



FOR IMMEDIATE RELEASE

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## WLF Backs Citizen Petition to End FDA's Suppression of Truthful Scientific Speech

*(In re Access to Pharmacogenomics Information)*

**“The FDA should stop inserting itself between doctors and their patients and abandon its campaign to suppress the dissemination of PGx data.”**

—Cory Andrews, WLF Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today filed comments with the Food and Drug Administration (FDA) in support of the Citizen Petition of the Coalition to Preserve Access to Pharmacogenomics (PGx) information.

By identifying likely gene-drug interactions, PGx testing allows a physician to make better informed prescribing decisions, which should lead to better health outcomes and lower healthcare costs. The Coalition's petition thus raises legitimate questions about the FDA's ongoing campaign to “suppress communications by clinical laboratories and software providers about the role of PGx in the metabolism of, and response to, specific drugs.”

WLF's comments make clear that the FDA's suppression campaign not only threatens to undermine the public health, it also runs afoul of the Constitution. By prohibiting clinical labs and software providers from sharing accurate gene-drug testing data with physicians, the FDA directly infringes on truthful, non-misleading speech. If challenged in federal court, the FDA would need to show that it has a compelling governmental interest in suppressing that speech. As WLF's comments explain, the FDA cannot possibly meet that burden.

*Celebrating its 43rd year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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