



# CITIZEN ACTION OF WISCONSIN

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Atty. Gen. Josh Kaul  
Wisconsin Department of Justice  
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Delivered via email

May 19, 2020

Dear Attorney General Kaul,

In recent years, there has been increased attention to pharmaceutical industry abuses like price-gouging on insulin and other medicines, deceptive marketing of opioids, and prescription drug safety issues. Unfortunately, that attention has not yet resulted in adequate reforms from federal lawmakers to 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, to incur debt for prescriptions, or to face hard choices between taking doses and paying for food or rent. Even now, during the COVID pandemic that has already claimed nearly 90,000 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 who needs them.

Citizen Action of Wisconsin is a grassroots advocacy nonprofit with thousands of engaged members and constituents around the state. Our members continue to be concerned about drug companies' ability to price gouge at a time when we are at our most vulnerable. We must ensure that any drugs and vaccine developed for COVID-19 is accessible and affordable. As a member of the [Lower Drug Prices Now](#) coalition, we urge you to investigate Jaguar Health's recent decision to triple the price of Mytesi, an act of unscrupulous profiteering during this pandemic.

Mytesi is an anti-diarrheal drug often taken by people living with HIV/AIDS to treat the gastrointestinal side effects caused by antiviral drugs. Some antiviral medicines are also being used in the treatment of COVID symptoms. Jaguar Health applied to the Food and Drug Administration for emergency approval to use this medicine as a treatment for COVID-19 symptoms. FDA refused the request but in the meantime, the corporation more than tripled the price of Mytesi from \$688.52 to \$2,206.52 per bottle.<sup>1</sup> Despite the FDA's initial decision, Jaguar continues in talks with federal agencies to look for ways to increase use of Mytesi for coronavirus patients.<sup>2</sup>

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<sup>1</sup><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>

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

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 bigger expenses and higher 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 Committee<sup>3</sup> 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 is unclear whether shareholders themselves may raise the issue of precipitous price gouging during the pandemic and how that action may create 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. That is why we are reaching out with this request for investigation from your office.

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 - could have dire consequences for the millions who will contract COVID and need medicines. We are 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.

We urge you to do everything in your power to enforce any Wisconsin consumer protection and anti-profiteering laws to hold Jaguar Health and other drug corporations accountable. Where laws are inadequate to the task of protecting people from profiteering, we encourage you to work with Congress to fix them.

Sincerely,



Robert Kraig  
Executive Director  
Citizen Action of Wisconsin

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