

**WALL STREET JOURNAL ARTICLE SHEDS LIGHT ON
MEDICAL DEVICE INDUSTRY INFLUENCE OVER
PROFESSIONAL SOCIETIES AND MEDICAL JOURNALS**

On March 14, 2014, The Wall Street Journal published an article titled “Doctors, Device-Makers: Close Ties.” The article talks in detail about Johnson & Johnson and Ethicon’s use of paid consultants who infiltrate and influence policymaking within the influential medical societies that issue important policy statements and bulletins. In one example described in the article, in 2007 Ethicon consultants worked behind-the-scenes to lobby the American College of Obstetricians and Gynecologists (ACOG) to modify a practice bulletin that had been issued in February 2007, describing the use of pelvic mesh devices as “experimental.” As discussed in The Wall Street Journal article, based upon documents obtained in discovery, the doctors and Ethicon were highly concerned that if these procedures were described as experimental this would prevent insurance companies and the other medical payers from paying for these surgeries. Working behind-the-scenes on behalf of Ethicon and Johnson & Johnson, as well as their own self-interest in being able to perform these expensive procedures on a mass basis, the paid Ethicon consultants were able to get the word “experimental” removed from the bulletin. In a telling email, an Ethicon marketing executive, Price St. Hilaire, tells Ethicon consultant Vincent Lucente, M.D., “I am doing the happy dance, I love you man!” after learning that the word experimental had been removed. In a prior email Dr. Lucente had taken full credit for getting this change made. Internal documents from Ethicon disclose that Dr. Lucente was not the only Ethicon consultant lobbying ACOG to remove the word “experimental,” and that Barbara Levy, M.D., another Ethicon consultant was also lobbying ACOG in the same manner. Ironically, a few years later Dr. Levy went to work at ACOG with responsibility to interact with legislative and regulatory entities on behalf of the gynecologic society. The ACOG website

provides detailed information about Barbara Levy, M.D.'s background and experience, but there is no disclosure of her industry ties, including the fact that Johnson & Johnson was paying her as a consultant, including during the time when she was lobbying ACOG on behalf of Ethicon to remove the word "experimental."

Another example cited by The Wall Street Journal article focuses on an article published in the New England Journal of Medicine with regard to the Ethicon Prolift device for the treatment of pelvic organ prolapse, in which the authors represented that there was no involvement by Ethicon in the study design, analysis, interpretation of data, or the drafting of the manuscript. However, internal Ethicon documents disclosed that Ethicon did in fact have involvement in all aspects of the study, and after these documents were provided to the New England Journal of Medicine, a correction was published by the Journal. However, attorney Adam Slater, Esq., of the law firm Mazie Slater Katz & Freeman, LLC, issued a subpoena to depose the editors of the New England Journal of Medicine, Jeffrey Drazen, M.D. and Gregory Curfman, M.D., because the correction was not fully accurate and suggested that Ethicon simply reviewed aspects of the study and the article before publication, failing to disclose the direct involvement of Ethicon in multiple aspects of the study. The New England Journal of Medicine filed a motion to quash the subpoenas and to prevent these depositions from going forward. Adam Slater, Esq. of Mazie Slater Katz & Freeman, LLC argued the motion on behalf of the plaintiffs, in state court in Boston on March 14, 2014, and a decision is pending.