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The prosecution of pharma gets personal

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Our September 2010 issue featured an Opinion piece written by Jeb White, a partner with the national whistleblower law firm of Nolan & Auerbach, P.A. in Philadelphia, Pennsylvania. The title was pretty self-explanatory: Masterminds behind pharmaceutical fraud deserve prison time.

It seems as though regulators are following this train of thought. The week *Drug Topics* has a piece about how the US Food and Drug Administration “has a new target in its continuing efforts to clean up pharmaceutical industry abuses: ”<http://drugtopics.modernmedicine.com/drugtopics/article/articleDetail.jsp?id=713115&sk=29aa4165af6185f84b80f4992efe0b55>”>individual corporate officials”.

Recently, the agency targeted two VPs at McNeil Consumer Healthcare, a Fort Washington, Pennsylvania-based unit of Johnson & Johnson, following the massive recall of its over-the-counter pain reliever Tylenol. “[I]t appears the FDA spared [J&J CEO Bill Weldon] and other c-suite players because of the decentralized organization encompassing the many J&J units,” according to the *Pharmalot* blog.

That echoes a point made by Jeb White’s Opinion piece: “The complex organizational structure of most large corporations prevents government prosecutors from readily building a criminal case against a particular employee. Modern corporations are highly compartmentalized. For example, in the pharmaceutical or biotechnology industry, the research and development divisions operate largely separately from the marketing divisions that promote the resulting drugs.”

What do you think? Should the FDA be taking individuals to court or the companies they work for? Share your thoughts here in the comments section.

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