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Attorney General Stumbo Settles with Makers of Generic Version of Children's Motrin®

FRANKFORT, KY (August 13, 2004) -- Attorney General Greg Stumbo announced today that his Consumer Protection Division has settled a civil law enforcement action with forty-nine other states against Perrigo Company and Alpharma, Inc., charging the companies with antitrust violations that resulted in the destruction of competition in the market for over-the-counter generic store-brand versions of liquid suspension Children's Motrin®.

The states' case was a joint investigation with the Federal Trade Commission. The Federal Trade Commission announced the settlement of its own lawsuit against Perrigo and Alpharma today.

To resolve this civil law enforcement action, Perrigo and Alpharma have agreed to make combined payments of \$10,000 to each litigating state, and will be paying approximately \$1 million into funds administered by the National Association of Attorneys General to help support future antitrust enforcement efforts.

Perrigo and Alpharma, Inc., are the only two FDA-approved manufacturers of generic over-the-counter liquid suspension ibuprofen, a drug product used to temporarily reduce fever and relieve minor aches and pains in children. The states allege that, in 1998, Perrigo and Alpharma entered into an agreement that gave Perrigo 100% of the market for generic versions of this product. The states further allege that Alpharma never began selling its generic product, and that Perrigo captured a 100% share of the market.

"The lack of competition caused retail stores that sell store brand products to pay more for this product than they would have paid in a competitive market," Stumbo said. "This was unfair to business owners and consumers."

Because this lawsuit was filed as a law enforcement action, the states sought civil penalties and equitable relief. The relief that was obtained through the settlement will help ensure that these companies will not engage in similar conduct in the future.

Motrin® is a registered trademark of Johnson & Johnson, who is not a party in this lawsuit.

For more information, please contact us at:

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