



Department of Justice

FOR IMMEDIATE RELEASE
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The Department of Justice today filed a civil antitrust suit against three manufacturers of ampicillin and other semisynthetic penicillins, broad-spectrum antibiotics.

Attorney General John N. Mitchell said the complaint was filed in the United States District Court in Washington, D.C., against Bristol-Myers Company, Beecham Group Limited of England, and its United States subsidiary Beecham, Inc. of Clifton, New Jersey.

According to the complaint, ampicillin is a semisynthetic penicillin which, in certain circumstances, is a more effective and safe antibacterial agent than natural penicillins or other antibiotics such as tetracycline.

The complaint alleges that the defendants combined and conspired in unreasonable restraint of trade in ampicillin and other semisynthetic penicillins, and have monopolized trade in ampicillin, by fraudulently procuring and enforcing Beecham's patent covering ampicillin and by restraining and preventing the sale of the drugs in bulk form or under other than specified trade names. The bulk form of drug is the form in which it is manufactured prior to being cut with inert ingredients such as corn starch and formulated into capsules, tablets, or other dosage forms.

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Assistant Attorney General Richard McLaren said that in 1968 Bristol and its United States licensees sold approximately \$85 million worth of ampicillin in the United States. It is sold by Bristol as "Polycillin"; by the Ayerst Division of American Home Products Corporation (as agent for Beecham) as "Penbritin"; by the Wyeth Division of American Home as "Omnipen"; by Parke, Davis & Company as "Amcil"; and by E. R. Squibb & Sons as "Principen."

The complaint seeks cancellation of Beecham's ampicillin patent and a patent owned by Bristol covering a variant of ampicillin known as ampicillin trihydrate, which was described in an older patent prior to Bristol's claimed invention, according to the complaint. Also, reasonable royalty licensing of all other patents of the defendants relating to semisynthetic penicillin is sought.

The complaint additionally seeks damages resulting from the Government paying higher prices because of the alleged violations.