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Lawsuit Alleges Companies Sold Bad Blood

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By Kim Curtis

SAN FRANCISCO -- Thousands of hemophiliacs filed a class-action lawsuit against Bayer Corp. and other companies, claiming they exposed patients to HIV and hepatitis C by selling products made with blood from sick, high-risk donors.

The lawsuits, filed in federal court, alleges the companies continued distributing the blood-clotting products in Asia and Latin America in 1984 and 1985, even after they stopped selling them in the United States because of the known risk of HIV and hepatitis transmission.

The suit was filed Monday on behalf of hemophiliacs who received the drug, said attorney Robert Nelson.

"This is a worldwide tragedy," Nelson said. "Thousands of hemophiliacs have unnecessarily died from AIDS and many thousands more are infected with HIV or hepatitis C."

In Germany, Bayer declined to comment Tuesday on the suit, saying it had not yet received the relevant documents. Baxter Healthcare Corp., also named in the lawsuit, did not immediately return calls seeking comment after business hours Monday.

The lawsuit was filed less than two weeks after Bayer responded to an investigation by The New York Times accusing the company of selling old stock of the medicine abroad, while marketing a newer, safer product in the United States.

While the company said it acted responsibly and in line with the best medical knowledge at the time, Bayer and three other companies that made the concentrate settled 15 years of U.S. lawsuits from people who took the drug, paying about \$600 million, the newspaper said.

The medicine, called Factor VIII concentrate, can stop or prevent potentially fatal bleeding in people with hemophilia.

Early in the AIDS epidemic, the medicine was commonly made using mingled plasma from 10,000 or more donors. Because there was not yet a screening test for HIV, the virus that causes AIDS, thousands of hemophiliacs were infected.

But the lawsuit alleges Bayer and the others refused to take precautions that could have made the product safer.

As of 1992, the contaminated blood products had infected at least 5,000 hemophiliacs in Europe with HIV. More than 2,000 had already developed AIDS and 1,250 had died from the disease, the lawsuit said.

By the mid-1990s in Japan, hemophiliacs accounted for the majority of the country's 4,000 reported cases of HIV infection and virtually all infections of Japan's hemophiliacs have been linked to contaminated blood products imported from the United States, the lawsuit said.

In Latin America, at least 700 HIV cases are linked to use of contaminated blood products by hemophiliacs, the lawsuit said.