

The Japan Times

Japanese hemophiliacs invited to join U.S. suit over tainted-blood sales

June 5, 2003

Compiled from Kyodo, AP

LOS ANGELES -- A class action lawsuit was filed in a San Francisco federal court Monday on behalf of 15 European hemophiliacs suing seven firms, including a subsidiary of Mitsubishi Pharma Corp., for selling contaminated blood products that exposed them to HIV and hepatitis C, their lawyer said Tuesday.

Attorney Robert Nelson said thousands of Japanese could also be named as potential plaintiffs because they contracted hepatitis C from unheated blood-clotting agents for hemophiliacs sold by Mitsubishi Pharma subsidiary Alpha Therapeutic Corp. as well as Bayer Corp., Baxter Healthcare Corp. and its subsidiary.

"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."

The lawsuit was filed in California because defendants, including Alpha Therapeutic, are based and conduct business there.

The plaintiffs seek monetary compensation for damages they suffered, but Nelson refrained from disclosing the amount. They also accuse the companies of negligence and fraudulent concealment.

Although 16 Japanese hemophiliacs who contracted hepatitis C through tainted blood products filed a suit against the Japanese government and three drug makers, including Mitsubishi Pharma, last October, no Japanese are named in the American suit.

But Nelson said he hopes Japanese hemophiliacs will join the worldwide suit.

Alpha Therapeutic and the other companies are also accused of continuing to distribute blood products in Japan, other parts of Asia, and Latin America in 1984 and 1985, even though they halted U.S. sales of the products due to the HIV and hepatitis risks.

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, according to the suit.

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 are linked to contaminated blood products imported from the U.S., the suit said.

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

A spokesman for Mitsubishi Pharma declined comment, saying the firm has yet to confirm facts about the lawsuit. The firm was created in 2001 through mergers of pharmaceutical makers, including the former Green Cross Corp., which was blamed for causing numerous hemophiliac HIV infections through sales of tainted blood products.

Armour Pharmaceutical Co., Aventis Behring LLC and its subsidiary, Aventis Inc., were also named in the suit.

"Basically, we deny any misconduct in the marketing of the products in the mid-80s, and the actions taken were based on the best scientific information available at the time," said Tricia McKernan, a Bayer spokeswoman.

Though Baxter officials had yet to see the lawsuit, a spokeswoman said issues brought forth in it were old and had been addressed through past litigation.

"We have done everything to reduce the burden on hemophiliacs throughout the years," Baxter official Deborah Spak said.