

United States Senate

WASHINGTON, DC 20510

March 28, 2019

Dr. Craig Landau
President and Chief Executive Officer
Purdue Pharma L.P.
One Stamford Forum
201 Tresser Boulevard
Stamford, CT 06901-3431

Dear Dr. Landau:

We read with interest your interview in the *Washington Post* published on March 13, in which you discussed Purdue's development of an opioid overdose reversal drug that is more potent than naloxone, the opioid antagonist that is currently in widespread use throughout the United States.¹ In particular, we were struck by your comments that Purdue is pursuing this new drug — an injection of nalmefene hydrochloride — on a pro bono basis, to combat opioid overdoses. According to the *Post*, you stated: "We're not looking to make money, nor do we intend to profit in any way from the development and availability of this hopefully lifesaving treatment."

Through Purdue's manufacture and marketing of the painkiller OxyContin, your company has played a leading role in, and bears significant responsibility for, the opioid epidemic that claimed more than 47,000 lives in 2017. While the development of a more powerful overdose reversal medication is welcome, we would like a more concrete commitment from Purdue on your intention not to gain a profit. Indeed, it is a maxim of the common law in this country that no one should be allowed to profit from his own wrongdoing.²

We therefore are writing to you to ask that, if the Food and Drug Administration approves the new medication and it reaches the market, your company will take concrete, transparent, and publicly accountable steps to ensure that it does not make a profit from it.

Specifically, Purdue should commit in writing to a plan of action that establishes (1) transparency in accounting for the new drug's costs and sales and (2) how the company will guarantee that any profits from the drug will benefit the public and not Purdue. This commitment could include the engagement by Purdue of an independent, external compliance officer — more commonly referred to as a "monitor" — to ensure that the company truly engages in a pro bono effort subject to public scrutiny.

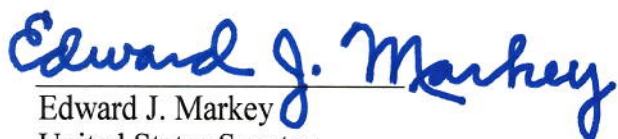
¹ Katie Zezima, *Purdue Pharma CEO says bankruptcy is 'an option' as company faces opioid lawsuits*, Wash. Post (Mar. 13, 2019), https://www.washingtonpost.com/national/purdue-pharma-ceo-says-bankruptcy-is-an-option-as-company-faces-opioid-lawsuits/2019/03/12/6f794e1a-450b-11e9-90f0-0ccfeec87a61_story.html?utm_term=.d6ef37e7915a.

² See, e.g., *Perma Life Mufflers, Inc. v. International Parts Corp.*, 392 U.S. 134, 151 (1968) ("The principle that a wrongdoer shall not be permitted to profit through his own wrongdoing is fundamental in our jurisprudence.") (Marshall J., concurring).

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Please respond in writing by April 11, 2019 with a detailed explanation of how Purdue will commit that it will not profit from its new overdose-reversal drug. If you have any questions about this request, please contact Andrew Cohen of Senator Markey's staff at 202-224-2742.

Sincerely,



Edward J. Markey
United States Senator



Sheldon Whitehouse
United States Senator



Joe Manchin III
United States Senator