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Mylan faces investor pressures over use of drugs in US executions

by Andrew Ward | Pharmaceuticals Correspondent

Mylan has become the target of anti-death penalty campaigners with a German investment fund selling its shares in the pharmaceuticals group because of concern that one of its products could be used in executions by American prisons.

Campaigners successfully lobbied DJE Kapital to dispose of its holding in the US generic drugmaker and are pressing other investors to do the same. It is the latest stage of a campaign that has previously forced Lundbeck of Denmark and Hospira of the US to announce measures to prevent their drugs being used in executions.

Mylan has been targeted after the state of Alabama, one of the most prolific users of the death penalty, named one of its products in a new three-drug lethal injection.

Alabama and other US states have been forced to suspend executions in recent months because of a shortage of effective drugs and controversy over a series of botched executions in which prisoners took up to 43 minutes to die.

Reprieve, a UK charity which campaigns against capital punishment, said Mylan was the only US-approved producer of a drug called rocuronium bromide not to have imposed measures to prevent its use in lethal injections.

The product is approved as a muscle relaxant during surgery but, at a high dose, can cause paralysis of the breathing muscles.

Mylan said it was “dedicated to upholding the highest standards of quality and integrity” and only distributed products “through legally compliant channels, intended for prescription by healthcare providers consistent with approved labelling”.

Pressure from anti-death penalty campaigners has caused several pharmaceuticals companies to tighten controls on the sale of drugs with the potential to be used in executions. Teva of Israel and UK-listed Hikma are among others to have acted.

This has made it increasingly hard for US states to produce the lethal “cocktails” needed to kill prisoners on death row.

In 2011, a tiny company called Dream Pharma, operating from the offices of a London driving school, was found to be selling drugs to Arizona for use in executions – prompting Vince Cable, UK business secretary, to impose export restrictions on the products.

Alabama has not carried out an execution for more than a year because of drug shortages but the state's attorney-general last month asked its Supreme Court to set execution dates for nine prisoners after agreeing the new three-drug injection.

In addition to rocuronium bromide, the cocktail includes a sedative called midazolam hydrochloride and potassium chloride to stop the heart beating.

Maya Foa, director of Reprieve, said: "There is a very real risk that Mylan will become the go-to provider of execution drugs across the country.

"There are simple and effective controls that a company like Mylan can put in place to ensure its medicines are sold for legitimate medical purposes, and not sold to prisons for use in lethal injections."

Ms Foa spent last week in New York urging US investors to apply pressure on the company.

Mylan in July agreed a \$5.3bn acquisition of overseas assets from US rival Abbott Laboratories in a so-called inversion deal that would involve Mylan moving its tax home to the Netherlands.

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