

Japanese government not culpable in chloroquine medical law suit

After a 20-year legal battle, the Japanese Supreme Court has absolved the government of all responsibility in a case where patients suffered side-effects from the drug chloroquine, a decision that could set a precedent for similar medical damage suits in Japan. Although, in this case, the pharmaceutical companies concerned eventually settled out of court, the patients who brought the suit maintain that the government — as a regulator of drugs — should have been held accountable.

Chloroquine, developed in Germany in 1934 and first used in Japan as an anti-malarial agent in 1955, is believed to have caused severe deterioration in the vision of 1,300 patients who took the drug in the 1960s for the treatment of epilepsy, nephritis and rheumatism. Those patients seeking compensation for their injuries claim that the Japanese government was negligent because it failed to ban the drug, in spite of reports in a British medical journal in 1959 that the drug could cause damage to the retina.

Moreover, it has been widely reported that in 1965 the head of the Ministry of Health and Welfare's pharmaceutical department stopped taking the drug for his rheumatism after hearing of the potential side-effects. Even so, it was four years before the ministry ordered manufacturers to include a warning about potential side-effects. Moreover, it was 1976 when the ministry acknowledged that the risks associated with the drug outweighed the benefits when it was used to treat kidney inflammation.

Between 1975 and 1978 many patients initiated legal proceedings against the government, which led to a decision in 1982 by the Tokyo District Court in their favour. The Japanese government, pharmaceutical companies and hospitals were ordered to pay ¥3.6 billion (US\$42 million) in compensation to the patients.

This decision was, however, overturned by the Tokyo High Court in 1988, which

ruled that only pharmaceutical companies are liable in such cases, a decision that was recently upheld by the Supreme Court. The court decided that the Japanese authorities were correct not to ban the production and use of the drug based on the information available at time.

In an out-of-court settlement in 1988, the six pharmaceutical companies agreed

IMAGE
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REASONS

A group of patients entering the Tokyo High Court. The patients were suing the Japanese government and the manufacturers of the drug chloroquine for medical damages.

to pay the patients collectively ¥4.1 billion (\$48 million) in compensation.

The decision in the chloroquine case, the first decision by Japan's Supreme Court in a drug side-effects case, puts the onus of ensuring the safety of drugs squarely on the shoulders of pharmaceutical companies and not the government which regulates their approval. This is expected to have some bearing on the outcome of another case being heard at Tokyo District Court, which drew to a close in March and is awaiting a verdict. This time it involves a group of haemophiliacs, infected with the human immunodeficiency virus (HIV) from contaminated blood products imported from the United States. As with the chloroquine case, the group is suing both the Japanese government and pharmaceutical companies, accusing the former of unnecessary delay and foot-dragging in its approval of products that had been heat-treated to destroy HIV and other viruses.

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DID YOU KNOW?

New CEO for Genentech

G. Kirk Raab, the president and CEO of biotechnology giant Genentech Inc. of South San Francisco was abruptly replaced by Arthur Levinson on 7 July, following an inquiry by the board of directors. Although noting that Raab had made "significant contributions to the company during his ten years of service," the members were unable to overlook irregularities in Raab's actions in negotiating a large merger transaction between Genentech and Roche Ltd, most notably his seeking a US\$2 million personal bank loan guaranteed by Roche. In a written statement, Raab expressed "regret that I may have created the perception of a conflict of interest."

F.R.S.

End of an era for Wellcome

Glaxo Wellcome plans to close the Wellcome research and development laboratories in Beckenham, Kent, where 1,500 people are employed. This will cut costs and end the duplication of research after the £9.4 billion (US\$15 billion) takeover of Wellcome by Glaxo in March, creating the world's largest pharmaceutical company.

It is not yet clear how many staff will lose their jobs: some will transfer to Glaxo's new £700 million (\$1.2 billion) research centre in Stevenage. The closure marks the end of a significant chapter in the history of the UK pharmaceutical industry. Since it opened in 1923, five Nobel prize winners have worked there, and the most notable product is perhaps the anti-AIDS drug AZT.

NUALA MORAN

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And the lucky winners are . . .

Ninety biomedical scientists from ten countries in Eastern Europe and the former Soviet Union are among the lucky recipients of grants totalling US\$15 million to be awarded by the Howard Hughes Medical Institute, the largest private biomedical foundation in the United States.

The scientists were chosen from more than 2,000 applicants. Russia garnered the most awards, with 36. Other countries included Belarus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, the Slovak Republic and the Ukraine. The grants range from US\$22,000 to US\$35,000 a year for five years. Two-thirds of them are linked with institutions in the United States, Western Europe, Japan and Australia.

D.G.