



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices
Attorney

Mary Koelbel Engle
Associate Director

January 13, 2003

Phillip A. Proger, Esq.
Jones, Day, Reavis & Pogue
51 Louisiana Avenue, N.W.
Washington, DC 20001

Re: *Rite Aid Corp.*, FTC File No. 022-3283

Dear Mr. Proger:

As you know, the staff of the Federal Trade Commission has conducted an investigation to determine whether Rite Aid Corporation engaged in unfair or deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45 and 52, through its involvement in so-called "switch programs." In switch programs, pharmaceutical manufacturers typically contract with pharmacies like Rite-Aid to send letters to patients encouraging them to switch to a drug other than their current drug.

Our inquiry focused on whether the letters Rite Aid sent to patients failed to adequately disclose that the manufacturer of the drug referenced in the letter paid for the mailing or whether the letters contained any false or unsubstantiated claims, especially efficacy and comparative efficacy claims. Our investigation also examined whether Rite Aid's actions in connection with sending the letters contravened its stated privacy policies for handling the medical information of patients.

Upon further review of this matter, it appears that no further action is warranted. This action is not to be construed as a determination that a violation may not have occurred, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary K. Engle
Associate Director