

Response by Medecins Sans Frontieres

MSF is highly disappointed that Gilead Sciences refuses to disclose the true nature, scope and intentions of its anti-diversion programme. The company's secrecy should set off alarm bells to all members of the hepatitis C community. To our knowledge, Gilead has not consulted properly with many members of the hepatitis C community in any meaningful way, and it appears the company has not issued any statement on its website or through other materials that fully explains the purpose, contours and intentions behind the programme.

Gilead's anti-diversion programme is unprecedented with respect to the invasiveness and impact it will have on medical providers and patients. To our knowledge, no company, including Gilead, has ever put in place such a programme in the past. We disagree that diversion of medicines is a valid concern – such claims harken back to the rhetoric of the multinational pharmaceutical industry over a decade ago with its stance towards the production and use of low-cost anti-retroviral medicines in developing countries to treat HIV and AIDS, in the face of a large-scale epidemic. Even if diversion was a valid concern, imposing heavy, unethical burdens on patients and doctors is not acceptable and not a solution.

The company should reconsider the unaffordable prices it is charging for its medicines through its tiered pricing policies, and also re-examine its approach to voluntary licensing, which excludes millions of people in developing countries from affordable access to Gilead's hepatitis C medicines. The license also requires generics licensees to introduce the anti-diversion programme, and imposes a range of restrictions on the manufacture and sale of active pharmaceutical ingredient, which leads to higher prices for raw materials and the finished product.