

# 处方药的警示缺陷责任主体 ——美国习得居间人原则对我国的启示

**【摘 要】**

**【关键词】** 处方药 警示义务主体 习得居间人原则

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National Childhood Vaccine Injury Act of 1986, 42 U.S.C

300aa-14(a)(1994)

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19 Catherine A. Paytash, *the Learned Intermediary Doctrine and Patient Package Inserts: a Balanced Approach to Preventing Drug-Related Injury*, *Stanford Law Review*, Vol. 51, No.5 (May, 1999), p.1348.

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<sup>23</sup> Macdonald Ortho

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<sup>21</sup> Daniel A. Cantor, *Striking a Balance between Product Availability and Product Safety: Lessons from the Vaccine Act*, *the American University Law Review*, Vol.44, pp.1865-1866.

<sup>22</sup> 21 1872

<sup>23</sup> 19 1350

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25	19	1352
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Norplant

Wyeth 1991

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FDA

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FDA

1997

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<sup>28</sup> Timothy A. Pratt & John F. Kuckelman, the Learned Intermediary Doctrine and Direct-to-Consumer Advertising of Prescription Drugs, <http://www.thefederation.org/documents/pratt.htm>

<sup>29</sup> 2012 21 4 5

<sup>30</sup> Timothy A. Pratt & John F. Kuckelman, the Learned Intermediary Doctrine and Direct-to-Consumer Advertising of Prescription Drugs, <http://www.thefederation.org/documents/pratt.htm>

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FDA

FDA

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Martin Ortho

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75.6%

76.2%

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