts, a total of \$19.5 million.

In a 2007 press release, Purdue Pharma stated: "During the past six years, we have implemented changes to our internal training, compliance and monitoring systems that seek to assure that similar events do not occur again."

Healey alleges Purdue Pharma and the Sackler family never stopped the deception, leading to hundreds of overdose deaths. The company double-downed its efforts in Massachusetts, sending even more sales reps to meet

with doctors, nurses and pharmacists to pressure them to prescribe even more OxyContin, she alleges.

In May 2007 — immediately after the 2007 convictions — then-CEO John Stewart began planning to expand Purdue's sales force in Massachusetts and across the country. Even though Purdue sales reps were already visiting Massachusetts prescribers more than 1,000 times each month, executives worked to quantify the "market impact" that adding sales reps would have.

Purdue focused on Tufts University. It declined to comment to WBUR.

The memo states Purdue believed the marketing benefits the Sacklers reaped from Tufts were so great that they offered to send Stewart to Massachusetts to sustain the courtship. Healey also alleges that Purdue executives promoted opioids to clinicians, fellows and medical residents in Massachusetts at a presentation at Tufts in 2008.

The complaint says "convincing Massachusetts doctors that Purdue opioids were the best way to manage chronic pain" was part of its scheme.

It also states that, in 2013, Purdue staff claimed they defeated Massachusetts legislation to restrict OxyContin.

In the past 11 years Purdue sales representatives visited Massachusetts prescribers and pharmacists more than 150,000 times, the memo alleges.

In June, Massachusetts was the first state — followed in October by Suffolk County, New York — to file a lawsuit that names individual members of the Sackler family.

A status hearing is scheduled for Jan. 25 in Massachusetts' Suffolk County Superior Court.

Purdue Pharma has in the past attempted to shield documents from becoming public.

Four years ago the Kentucky attorney general agreed to Purdue Pharma's demand that the prosecutor destroy millions of pages of documents in exchange for a \$24 million settlement.

This segment aired on January 15, 2019.

Earlier Coverage:

- [Mass. Sues Purdue Pharma Over 670 Residents Who Fatally Overdosed On Opioids](#)



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STAT

Purdue cemented ties with universities and hospitals to expand opioid sales, documents contend

By [Andrew Joseph](#) @DrewQJoseph

January 16, 2019



Massachusetts General Hospital Pat Greenhouse/The Boston Globe

In the early 2000s, when Dr. Jane Ballantyne was director of the Pain Center at Massachusetts General Hospital, the opioid-pill maker Purdue Pharma struck a deal with the Boston hospital to start a pain program there.

To Ballantyne, it seemed like a boon. Two organizations — one academic, one a drug company — with the shared goal of easing patients' pain coming together to collaborate. Working with Purdue, she said then¹, “will assist us in finding ways to clear up misconceptions and misunderstandings about pain and provide caregivers with the knowledge and resources they need to help patients.”

In 2003, however, Ballantyne co-authored a New England Journal of Medicine paper² that raised concerns about the safety and effectiveness of opioid painkillers for patients with chronic pain. It was a direct threat to how Purdue had been marketing its drugs, but Ballantyne didn't think of it that way.

“I thought, in my naivete, that Purdue would want to know that as well, that they would want to know it wasn’t working for patients,” Ballantyne said in an interview Wednesday. “But that wasn’t their goal at all.”

Purdue instead saw the sponsorship of a pain program at Mass. General as a way to gain sway at one of the most influential academic medical centers in the country and boost its revenues — by encouraging doctors to prescribe OxyContin³ and Purdue’s other opioids to more patients at higher doses and for longer periods of time — according to a court document made public Tuesday⁴.

Related: ⁴

‘A blizzard of prescriptions’: Documents reveal new details about Purdue’s marketing of OxyContin ⁴

Ballantyne, who is now at the University of Washington, left Mass. General in 2008. The following year, Purdue decided to re-up its sponsorship, paying the hospital \$3 million for the Massachusetts General Hospital Purdue Pharma Pain Program and — as a result — access to prescribers, ties to medical students and physician trainees, and political capital at a time when scrutiny of opioid manufacturers was increasing, according to the court filing⁵.

The filing in Massachusetts Attorney General Maura Healey’s lawsuit against Purdue generated national headlines for detailing how members of the Sackler family — which controls the privately held Purdue — allegedly directed an aggressive and misleading marketing campaign to promote their drugs, including OxyContin, and obscure the risk of addiction and overdose. Citing internal emails and reports, the filing depicts the Sacklers, particularly Richard Sackler, a former Purdue president, haranguing staff for poor sales and ignoring concerns about the negative consequences of widespread use of the drug, all while they made “billions of dollars.”

The filing also revealed new details about the cozy relationship Purdue pursued with Mass. General, Tufts University, and other academic institutions, drawing scrutiny about what Purdue was promised in exchange for its funding and raising conflict-of-interest questions.

“My first reaction was kind of ‘yikes,’” Genevieve Kanter, an assistant professor of medicine, medical ethics, and health policy at the University of Pennsylvania, said about reading the court documents.

Tufts and Mass. General have not commented about the details in the legal filing, and they did not answer questions from STAT Wednesday about whether they still have ties to Purdue.

Purdue has denied the allegations in the Massachusetts lawsuit. In a statement on Tuesday, the company said the new filing cherry-picked details from millions of records, omitted key details, and contained “biased and inaccurate characterizations.”

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A ‘digital pill’ for cancer patients is rolled out for the first time, in hopes of improving outcomes ⁷

The Sackler family name adorns galleries and museum wings from New York to Beijing, as well as a brain and spine institute⁸ at New York-Presbyterian/Weill Cornell Medical Center, a sciences institute⁹ at

Yale University, and an institute for translational neurodevelopment¹⁰ at King's College London, among other research programs. Details about the funding arrangements are mostly private.

But the court documents appear to pull back the curtain on what Purdue got in return for its philanthropy at Mass. General and Tufts. They show, ethicists and conflict-of-interest experts said, how drug companies can wield donations in an effort to gain academic allies for the marketing of their medications. Purdue's efforts were so aggressive that even top executives were enlisted in the outreach.

"It's clear that at this very highest level of the company, they wanted to not just cultivate relationships with Tufts and MGH, but to use their brands," said Michelle Mello, a professor at Stanford's medical and law schools. "I think that's very disconcerting."

The experts cautioned that the court documents do not include, for example, the full contracts between the drug company and the institutions, so it's difficult to know exactly what occurred. Still, they pointed to a few details that they said raised their eyebrows:

At Tufts, the Sacklers gave funding to start a master's program in pain research, education, and policy in 1999. And in 2011, a Purdue employee was named an adjunct associate professor, according to the court filing.

"The university should ask exactly what expertise a drug company can offer that the fine faculty at Tufts cannot," Kanter said.

Related: ¹¹

Purdue appeals order to unseal OxyContin records to Kentucky Supreme Court ¹¹

At Mass. General, the agreement with Purdue allowed the company to suggest curriculum for pain education and appoint a member of the Educational Program Committee, according to court documents. Kanter called these provisions "yellow flags," noting that the records don't make it clear whether Purdue, for example, successfully changed training standards.

In a 2002 letter to the editor in the Boston Globe, Dr. Warren Zapol, then Mass. General's chief of anesthesia, defended the agreement with Purdue, saying that it "in no way allows the company to design medical seminars or materials focused on treating pain" and that Mass. General controlled all educational programs. The letter was provided to STAT on Wednesday by a Mass. General spokesman.

And despite Purdue's funding, Mass. General researchers reached their own conclusions about opioids. The court filing cites a July 2011 email from Dr. Craig Landau, Purdue's then-chief medical officer and current CEO, about a study done by Mass. General researchers that questioned the use of opioids for chronic pain. Landau seemed concerned that a Purdue-funded study wasn't backing the use of its medicine, the filing indicates.

Still, to Dr. Andrew Kolodny, co-director of Brandeis University's Opioid Policy Research Collaborative and a prominent Purdue critic, Mass. General should not have renewed its agreement with Purdue in 2009 — two years after the company and three executives pleaded guilty to federal charges of deceptively marketing OxyContin.

“In 2009, for MGH to take \$3 million from a company that had been found guilty of criminal charges — and you have MGH operating in a city that is suffering from the devastating effects of Purdue’s aggressive promotion of OxyContin — for them to take \$3 million of their blood money, it’s disgusting,” Kolodny said. (Kolodny and Ballantyne are both leaders of the group Physicians for Responsible Opioid Prescribing.)

Hospitals and research institutes have grown more protective of the independence of their practices, research, and education programs over the years, experts said, but there is still debate about just what is an appropriate way to accept money from drug companies or other industry players. With limited public funding, private money is crucial for research and training programs, but it can bias the results of a study, for example, or lead to concerns about doctors promoting drugs they have a financial stake in.

“In general, conflicts of interest are rampant in medicine,” said Jennifer Miller, a bioethicist at Yale University School of Medicine. Private funding can enhance services at a hospital, she said, but the question is if they are the right services for patients.

Experts say that universities should require industry grants to come with no restrictions, and perhaps place them into a general fund instead of into a specific area that the company’s product addresses. When companies directly fund a study, institutions typically allow them to get a preview of the results, but not control study design or how the results are reported.

“It’s purely about what the details of the contract are and how the university manages it,” Kanter said. And it depends what kind of program is in question: While a pharma executive might make a great adjunct professor at a business school, such an arrangement would pose ethical issues at a medical or public health school.

Ethicists say drug companies should also keep in mind their role. At the most basic level, they need to steer their donations in ways that benefits patients.

“That means you do not let the marketing department drive your entire mission and activities,” Miller said.

About the Author



Andrew Joseph¹⁴

General Assignment Reporter

Andrew is a general assignment reporter.

andrew.joseph@statnews.com¹⁵

[@DrewQJoseph](#)¹⁶

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8. <https://www.nyp.org/clinical-services/sackler-brain-and-spine-institute>
9. <https://sackler.yale.edu/>
10. <https://www.kcl.ac.uk/ioppn/depts/fans/sackler-group/index.aspx>
11. <https://www.statnews.com/2019/01/14/purdue-pharma-appeal-kentucky-supreme-court/>
12. <https://www.statnews.com/signup/>
13. <https://www.statnews.com/privacy/>
14. <https://www.statnews.com/staff/andrew-joseph/>
15. <https://www.statnews.com/2019/01/16/purdue-pharma-cemented-ties-to-universities-hospitals/mailto:andrew.joseph@statnews.com>
16. <https://twitter.com/DrewQJoseph>
17. <https://www.statnews.com/tag/addiction/>
18. <https://www.statnews.com/tag/boston/>
19. <https://www.statnews.com/tag/hospitals/>
20. <https://www.statnews.com/tag/legal/>
21. <https://www.statnews.com/tag/opioids/>
22. <https://www.statnews.com/tag/patients/>

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The New York Times

Sacklers Directed Efforts to Mislead Public About OxyContin, New Documents Indicate

A filing in a Massachusetts lawsuit contains dozens of internal Purdue Pharma documents suggesting the family was far more involved than the company has long contended.



By Barry Meier

Jan. 15, 2019

Members of the Sackler family, which owns the company that makes OxyContin, directed years of efforts to mislead doctors and patients about the dangers of the powerful opioid painkiller, a court filing citing previously undisclosed documents contends.

When evidence of growing abuse of the drug became clear in the early 2000s, one of them, Richard Sackler, advised pushing blame onto people who had become addicted.

“We have to hammer on abusers in every way possible,” Mr. Sackler wrote in an email in 2001, when he was president of the company, Purdue Pharma. “They are the culprits and the problem. They are reckless criminals.”

That email and other internal Purdue communications are cited by the attorney general of Massachusetts in a new court filing against the company, released on Tuesday. They represent the first evidence that appears to tie the Sacklers to specific decisions made by the company about the marketing of OxyContin. The aggressive promotion of the drug helped ignite the opioid epidemic.

The filing contends that Mr. Sackler, a son of a Purdue Pharma founder, urged that sales representatives advise doctors to prescribe the highest dosage of the powerful opioid painkiller because it was the most profitable.

Since OxyContin came on the market in 1996, more than 200,000 people have died in the United States from overdoses involving prescription opioids, and Purdue Pharma has been the target of numerous lawsuits.

For years, Purdue Pharma has sought to depict the Sackler family as removed from the day-to-day operations of the company. The Sacklers, whose name adorns museums and medical schools around the world, are one of the richest families in the United States, with much of their wealth derived from sales of OxyContin. Disclosure of the documents is likely to renew calls for institutions to decline their philanthropic gifts.

In a statement, Purdue Pharma, which is based in Stamford, Conn., rejected suggestions of wrongdoing by the company or members of the Sackler family, describing the court filing as “littered with biases and inaccurate characterizations.” The statement said the company was working to curtail the use and misuse of prescription painkillers.

Asked for a response from Richard Sackler and other members of the Sackler family, a Purdue Pharma spokesman, Robert Josephson, said that the company had no additional comment.

Read the New Complaint Against Purdue Pharma

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. SUPERIOR COURT
C.A. No. 1884-cv-01808 (BLS2)

COMMONWEALTH OF MASSACHUSETTS,
v.
PURDUE PHARMA L.P., PURDUE PHARMA INC.,
RICHARD SACKLER, THERESA SACKLER,
KATHIE SACKLER, JONATHAN SACKLER,
MORTIMER D.A. SACKLER, BEVERLY SACKLER,
DAVID SACKLER, ILENE SACKLER LEFCOURT,
PETER BOER, PAULO COSTA, CECIL PICKETT,
RALPH SNYDERMAN, JUDITH LEWENT, CRAIG
LANDAU, JOHN STEWART, MARK TIMNEY,
and RUSSELL J. GASDIA

RECEIVED
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MICHAEL J. HENNEDEEN, CLERK
CLERK-MAGISTRATE

THE COMMONWEALTH'S PRE-HEARING MEMORANDUM FOR THE HEARING SET FOR JANUARY 25, 2019

The Commonwealth respectfully submits this memorandum in advance of the hearing set for January 25, 2019. At the last hearing, on December 21, 2018, the Court considered motions to impound by Purdue (Purdue Pharma LP and Purdue Pharma Inc.) and by the Chief Executive Officer defendants (John Stewart, Mark Timney, and Craig Landau) filed on December 20, 2018. At the conclusion of that hearing, the Court:

- 1) ordered the Commonwealth to file an impounded, unredacted version of its Amended Complaint as well as a redacted version for the public file;
- 2) provisionally granted the CEO defendants' motion to impound information relating to their compensation;
- 3) set a January 25, 2019 conference for the parties to update the Court on the status of the parties' efforts to resolve the issues presented by the redactions, discuss next steps, and

312 pages, 4.81 MB

In 2007, the company and three of its top executives pleaded guilty to federal criminal charges that Purdue had misrepresented the dangers of OxyContin, and they paid \$634.5 million in fines. The Sacklers were not accused of any wrongdoing and have not faced personal legal consequences over the drug.

But last June, Maura Healey, the Massachusetts attorney general, sued eight members of the Sackler family, along with the company and numerous executives and directors, alleging that they had misled doctors and patients about OxyContin's risks. The suit also claimed that the company aggressively promoted the drug to doctors who were big prescribers of opioids, including physicians who later lost their licenses.

The court filing released on Tuesday also asserts that Sackler family members were aware that Purdue Pharma repeatedly failed to alert authorities to scores of reports the company had received that OxyContin was being abused and sold on the street. The company also used pharmacy discount cards to increase OxyContin's sales and Richard Sackler, who served as Purdue Pharma's president from 1999 to 2003, led a company strategy of blaming abuse of the drug on addicts, the suit claimed.

In 1995, when the Food and Drug Administration approved OxyContin, it allowed Purdue Pharma to claim that the opioid's long-acting formulation was "believed to reduce" its appeal to drug abusers compared with traditional painkillers such as Percocet and Vicodin.

At a gathering shortly afterward to celebrate the drug's launch, Mr. Sackler boasted that "the launch of OxyContin tablets will be followed by a blizzard of prescriptions that will bury the competition. The prescription blizzard will be so deep, dense, and white," according to a document cited in the legal complaint.

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Company sales representatives told doctors that OxyContin couldn't be abused and were trained to say that the drug had an addiction risk for patients of "less than one percent," a claim that had no scientific backing. Within a few years, Purdue Pharma was selling more than \$1 billion worth of OxyContin annually.

But abuse of the drug quickly grew as teenagers and others discovered that all they needed to do was to crush OxyContin to get access to large amounts of a pure narcotic, oxycodone, contained in the pills.



Family and friends of people who died of opioid overdoses, protesting outside Purdue Pharma in 2018. Jessica Hill/Associated Press

The court filing depicts Richard Sackler both as a principal force behind OxyContin's promotion and the company's efforts to dismiss growing reports about the drug's abuse in the early 2000s.

For instance, when a federal prosecutor reported in 2001 that there had been 59 overdose deaths involving OxyContin in his state alone, Mr. Sackler appeared to make light of the problem, a document cited in the court filing suggests.

"This is not too bad," he wrote to the company officials. "It could have been far worse."

As part of the 2007 settlement agreement, the board of Purdue Pharma, which included members of the Sackler family, signed a corporate integrity agreement with the federal government promising that the company would not violate the law in the future.

However, Ms. Healey asserted in her lawsuit filed last year that Purdue Pharma, with the knowledge of the Sacklers, continued to illegally market the drug, including promoting its use at levels that increased the drug's dangers.

Also, while Richard Sackler and other members of the family had resigned their operating posts either before or after the 2007 settlement of the Justice Department lawsuit, they still continued to control the company and its decisions, the lawsuit claims.

In a 2012 email, one Purdue Pharma sales official complained about Richard Sackler's micromanagement of the company's sales and marketing activities.

"Anything you could do to reduce the direct contact of Richard into the organization is appreciated," that official wrote.

In its statement, Purdue Pharma said that federal officials in 2013 had reviewed the company's performance under the five-year corporate integrity agreement and found it in complete compliance.

Purdue Pharma, first known as Purdue Frederick, was founded in 1952 by three brothers, Arthur, Mortimer and Raymond Sackler, all physicians who left medicine to pursue careers in the drug business.

When Arthur Sackler died in 1987, his two younger brothers, Mortimer and Raymond Sackler, purchased his stake in the company. They both died more recently.

In 2016, Forbes magazine estimated the family's wealth at about \$13 billion. However, the precise figure is unknown because Purdue Pharma is privately held.

A confidential 2006 Department of Justice memorandum prepared in connection with the federal government's case against Purdue Pharma concluded that the drug maker was aware of OxyContin's growing abuse soon after it came onto the market in 1996.

That document also cited internal Purdue Pharma documents and emails that indicated members of the Sackler family had received reports about the abuse of OxyContin and another long-acting narcotic painkiller, MS Contin, sold by Purdue Pharma. The memorandum, however, did not suggest any wrongdoing by members of the Sackler family.

Barry Meier, a former reporter for The New York Times, is the author of "Pain Killer: An Empire of Deceit and the Origin of America's Opioid Epidemic" and "Missing Man: The American Spy Who Disappeared in Iran."

A version of this article appears in print on Jan. 16, 2019, on Page B1 of the New York edition with the headline: Owners Tied To Plan to Hide OxyContin Risk

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