



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

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Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Joins Bipartisan Coalition Supporting Individuals Alleging Harmful Side Effects of Bone Drug Fosamax

BALTIMORE, MD (June 5, 2023) – Maryland Attorney General Anthony G. Brown has joined a bipartisan coalition in filing an [amicus brief](#) supporting individuals suing Merck & Co. for alleged injuries they suffered using Merck’s osteoporosis drug Fosamax.

The plaintiffs claim they suffered atypical femur fractures from long term use of the drug between 1999 and 2010, and that Merck knew about the risk before finally adding it to the warning label in 2011. They have brought claims under New Jersey state law to recover for those injuries.

“The pain and debilitation suffered by women who took this drug in hopes of improving their health and quality of life cannot be ignored. We must maintain legal avenues for these patients so they can seek justice,” **said Attorney General Brown.** “Pharmaceutical companies must understand unequivocally that they will be held accountable and responsible for the suffering they knowingly inflict.”

The plaintiffs are appealing the U.S. District Court’s ruling that the claims of failure to warn of the risk of atypical femoral fractures were preempted because the Federal Drug Administration (FDA) rejected a warning label that discussed the risks of a stress fractures – a less serious risk than the atypical femur fractures the plaintiffs suffered in this case. The coalition of Attorneys General wrote in the brief that this decision “risks undermining core principles of federalism and could prevent states from allowing their citizens to hold pharmaceutical companies to account for their actions.”

State laws that protect consumers from dangerous pharmaceutical products are critical to both the health of the public and the ability of the consumers to obtain relief when pharmaceutical companies withhold information about known serious risks to consumers.

Joining Attorney General Brown in filing the brief are the Attorneys General of Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Kentucky, Massachusetts, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, Pennsylvania, South Carolina, Texas, Utah, Vermont, and Virginia.

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