



Office of the Secretary

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

May 3, 2012

Anonymous

*Re: In the Matter of CVS Caremark Corporation
File No. 112 3210, Docket No. C-4357*

Thank you for your comment on the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

Your comment states that you fill prescriptions at CVS and that you limited any refills or new prescriptions near the end of last year to avoid entering the Medicare Part D coverage gap commonly known as the "donut hole." Your comment further states that because you are on a limited income, you would appreciate any assistance from the Federal Trade Commission with this matter.

The proposed complaint alleges that CVS Caremark ("CVSC"), through its Medicare Part D health plan subsidiary, RxAmerica, misrepresented prescription drug prices during the 2007-2008 time period. Specifically, the complaint alleges that CVSC violated Section 5(a) of the FTC Act by submitting generic drug price estimates for posting on the Centers for Medicare & Medicaid Services' Plan Finder¹ and on the websites of RxAmerica and other third-parties that were significantly lower than the prices being charged at CVS and Walgreens stores. This caused many elderly and disabled consumers to pay significantly more than they expected for their medications when filling their prescriptions at CVS or Walgreens stores. As a result, some of these consumers ended up in the donut hole where they had to pay the full cost of their drugs.

The Commission's proposed order prohibits CVSC from misrepresenting the price or cost of Medicare Part D prescription drugs, or other prices or costs associated with Medicare Part D prescription drug plans. The proposed order also requires CVSC to pay \$5 million in consumer redress, to be distributed to affected Medicare Part D beneficiaries.

With respect to your specific request for assistance, to receive redress under the proposed order, you must have been an enrollee in an RxAmerica plan that filled a generic prescription at a CVS or Walgreens pharmacy during the relevant time period in 2007 or 2008. If you are due to receive redress, there is no need for you to do anything further. The FTC will be mailing redress checks to eligible consumers after the order becomes final.

¹ Plan Finder is a web-based tool where beneficiaries can shop for a Medicare Part D drug plan by looking up plan benefits and drug costs.

The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission, Commissioner Ohlhausen not participating.

Donald S., Clark
Secretary