

# Compensate victims!

In France, the brand names Mediator<sup>o</sup> (*benfluorex*) and Depakine<sup>o</sup> (*valproic acid*) are associated with two notorious public health disasters that generated numerous legal proceedings, intense media coverage, and indignant political reactions.

The victims of these two very different scandals were recognised as such because they were able to get media coverage and thus capture politicians' attention. They were subsequently promised specific compensation, far more rapidly than if they had had to take the company to court or had instead turned to the French fund for compensation of medical accidents (1-3).

However, victims of adverse reactions to other medications are struggling to take the manufacturers to court, to gain media coverage, and to get politicians' attention.

Similarly, the victims of *diethylstilbestrol* (DES) in France continue to fight for compensation. The judicial proceedings are dragging on, costing the individuals concerned a considerable amount of money and mental energy. Fewer in number, but no less noteworthy, are the victims of severe drug reactions such as toxic epidermal necrolysis (4).

Another example is *thalidomide*, a drug marketed by the German company Grünenthal as a sedative in the 1950s and withdrawn in 1961 because it caused congenital malformations (5). On 15 December 2016, members of the European parliament (MEPs) adopted a resolution demanding that Grünenthal also compensate victims of *thalidomide* in countries other than Germany. The MEPs also recommended that the European Commission draw up a protocol for the compensation and support of victims and their loved ones in all member states.

Why not simply recognise, once and for all, that every year thousands of patients are victims of drug toxicity and set up a collective fund for compensating all such individuals? The fund would be paid for by drug companies or their insurers.

The first step is to recognise that accidents due to medicinal drugs are a daily occurrence, and not as unusual as their occasional, often spectacular media coverage would suggest.

## Prescrire

► Translated from *Rev Prescrire* **January 2017**  
Volume 37 N° 399 • Page 62

### Selected references from Prescrire's literature search

- 1- "Décret n° 2011-932 du 1er août 2011 relatif à l'indemnisation des victimes du benfluorex" *Journal Officiel* du 4 August 2011: 5 pages.
- 2- "Spécialités pharmaceutiques comprenant de l'acide valproïque (Dépakine<sup>o</sup> et dérivés). Marisol Touraine annonce la mise en place d'un dispositif d'indemnisation pour les familles" Press release dated 24 August 2016: 2 pages.
- 3- Medicines in Europe Forum. "Victimes d'effets indésirables graves de médicaments" February 2015: 29 pages.
- 4- [www.amalyste.fr](http://www.amalyste.fr).
- 5- "European Parliament resolution of 15 December 2016 on support for the thalidomide survivors", [www.europarl.europa.eu](http://www.europarl.europa.eu) accessed 17 December 2016.