

Pharma in brief - Canada

Apotex claims \$500 million in damages from Canadian government over import ban

Case: *Apotex Inc, Apotex Pharmachem India Pvt Ltd and Apotex Research Private Limited v Her Majesty The Queen et al* (Court File No. T-1653-16)
Nature of case: Misfeasance in public office, negligence, defamation and conspiracy
Date: September 30, 2016

Summary

Apotex is suing the federal government for \$500 million in general, special, aggravated and punitive damages arising from an import ban imposed by Health Canada in 2014 against certain Apotex products from Indian manufacturing facilities. The import ban was subsequently held to be unlawful by decision of the Federal Court and overturned.

Background

In 2014, Health Canada imposed a ban on certain Apotex drug products being imported into Canada from Apotex Pharmachem India Pvt Ltd. (**APIPL**) and Apotex Research Private Limited (**ARPL**).

As we [reported](#), Apotex successfully challenged the Minister of Health's decision to implement the import ban on two separate occasions before the Federal Court. In the first decision, the Federal Court quashed the import ban, finding that, among other things, it was implemented with an improper purpose. The court also ordered that Health Canada and the Minister of Health retract media statements on the import ban. In the second decision, the Federal Court quashed the minister's decision to indirectly maintain aspects of the import ban, notwithstanding the court's first decision.

Apotex's statement of claim

In a 103-page statement of claim, Apotex now seeks \$500 million in damages relating to Health Canada's alleged unlawful implementation and maintenance of the import ban. In its statement of claim, Apotex alleges that the Minister of Health defamed Apotex through press releases and website postings and restricted Apotex's ability to obtain new marketing approvals for drugs that had been made or were to be made in ARPL or APIPL.

Links:

[Apotex's Statement of Claim](#)

First Judicial Review Decision: [Apotex Inc et al v Minister of Health, 2015 FC 1161](#)

Second Judicial Review Decision: [Apotex Inc et al v Minister of Health and Attorney General of Canada, 2016 FC 673](#)

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