

Vocabulary

depression — A mental disorder characterized by sadness, difficulty in concentration, and sometimes inactivity. Prozac was developed as a treatment for depression.

fluoxetine — An orally administered antidepressant drug. Prozac is one of the brand names under which fluoxetine is sold.

manic depression — Alternating moods of abnormal highs and lows. Currently, more frequently called bipolar disorder. One of the illnesses diagnosed in Joseph Wesbecker.

Oraflex — A drug manufactured by Eli Lilly and used to treat arthritis. Ten years before the Wesbecker case, Eli Lilly pleaded guilty to failing to report adverse reactions to the drug, evidence that the judge does not admit in the Wesbecker trial.

plaintiff — A person who brings a legal action, such as a lawsuit. In *Fentress v. Eli Lilly*, the plaintiffs were a group of workers from the printing plant attacked by Joseph Wesbecker.

Prozac — The brand name of fluoxetine manufactured by Eli Lilly.

schizoaffective disorder — A mood disorder characterized particularly by personality loss or social withdrawal, or both. One of the illnesses diagnosed in Joseph Wesbecker.

U.S. Food and Drug Administration — An agency of the Public Health Service of the U.S. Department of Health and Human Services. Founded in 1927, one of its main duties is to ensure that drugs are safe and effective.

Things to Think About

* Do you think that any drug can be perfectly safe? What if a drug helped millions of people but carried a tiny risk of harming a very few? Would you be in favor of approving such a drug? Consider the well-known and long-used drug aspirin. What can you learn about its potential risk if used with children? Do you think that its risk of side effects makes it too harmful for over-the-counter use?

* How well do you think the plaintiffs' attorneys made their case that Prozac was to blame for Joseph Wesbecker's deadly actions? Do you think that his previous history showed him to be the type of person that might become violent no matter what medication he was taking?

* What do you know about the possible side effects of drugs that you or someone in your family might be taking? How can you learn about these side effects? Does packaged information come with the medications you or others take? What kinds of guidance do these instructions give?

* Should the CDER do its own studies or at least require the studies be conducted by independent scientists with no connection to drug manufacturers?

Internet Resources

<http://www.pdqr.com/prozac.htm> — From an on-line pharmaceutical service, an article by two physicians that takes a balanced, informed view of the Prozac controversy.

<http://past.thenation.com/issue/970106/0106bogu.htm> — From a law professor, an article entitled "Prozac on Trial." with a summary of the Wesbecker case.

<http://www.drugawareness.org/Oldsite/oregon.html> — From the International Coalition for Drug Awareness, a look at some other controversial cases involving Prozac.

<http://www.drugtext.org/press/webster/jul00/%5B%5D%20NYTimes%20Book%20Review%20of%20PROZAC%20BACKLASH1.htm> — A New York Times review of the book *Prozac Backlash* (see Other Resources).

<http://www.time.com/time/magazine/archive/1994/941128/941128.behavior.box.html> — A brief article from *Time* magazine on the Wesbecker case.

<http://www.massnews.com/pfwakefield0201.htm> — From *The Massachusetts News*, an article about another suspected case of murder induced by psychiatric drugs. Contains an overview of the debate.

<http://www.courier-journal.com/localnews/2000/0006/30/00063Opott.html> — From the *Louisville Courier-Journal*, an article on Judge Potter's retirement, with his reflections on the Lilly case.

<http://www.pssg.org/index.shtml> — The Web site of the "Prozac Survivors Support Group," which, as the name indicates, is an organization that takes a dim view of Prozac and related medications.

http://abcnews.go.com/onair/2020/2020_000621_prozac_feature.html — From ABC News, an article on the possible link between Prozac and suicidal behavior.

<http://www.atlantapsych.com/html/psychmedication.html> — A useful article on psychiatric drugs, including Prozac.

Other Resources

Appleton, William S. *Prozac and the New Antidepressants*. Plume, 2000.

Breggin, Peter. *Talking Back to Prozac*. St. Martin's Press, 1995.
Cornwell, John. *The Power to Harm: Mind, Medicine, and Murder on Trial*. Viking, Penguin, 1998. A book specifically on the Wesbecker case.

Fieve, Ronald. *Prozac: Questions and Answers for Patients, Family and Physicians*. Avon, 1996.

Glenmullen, Joseph. *Prozac Backlash: Overcoming the Dangers of Prozac, Zoloft, Paxil, and Other Antidepressants with Safe, Effective Alternatives*. Touchstone Books, 2001.

Jonas, Jeffrey, et al., *Everything You Need To Know About Prozac*. Bantam, 1991.

Kramer, Peter. *Listening to Prozac*. Penguin, 1997.

LANDMARK CONSUMER RIGHTS TRIALS PROZAC ON TRIAL: FENTRESS v. ELI LILLY

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LANDMARK CONSUMER RIGHTS TRIALS

When we purchase a product or use a service, we have the right to expect that what we buy is safe. And yet defective products and harmful services are common. Indeed, most of the cases in the courts today arise out of just such occurrences. And sometimes lawsuits over products and services result in cases that grip the public in a major way. These cases may attract attention because of the huge numbers of people involved, the novel areas of modern life they reflect, or simply the large amounts of money involved. LANDMARK CONSUMER RIGHTS TRIALS examines some of these unforgettable cases.

PROZAC ON TRIAL FENTRESS v. ELI LILLY

The Prozac Controversy

In the early 1950s, many medical professionals in the United States were alarmed by what they perceived as a growing incidence of mental illness. Twice as many people were being committed to mental hospitals as were being sent there 50 years before. Consequently, scientists were excited by the development of a new class of drugs used to treat mental illness—drugs that promised to help mental patients without the need for expensive hospitalization. In 1954 a drug called chlorpromazine (sold under the brand name Thorazine) was approved by the U.S. Food and Drug Administration (see Vocabulary). It seemed to have a calming effect on patients, and within a decade 50 million people around the world were taking it.



Ever since, drug manufacturers have been seeking to improve antidepressant drugs, which could cause various side effects, including tremors. One of the most promising new medications was the antidepressant fluoxetine, which was introduced by Eli Lilly in 1988 under the brand name Prozac. Early reports found that it had fewer side effects and that it made patients feel much better than anything they had tried before. Prozac was accepted more quickly than any antidepressant before it.

But then reports started surfacing that some patients taking Prozac were feeling suicidal and others were committing violent acts, including murder. Nevertheless, it was difficult to determine whether the drug, which had helped so many—indeed, which had been taken safely by 15 million people—was to blame. The trial of *Fentress v. Eli Lilly*, in which a group of people charged that Prozac had caused one of their former coworkers to go on a death-dealing rampage, brought the issue into the courtroom. And given Prozac's popularity, the trial became one of the most important corporate cases of its day.

The Issue: When Is a Drug Safe?

A division of the U.S. Food and Drug Administration known as the Center for Drug Evaluation and Research (CDER) is charged with the task of assuring that safe and effective pharmaceutical drugs are available to the American people. Drug manufacturers submit newly developed products to the CDER, which puts them through a rigorous analysis process that includes a safety review. In deciding whether to approve new drugs, the CDER does not conduct research itself; instead it examines the results of studies done by the manufacturer. The CDER must ascertain that the new drug produces the benefits it is supposed to without causing side effects that would outweigh those benefits.

Despite the government's best efforts, however, drugs can sometimes prove harmful after they are approved. Sometimes it is not until a drug is used by millions that we discover that there are a few rare individuals who are harmed by it. In other cases, critics blame insufficient testing by drug companies and inadequate review by the FDA. One of the most notorious cases of a dangerous drug was thalidomide, a medicine developed in the late 1950s to treat insomnia and morning sickness in pregnant women. It was soon learned that thalidomide could cause birth defects, and great numbers of deformed children were the result. Fortunately for Americans, the FDA did not approve the drug, which was being used in Europe, South America, Australia, and elsewhere. Nevertheless, the thalidomide scare underlined the need for vigilance in the drug approval process. And yet just in recent years, many drugs have been recalled after being put on the market, having been granted FDA approval. Among them were Rezulin (for diabetes), Seldane (an antihistamine), Ponidimin and Redux (for obesity), and the painkiller Duract.

Nevertheless, the FDA has probably been under more criticism recently for its slowness in approving drugs that are already helping people in other countries. Balancing the need

TIMELINE

May 1984 — Regulatory authorities in Germany report that they believe Prozac is totally unsuitable for the treatment of depression.

1988 — After 15 years of testing, the antidepressant drug Prozac is put on the market.

August 10, 1989 — Psychiatrist Lee Coleman (see Important People) puts Joseph Wesbecker on Prozac.

September 11, 1989 — Coleman finds that Wesbecker has "deteriorated." He tells him to stop taking Prozac.

September 14, 1989 — Former employee Joseph Wesbecker, a Prozac user, returns to the Standard Gravure printing plant in Louisville, Kentucky, where he used to work, murders eight people, wounds twelve others, and then kills himself.

1990 — A study done at Harvard University finds that Prozac may cause overwhelming thoughts of suicide in some patients.

September 20, 1991 — The U.S. Food and Drug Administration begins a hearing on the safety of Prozac.

December 12, 1994 — The *Fentress v. Eli Lilly* trial concludes with 9 of the 12 jurors finding for Lilly.

May 23, 1996 — Amid rumors that Lilly had reached an agreement with some or all of the plaintiffs, the Kentucky Supreme Court, after studying the matter for four months, grants Judge Potter's request to conduct a hearing to determine whether Lilly and the plaintiffs had misled the court about a pre-verdict agreement.

September 6, 1996 — Judge Potter appoints Kentucky Assistant Attorney General Ann M. Sheadel "to develop and present facts from which the Court can determine the true nature of the settlement of the parties."

March 1997 — Lilly admits that there had been a secret settlement with the plaintiffs in the *Fentress* case.

to ensure safety and the need to get potentially life-saving medications to the people who need them is a process that will probably never be perfect. The controversy continues.

Important People

Bowman, Angela — One of two receptionists working on the day of Wesbecker's attack. One of the plaintiffs.

Breggin, Peter — Psychiatrist and key witness for the plaintiffs. He says that Prozac can be a killer when taken by someone like Joseph Wesbecker.

Camp, Brenda — Former wife of Joseph Wesbecker who testifies for the defense about his mental problems.

Campbell, Mike — Shooting victim and one of the plaintiffs.

Coleman, Lee — Psychiatrist who prescribed Prozac for Joseph Wesbecker.

Duncan, Tammy — Juror in *Fentress v. Eli Lilly*

Frazier, Charles — Head of the local printers' union.

Freeman, Joe — Attorney for Eli Lilly

Fuller, Ray — Eli Lilly biochemist who discovered Prozac. Defense witness.

Gnadinger, Paul — One of the plaintiffs.

Gorman, Charles — One of the plaintiffs.

Gosling, Thomas — Defense witness and former Wesbecker coworker who testifies for the defense that Wesbecker had been making violent threats for years.

Granacher, Robert — Psychiatrist who performs a "psychiatric autopsy" on Joseph Wesbecker. Defense witness.

Griest, John — Defense witness who conducted studies of Prozac for Eli Lilly.

Hoffman, Bill — One of the plaintiffs.

Kramer, Peter — Psychiatrist and author of the book *Listening to Prozac*.

Lord, Nancy — Doctor and attorney who testifies for the plaintiffs.

Lucas, James — Friend of Joseph Wesbecker who testifies for the defense about Wesbecker's violent fantasies.

Mattingly, Daniel — Defense witness who investigated a discrimination claim that Joseph Wesbecker filed against Standard Gravure.

McKuen, Bill — Foreman at Standard Gravure who shrugged off Wesbecker's threats of violence.

Potter, John B. — The judge in *Fentress v. Eli Lilly*.

Smith, Paul — Attorney for the plaintiffs.

Stopher, Ed — Attorney for Eli Lilly.

Thompson, Leigh — Chief scientific officer for Eli Lilly. Defense witness.

Warman, Paula — Personnel manager at Standard Gravure.

Wernicke, Joachim (Joe) — Head of the Eli Lilly team that studied Prozac. Defense witness.

Wesbecker, Joseph — Former printing plant worker who returned to his place of work in September 1989, shot and killed eight former coworkers, wounded twelve others, then killed himself.

West, Ed — Spokesman for Eli Lilly

Zettler, Nancy — Attorney for the plaintiffs.