



May 19, 2020

Via email

Attorney General Gurbir Singh Grewal
Richard J. Hughes Justice Complex
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Dear Attorney General Grewal:

Under your leadership, New Jersey has been a leader in fighting harmful practices and policies that impede access to health care for all New Jerseyans. That is why we are writing you today. We are concerned about the lack of oversight and abuses on the part of the pharmaceutical industry. There has been increased attention in recent years, to industry abuses such as price-gouging on insulin and other medicines, deceptive marketing of opioids and prescription drug safety issues; but, unfortunately, that attention has yet to result in adequate federal reforms that would make medicines more affordable and protect patients from harm.

Despite appeals to lawmakers and to the drug corporations themselves, millions of people continue to go without medicine, incur debt for their prescriptions, or, every day, face hard choices between taking proper doses and paying for food and rent. Even now, during the COVID pandemic, which has already claimed nearly 100,000 American lives and disrupted the lives of millions more, there has been no action to ensure that the medicines people will need for treatment and prevention of the coronavirus will be affordable to everyone regardless of insurance status and wealth.

New Jersey Citizen Action, New Jersey Appleseed Public Interest Law Center, New Jersey Organizing Project, and many of our health coalition partners are concerned about the residents of our state who are struggling with drug prices. That is why we have launched our [New Jersey For Affordable Drugs](#) campaign that is working to advance federal and state reforms that will rein in drug prices and ensure that the life-saving drugs that people need to get and stay well are available to them, without regard to income, race or geography. Many New Jersey residents are already struggling with drug prices, and the strain has only increased because of COVID.

On behalf of our members and as part of the national [Lower Drug Prices Now](#) coalition, we are asking you to open an investigation into pharmaceutical company Jaguar Health, for their recent decision to triple the price of Mytesti. This is an anti-diarrheal drug often taken by people living with HIV/AIDS to treat the gastrointestinal side effects caused by other drugs, like Remdesiver, a drug being used to treat COVID patients. Jaguar Health applied to the Food and Drug Administration for emergency approval to use this medicine as a treatment for COVID-19. The



FDA refused the request, but since, the corporation has more than tripled the price of Mytesi from \$688.52 to \$2,206.52 per bottle.¹ Despite the FDA's initial decision, Jaguar continues to talk with federal agencies to look for ways to increase the use of Mytesi for coronavirus patients.²

Raising the price of a potential COVID treatment is an unconscionable act of greed at a time when millions of Americans have lost their jobs and health insurance and are already facing higher expenses and prices for everything from hand sanitizer to food and dry goods. Jaguar's tripling the price of a potential medicine for COVID has already attracted the attention of Congressional leaders on the House Oversight Committee³ who are seeking answers, as we are, that justify this kind of increase during the biggest public health emergency of our lifetimes.

Leaders in the US House of Representatives Congresswoman Carolyn Maloney, Chair of the Committee on Oversight and Reform, and Congresswoman Jackie Speier, sent a letter to Jaguar Health CEO Lisa Conte requesting documents by May 18, 2020 - including all communications between or among all executives, employees, investors, board members or other agents of Jaguar Health regarding the decision to increase the list price of Mytesi effective on or around April 9, 2020.

This week Jaguar's shareholders will meet for an annual meeting to discuss the corporation's profits, policies and potential. It's not clear whether shareholders themselves may raise the issue of precipitous price gouging during the pandemic and how that action may create enhanced scrutiny and risk for the company. We hope so.

But we also know that prescription drug corporations' top priority is to maximize profit, not to support public health. But your office and the Division of Consumer Affairs have made a commitment to go after price gouging where it exists. That is why we are reaching out to you with this request for immediate investigation.

Profiteering on medicine during a time of national crisis when an official emergency has been declared, the death toll is climbing and the economy has slowed to a crawl because of shuttered businesses, record unemployment and social distancing, could have dire consequences for the millions who will contract COVID and need drug therapy. We are therefore urging elected officials at all levels to take action to protect the public by putting a stop to profiteering and holding corporations accountable for the harm they cause by jacking up the price of essential goods--like medicine--during a time when demand will be tremendous and resources limited.

As leaders of New Jersey's consumer health movement and members of the Lower Drug Prices Now coalition, we urge you to do everything in your power to enforce consumer protection and anti-profiteering law to hold Jaguar Health and other drug corporations accountable - and where

¹<https://www.reuters.com/article/us-health-coronavirus-drug-prices-jaguar/congresswomen-urge-jaguar-health-to-reverse-price-hike-on-drug-that-may-be-used-in-covid-19-patients-idUSKBN22G25C>

²<https://www.axios.com/pharma-jaguar-health-mytesi-drug-price-coronavirus-8ea874b1-9e75-47cf-ba47-475ef7d58e3b.html>

³<https://oversight.house.gov/news/press-releases/maloney-and-speier-seek-information-on-drug-company-s-triple-price-increase>



the laws are inadequate to the task of protecting people from profiteering, we encourage you to work with our elected officials to fix them.

Sincerely,

A handwritten signature in cursive script that reads "Maura Collinsgru".

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Cc: Governor Phil Murphy
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