

## Accutane maker agrees to pay mother, son to settle lawsuit

By **DAVID ELLISON**  
Houston Chronicle

The manufacturer of the acne drug Accutane has agreed to pay a 9-year-old boy and his mother an unspecified amount to settle a lawsuit that alleged the drug caused the child to be born with several deformities.

Richard Mithoff — attorney for the boy, Shane Hall — said he could not release details of the settlement with Hoffmann-LaRoche Inc., the New Jersey firm that makes the drug, Accutane.

"But the family, I can assure you, is very pleased," he added.

Testimony was expected to start Wednesday in state District Judge Richard Bianchi's court, but Mithoff said the parties settled late Tuesday.

He said the boy has had 25 operations and has incurred medical expenses of more than \$100,000. The mother, Teresa Hall, 36, is a receptionist in Anahuac and her husband, Brian, is a meat cutter.

The lawsuit, filed in 1990, claims Dr. William R. Holder of Baytown prescribed Accutane to Shane's mother in May 1983. Shane was born March 5, 1984, with multiple birth defects, including having no ears and a deformed skull, and he is expected to require medical attention for the

rest of his life, the lawsuit says.

Mithoff said that Hoffmann-LaRoche did warn that women with child-bearing potential should not use Accutane, but he said Teresa Hall thought she was infertile.

Nevertheless, he said, the drug should have had further warnings requiring a woman who thinks she is infertile to use contraceptives.

Mithoff's suit alleged that the company was negligent in failing to provide doctors and their patients with adequate warning of risks of serious injuries to babies in the womb. The company also didn't report to the Food and Drug Administration and physicians widespread side effects, according to the lawsuit.

The doctor later was dropped from the lawsuit, Mithoff said.

A Hoffmann-LaRoche spokeswoman in Nutly, N.J., said the settlement doesn't mean the company concedes liability. She said Accutane always contains information on labels to warn pregnant women or women who intend to have children.

Since its approval for U.S. use in 1982, Accutane has been linked to miscarriages and birth defects in 25 states, according to a 1988 study by the California Birth Defects Monitoring Program.