

FROM THE UN

THE CRIMINAL TRADE IN FAKE DRUGS

The world drug industry is finally under long overdue scrutiny. The World Health Organization (WHO) estimates that 25 per cent of drugs sold in poor countries are fakes. The global trade in fake and substandard drugs is now worth more than \$30 billion per year. Sophisticated transnational criminal organizations are often involved. The final tally of this fakery is untold suffering and many preventable deaths.

This health menace has touched rich and poor countries alike. For example, the tainted steroids from a US compounding pharmacy killed people with fungal meningitis, contaminated blood thinner, heparin, has been linked to deaths in Canada, a fake version of the heart drug Avastin came into the country containing no active drug, just starch and nail polish remover. In the US there has recently been a number of cases of serious fraud in private drug testing labs.

There is a great need for more oversight, regulation and vigilance. Today two-thirds of all countries have no drug regulation agency at all or at best incomplete regulation. Even in the US the food and drug administration (FDA) does not have the authority or funding to properly monitor drug manufacturing for safety.

In the US nearly 40 percent of all drugs taken by Americans come from overseas. Nearly 80 percent of active drug ingredients come from outside the country, often from developing countries. China and India are major sources of ingredients and also major sources of fake drugs.

Recently, WHO held a meeting in Buenos Aires with delegates from 100 countries to strengthen defenses against substandard and fraudulent drugs. Some delegates voiced the need for an enforceable legal international treaty. Such a treaty would foster cooperation among police and the courts to go after criminals selling fake drugs. A treaty against fake bank notes has existed for almost a century; why not for fake medicines?

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A major issue is the pricing of drugs. Pharmaceutical companies, using their patents, often charge high prices for drugs. People in poor countries cannot afford these prices. This arbitrary high pricing infuriates poorer countries as well as companies that produce generic drugs. The developing countries face high drug prices because drug patents block the production of lower cost generics. This situation is fertile ground for criminal organizations to move in to fill the gaps. Poorer countries clearly see that Western drug companies are only interested in protecting their patents from counterfeiting .

To boost access to affordable drugs, Doctors Without Borders has developed an online resource to combat unwarranted drug patent requests. Due to the volume of patent applications local patent examiners grant unjustified patents. For example, combining two or three separate prescription ingredients into one pill or using a known industry practice to formulate a drug is submitted for a new 20 year patent. These practices should not be considered innovative and definitely not allowed.

There have been some successes. In countries where patents have been challenged such as Thailand, Brazil and India undeserved patents were prevented and brought down the price of some drugs.

The tremendous improvements in public health and medicine must not be undermined. The safety of drugs is vital. Drugs must not be treated as simply another product in the marketplace with their availability resting on profit considerations. There is something very wrong in a world where people are sickened and die because the medications they need are too expensive or fraudulent or both.

The safety and availability of life saving drugs is a moral imperative.

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