

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN :

CANWEST MEDIAWORKS INC.

Applicant

- and -

ATTORNEY GENERAL OF CANADA

Respondent

**AFFIDAVIT OF COLLEEN FULLER
(sworn August 9, 2006)**

I, COLLEEN FULLER, of the City of Vancouver, in the Province of British Columbia,
AFFIRM THAT:

1. I am a founder and co-chair of the organization THE SOCIETY FOR DIABETIC RIGHTS (hereafter "SDR") and, as such, have personal knowledge of the facts herein deposed to.
2. SDR is a consumer group, which represents Canadian diabetics who require animal-sourced insulin to manage their condition. We are concerned that future options in the insulin market are narrowing because insulin manufacturers are aggressively marketing newer, more expensive insulins, which do not offer any therapeutic advantages over existing cheaper supplies. We are concerned about the increase in the price of insulin and other products required to sustain our health and a decent quality of life. We are also concerned about the ability of Canada's drug regulatory system to help us achieve these goals and to play a positive role in protecting access to safe and affordable natural bovine and porcine insulins. Our membership fluctuates between 150 and 250 members across the country.

3. The SDR Board of Directors and our membership are composed of people with Type 1 and Type 2 diabetes, parents of children with diabetes and those who care for family members with diabetes. We have worked both nationally and internationally with organizations which share our concerns about the on-going availability of affordable insulin derived from porcine and bovine sources. Our board includes parents whose children died because they used recombinant DNA insulin brands as well as individuals who were severely harmed when they used this type of insulin. We have in-depth knowledge about the health and well being of diabetes patients who are unable to safely and effectively use newer brands of insulin. Attached as Exhibit "A" to this affidavit is a current list of the members of the SDR Board Members.

4. SDR is one of the most knowledgeable sources of information about the adverse side effects of recombinant human insulins in the country, the price of insulin domestically and internationally, and the need for a National Insulin Strategy based on the health needs of those within the diabetes community who require animal-sourced insulin. In recognition of this expertise Health Canada has invited us to play a consultative role with the Department on issues related to animal insulin. Our group also played a key role in prompting the Parliamentary Standing Committee on Health to review the safety and efficacy of recombinant human insulins for a sub-group of Type 1 and Type 2 diabetes patients. Notwithstanding our success in ensuring the continued availability of porcine-sourced insulin in Canada, we continue to advocate for a National Insulin Strategy to assure Canadian diabetes patients that animal-sourced insulins will be available and affordable in the future.

5. SDR has investigated and documented the costs and risks associated with new insulin products, as well as the consequences of inadequate post-marketing surveillance. Part of this investigation involved a review of direct-to-consumer advertising from 1983, when

recombinant human insulins were initially introduced to Canada, to the mid-1990s when insulin analogues were first introduced. We also have reviewed and assessed current advertising for newer analogue products. This advertising can be found in Diabetes Dialogue, the journal of the Canadian Diabetes Association, as well as physician-oriented ads in medical journals. Attached as Exhibit "B" to this affidavit are several examples of this advertising.

6. Our analysis of this advertising indicates that at times claims are made that are not supported by reliable evidence, and in general provides an unbalanced and inaccurate portrayal of patient experiences with new drug products that are the subject of aggressive marketing. Attached as Exhibit "C" to this affidavit is SDR's submission to the Standing Committee on Health.

7. Our direct experience underscores the negative impact that would result if current controls on direct-to-consumer advertising were relaxed or abandoned. Indeed, our work emphasizes the need for stronger, not weaker, regulations to ensure consumers are provided with objective, accurate and balanced information about the range of insulin options available to them in the pharmaceutical marketplace. Our research has found that insulin advertising presents only the highest-priced insulin products, not the older, off-patent and cheaper alternatives. This drives up the cost of insulin therapy for diabetes patients as well as both public and private payers. It increases the risks for a significant minority of patients who are unable to tolerate biosynthetic insulin brands. Attached as Exhibit "D" is a transcript of a speech given to a seminar sponsored by the Sheldon Chumir Foundation in November 2005.

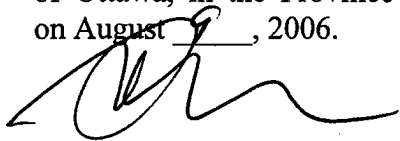
8. SDR believes that there is a pressing need to better regulate the pharmaceutical marketplace on matters of public interest and concern and to attempt to balance the public interest with the private interests of pharmaceutical investors. We also believe that current regulation needs to be enforced more vigilantly. Any relaxation or abandonment

of current controls on direct-to-consumer advertising of pharmaceutical products would be extremely problematic in our view.

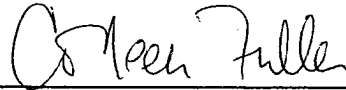
9. The Society for Diabetic Rights has a genuine and substantial interest in the outcome of this case and seeks to intervene in order to assist the Court in deciding questions relating to our expertise in issues that affect the lives of consumers who require – or who prefer – animal-sourced insulins.

10. I make this affidavit in support of our application for intervener status in the matter of CANWEST MEDIAWORKS v. Canada and for no other improper purpose.

AFFIRMED BEFORE ME at the City
of Ottawa, in the Province of Ontario
on August 9, 2006.



Commissioner for Taking Affidavits



COLLEEN FULLER