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Eli Lilly and Zyprexa (olanzapine)

By James B. (Jim) Gottstein, Esq., January 26, 2007
for Congressman Lantos

You have asked for a "one pager" describing the events, implication and possible actions regarding Eli Lilly and recently revealed documents pertaining to Zyprexa (olanzapine).¹ Zyprexa is what is known as an "atypical" neuroleptic and is approved only for people diagnosed with schizophrenia and the manic phase of bi-polar disorder.

Many people taking Zyprexa gain a massive amount of weight and/or get diabetes. This resulted in multidistrict federal litigation (MDL 1596). In an unrelated forced psychiatric drugging case, I subpoenaed documents from Dr. David Egilman who was a plaintiffs' expert in MDL 1596. Documents were produced, which I forwarded to the New York Times and a number of other people.² At his request, I sent a copy to Stephen Cha, MD, a staff member of the then minority office of the House Committee on Government Reform.³ Emilia DiSanto of Sen. Grassley's Office is also familiar with this matter.

Starting on December 17th, the New York Times ran five straight days of coverage including two front page stories, and an editorial calling for a Congressional investigation. According to the New York Times, the documents show Eli Lilly (1) downplayed to doctors the serious health problems caused by Zyprexa, (2) illegally promoted "off-label" uses of Zyprexa, and (3) provided doctors with data regarding other blood-sugar problems associated with Zyprexa that did not match data the company circulated internally. The off-label promotion revealed by the documents is to the elderly, for whom the drug is particularly lethal.

It also appears Eli Lilly has been and is illegally promoting the use of this very dangerous drug to children and youth, especially those in state custody. Zyprexa is attractive to administrators of facilities for both the elderly and children in state custody because its chemically subduing effect prevents them from making much of a fuss about their treatment.

This raises a number of important issues and reveals a public health disaster since Zyprexa is a very harmful -- even deadly -- drug being prescribed to about 2 million people worldwide. If not stopped, the current effort to greatly increase the number of children and youth on this drug (and similar ones) will constitute a huge tragedy and betrayal of America's children.

It seems the New York Times' call for a Congressional investigation is a good one. In addition to investigating the illegal activities disclosed by the New York Times, the probable illegal promotion of Zyprexa for prescription to children and youth should also be investigated. This is particularly critical. The role of the FDA in all of this might also be of interest. It also seems probable that Eli Lilly has violated the securities laws by making false and misleading public statements. I stand ready to assist in any way I am able.

¹ Documents pertaining to the legal proceedings, as well as nine New York Times pieces, involving this are available at <http://psychrights.org/States/Alaska/CaseXX.htm>. The produced documents are not available on this website.

² Eli Lilly is moving aggressively in MDL 1596 to suppress dissemination of the documents, intimidating people, and stating it will seek criminal and civil contempt sanctions against Dr. Egilman and me even though the evidence at the recent hearing shows, I believe, that he lawfully produced the documents.

³ Chairman Waxman subsequently returned the documents. *See*, <http://psychrights.org/States/Alaska/CaseXX/EilLilly/CongWaxmaReturningDocumentsLtr.pdf>.