

Congress of the United States

Washington, DC 20510

June 13, 2022

The Honorable Jonathan Kanter
Assistant Attorney General
Antitrust Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Assistant Attorney General Kanter and Chair Khan:

We write to raise concerns regarding Janssen Pharmaceuticals's and Bristol-Myers Squibb (BMS) - Pfizer's [parallel price increases](#) for Xarelto and Eliquis. Xarelto and Eliquis are blockbuster anticoagulant drugs that millions of Americans depend on to help prevent heart attacks, strokes, and blood clots. The prices for these two competing products have risen every year since they entered the market at a rate far outpacing inflation, without any meaningful improvements to the medications or any apparent increase in production costs. We are principally concerned that the prices for these products, which are close substitutes for each other, have been raised in lockstep in a manner that seems coordinated to maintain pricing parity. We write to urge the Department of Justice (DOJ) and the Federal Trade Commission (FTC) to look into whether Janssen Pharmaceuticals and BMS - Pfizer's pricing practices for Xarelto and Eliquis, respectively, may have violated the antitrust laws.

Xarelto and Eliquis are anticoagulants, also known as blood thinners, that help prevent and treat blood clots and prevent stroke in high-risk patients. Close to 4 million Medicare Part D beneficiaries take Eliquis and Xarelto, including patients with nonvalvular atrial fibrillation and those being treated for deep vein thrombosis or pulmonary embolism. Unlike many privately insured individuals who only pay set co-pays, Part D beneficiaries must pay an out-of-pocket percentage of the medication list price. When pharmaceutical companies increase the list price of their drugs, older adults and other Medicare beneficiaries often must pay more at the point of sale, preventing many from obtaining the prescribed drug. The number of Medicare beneficiaries filling anticoagulant prescriptions has [more than doubled](#) in the past decade, leaving taxpayers and older or disabled Americans vulnerable to exploitation by corporations coordinating or colluding to raise prices rather than competing to lower them.

In 2020, Eliquis was the most costly drug and Xarelto the third most costly drug for all of [Medicare](#), with gross spending of \$9.9B and \$4.7B, respectively. In terms of U.S. sales in 2020, BMS reported [\\$5.5 billion](#) in net sales revenue and Pfizer reported [\\$2.7 billion](#) in net sales from Eliquis, and Janssen reported [\\$2.3 billion](#) in net sales from Xarelto.¹ These drugs were among the [top](#) seven products with direct-to-consumer advertising spending, and their parent companies spent a combined total of more than \$300 million in 2020 for just these two drugs. There is little reason to expect the prices for these products to decline in the near future as Janssen will not have a generic competitor for Xarelto until [2034](#) at the earliest, and BMS-Pfizer has fended off any generic competition for Eliquis through at least [2028](#).

These drugs have become too expensive for many [patients](#) to purchase, forcing them to switch to less effective medications that may pose health risks. An older blood thinner, called warfarin, is inexpensive, but carries a high risk of bleeding and requires frequent lab tests to monitor that bleeding risk. Eliquis and Xarelto were both introduced about a decade ago, priced at just over \$200 for a month's supply. After more than a decade of price increases in seemingly coordinated fashion, a month's supply is priced at \$529 for Eliquis and \$516 for Xarelto, five times and ten times the prices paid in other countries, respectively.

This pattern of lockstep price increases and the general lack of competitive behavior exhibited by these drug sellers raises concerns regarding potential unlawful conduct. We urge your agencies to evaluate the state of competition in this drug market and whether these companies' pricing practices may have violated federal antitrust laws.

Sincerely,



Amy Klobuchar
United States Senator



Katie Porter
Member of Congress

¹ In terms of U.S. sales in 2021, BMS reported [\\$6.5 billion](#) in net sales revenue and Pfizer reported [\\$3.2 billion](#) in net sales from Eliquis, and Johnson & Johnson (Janssen) reported [\\$2.4 billion](#) in net sales from Xarelto.