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Birth control pills give rise to mass tort

By Hsieh, Sylvia
Published on AllBusiness.com

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The newest form of combined oral contraceptives has given birth to a mass tort.

Several lawsuits have been filed in federal court against Bayer Corp. over Yaz/Yasmin birth control pills, alleging that a new ingredient in this "fourth generation" contraceptive presents dangerous risks that the company failed to warn about.

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The plaintiffs claim injuries that include deep vein thrombosis, gallbladder damage, kidney stones, heart attacks, pulmonary embolisms and strokes.

The lawsuits also allege fraudulent concealment of safety information.

Hundreds more suits are expected to be filed in the near future, with lawyers around the country looking into these cases.

"We've filed four cases this week, and we will file more this week and every week as we go forward. There are a substantial number of cases," said Janet Abaray, a managing shareholder of Burg Simpson Eldredge Hersh in Cincinnati, Ohio and co-lead counsel for the Ortho-Evra (contraceptive patch) litigation.

Daniel Gallucci, an attorney with RodaNast, P.C. in Lancaster, Pa., who filed one of the first lawsuits, said that he is investigating hundreds of cases.

Joseph Weinstein, an attorney with Squire, Sanders & Dempsey in Cleveland who represents Bayer Corp., declined comment for this article. Bayer Corp. did not return a call seeking comment.

'Fourth generation'

Yaz, which was approved by the FDA in 2006, and Yasmin, which was approved in 2001, are fourth generation combination oral contraceptives that combine estrogen and progestin to prevent pregnancy.

What makes both drugs "fourth generation" and different from any other birth control pills is the progestin component, called drospirenone.

Plaintiffs' attorneys allege that drospirenone, a diuretic, causes an increase in potassium which can lead to "hyperkalemia" or unsafe levels of potassium that disrupt heart rhythms and slow the flow of blood. This can lead to blood clotting.

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