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June 11, 2004

VIA FEDERAL EXPRESS

Monheit Law
1368 Barrowdale Road
Rydal, PA 19046

Re: Zyprexa® Advertising

Dear Counsel:

We are counsel to Eli Lilly and Company ("Lilly") with regard to its prescription medication, Zyprexa®. The Food and Drug Administration has approved Zyprexa® as safe and effective for the treatment of schizophrenia and acute bipolar mania, and for bipolar maintenance therapy.

We are writing to alert you that your web-based advertising regarding the purported danger, defects or serious potential side effects associated with Zyprexa® is an enterprise that jeopardizes the health and safety of Zyprexa® patients and their friends and families. As one would expect, suggestions that a medicine is dangerous, and/or could harm someone, would likely cause that person to stop taking the medicine. Lilly has received reports of patients who have stopped taking their medication in response to such advertising. Patients who stop taking Zyprexa® may relapse, resulting in hospitalizations, and may harm themselves or others.

Not surprisingly, Lilly has received reports of serious injuries and deaths attributable to such advertising. As the enclosed news article reports, the result has already proved to be catastrophic for one Marshall, Texas family when the patient, after viewing a lawyer's advertisement, discontinued her medication and then killed her husband and herself.

As you know, patients with severe and persistent mental illness are a very vulnerable population. Schizophrenia, in particular, is often a severely debilitating disease, requiring a great deal of specialized care. Patients typically experience delusions, hallucinations, disorganized speech, or disorganized or catatonic behavior. In fact, many patients with schizophrenia must repeatedly be institutionalized because they cannot care for themselves, or because they pose a threat to themselves or others. Bipolar disorder, another chronic and debilitating disease, is a brain disorder that causes unusual and extreme shifts in a person's

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mood, thoughts, energy and behavior. Symptoms can return at any time without warning. At least 25% of bipolar patients attempt suicide at least once,¹ and as many as 1 out of every 5 patients (20%) actually commits suicide.² Given the severity and unpredictability of these diseases, if patients with schizophrenia or bipolar disorder unilaterally discontinue their medicine, the consequences can be devastating, not only for patients but for their friends and family members as well.

We have already received the one report of a murder/suicide attributed to a patient discontinuing her medication because of lawyer advertising. This may, unfortunately, prove not to be an isolated incident if such advertising continues. Doctors who prescribe Zyprexa® are very likely to be treating individuals who, unmedicated, could pose a serious risk to themselves or others. The relationship between these patients and their physicians and treatment teams is a critical connection, and often represents a fragile balance based on trust and understanding. Treatment of such patients presents difficult challenges to physicians. Their care for patients can be imperiled, or even totally compromised, by suggestions from laypersons that they should be wary of taking prescribed medications. Even if that is not the message you intend to convey in your advertisement, you should understand that Zyprexa® patients are likely to interpret it in that manner.

The practice of medicine, in particular the counseling of patients on the risks of prescription medications used in the treatment of a mental illness, is best left to doctors. Internet solicitations like yours warning of the purported "dangers" of Zyprexa®, or focusing undue emphasis on its potential side effects, encroach on these delicately balanced physician-patient relationships and may cause significant harm to an extremely vulnerable patient population. Your ads don't tell the full story for these patients. They don't discuss the nature of the patient's disease and the importance of taking the medicines that their physicians have prescribed.

In light of the above, we urge you to discontinue any advertising that would have the effect of dissuading patients on Zyprexa® from taking their medication without their doctor's

¹ Regier DA, Narrow WE, Rae DS, et al. The de facto US mental and addictive disorders service system. Epidemiologic catchment area prospective 1-year prevalence rates of disorders and services. *Arch Gen Psychiatry*. 1993;50(2):85-94.

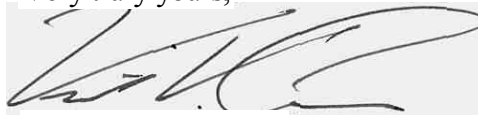
² Goodwin FC, Jamison K. *Manic-Depressive Illness*. New York, NY: Oxford University Press; 1990:231,239.

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approval. At the very least, any advertisements should include a prominent statement that the FDA has approved Zyprexa® as safe and effective, that it could be dangerous to stop taking their medicines, especially abruptly, and that patients should talk with their physicians to decide whether the benefits and risks of taking Zyprexa® make the product the right choice for them.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'V. Carissimi', is written over a light gray rectangular background.

Vincent V. Carissimi

VVC/kfV
Enclosure