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Page: 1C

PLASMA SUPPLIER NAMED IN LAWSUIT HEMOPHILIACS SUE OVER TAINTED BLOOD

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Four drug manufacturers have been named in a lawsuit filed by seven people who allege they or their family members contracted AIDS after using HIV-contaminated blood-clotting products made by these companies a decade ago.

Also named in the lawsuit is Miami-based North American Biologicals Inc., which the plaintiffs claim was negligent in acquiring blood plasma from high-risk individuals and failed to take "reasonable measures" to screen its plasma at the time. Plasma collected by NABI and others was manufactured into blood- clotting agents by the drug firms named in the suit, the lawsuit says.

About 9,000 hemophiliacs – 45 percent of the hemophiliacs in the United States -- contracted the AIDS virus more than a decade ago from medicine they took so their blood could clot. At least 1,900 have died.

Filed in Dade County Circuit Court this week, the lawsuit seeks class-action certification and asks for damages in excess of $15,000. All plaintiffs filed under pseudonyms. One lives in Dade County. Four others live elsewhere in Florida, with two more in Tennessee and Massachusetts.

Also named are four drug manufacturers -- Bayer Corp., the Pittsburgh-based affiliate of the German drug firm Bayer A.G.; Armour Pharmaceutical Co. and its parent, Rhone-Poulenc Rorer Inc. of Collegeville, Pa.; Baxter Healthcare Corp. of Deerfield, Ill.; and Alpha Therapetic Corp. of Los Angeles, Ca. Those firms produced the blood-clotting agents from plasma.

By December 1982, the suit alleges, the four drug firms knew "all of their products were probably contaminated with the AIDS causing agent," but "made no effort to trace and recall or withdraw coagulation products from the marketplace." The drug firms failed to issue any AIDS warnings until 1984, the lawsuit said, and when they did, the firms downplayed the risk of hemophiliacs contracting AIDS from their products.

By December 1982, the lawsuit says, "all defendant drug companies anticipated marketing safer products within the next year, but nevertheless continued to manufacture and aggressively sell and promote their unsafe and defective products."

The drug firms should have "done whatever was necessary to alert the general public, with package inserts, letters to doctors," said Robert Parks, a Miami attorney who is one of several representing the hemophiliacs and their relatives. Instead, they kept quiet to preserve sales, the lawsuit alleges.

The nonprofit National Hemophilia Foundation also was named because it failed to warn hemophiliacs about the clotting products' risks, the suit says.

David Gury, North American Biologicals' chairman, president and chief executive, said the first test to detect HIV -- the deadly virus that causes AIDS -- was sold in 1985. The company used other methods to screen blood for various conditions before then, Gury said.

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