

## **Families win lawsuit over MMR vaccine**

<http://www.japantimes.co.jp/cgi-bin/getarticle.pl5?nn20030314a7.htm>

OSAKA (Kyodo) The government and a research center affiliated with Osaka University were handed a court order Thursday to pay a total of 155 million yen to the families of two children who died or suffered side effects after receiving the MMR vaccine.

The vaccine, which covers measles, mumps and rubella, has since been banned because of its high side effects rate.

The families of three children who were given the vaccine between 1989 and 1991 had sued the government and Osaka University's Research Institute for Microbial Diseases for a total 350 million yen in damages, claiming that their children had developed aseptic meningitis as a result.

The Osaka District Court stated that the institute produced the vaccine via a method different from that submitted to the health ministry and was the likely reason for the ensuing problems.

Presiding Judge Shinichi Yoshikawa ruled that vaccinations are procedures "that the state actively carries out from the perspective of protecting society."

He added that the government neglected its responsibility over the supervision of vaccine manufacturers and for ensuring that they follow the Pharmaceutical Affairs Law.

It is the first time that a court has ruled on a damages case related to the vaccine, whose side effects have affected about 1,800 people nationwide.

The court ruled that the death of the son of a couple in Suita, Osaka Prefecture, and the serious brain damage suffered by 13-year-old Hana Ueno, from Hanamaki, Iwate Prefecture, were caused by the MMR vaccine.

It ruled, however, that the child of a couple in Hyogo Prefecture died after contracting influenza.

Legal experts said that the ruling, which accorded the government a hefty supervisory responsibility over vaccinations, could have a great impact on future health administration and medicine-related lawsuits.

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