

Testimony of

Dr. Sidney M. Wolfe

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On Oxycontin
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I will discuss three issues that have arisen from the highly-touted prosecution by the Justice Department of the Purdue Frederick Corporation for "misbranding Oxycontin with the intent to defraud and mislead the public." The issues highlight the double standard in this country for prosecuting corporations and individual corporate officials whose intentional activities result in hundreds of deaths vs. the much more stringent penalties imposed on non-corporate individuals who serve long jail sentences for activities resulting in a tiny fraction of the damage done by the corporate criminal activity.

The three issues are as follows:

1/ No company official is going to jail because there was no felony conviction of any company person, just of the corporation itself which can not go to jail.

U.S. Attorney Brownlee has said that the many prosecutors "spent years culling through millions of documents, looking for the evidence. And what they did is they were able to piece together a corporate culture that allowed this product to be misbranded with the intent to defraud and mislead."

Why was it that there were no individual humans who carried out the deadly missions of the "corporate culture" such as the admitted activities of:

(The above is from page 4 of the press the statement issued by the Justice Department on May 10th of this year announcing the prosecution)

2/ The prosecution was inexplicably limited to a time period (1996-2001) ending well before the company ceased engaging in illegally misbranding Oxycontin. In addition, there was a non-prosecution agreement signed by the three individual corporate criminals and the company itself and agreed to by the Justice Department that prevents any further prosecution of the company or the misdemeanor-guilty company officials for any activities before May 10, 2007. This includes the promise not to seek additional criminal penalties.

3/ The criminal penalties paid by the company, said to be 90% of their profits on Oxycontin, were apparently limited to the 1996-2001 interval even though much of the subsequent sales and profits were unequivocally derivative of the earlier (and later) illegal promotional activities.