

Johnson & Johnson / Depuy Limited / Robert John MacDougal

Case ID:

ST-243

Case Cluster :

Johnson & Johnson

Jurisdiction of Settlement:

United Kingdom

Jurisdiction of Settlement / Enforcement Agency:

Serious Fraud Office

Jurisdiction of Foreign Public Official(s) :

Greece

Year of Settlement:

2010

Month/Day of Settlement (or Notes):

04/14

Other Jurisdictions of Settlement:

United States

Settlement with Individual or Legal Person?:

Individual

Type of Settlement:

Criminal

Legal Form of Settlement:

Guilty Plea

Monetary Sanctions (Types):

None

Total Monetary Sanctions (US\$):

\$0.00

Criminal Fine/Penalty (US\$) :

\$0

Monetary Sanctions Returned / Ordered Returned (US\$):

\$0

UNCAC Articles(s) Implicated:

Art.16

OECD Anti-Bribery Convention Articles Implicated:

Art. 1

Offenses - Alleged:

Conspiracy to make corrupt payments (section 1 of the Prevention of Corruption Act 1906)

Offenses - Settled:

Conspiracy to make corrupt payments (section 1 of the Prevention of Corruption Act 1906)

Public Procurement Contract / SOE Involved?:

Yes

Summary:

According to the August 2011 Report by the United Kingdom to the OECD, "Former DePuy executive Robert John Dougall pleaded guilty after admitting his involvement in making £4.5

million of corrupt payments to medical professionals within the Greek state healthcare system. He was originally sentenced to 12 months imprisonment. Recognising the important public interest issues raised in this case, Mr. Dougall was granted leave to appeal. On appeal the sentence was suspended. The Court of Appeal emphasised [sic] that where a defendant entered a guilty plea and provided full co-operation with the authorities investigating a major crime involving fraud or corruption and the level of criminality and mitigation meant that the sentence of imprisonment would be 12 months or less, then -- the argument that the sentence should be suspended is very powerful and that -- this result will normally follow." (Source: United Kingdom Report to the OECD, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, Information as of 16 August 2011). There is no mention of a monetary penalty ordered in this case in the UK Serious Fraud Office's Press Release on his case. (Source: US Serious Fraud Office Press Release, "British executive jailed for part in Greek healthcare corruption," April 14, 2010.)

Sources :

United Kingdom Report to the OECD, "Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Information as of 16 August 2011), accessed at <http://www.oecd.org/dataoecd/17/30/48362318.pdf>; US Serious Fraud Office Press Release, "British executive jailed for part in Greek healthcare corruption," April 14, 2010, accessed at <http://www.sfo.gov.uk/press-room/latest-press-releases/press-releases-2010/british-executive-jailed-for-part-in-greek-healthcare-corruption.aspx>; R. v. Dougall, Case No: 2010/02063/A3, [2010] EWCA Crim 1048 (May 13, 2010), accessed at <http://openmedicineeu.blogactiv.eu/files/2011/06/JJ-DOUGALL-Appeal-Judgement.pdf>