

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF KEVAN GOGAY

I provide this statement in response to three requests made to Abbott under Rule 9 of the Inquiry Rules 2006 dated 24 October 2019, 12 March 2020 and 21 October 2020 (the “Requests”).

I, Kevan Gogay, will say as follows: -

1. I am Kevan Gogay, Finance Director, UK & Ireland and have worked at Abbott Laboratories Limited (“ALL”) since 8 September 2003. I am authorised to represent ALL as a witness. The contents of this statement are based on information provided to me in good faith through various enquires made within the business following receipt of the Requests of the Infected Blood Inquiry (the “Inquiry”). It is important to note that this statement represents a summary of such information provided, and such information is based on reasonable belief and knowledge. References within this statement to “we” and “our” are to be taken as references to ALL.

Relevant Corporate Structure and Background

2. ALL is a UK affiliate of Abbott Laboratories, a global healthcare company that conducts innovative research and manufactures products for human health through every life stage. Abbott Laboratories is headquartered in Chicago, USA. ALL is headquartered in Maidenhead, UK.
3. ALL and Abbott Healthcare Products Limited (“AHPL”), also a UK affiliate of Abbott Laboratories, are the two Abbott legal entities relating to the Requests. AHPL was acquired by Abbott Laboratories as part of its acquisition of the pharmaceutical business of Solvay Group in February 2010. For the reasons made clear below, specifically the date of 1978 Divestment (as defined), AHPL is not relevant to the Requests. Consequently, this statement focuses on ALL.
4. The UK is one of a broad number of strategic markets for Abbott Laboratories across the Europe, Middle East & Africa region, and our global businesses are divided into four (4) main divisions:
 - (a) Established Pharmaceuticals (EPD) – this division is headquartered in Allschwil, Switzerland. EPD products encompass a broad line of branded generic pharmaceuticals manufactured worldwide and sold to countries outside of North America, Europe, Japan, Australia and New Zealand;
 - (b) Medical Devices – this division is focused on the manufacturing and sale worldwide of medical device products including a broad line of rhythm management, electrophysiology, heart failure, vascular and structural heart devices for the treatment of cardiovascular diseases, and diabetes care products for people with diabetes, as well as neuromodulation devices for the management of chronic pain and movement disorders;
 - (c) Diagnostics – this division is focused on the manufacturing and sale of a broad line of diagnostic systems and tests, including core laboratory systems, molecular diagnostic systems, point of care systems, rapid diagnostic systems in the area of infectious diseases and informatics and automated solutions for use in laboratories; and

- (d) Nutrition – this division is focused on the manufacturing and sale of a broad line of paediatric and adult nutritional products.

Requests

5. While good faith efforts have been made to respond to the Requests, we must highlight the multiple challenges and complexity of responding to certain aspects of the Requests as a result of the fact that Abbott Laboratories' global pharmaceutical business went through an extensive period of transformation through divestment and acquisition from the 1970s to date. This included the 1978 Divestment (as defined).
6. The Inquiry wrote to ALL and AHPL with a specific reference to Profilate. We have not been able to locate or identify any information on whether ALL sold, distributed and/or manufactured Profilate in the UK. Further, to the best of our knowledge, ALL has not produced and/or supplied in the UK any other blood factor products manufactured from pooled plasma.
7. As regards Profilate, following the Requests, we contacted the Medicines and Healthcare products Regulatory Agency ("**MHRA**") which confirmed from its records that a licence was granted for Profilate to Abbott Laboratories in 1975 under authorisation number PL 00037/0071. That licence was subsequently cancelled and the MHRA has advised that it does not have further details because of the age of the relevant file. The UK Trade Mark Office also confirmed that ALL registered Profilate as a trade mark in class 5 on 31 July 1974. The UK Trade Mark Register includes the subsequent recordal of an assignment of the mark to Alpha Therapeutic on 15 August 1978. This trade mark registration in the UK does not provide any confirmation or indication as to whether ALL sold, distributed and/or manufactured Profilate in the UK.
8. It is important to note that Abbott Laboratories' former global Scientific Products Division, which included Profilate, was sold to The Green Cross Corporation and Alpha Therapeutic Corporation in or around June 1978, along with any then-existing books and records relating to that business (the "**1978 Divestment**"). Aside from the 1978 Divestment, there is no other relationship between Abbott Laboratories or ALL and the Green Cross Corporation and Alpha Therapeutic Corporation.
9. So far as we are aware, ALL does not hold or have control of any relevant documentation about Profilate. It is not realistic to believe that ALL holds or controls any such documents. This is a consequence of:
 - a) the fact that, pursuant to the 1978 Divestment, the relevant business including Profilate was sold by Abbott Laboratories over 42 years ago, along with any then-existing books and records relating to the business;
 - b) the historical nature of the period relating to the Requests; and
 - c) the non-standardised and non-centralised retention, storage and archiving of pre-digital documentation, as explained further below.
10. Nevertheless, in response to the Requests and in order to assist the Inquiry, ALL conducted a number of searches relating to Profilate and the 1978 Divestment. We provide further details about our searches, and ALL's documentary systems and procedures in paragraphs 12 to 16 below. These searches did not locate any documents relating to Profilate.
11. Consequently, having conducted reasonable enquiries, we do not believe that ALL holds or controls documents responsive to the Requests.

Retention, Storage, Archiving and Searches

12. ALL does not have a centralised archiving system, and we are not aware of any archiving system or archiving policies prior to 2000 (and the use of Iron Mountain as set out in paragraph 13) relating to ALL in the UK. Further, we have been unable to locate a copy of any company policy requiring ALL to retain, store or archive documents in the UK or elsewhere dated prior to 2004. Whilst we believe that such a policy likely existed prior to 2004, we are not aware of any such policy being applicable as at

the date of the 1978 Divestment.

13. Further, as noted above, the then-existing books and records associated with Abbott Laboratories' global Scientific Products Division, including Profilate, were transferred to The Green Cross Corporation and Alpha Therapeutic Corporation in the course of the 1978 Divestment. To the extent that documents relating to Profilate were not transferred out of ALL's possession or control to The Green Cross Corporation and Alpha Therapeutic Corporation in the course of the 1978 Divestment, it is not realistic to believe that any such documents remain in ALL's possession or control given the archiving and retention systems and procedures set out above.
14. Nevertheless, certain business divisions at ALL have used a company called Iron Mountain to store physical records. These are made up from 2000 to date. Consequently, in responding to the Requests, ALL undertook a search of the inventories from Iron Mountain, being the repository most likely to realistically contain any documents responsive to the Requests. ALL searched against the following key words relating to both Profilate and the 1978 Divestment: Profilate, Scientific Product, Scientific Products, ASPD (Abbott Scientific Product Division), Green Cross, Alpha Therapeutics, Abbott UK, Abbott Healthcare, Abbott Healthcare UK and Abbott Healthcare United Kingdom. A search for these terms across the titles of each batch of documents resulted in no relevant records.
15. At the global level, prior to 2013, Abbott Laboratories did not have a global records retention policy or archiving system defining, in detail, how long records were required to be kept, including one that applied to ALL. The Abbott Global Retention Policy was introduced in 2013.
16. As at the date of the 1978 Divestment, ALL was not required to provide documents and information to Abbott Laboratories as part of any archiving, storage and/or retention procedure. Further, as far as we are aware, ALL has never been under such a requirement. Consequently, it is not realistic to believe that documents responsive to the Requests were provided by ALL to Abbott Laboratories for storage in the US (and thus shipped from the UK to the US at cost) when there was no obligation to do so and, for completeness, we are not aware of any. Nevertheless, in responding to the Requests, a search was also carried out in the Abbott Laboratories US Records Information Management System. The Records Information Management System is managed by Records and Information Governance in Abbott Laboratories' headquarters in Chicago and includes records for all divisions at Abbott Laboratories. Primary records in the system are US based and also include records from outside of the US. A search was conducted against the following key words related to both Profilate and the 1978 Divestment: Profilate, Scientific Product, Scientific Products, ASPD (Abbott Scientific Product Division), Green Cross, Alpha Therapeutics, Abbott UK, Abbott Healthcare, Abbott Healthcare UK and Abbott Healthcare United Kingdom. A search for these terms resulted in no relevant records.
17. In respect of electronic database systems, we understand that the first such system applicable to ALL, including email, was not introduced until around the early 1990s. Consequently, as at the introduction of this system, the 1978 Divestment had taken place at least 12 years prior. Further, we are not aware of any archiving system or retention policy relating to ALL being in force at the time of the introduction of the first electronic database system. Moreover, as far as we are aware, no hard copy documents relevant to Profilate have been digitized by ALL. Consequently, it is not realistic to believe that documents responsive to the Requests are held on ALL's electronic database systems and, for completeness, we are not aware of any.

Statement of Truth

I believe that the facts stated in this written statement are true.

Kevan Gogay

Digitally signed by Kevan Gogay
DN: cn=Kevan.Gogay.o=Abbott, ou=CFS,
email=Kevan.Gogay@Abbott.co.uk, c=GB
Date: 2021.01.21 08:43:45 Z

Signed _____

Dated _____