

Case 1

Pharmaceutical giant Eli-Lilly, the drugstore chain Walgreens, and 3 physicians are being sued by a 59-year old woman, S.K., from Broward County, FL for invading her privacy and improper medical practice, as well as other violations of the sunshine state's laws. S.K. is one of approximately 150 people who received unsolicited, a free, one-month supply of a new version of Prozac, *Prozac Weekly*. 16-year old Michael Grinstead of Palm Beach was also one of the recipients.

The medication was accompanied by a "Dear Patient" generic letter signed by three local medical doctors, including S.K.'s personal physician, that stated: "We are very excited to be able to offer you a more convenient way to take your antidepressant medication. For your convenience, enclosed you will find a FREE one-month trial of Prozac Weekly [...]. Congratulations on being one step to full recovery".

S.K., however, had not taken Prozac for more than 7 years and was given her initial - and only- prescription for the medication by her physician in Massachusetts where she resided at the time. Because she did not tolerate the medication well, she switched to a different drug, which she has been using ever since. Michael, on the other hand, has neither been diagnosed with depression nor has he ever been treated with antidepressant medication.

As part of an aggressive marketing campaign, sales representatives for Eli-Lilly prepared the letter, which they added to blank letterhead previously signed by the local doctors, and delivered to the neighborhood Walgreens drugstore to mail the samples in handwritten manila envelopes. Walgreens received faxed prescriptions from the doctors' offices and reimbursement coupons from Eli-Lilly for the samples, but it is not clear what, if any, compensation the prescribing physicians received.

The growing association of the pharmaceutical industry with health care providers is transforming the traditional doctor-patient relationship as well as raising new questions about the professional and ethical obligations of health care practitioners to their patients. Pharmaceutical companies pay major drug stores to contact patients and encourage them to either fill prescriptions, change to a different drug, or update to a newer version of a particular medication. Advertisements or special services related to particular drugs and/or diseases target the independent streak of the patient-consumer, such as email reminders about medications (a computer glitch in Eli-Lilly's internet service resulted in the public listing of the email addresses of all the patients participating in the online service a year prior to the Prozac incident).

The research, development and production costs of a single successful drug characteristically climb to hundreds of millions of dollars, while sales profits materialize mostly for the duration of the patent. Prozac's patent expired in August 2001 and its sales for Eli-Lilly have since plummeted more than 80%, due both to the substitution of generic drugs for the expensive brand drug form and competition from other brand medications with similar modes of action.