

Prescribed Product Disclosures

January 1, 2013 – December 31, 2013

Report of

Vermont Attorney General

William H. Sorrell

October 2014

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Prescribed Product Disclosures:

Report of Vermont Attorney General William H. Sorrell for Calendar Year 2013

October 2014

I. Summary

This is the twelfth report of Vermont Attorney General William H. Sorrell on Prescribed Product Disclosures. It is based upon disclosures of expenditure and sampling activity engaged in during the period of January 1, 2013, through December 31, 2013, by manufacturers of pharmaceuticals, biologics (e.g., vaccines) and medical devices (e.g., artificial hip, hearing aid and scopes). Vermont's Prescribed Product Disclosure Law, 18 V.S.A. §§ 4631a, 4632, requires the Vermont Attorney General to issue an annual report about the disclosures.¹

This report reflects two 2012 amendments made to Vermont's law: one requiring manufacturers to report information about the distribution of over-the-counter products; the other exempting manufacturers of prescription eyewear from having to disclose.

Samples disclosures may only be reported to the public in aggregate form. Thus, while expenditure disclosures have been posted along with this report on the Attorney General's [website](#) samples disclosures have not.

As always, changes in the law complicate the comparison of data from year to year. In fact, this report reflects, for the first time, the implementation of the Physician Payments Sunshine Provision (§6002) of the Patient Protection and Affordable Care Act (Pub. L. No. 11-148) ("ACA"). Some of Vermont's disclosure requirements are preempted by the ACA. While the gift ban and samples reporting are not affected, Vermont may not require manufacturers to disclose allowable expenditures and permitted gifts, including expenditures associated with clinical trials, which must be reported to the federal government under the ACA. The federal law is narrower than Vermont's law in several ways, however. For example, only physicians and teaching hospitals are covered recipients under the federal law. Therefore, manufacturers are still required to make all non-preempted disclosures regarding allowable expenditures and permitted gifts to other health care providers or other entities.

The federal law does not prohibit manufacturers from making preempted disclosures to states, it simply prohibits a state from requiring preempted disclosures. In 2013, more than a quarter of reporting manufacturers indicated that they would not voluntarily disclose preempted disclosures. Because the disclosures to Vermont paint a less-than-full picture of the expenditure activity that took place in 2013, this report places less emphasis on the expenditure figures and does not purport to compare expenditure data year-to-year.

¹ The information that forms the basis of this report comes solely from the disclosures of prescribed product manufacturers; the recipients of the disclosed gifts, expenditures, and samples have not had the opportunity to review the disclosures or confirm their accuracy. Moreover, by publishing the disclosures, the Attorney General makes no representation as to their accuracy or the legality of the underlying conduct.

Manufacturers

The disclosures for 2013 reveal that 169 manufacturers reported distributing 53,500 samples and spending approximately 9.8 million dollars² with Vermont health care providers, institutions and organizations. Exhibit 1.³ Although more than a quarter of manufacturers indicated that for 2013 they would not report expenditures to physicians and teaching hospitals that were going to be reported to the federal government under the ACA, expenditure reports in 2013 were more than two million dollars above expenditures to *all* health care providers in 2012. Exhibit 1a (2012). Only 5 manufacturers distributed 3,000 or more samples, and 108 manufacturers disclosed no sample activity at all. Exhibit 1.

As in years past, pharmaceuticals dominated the percent of the total number of samples distributed at 73% of prescribed products sampled (as compared with 87% in 2012 and 62.6% in 2011) followed by medical devices at 18% (compared with 11% in 2012 and 36.9% in 2011) and .3% for biologic products (compared with 0.1% in 2012 and 2011). Exhibit 2 (all reports).

The five manufacturers with the highest sample distribution during 2013 were: (1) AstraZeneca, (2) GlaxoSmithKline, (3) Pfizer, (4) Allergan, and (5) Abbot Laboratories. Exhibit 1. AstraZeneca and GlaxoSmithKline were the two highest sampling manufacturers in 2012 as well. GlaxoSmithKline and Pfizer are the only manufacturers which have been in the top five for sampling for all three years of sample reporting. Exhibit 3.

The percentage of samples reported by the top five manufacturers by samples distribution, as compared with the total number of samples reported by all manufacturers, was 60% in 2013 (compared with 49% in 2012 and 44% in 2011). Exhibit 3.

Recipients

A total of 40 health care providers received 250 or more samples in 2013, a figure 7% less than the 43 health care providers who received 250 or more samples in 2012, and 23% less than the 52 health care providers who received 250 or more samples in 2011. Exhibit 4.

For both 2012 and 2013, the greatest amount of samples to health care providers who received 250 or more samples went to doctors specializing in Internal Medicine. In addition to that group, in 2013 health care providers who received 250 or more samples individually and more than 900 as a group were health care providers identifying their specialties or credentials as Family Practice, Physician's Assistant, Optometrist, and Advanced Practice Registered Nurse. Setting aside Optometrist as the number one recipient of samples in 2011 because Vermont's law has been amended to exempt manufacturers of prescription eyewear from having to disclose samples, Internal Medicine and Family Practice were the top 2 specialties receiving samples for all years that samples have been reported (2011-2013). Exhibit 4.

Products

² As noted above, because the ACA preempts Vermont from requiring disclosure of certain categories of expenditures, this figure does not reflect all expenditures, for example, received by physicians and teaching hospitals.

³ Unless otherwise indicated, Exhibits are to this 2013 report.

The top fifty products by sample distribution were associated with the distribution of between 419 and 4,970 samples each. Of those, 40 (80%) were pharmaceutical products, 6 (12%) were medical devices and 4 (8%) were Infant Formula. No other product types, e.g. biologic products, were sampled more than 419 times. The top ten products by sample totals for 2013 accounted for approximately 23,179 samples, or 45% of all samples distributed in 2013. Exhibit 5.

In 2012, two drugs used to treat Depressive Disorder were sampled over 7,700 times, claiming the top 2 spots on the list of 50 Products with the Greatest Number of Samples and making Depressive Disorder the number one indication amongst the top 50 products sampled. Exhibits 10b, 11b(2012). In contrast, in 2013, Depressive Disorder was represented by only one drug on the top 50 list, ranking number six with sampling at approximately 1,900. Exhibit 5.

Looking only at primary indications of the top 50 products with the greatest number of samples in 2013, the two most prevalent indications were Asthma and Hyperlipidemia, which were associated with 8,500 and 5,000 samples respectively. Exhibit 6.

Samples

Of the approximately 53,500 samples distributed in 2013 (Exhibit 1), more than 50,000 (94%) contained product, more than 17,000 (34%) contained vouchers or coupons for free or reduced price product, and more than 4,600 (9%) contained other items, such as educational materials, non-prescribed items and cases/holders. Approximately 2,400 (5%) samples included two or more kinds of items (product, vouchers or other), while about 1,100 (2%) contained all three kinds of items. Exhibit 7.

II. Description of Vermont's Prescribed Product Gift Ban and Disclosure Law

The Vermont Legislature enacted the Pharmaceutical Marketing Disclosure Law in 2002, and has amended it periodically since then. In 2009, the legislature mandated reporting of expenditures for biologics and medical devices, as well as expenditures relating to clinical trials and research, both effective with the FY11 report. The legislature also mandated reporting of the distribution of samples effective with the 2011 report. The law is now known as the Prescribed Products Disclosure Law. Minor amendments were made to the law in other years.

The law in effect for the activity described in this report required manufacturers of prescribed products to report to the Vermont Attorney General's Office "the value, nature, purpose, and recipient information" of allowable expenditures and permitted gifts and the "recipient, number of units, and dosage" of samples distributed to Vermont health care providers and institutions. 18 V.S.A. §4632(a)(1), (2).

Many kinds of expenditures are banned in Vermont. In particular, the law bans manufacturers from giving gifts (including food), defined generally as "anything of value provided for free to a health care provider." 18 V.S.A. § 4631a(a)(5), (b)(1). Only the allowable expenditures and permitted gifts detailed as follows are exempt from this ban:

Allowable Expenditures:

- some payments associated with qualifying conferences or seminars
- some expenditures associated with qualifying clinical trials and research projects
- payment or reimbursement of reasonable expenses associated with technical training on medical devices
- royalties and licensing fees
- payments related to interviews for an employment opportunity or for health care services for employees
- other reasonable economic benefits provided at fair market value.

18 V.S.A. § 4631a(a)(1).

Permitted Gifts:

- samples of prescribed products or reasonable amounts of some over-the-counter products for free distribution to patients
- short-term loans of medical devices
- reasonable quantities of medical device demonstration or evaluation units
- educational materials
- scholarships for medical students, residents and fellows to attend qualifying conferences or seminars
- rebates and discounts for prescribed products provided in the normal course of business
- FDA-approved drug labels
- free prescription or over-the-counter product or financial donations given to free clinics
- prescribed products distributed through manufacturer patient assistance programs
- some fellowship salary support payments
- coffee or other snacks or refreshments at a booth at a conference or seminar.

18 V.S.A. § 4631a(b)(2).

The following allowable expenditures and permissible gifts were exempt from disclosure in 2012:

- royalties and licensing fees
- rebates and discounts for prescribed products
- certain payments relating to clinical trials
- interview of applicants or health care expenses of employees
- coffee or other snacks or refreshments at a booth at a conference or seminar
- certain loans of medical devices resulting in a purchase or lease of the device
- prescribed products distributed through patient assistance programs.

18 V.S.A. § 4632(a)(1)(A), (a)(1)(B).

In 2009, the legislature eliminated the trade secret exemption which manufacturers had been permitted to claim in the past. However, disclosures of the distribution of samples as well as other product may only be reported to the public in aggregate form. 18 V.S.A. §4632(a)(1)(B), (a)(1)(D), (a)(5). Thus, while expenditure disclosures have been posted along with this report on the Attorney General's Website: www.ago.state.vt.us, disclosures of the distribution of samples have not.

III. Enforcement

Vermont's Prescribed Product Gift Ban and Disclosure Law requires the Attorney General to include in this annual report "[i]nformation on violations and enforcement actions" brought pursuant to the statute's enforcement provision. 18 V.S.A. § 4632(a)(5)(B). During 2012 and 2013, the Attorney General conducted dozens of investigations into potential violations of both the gift ban and the disclosure law. To date, the Attorney General has entered into 28 settlements resulting in payments to the state of \$102,500.00, and one payment of \$35,000 to Vermont's Head Start Tooth Tutor Program. Copies of the settlement documents can be found on the Attorney General's Website: www.ago.state.vt.us.

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
1	AstraZeneca	13,520	66	\$138,226
2	GlaxoSmithKline	6,056	89	\$238,369
3	Pfizer	5,245	339	\$1,168,057
4	Allergan	3,817	30	\$150,529
5	Abbott Laboratories	3,534	816	\$184,715
6	Takeda Pharmaceuticals America	2,671	34	\$201,556
7	Johnson & Johnson Vision Care	2,032	3	\$3,116
8	Boehringer Ingelheim	1,527	43	\$89,868
9	Bristol Myers Squibb	1,519	49	\$332,341
10	Janssen Pharmaceutical	1,384	48	\$247,970
11	Novo Nordisk	1,334	52	\$138,535
12	Astellas Pharma US	1,282	27	\$15,505
13	Otsuka America Pharmaceutical	1,029	33	\$11,079
14	Shire Pharmaceuticals	986	20	\$80,280
15	Bayer HealthCare	962	16	\$97,762
16	LifeScan	862	3	\$2,500
17	Purdue Pharma	832	15	\$16,451
18	Alcon Laboratories	690	6	\$30,846
19	3M Company	607	22	\$3,512
20	sanofi-aventis U.S.	546	32	\$24,307
21	Teva Pharmaceuticals	493	60	\$32,117
22	Shionogi	322	1	\$281
23	Reckitt Benckiser Pharmaceuticals	276	6	\$2,800
24	Endo Pharmaceuticals	262	20	\$171
25	AbbVie	256	212	\$1,071,204
26	Galderma Laboratories	246	1	\$1
27	Novartis Pharmaceutical	183	42	\$30,804
28	Salix Pharmaceuticals	145	10	\$17,108
29	Medline Industries	142	5	\$2,673
30	Warner Chilcott (US)	123	1	\$14,238
31	Mylan Specialty	94	4	\$2,746

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
32	Daiichi Sankyo	81	5	\$9,421
33	Becton Dickinson	65	4	\$4,246
34	Amgen	51	307	\$199,156
35	Aptalis Pharma US	46	193	\$90,241
36	Roche Diagnostics Operations	37	18	\$3,912
37	Auxilium Pharmaceuticals	29	54	\$16,992
38	Oticon	24	15	\$2,327
40	Gilead Sciences	20	3	\$9,635
39	UCB	20	9	\$8,192
41	Duchesnay USA	19	1	\$8
43	Smith & Nephew	18	30	\$9,698
42	B. Braun Medical	18	9	\$36
44	ASCEND Therapeutics	15	5	\$1
45	Dr. Reddy's Laboratories	13	1	\$400
46	Medtronic	9	70	\$122,154
48	Ferring Pharmaceuticals	8	18	\$32,514
47	ConvaTec	8	2	\$1,297
49	Genentech	6	63	\$1,398,026
50	Janssen Biotech	5	33	\$77,425
54	Regeneron Pharmaceuticals	4	9	\$7,056
52	Avanir Pharmaceuticals	4	1	\$831
51	3M ESPE Dental Products	4	1	\$698
53	Depomed	4	3	\$4
55	Glaukos	3	3	\$5,750
57	Mylan Pharmaceuticals	3	1	\$1,624
56	Applied Medical Resources	3	1	\$1,500
59	Impax Laboratories	2	1	\$3,385
58	Hospira	2	2	\$1,846
60	Coloplast	2	3	\$1,768
61	Valeritas	1	2	\$261
*	Forest Laboratories		419	\$565,459

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
*	Actelion Pharmaceuticals US		27	\$450,784
*	Janssen Pharmaceutical Research & Development		81	\$272,512
*	Baxter Healthcare		12	\$232,883
*	Merck & Co.		64	\$214,451
*	Intuitive Surgical		30	\$163,171
*	EMD Serono		26	\$113,602
*	The Medicines Company		81	\$83,663
*	EMD Millipore		42	\$81,434
*	Biosense Webster		19	\$76,117
*	LifeCell		9	\$73,840
*	Biogen IDEC		25	\$71,519
*	Merck & Co., Merck Sharpe & Dhome		114	\$68,970
*	Arthrocare		29	\$66,403
*	Millennium Pharmaceuticals		36	\$65,157
*	InterMune		19	\$64,814
*	Acorda Therapeutics		5	\$52,800
*	Eisai		22	\$35,403
*	Covidien		41	\$33,859
*	McKesson Technologies		4	\$33,681
*	DePuy Orthopaedics		62	\$31,090
*	Zimmer		24	\$29,544
*	Celgene		43	\$27,539
*	Dendreon		2	\$27,255
*	Vertex Pharmaceuticals		16	\$26,660
*	Elan Pharmaceuticals		8	\$25,533
*	Stryker		73	\$24,683
*	Incyte		14	\$22,815
*	St. Jude Medical		71	\$20,672
*	Cook Medical		21	\$20,234
*	Siemens Medical Solutions, USA		3	\$20,000

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
*	Biomet (including subsidiaries EBI, Biomet Microfixation and Biomet 3i)		18	\$16,842
*	GE Healthcare		31	\$16,785
*	Seattle Genetics		64	\$16,397
*	Globus Medical		8	\$16,224
*	Lundbeck		29	\$15,804
*	Bio-Rad Laboratories		89	\$14,563
*	United Therapeutics		258	\$13,714
*	CareFusion		50	\$12,350
*	Janssen Therapeutics		5	\$11,864
*	Grifols USA		2	\$11,697
*	Exelixis		7	\$10,784
*	Merck & Co., Organon USA		107	\$10,334
*	Sanofi Pasteur		14	\$9,585
*	Ethicon		4	\$8,575
*	Edwards Lifesciences		23	\$7,178
*	Arthrex		17	\$6,570
*	Straumann		40	\$6,300
*	W. L. Gore & Associates		8	\$6,000
*	Genzyme		3	\$5,936
*	ViiV Healthcare		2	\$5,674
*	Starkey Hearing Technologies		1	\$5,600
*	Questcor Pharmaceuticals		11	\$5,158
*	Advanced Bionics		5	\$5,090
*	Lantheus Medical Imaging		1	\$4,850
*	VIVUS		3	\$4,524
*	Onyx Pharmaceuticals, a subsidiary of Amgen		15	\$4,399
*	Jazz Pharmaceuticals		3	\$4,329
*	Ortho-Clinical Diagnostics		3	\$3,833
*	Draeger Medical		4	\$3,750
*	Alexion Pharmaceuticals		13	\$3,737

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
*	Atrium Medical		3	\$3,700
*	Karl Storz Endoskope		122	\$3,647
*	Mentor Worldwide		2	\$3,628
*	Hill-Rom Company		9	\$3,583
*	Cadence Pharmaceuticals		4	\$3,389
*	American Medical Systems		22	\$3,048
*	Specialty Diagnostics Group of Thermo Fisher Scientific		1	\$3,000
*	Cordis		1	\$2,840
*	Vascular Solutions		7	\$2,834
*	Iroko Pharmaceuticals		1	\$2,540
*	Syneron		1	\$2,500
*	Cardinal Health		14	\$2,338
*	EndoChoice		4	\$1,805
*	Cochlear Americas		17	\$1,760
*	Maquet Cardiovascular US Sales		1	\$1,736
*	Pacira Pharmaceuticals		3	\$1,725
*	MedImmune		3	\$1,710
*	Philips Healthcare, a Division of Philips Electronics North America		9	\$1,605
*	Aesculap Implant Systems		1	\$1,232
*	Ethicon Endo-Surgery		3	\$1,025
*	Pharmacyclics		1	\$1,000
*	KCI USA		1	\$1,000
*	LDR Spine USA		5	\$996
*	Wright Medical Technology		7	\$843
*	Animas		1	\$806
*	Lanx		1	\$571
*	Intersect ENT		6	\$510
*	Acclarent		3	\$496
*	Savient Pharmaceuticals		37	\$488

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
*	Kedrion Biopharma		1	\$486
*	Masimo		1	\$470
*	Silvergate Pharmaceuticals		1	\$434
*	BD Rx		1	\$330
*	Cangene bioPharma, a wholly owned subsidiary of Emergent BioSolutions		2	\$272
*	Sandoz		2	\$235
*	Sigma-Tau Pharmaceuticals		1	\$234
*	Aspen Surgical Products		3	\$224
*	Varian Medical Systems		2	\$206
*	Mylan Institutional		1	\$195
*	Thrombogenics		1	\$107
*	MAKO Surgical		1	\$105
*	McKesson Medical-Surgical		1	\$57
*	Medivation		1	\$56
*	Haemonetics		7	\$33
*	Vidara Therapeutics		1	\$18
*	Onset Dermatologics		1	\$8
*	Olympus Corporation of the Americas		4	\$0

Totals:

53,501

5,574

\$9,784,885

* Manufacturer did not disclose any samples.

Exhibit 1: Samples and Expenditures by Manufacturer, 2013

Rank by Number of Samples	Manufacturer	Number of Samples	Number of Expenditures**	Expenditure Total**
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** Note that because the Affordable Care Act partially preempts Vermont’s ability to require expenditure disclosures, the data in these columns is incomplete. As of January 1, 2012, some of Vermont’s disclosure requirements are preempted by the Physician Payments Sunshine Provision (§ 6002) of the Patient Protection and Affordable Care Act (Pub. L. No. 11-148) (“ACA”). While the gift ban and samples reporting are not affected, Vermont may not require manufacturers to disclose allowable expenditures and permitted gifts which must be reported to the federal government under the ACA. The federal law is narrower than Vermont’s law in several ways, however; for example, only physicians and teaching hospitals are covered recipients under the federal law. Therefore, manufacturers are still required to make all non-preempted disclosures regarding allowable expenditures and permitted gifts. The federal law does not prohibit manufacturers from making preempted disclosures to states, it simply prohibits the states from requiring preempted disclosures. In 2013, more than a quarter of reporting manufacturers reported that they did not voluntarily disclose preempted disclosures.

Exhibit 2: Samples and Expenditures by Product Type, 2013

Product Type	Number of Samples	Percent of Number of Samples	Expenditure Total*	Percent of Expenditure Total*	Number of Expenditures*	Percent Number of Expenditures*
Pharmaceutical	61,996	73.3%	\$9,110,064	65.8%	4243	48.2%
Medical Device	15,044	17.8%	\$1,904,576	13.8%	3981	45.2%
Infant Formula	6,418	7.6%	\$0	0.0%	0	0.0%
Medical Food	514	0.6%	\$234	0.2%	1	0.0%
Medical Equipment/Supplies	257	0.3%	\$0	0.0%	0	0.0%
Biologic	234	0.3%	\$2,736,850	19.8%	550	6.3%
Educational Materials	76	0.1%	\$0	0.0%	0	0.0%
Combination Product	0	0.0%	\$8,800	0.1%	23	0.3%
Unknown	0	0.0%	\$90,000	0.7%	2	0.0%

Totals: 84,539 \$13,850,523.30 8,800

Note: This exhibit is meant to show only the proportional breakdown of expenditures and samples by product type. For purposes of this exhibit, when manufacturers disclosed an expenditure in connection with several different products, or a sample containing several products, the Attorney General’s Office assigned the expenditure or sample to each of the products disclosed in connection with the expenditure or sample.

* Note that because the Affordable Care Act partially preempts Vermont’s ability to require expenditure disclosures, the data in these columns is incomplete.

Exhibit 3: Top Five Manufacturers - Manufacturers With Most Samples, 2011-2013

Rank by Number of Samples	2011	2012	2013
1	CIBA Vision	AstraZeneca	AstraZeneca
2	Cooper Vision	GlaxoSmithKline	GlaxoSmithKline
3	GlaxoSmithKline	Eli Lilly	Pfizer
4	Pfizer	Pfizer	Allergan
5	Vistakon	Forest Pharmaceuticals	Abbott Laboratories
Number of Samples for Top 5 Manufacturers	47,052	35,864	32,172
Percentage of Overall Sample Total Attributable to Top 5 Manufacturers	44%	49%	60%

Exhibit 4: Samples by Specialty or Credential for Individual Health Care Providers who Received 250 or More Samples, 2011-2013

Specialty or Credential	2011		2012		2013	
	Number of Samples	Rank	Number of Samples	Rank	Number of Samples	Rank
Internal Medicine	7,423	2	8,363	1	7,763	1
Family Practice	6,136	3	6,086	2	4,720	2
Physician Assistant (PA)	2,011	4	2,597	3	1,565	3
Optometrist	21,831	1	359	8	1,225	4
Advanced Practice Registered Nurse (APRN)	279	8	626	6	900	5
Critical Care Medicine	1,185	5	1,158	4	680	6
Cardiovascular Disease	638	7	809	5	574	7
Endocrinology Diabetes and Metabolism	836	6	404	7	377	8
Allergy and Immunology			255	11	263	9
Ophthalmology					257	10
Psychiatry			275	9	252	11
Pediatrics			270	10		

Total Numer of Samples

40,339

21,202

18,576

Total Recipients

52

43

40

Note: In 2012 the Vermont Legislature amended 18 V.S.A. § 4631a to exempt prescription eyewear from the definition of “prescribed product”.

Exhibit 5: Top Products - 50 Products with Greatest Number of Samples, 2013

Rank	Product Name	Manufacturer	Product Type	Primary Indication	Number of Samples
1	Crestor	AstraZeneca	Pharmaceutical	Hyperlipidemia	4,970
2	Nexium	AstraZeneca	Pharmaceutical	Gastroesophageal Reflux Disease	3,128
3	Advair	GlaxoSmithKline	Pharmaceutical	Asthma	2,661
4	Symbicort	AstraZeneca	Pharmaceutical	Asthma	2,518
5	Multiple Products*	Bayer HealthCare	Medical Device	Various	2,066
6	Viibryd	Forest Pharmaceuticals, (subsidiary of Forest Laboratories)	Pharmaceutical	Depressive Disorder	1,874
7	Symbicort	AstraZeneca	Pharmaceutical	Asthma	1,694
8	Bystolic	Forest Pharmaceuticals, (subsidiary of Forest Laboratories)	Pharmaceutical	Hypertension	1,680
9	Multiple Products*	LifeScan	Medical Device	Various	1,312
10	Celebrex	Pfizer	Pharmaceutical	Osteoarthritis	1,276
11	Colcrys	Takeda Pharmaceuticals America	Pharmaceutical	Gout	1,228
12	Viagra	Pfizer	Pharmaceutical	Erectile Dysfunction	1,187
13	Benicar	Daiichi Sankyo - US	Pharmaceutical	Hypertension	1,125
14	Spiriva	Boehringer Ingelheim	Pharmaceutical	Chronic Obstructive Pulmonary Disease	1,096
15	Abilify	Otsuka America Pharmaceutical	Pharmaceutical	Schizophrenia	1,029
16	Flovent	GlaxoSmithKline	Pharmaceutical	Asthma	1,003
17	Xarelto	Janssen Pharmaceutical	Pharmaceutical	Stroke	927
18	Lyrica	Pfizer	Pharmaceutical	Neuropathic Pain	882
19	Linzess	Forest Pharmaceuticals (subsidiary of Forest Laboratories)	Pharmaceutical	Irritable Bowel Syndrome	869
20	Intuniv	Shire Pharmaceuticals	Pharmaceutical	Attention Deficit Hyperactivity Disorder	862
21	Dexilant	Takeda Pharmaceuticals America	Pharmaceutical	Erosive Esophagitis	836
22	Refresh Optive Advanced	Allergan	Pharmaceutical	Eye Care	796
23	Oxycontin	Purdue Pharma	Pharmaceutical	Pain	771
24	Invokana	Janssen Pharmaceutical	Pharmaceutical	Diabetes (Type 2)	761
25	Tudorza Pressair	Forest Pharmaceuticals (subsidiary of Forest Laboratories)	Pharmaceutical	Chronic Obstructive Pulmonary Disease	735

Exhibit 5: Top Products - 50 Products with Greatest Number of Samples, 2013

Rank	Product Name	Manufacturer	Product Type	Primary Indication	Number of Samples
26	Ventolin	GlaxoSmithKline	Pharmaceutical	Bronchospasm	732
27	Namenda XR	Forest Pharmaceuticals (subsidiary of Forest Laboratories)	Pharmaceutical	Alzheimer's Disease	684
28	Daliresp	Forest Pharmaceuticals (subsidiary of Forest Laboratories)	Pharmaceutical	Chronic Obstructive Pulmonary Disease	652
29	Nasonex	Merck Sharp & Dohme	Pharmaceutical	Allergic Rhinitis	651
30	Bayer's MICROLET 2 Lancing Device and Contour Next	Bayer HealthCare	Medical Device	Blood Glucose Testing	648
31	Contour Next Blood Glucose Test Strips and 10 MICR	Bayer HealthCare	Medical Device	Blood Glucose Testing	648
32	Refresh Optive	Allergan	Pharmaceutical	Eye Care	618
33	Onglyza	Bristol Myers Squibb	Pharmaceutical	Diabetes (Type 2)	611
34	Dulera	3M Company	Pharmaceutical	Asthma	604
35	Levitra	GlaxoSmithKline	Pharmaceutical	Erectile Dysfunction	601
36	Januvia	Merck Sharp & Dohme	Pharmaceutical	Diabetes (Type 2)	596
37	Abilify	Bristol Myers Squibb	Pharmaceutical	Schizophrenia	530
38	Seroquel XR (quetiapine fumarate)	AstraZeneca	Pharmaceutical	Schizophrenia	524
39	Acuvue Oasys for Astigmatism	Johnson & Johnson Vision Care,	Medical Device	Vision Correction	521
40	Shipper	Abbott Laboratories	Infant Formula	Infant Formula	517
41	Carton	Abbott Laboratories	Infant Formula	Infant Formula	509
42	Similac \$2 Coupon	Abbott Laboratories	Infant Formula	Infant Formula	508
43	Strong Moms BRC	Abbott Laboratories	Infant Formula	Infant Formula	495
44	Victoza	Novo Nordisk	Pharmaceutical	Diabetes (Type 2)	495
45	OneTouch Delica Lancing System	LifeScan,	Medical Device	Blood Glucose Testing	493
46	Vesicare	Astellas Pharma US	Pharmaceutical	Overactive Bladder	489
47	Refresh Liquigel	Allergan	Pharmaceutical	Eye Care	447
48	Lantus Solostar	sanofi-aventis U.S.	Pharmaceutical	Diabetes (Types 1 and 2)	424

Exhibit 5: Top Products - 50 Products with Greatest Number of Samples, 2013

Rank	Product Name	Manufacturer	Product Type	Primary Indication	Number of Samples
49	Eliquis	Bristol Myers Squibb	Pharmaceutical	Stroke	421
50	Levemir	Novo Nordisk	Pharmaceutical	Diabetes (Types 1 and 2)	419

Total: 51,123

Note: For purposes of this exhibit, when manufacturers disclosed a sample containing several different products, the Attorney General’s Office assigned the sample to each of the products disclosed in connection with the sample. Where applicable, primary indication is according to the FDA.

* Manufacturers sometimes report sampling “Multiple Products*”. Often these are educational materials that cover several products or are miscellaneous items within a kit.

Exhibit 6: Samples by Primary Indication of the top 50 Products with the Greatest Number of Samples, 2013

Primary Indication	2011		2012		2013	
	Number of Samples	Rank	Number of Samples	Rank	Number of Samples	Rank
Asthma		2	7,017	2	8,480	1
Hyperlipidemia	2,300	5	4,204	5	4,970	2
Various	1,436	10	950	19	3,378	3
Diabetes (Type 2 or Types 1 and 2)	1,365	11	3,014	7	3,306	4
Gastroesophageal Reflux Disease	634	23	2,994	8	3,128	5
Hypertension			4,054	6	2,805	6
Chronic Obstructive Pulmonary Disease	993	18	2,011	9	2,483	7
Bipolar Disorder and/or Schizophrenia	1,261	12	4,516	4	2,083	8
Infant Formula					2,029	9
Depressive Disorder			7,721	1	1,874	10
Eye Care	1,780	7	1,034	17	1,861	11
Blood Glucose Testing			491	24	1,789	12
Erectile Dysfunction	1,184	14	5,308	3	1,788	13
Stroke					1,348	14
Osteoarthritis	1,137	16	1,836	10	1,276	15
Gout	1,228	13	1,053	16	1,228	16
Neuropathic Pain	721	21	997	18	882	17
Irritable Bowel Syndrome					869	18
Attention-Deficit/Hyperactivity Disorder	1,147	15	1,496	13	862	19
Erosive Esophagitis	1,572	9	1,476	14	836	20
Pain					771	21
Bronchospasm			546	23	732	22
Alzheimer's Disease			1,545	12	684	23
Allergic Rhinitis	1,608	8	837	20	651	24
Vision Correction	27,887	1			521	25
Overactive Bladder	841	19	1,678	11	489	26
Antipsychotic	3,206	3				
Myocardial Infarction Preventative	3,016	4				

Exhibit 6: Samples by Primary Indication of the top 50 Products with the Greatest Number of Samples, 2013

	2011		2012		2013	
Nutrition	2,219	6				
Hypothyroidism	1,025	17				
Migraine Headaches	839	20	663	21		
Acute Coronary Syndrome	710	22				
Fibromyalgia			1,339	15		
Insomnia			597	22		
Primary Hypogonadism			479	25		
Smoking Cessation			449	26		
Philadelphia Chromosome Positive Chronic Myeloid Leukemia			391	27		

Totals:

65,671

58,696

51,123

Exhibit 7: Contents of Sample by Category

2011

Product

Product Only	78,620
Product and Vouchers	1,224
Product and Other	1,820
Product, Vouchers and Other	2,302

Total **83,966**

Vouchers

Vouchers Only	6,550
Vouchers and Product	1,224
Vouchers and Other	293
Vouchers, Product and Other	2,302

Total **10,369**

Other

Other Only	1,268
Other and Vouchers	293
Other and Product	1,820
Product, Vouchers and Other	2,302

Total **5,683**

2012

Product

Product Only	48,607
Product and Vouchers	893
Product and Other	2,946
Product, Vouchers and Other	910

Total **53,356**

Vouchers

Vouchers Only	15,446
Vouchers and Product	893
Vouchers and Other	336
Vouchers, Product and Other	910

Total **17,585**

Other

Other Only	3,617
Other and Vouchers	336
Other and Product	2,946
Product, Vouchers and Other	910

Total **7,809**

2013

Product

Product Only	46,862
Product and Vouchers	105
Product and Other	2,107
Product, Vouchers and Other	1,112

Total **50,186**

Vouchers

Vouchers Only	16,361
Vouchers and Product	105
Vouchers and Other	246
Vouchers, Product and Other	1,112

Total **17,824**

Other

Other Only	1,164
Other and Vouchers	246
Other and Product	2,107
Product, Vouchers and Other	1,112

Total **4,629**