



## Herbert H. Slatery III Attorney General & Reporter

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### **Attorney General Herbert H. Slatery III and 45 Attorneys General reach \$120 million settlement concerning hip implant devices**

Nashville- Attorney General Herbert H. Slatery III and 45 Attorneys General reached a \$120 million Consent Judgment with Johnson & Johnson and DePuy to resolve allegations DePuy unlawfully promoted its metal-on-metal hip implant devices, the ASR XL and the Pinnacle Ultamet.

Under the settlement Tennessee shall receive \$2,354,489.83.

The Attorneys General allege DePuy engaged in unfair and deceptive practices in its promotion of the ASR XL and Pinnacle Ultamet hip implant devices by making misleading claims as to the longevity, also known as survivorship, of metal-on-metal hip implants. DePuy advertised that the ASR XL hip implant had a survivorship of 99.2% at three years when the National Joint Registry of England and Wales reported a 7% revision rate at three years. Similarly, DePuy promoted the Pinnacle Ultamet as having a survivorship of 99.8% and 99.9% survivorship at five years when the National Joint Registry of England and Wales reported a 2.2% 3-year-revision rate in 2009 increasing to a 4.28% 5-year-revision rate in 2012.

Some patients who required hip implant revision surgery to replace a failed ASR XL or Pinnacle Ultamet implant experienced persistent groin pain, allergic reactions, tissue necrosis, as well as a build-up of metal ions in the blood. The ASR XL was recalled from the market in 2010. DePuy discontinued its sale of the Pinnacle Ultamet in 2013.

To read the terms of the settlement, click here:

<https://www.tn.gov/content/dam/tn/attorneygeneral/documents/pr/2019/pr19-03-settlement.pdf>

Attorneys General of Texas and South Carolina led the investigation. The Executive Committee consisted of the Attorneys General of Florida, Indiana, North Carolina, Ohio, Pennsylvania, and Washington. Also participating in the settlement are Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, and Wisconsin.

