

Court hears how drug giant Merck tried to “neutralise” and “discredit” doctors critical of Vioxx

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The drug company Merck drew up a list of influential doctors and researchers it wanted to “neutralise” and “discredit,” as part of its marketing of the arthritis drug Vioxx (rofecoxib), according to evidence heard by an Australian court this week.

Details of the plans to “neutralise” doctors surfaced during a class action against Merck on behalf of hundreds of Australians who had heart attacks or strokes after taking the drug, which was withdrawn in 2004 after concerns about safety.

Julian Burnside QC, acting for the plaintiffs, read extracts from company emails sent between Merck staff that discussed a “list of ‘problem’ physicians that we must, at a minimum, neutralise.”

The list dates from 1999 when questions were first raised about the safety of rofecoxib, and there was intense competition within the market for cyclo-oxygenase-2 selective non-steroidal anti-inflammatory drugs. The list included more than 30 US hospital and university based doctors, described in one email as “important from a business perspective in terms of influence and/or prescribing” and “not as supportive of Merck and/or Vioxx as we would like.”

The lead plaintiff in the Australian class action, Graeme Peterson, aged 58, had a heart attack in 2003 after taking rofecoxib for several years. He claims the drug was responsible, and the manufacturer knew of its risks long before it was removed from the market.

Merck and its Australian subsidiary, Merck Sharpe & Dohme, are defending the action, saying they acted responsibly and “Vioxx was not the cause of Mr Peterson’s myocardial infarction.” In a 2007 US settlement, Merck agreed to pay \$4.85bn (£3.3bn, €3.6bn) to people who had a heart attack or stroke after taking the drug, but the company did not admit causation or fault.

Responding to court revelations of company documents listing doctors to be “neutralised,” a Merck legal representative, Colin Loveday, said that there had not been an opportunity to put them in context and that “portions of documents not read in their entirety do not reflect the full facts.”

However, the full text of Merck’s detailed list of doctors, and the methods used to “neutralise” them, is publicly available at an archive of drug industry documents hosted by the University of California at San Francisco (<http://dida.library.ucsf.edu>).

The document shows how Merck used the offer of money for research, education, and funding of medical schools, to attempt to “neutralise” senior doctors and attempt to buy favour with them.

One case discusses a university based rheumatologist who “requires very large honorarium to talk.” In another case Merck staff recommended spending more than \$50 000 on a fellowship programme for a highly influential professor and engaging him in research activities described as “show me the money—clinical trials.”

One doctor, apparently unable to be neutralised, has the word “discredit” next to his name, accompanied by a “strong recommendation to discredit him.”

Another document discussed in court this week was a letter to the chief executive of Merck from the Stanford

University professor of medicine James Fries in 2001, complaining about “a consistent pattern of intimidation” of academic researchers critical of Vioxx, “often with the hint of loss of Merck funding to the institution.”

The court also heard about an email exchange later that year between two executives discussing how Merck was “out gunned” at a scientific meeting to discuss Vioxx. One executive said that Merck needed to be better prepared to meet “the barbarians at the gate,” and another executive responds by saying that “we may need to seek them out and destroy them where they live.”

Asked by the *BMJ* whether these tactics are commonly used against critics, a Merck public relations consultant sent a short comment from a legal representative arguing company statements were based on sound science and that the internal documents show that “there has always been a vigorous debate about Vioxx, and Merck believes in its right to participate in that debate.”

The case is scheduled to continue for several months.

Notes

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