

CASRO and PMRG File Amicus Brief In U.S. Supreme Court Case

Document Implores Justices to Note Proper Distinction and Value of Pharmaceutical Research

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Port Jefferson, NY – The Council of American Survey Research Organizations (CASRO) and Pharmaceutical Marketing Research Group, Inc. (PMRG) have filed an amicus curiae brief in the U.S. Supreme Court in the lawsuit, IMS Health, Inc. and Verispan LLC, v. the State of New Hampshire.

The "friend of the court" or "Amicus" brief was submitted in support of the Petitioners (IMS and Verispan) and seeks to help the Court understand the potentially devastating effect on the businesses of all pharmaceutical research companies from New Hampshire's Prescription Information Law and the recent decision to uphold this legislation by the U.S. Court of Appeals for the First Circuit.

By criminalizing the commercial use of prescriber-identifiable information, the New Hampshire Prescription Information Law unfairly and improperly threatens the business activities of the Petitioners and legitimate pharmaceutical survey research, according to the CASRO/PMRG Amicus Brief. Further, this law opens the door for unchecked governmental regulation of other forms of reliable, legitimate and truthful speech (information) which would have a destructive effect on businesses relying on the availability of such information and on the general public who benefit from the products and services provided. The document concludes by asking the Court to grant the Petitioners' writ of certiorari and reverse the First Circuit Court's ruling and invalidate New Hampshire's Prescription Information Law.

The Amicus Brief states, "The Prescription Information law and the First Circuit's ruling fail to consider the varied uses of prescriber-identifiable information and the varied businesses and industries using and relying on prescriber-identifiable information, thus wrongly depriving those users of those uses." The document further states that The Court failed to place appropriate value on prescriber-identifiable information, noting that such data is essential to pharmaceutical and medical device manufacturers and others to evaluate, improve and develop products and devices; to evaluate trends and risks in the options for treatment and care of the general public; and develop truthful communications.

The brief goes on to state that pharmaceutical survey researchers do not perform any pharmaceutical detailing or direct advertising, marketing or promotion of a manufacturer's product or device. Indeed such activities are prohibited by the *CASRO Code of Standards & Ethics* and other industry business conduct codes.

"We believe this is the first time a research industry association has filed an Amicus Brief with the U.S. Supreme Court," stated Diane Bowers, CASRO President. "This action highlights our diligent efforts to monitor legislation in every state and advocate on behalf of our member companies and the entire market research industry."

"Many CASRO members work directly or indirectly with the pharmaceutical, medical and health care industries conducting legitimate survey research designed to improve treatment options and patient care; and improve and develop pharmaceutical products and medical devices," observed Duane Berlin, General Counsel of CASRO (Lev & Berlin, P.C.) and principal author of the Amicus Brief. "This case and its proper resolution are of great importance to us." Added Stephanie Reynders, Executive Director of PMRG, "PMRG is pleased to have been able to advocate for good law that's fair to members of our industry." This Amicus Brief was submitted by Mr. Berlin and Michael Slotznick (on behalf of PMRG).

About Amicus Briefs

An Amicus Brief is a document filed in a court by someone who is not directly related to the case under consideration. The additional information found in such a document can be useful for the judge evaluating the case, and it becomes part of the official case record. The tradition of accepting amicus briefs comes from a larger concept, the amicus curiae, or "friend of the court."

About PMRG

Founded in 1961, The Pharmaceutical Marketing Research Group is an independent, voluntary, non-profit association whose purpose is to stimulate improvement of marketing research and its utilization. PMRG advances the principals, practice and power of marketing research within the healthcare industry by creating a community that supports both individual professional development and acts as an advocate for the profession as a whole in an effort to enhance the ability of its members to build the future by driving better business decisions.

About CASRO

Founded in 1975, CASRO represents over 325 research organizations in the U.S. and abroad, all of which annually reaffirm their adherence to the CASRO Code of Standards and Ethics for Survey Research, an internationally-respected code of business and professional standards. CASRO's member benefits include a strong government and public affairs program, industry surveys and superb staff training and networking opportunities at workshops and conferences held throughout the year.