



NEWS RELEASE

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Attorney General Marty Jackley and 33 Attorneys General Reach a \$42.9 Million Settlement with Pfizer

PIERRE, S.D. - Attorney General Marty Jackley announced today that South Dakota has joined 33 other Attorneys General in reaching a \$42.9 million Consent Judgment with Pfizer Inc to resolve allegations that Pfizer Inc unlawfully promoted its drugs, Zyvox® and Lyrica®. Under the settlement South Dakota will receive \$627,435.

“The marketing of drugs for off-label use seriously endangers consumers,” said Jackley. “We are pleased that we were able to address the health and safety concerns and ultimately reach an agreement that serves to better protect consumers.”

The Attorneys General allege that Pfizer Inc engaged in unfair and deceptive practices in its promotion of Zyvox® by making misleading and unsubstantiated superiority claims that broadened the indications for Zyvox®, an antibacterial agent approved to treat certain types of infections, including among other approved indications, nosocomial pneumonia caused by methicillin-resistant *Staphylococcus aureus* (“MRSA”) and complicated skin and skin structure infections due to MRSA. Moreover, the Attorneys General allege that Pfizer Inc engaged in unfair and deceptive practices in promoting Lyrica® for off-label uses.

As part of the Consent Judgment, Pfizer Inc agreed to reform how it markets and promotes Zyvox® and Lyrica®. Under the Consent Judgment, Pfizer Inc shall not:

- Make any false, misleading, or deceptive claims when comparing the efficacy or safety of Zyvox® to vancomycin;
- Promote any Pfizer product for off-label uses;
- Fail to design financial incentives that ensure that its marketing personnel are not motivated to engage in the improper marketing of Zyvox® or Lyrica®; or
- Fail to notify its sales force promptly of any warning letter received from the FDA that affects sales representatives in the promotion of Pfizer products.

If you have additional questions contact Sara Rabern at (605)773-3215.