

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CVS PHARMACY, INC., also d/b/a/
CVS/PHARMACY,

Defendant.

CA09- 420

COMPLAINT FOR
INJUNCTIVE AND OTHER
EQUITABLE RELIEF

Plaintiff, the Federal Trade Commission ("FTC"), through its undersigned attorneys, alleges as follows:

1. Plaintiff FTC brings this action under Section 13(b) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 53(b), to secure a permanent injunction, rescission or reformation of contracts, restitution, the refund of monies paid, disgorgement of ill-gotten monies, and other equitable relief against Defendant for engaging in deceptive acts or practices in connection with the advertising, marketing, and sale of the CVS AirShield line of products ("AirShield"), which are purported to prevent or reduce the risk of colds, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 15 U.S.C. §§ 45(a), 52, and 53(b), and 28 U.S.C. §§ 1331, 1337(a) and 1345.

3. Venue in this District is proper under 15 U.S.C. § 53(b) and 28 U.S.C. §§ 1391(b) and (c).

THE PARTIES

4. Plaintiff, the Federal Trade Commission, is an independent agency of the United States Government created by statute. *See* 15 U.S.C. §§ 41-58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces Section 12 of the FTC Act, 15 U.S.C. § 52, which prohibits false advertisements for foods, drugs, devices, services, or cosmetics in or affecting commerce. The FTC, through its own attorneys, may initiate federal district court proceedings to enjoin violations of the FTC Act and to secure such other equitable relief, including rescission or reformation of contracts, restitution, the refund of monies paid, and disgorgement of ill-gotten monies, as may be appropriate in each case. 15 U.S.C. § 53(b).

5. Defendant CVS Pharmacy, Inc., also d/b/a CVS/pharmacy (“CVS”), is a Delaware corporation with its principal place of business at 1 CVS Drive, Woonsocket, Rhode Island, 02895. CVS retail stores are located throughout the United States and the District of Rhode Island. Since July 2005, acting alone or in concert with others, CVS has marketed, distributed, and sold its AirShield products to consumers throughout the United States. CVS transacts or has transacted business in the District of Rhode Island.

COMMERCE

6. The acts and practices of Defendant, as alleged herein, have been in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT'S COURSE OF BUSINESS

7. Since July 2005 and continuing thereafter, Defendant CVS has advertised, promoted, offered for sale, sold, and distributed AirShield to the public. Sales of AirShield, at CVS stores and on the CVS website at www.cvs.com, from July 2005 through October 2008, exceeded \$14 million.

8. AirShield comes in an effervescent tablet form and a non-effervescent powder form. According to the product label, AirShield contains Vitamins A, C, and E; minerals, including zinc; electrolytes; amino acids; and a "proprietary" blend of herbal extracts, including echinacea. The formula of ingredients used in AirShield products purportedly replicates the formula originated by and used in Airborne products manufactured and sold by Airborne Health, Inc. Product directions indicate that AirShield can be used by both adults and children.

9. CVS created, prepared, disseminated, or caused to be disseminated advertisements, product packages and labels, information for pharmacists and pharmacy technicians to convey to CVS customers, and other promotional material, including, but not limited to, the attached Exhibits A through H, containing, among other things, the following statements and depictions:

a. CVS AirShield Package (Exhibit A)

[Graphic: cartoon depiction of multicolored germs, and cartoon illustration of several people standing in a line in front of a theater. A man dispensing tickets coughs or sneezes on a woman in front of him as she recoils in horror. Also in line are a man and woman looking in disgust at another man who is spreading germs as he blows his nose.]

Compare to Airborne®

- Antioxidants
- Electrolytes
- Amino Acids
- 1000 mg of Vitamin C
- Six Herbal Extracts

FOR USE IN:

- SCHOOLS
- AIRPLANES
- OFFICES
- HEALTH CLUBS
- THEATERS
- RESTAURANTS

ORANGE FLAVOR

CVS pharmacy

AIRSHIELD

IMMUNE BOOSTING FORMULA*
EFFERVESCENT FORMULA • DIETARY SUPPLEMENT
10 TABLETS

* This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

b. CVS AirShield Package (Exhibit B)

[Graphic: cartoon depiction of multicolored germs, and cartoon illustration of several people standing in a line in front of a theater. A man dispensing tickets coughs or sneezes on a woman in front of him as she recoils in horror. Also in line are a man and woman looking in disgust at another man who is spreading germs as he blows his nose.]

Compare to Airborne®

- Antioxidants
- Electrolytes

- Amino Acids
- 1000 mg of Vitamin C
- Seven Herbal Extracts

TAKE ANYWHERE
SINGLE SERVE
POWDER PACKETS

SUGAR FREE • PINK LEMONADE FLAVOR

CVS pharmacy

AIRSHIELD

IMMUNE BOOSTING DRINK MIX*
SUGAR FREE • NO FIZZ FORMULA
DIETARY SUPPLEMENT
Add to bottled water!
8 SINGLE SERVE
POWDER PACKETS

* This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

- c. CVS Circular in Newspapers Nationwide, Nov. 26, 2006 (Exhibit C)

[picture shows two packages of CVS AirShield, together with other CVS brand products for coughs and cold and flu symptoms]

Compare to Airborne *[picture shows package of Airborne]*
and Save Over 30%

499 with CARD
CVS/pharmacy AirShield

- d. CVS Website Advertisement (Exhibit D)

Medicine Cabinet . . .

[picture of AirShield package]

**CVS AirShield Effervescent Tablets
Lemon-Lime Flavor . . .**

Description

Immune boosting formula.* Antioxidants, electrolytes, amino acids, 1000 mg of Vitamin C, seven herbal extracts. For use in: schools, airplanes, offices, health clubs, theaters, restaurants.

.....

*This product is not intended to diagnose, treat, cure or prevent any disease.

- e. CVS Website Advertisement (Exhibit E)

Vitamins & Supplements . . .

[picture of AirShield package]

**CVS AirShield Drink Mix Single Serve
Packets Pink Lemonade . . .**

Description

Immune boosting drink mix.* Take anywhere. Single serve powder packets. Antioxidants, electrolytes, amino acids, 1000 mg of vitamin C, seven herbal extracts. Sugar free. No fizz formula. Add to bottled water.

.....

*This product is not intended to diagnose, treat, cure or prevent any disease.

- f. CVS/pharmacy Capsule - August 26, 2005 (Exhibit F)

**A WEEKLY OPERATIONAL UPDATE FOR CVS PHARMACISTS
AND TECHNICIANS**

**CVS BRAND MERCHANDISING . . .
NEW IN CVS/PHARMACY BRAND**

Just in time for back-to-school and cold season, we are launching

CVS/pharmacy Brand Airshield, our own version of the immune-boosting dietary supplement Airborne. This supplement has become so popular that last season retailers everywhere were often out of stock. This year, we will be able to meet your patients' demand with CVS/pharmacy Brand Airshield, available in Orange . . . and Lemon-Lime

.....

Unlike other store brand versions of Airborne, CVS/pharmacy brand Airshield is tested to be 100% equivalent to the national brand, from taste to ingredients.

CVS Airshield can be found in your store's Cold aisle, and on this season's Cold Endcap.

- g. CVS/pharmacy Express Magazine - January/February 2006 (Exhibit G)

Remind customers that CVS/pharmacy Brand products are 100% satisfaction Guaranteed.

[picture shows a box of Airborne and a box of CVS AirShield]

Stay Ahead of Coughs and Colds

Preventing a cold is often easier than getting rid of one. Frequent handwashing or use of a liquid hand sanitizer are among the best ways to fend off a winter bug. Another increasingly common approach to staying healthy is to take immune-system boosting supplements, such as CVS/pharmacy Brand AirShield.

Modeled after Airborne – the immune-system booster that was so popular last winter most retailers struggled to keep it in stock – CVS/pharmacy Brand AirShield was just introduced last fall. The effervescent tablets contain the same combination of antioxidants, electrolytes, amino acids and vitamins as the national brand, and are identical in taste and strength. AirShield comes in orange and lemon-lime flavors and costs 27% less than its brand-name counterpart. CVS/pharmacy colleagues, of course, get an additional 30% off of that *[sic]* price, and on all CVS/pharmacy Brand products.

Our customers tell us that they're more likely to try a CVS/pharmacy Brand item when a friend or pharmacist recommends it. You can help our customers get a great value and a terrific product when you encourage them to try our brand. If you're not yet familiar with CVS/pharmacy Brand, take a few moments to familiarize yourself with the products we offer. Read the labels, look at the packaging, and try them out (remember, you receive 30 percent off CVS/pharmacy Brand products). That way, you'll feel confident in recommending any CVS/pharmacy Brand product to your customers.

Use these coupons below and see for yourself . . .

- h. CVS/pharmacy Express Magazine - Fall 2006 (Exhibit H)

Remind customers that CVS/pharmacy Brand products are 100% satisfaction Guaranteed.

An Ounce of Prevention (and Treatment)

Old and new products will bring relief during cough and cold season

.....

Of course, the best way to avoid treating a cold is to prevent it. And two innovative new CVS/pharmacy Brand products can help your customers stay healthier this season. CVS is the first to offer these products – there are no national brand equivalents available. This helps us stay ahead of the competition, and gives our customers a great value on a unique product.

.....

Taking a cue from the popular “on the go” individually packaged drink mixes, our immune-system boosting CVS/pharmacy Brand AirShield line is now available in powdered form in pre-measured sleeves that you can mix with bottled water. An equivalent to Airborne, CVS AirShield has become one of our most popular cough and cold products. It contains the same combination of antioxidants, electrolytes, amino acids and vitamins as the national brand. . . .

Our customers tell us they're more likely to try a CVS/pharmacy

Brand item when a friend or pharmacist recommends it. If you're not yet familiar with CVS/pharmacy Brand, take a few moments to familiarize yourself with the products we offer. Read the labels, look at the packaging, and try them out (remember, CVS colleagues receive 30% off all CVS/pharmacy Store Brand products).

[picture shows a box of CVS AirShield]

DEFENDANT'S VIOLATIONS OF THE FTC ACT

10. Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), prohibits unfair or deceptive acts or practices in or affecting commerce. Section 12(a) of the FTC Act, 15 U.S.C. § 52(a), prohibits the dissemination of any false advertisement in or affecting commerce for the purpose of inducing, or which is likely to induce, the purchase of food, drugs, devices, services, or cosmetics. For the purposes of Section 12 of the FTC Act, 15 U.S.C. § 52, the AirShield products are "foods" or "drugs" pursuant to Section 15(b) and (c) of the FTC Act, 15 U.S.C. § 55(b) and (c). As set forth below, Defendant has engaged in such unlawful practices in connection with the marketing and sale of the AirShield products.

11. Through the means described in Paragraph 9, including the statements and depictions contained in the advertisements attached as Exhibits A through H, among others, Defendant CVS has represented, expressly or by implication, that the AirShield products:

- a. Reduce the risk of or prevent colds;
- b. Protect against or help fight germs;
- c. Protect against colds in crowded places, such as schools, airplanes, offices, health clubs, theaters, and restaurants; and
- d. Boost the body's immune system thereby providing protection against

colds.

12. The representations set forth in Paragraph 11 were not substantiated at the time the representations were made. Therefore, the representations set forth in Paragraph 11 constitute deceptive acts or practices, and the dissemination of false advertisements, in or affecting commerce, in violation of Sections 5(a) and 12 of the FTC Act, 15 U.S.C. §§ 45(a) and 52.

CONSUMER INJURY

13. Consumers throughout the United States have suffered substantial monetary loss as a result of Defendant's unlawful acts and practices. In addition, Defendant has been unjustly enriched as a result of its unlawful practices. Absent relief by this Court, Defendant is likely to continue to injure consumers, reap unjust enrichment, and harm the public interest.

THIS COURT'S POWER TO GRANT RELIEF

14. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), empowers this Court to grant injunctive and such other relief as the Court may deem appropriate to halt and redress violations of the FTC Act. The Court, in the exercise of its equitable jurisdiction, may award other ancillary relief, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies caused by Defendant's law violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Federal Trade Commission, pursuant to Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), and the Court's own equitable powers, requests that the Court:

1. Enter a permanent injunction to prevent future violations of the FTC Act by Defendant;
2. Award such relief as the Court finds necessary to redress injury to consumers resulting from Defendant's violations of the FTC Act, including, but not limited to, rescission or reformation of contracts, restitution, the refund of monies paid, and the disgorgement of ill-gotten monies from Defendant; and

3. Award Plaintiff the costs of bringing this action, as well as such other and additional relief as the Court may determine to be just and proper.

Respectfully Submitted,

WILLARD K. TOM
General Counsel

Dated: September 8, 2009



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Attorneys for Plaintiff
Federal Trade Commission

EXHIBIT A

EXHIBIT B



- Antioxidants
- Electrolytes
- Amino Acids
- 1000 mg of Vitamin C
- Seven Herbal Extracts

TAKE ANYWHERE
SINGLE SERVE
POWDER PACKETS

SUGAR FREE • PINK LEMONADE FLAVOR



CVS pharmacy **SUGAR FREE**

CVSAIRSHIELD CID 00009

AIRSHIELD™

IMMUNE BOOSTING DRINK MIX

SUGAR FREE • NO FIZZ FORMULA
DIETARY SUPPLEMENT

Add to bottled water!

8 SINGLE SERVE
POWDER PACKETS

*This statement has not been evaluated by the Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease.

381786

Best if used by:



LOT 610018
EXP 10/08

CVS5343008
IFC595

15
100%
Recycled
Paper



Directions: Add to a glass of water or bottled water. Stir or shake with fully dissolved and drink.

Warning: Before taking this product please consult with your healthcare professional if you are pregnant, nursing or if you have any medical conditions or are taking any medicines. Dietary supplements can affect the way medicines work. If you are given a prescription for medicine, always tell your healthcare professional what dietary supplements you are taking.

Do not use if foil pack is torn or broken.

Keep out of the reach of children.

Keep in a cool dry place.

(Airborne® is a registered trademark of Airborne Health, Inc. Carlet, California 90921. This product is not manufactured or distributed by Airborne Health, Inc. CVS5343008

Distributed by:
CVS Pharmacy, Inc.
Woodstock, NJ 02895
© 2006 CVS Pharmacy
www.cvs.com

Supplement Facts

Serving Size 1 Packet (approx 4.7 g)
Servings Per Container 8

Amount Per Serving	% Daily Value
Calories 5	
Total Carbohydrates 1 g	Less than 1%*
Vitamin A (as Vitamin A Palmitate) 5000 I.U.	100%
Vitamin C (as Ascorbic Acid) 1000 mg	1667%
Vitamin E (as dl-alpha Tocopheryl Acetate) 30 I.U.	100%
Magnesium (as Magnesium Sulfate) 40 mg	10%
Zinc (as Zinc Sulfate) 8 mg	53%
Selenium (as Selenium Amino Acid Chelate) 15 mcg	21%
Manganese (as Manganese Glucuronate) 3 mg	150%
Potassium (as Potassium Bicarbonate) 75 mg	2%
Amino Acid Blend 50 mg	
[L-Tyrosine (as Monohydrochloride) and L-Glutamine]	
Herbal Extract Proprietary Blend 350 mg	

Herbal Extract Proprietary Blend 350 mg	
[Arabinogalactan Extract, Lonchocarpus (flower) Extract, Forsythia (fruit) Extract, Schizonepeta (whole herb) extract, Ginger (root) Extract, Isatis (root) Extract and Ephedrae Angustifolia (root) Powder]	
**Percent Daily Values (DV) are based on a 2,000 calorie diet.	
***Daily Value (DV) not established.	

Other Ingredients: Citric Acid, Acesulfame Potassium, Sorbitol, Natural Lemon Flavor, Beet Root Powder, Sucrose



EXHIBIT C.

11/26/06

**nacy Brand.
ality.
ue.**



**100%
Money Back
Guarantee**

Compare to Robitussin
and Save Over 30%



3.99
WITH CARD
CVS/pharmacy Tussin,
Nighttime or Daytime Cold
Tussin 8 oz., cold liquid 10 oz.
or softgels 20 ct.

Compare to Airborne
and Save Over 30%



4.99
WITH CARD
CVS/pharmacy AirShield
8-10 ct.

ents as National Brand • Pharmacist Recommended • Always Costs Less



Compare to
Centrum
and Save



buy 1
get the 2nd* at
50% OFF
WITH CARD

CVS/pharmacy
Spectravite Vitamins
60-130 ct., assorted types.
Without Card 6.69-14.99 ea.



Compare to
Pepcid Max
and Save
\$8.00
It's True!



8.99
WITH CARD
CVS/pharmacy
Acid Relief

Acid reducer or acid controller 50-60 ct.



Compare to
Softsoap
and Save
35%



99¢
WITH CARD
CVS/pharmacy
Liquid Soap
7.5 oz., assorted types.



Compare to
Purell
and Save
50%



1.69
WITH CARD
CVS/pharmacy
Hand Sanitizer
8 oz.



CVSAIRSHIELDCID 00019

EXHIBIT D

- Online Shopping Aisles**
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 - Medicine Cabinet
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 - Sexual Health
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- CVS Stores**
- Photo Center
 - Store Finder
 - Weekly Store Ads

ExtraCare[®]

Health Resources

Articles with advice & tools on health topics.

- Cholesterol Info Center
- Heart Disease

More Resources

CVS Store Finder

Enter your ZIP code:

 **Medicine Cabinet**

Medicine Cabinet, Product Detail

Product Detail

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CVS AirShield Effervescent Tablets
Lemon-Lime Flavor
10 TB

\$5.49

quantity

[Add to Cart](#)

[Save to List](#)

[Description](#) | [Directions](#) | [Ingredients](#) | [Warning](#)

Description

Immune boosting formula.* Antioxidants, electrolytes, amino acids, 1000 mg of Vitamin C, seven herbal extracts. For use in schools, airplanes, offices, health clubs, theaters, restaurants.

[top](#)

Directions

Drop one effervescent tablet in 4 to 6 ounces of water, let fully dissolve (about 1 minute) and enjoy. Repeat every 3 hours up to 4 times a day. For children 2 to 12, adults please disperse one half tablet daily. May be used in hot or cold water.

[top](#)

Ingredients

Per Tablet: Calories 5, Vitamin A (as Vitamin A Palmitate) 5000 IU, Vitamin C (as Ascorbic Acid) 1000 mg, Vitamin E (as d-Alpha Tocopheryl Acetate) 30 IU, Magnesium (as Magnesium Sulfate) 40 mg, Zinc (as Zinc Sulfate) 8 mg, Selenium (as Selenium Amino Acid Chelate) 15 mcg, Manganese (as Manganese Gluconate) 3 mg, Sodium 275 mg, Potassium (as Potassium Bicarbonate) 75 mg, Amino Acid Blend 50 mg (L-Lysine [as Monohydrochloride], L-Glutamine), Herbal Extract Proprietary Blend 350 mg (Arabinogalactan Extract, Lonicera [Flower] Extract, Forsythia [Fruit] Extract, Schizonopeta [Whole Herb] Extract, Ginger [Root] Extract, Isatis [Root] Extract, Echinacea Angustifolia [Root] Powder), Citric Acid, Sodium Bicarbonate, Sorbitol, Natural Lemon-Lime Flavor, Acesulfame Potassium, Canola Oil, Sucralose

[top](#)

Warning

Before taking this product please consult with your healthcare professional if you are pregnant, nursing or if you have any medical conditions or are taking any medicines. Dietary supplements can affect the way medicines work. If you are given a prescription for medicine, always tell your healthcare professional what dietary supplements you are taking. Keep out of the reach of children. *This product is not intended to diagnose, treat, cure or prevent any disease.

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quantity

[Add to Cart](#)

FREE
standard
shipping
every day!
On nonprescription
orders of \$49 or more.
*Star Shopping

May we also suggest



Blue Stop Cream

Where science touches the skin

[details](#)

\$11.49

quantity

[Add to Cart](#)



RESPerATE

Medical Device to Lower Blood Pressure

Lower your blood pressure with no side effects.

[details](#)

\$299.99

quantity

[Add to Cart](#)

ONLINE SPECIAL
SAVE 10%
on Smoking Cessation

Search

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CVS/pharmacy is the leading pharmacy and drug store in the United States, with over 5400 retail stores. CVS.com offers prescription drugs for in-store pickup or home delivery, home medical supplies, CVS store items and online exclusives.

CVSAIRSHIELDCID 00011

EXHIBIT E

CVS/pharmacy
Expect something extra!
Welcome! Sign in or sign up for easier shopping

SPONSORED Earn triple Extra Bucks Rewards!

My Shopping Cart Quick view
Items: 0
Current Total: \$0.00 [View Cart & Checkout](#)

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Articles with advice & tools on health topics.

- Cholesterol Info Center
- Heart Disease

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CVS Store Finder


Enter your ZIP code:

Vitamins & Supplements

Vitamins & Supplements, Product Detail

Product Detail

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CVS AirShield Drink Mix Single Serve Packets Pink Lemonade 8 EA

~~14.99~~ quantity [Add to Cart](#) [Save to List](#)

[Description](#) | [Directions](#) | [Indications](#) | [Ingredients](#) | [Warning](#)

Description
Immune boosting drink mix* Take anywhere. Single serve powder packets. Antioxidants, electrolytes, amino acids, 1000 mg of vitamin C, seven herbal extracts. Sugar free. No fizz formula. Add to bottled water.

Directions
Add to a glass of water or bottled water. Stir or shake until fully dissolved and drink.

Indications
Immune boosting drink mix* Take anywhere. Single serve powder packets. Antioxidants, electrolytes, amino acids, 1000 mg of vitamin C, seven herbal extracts. Sugar free. No fizz formula. Add to bottled water.

Ingredients
1 Packet (Approx 4.7 g). Calories 5; Total Carbohydrates 1.1 g; Vitamin A (as Vitamin A Palmitate) 5000 IU; Vitamin C (as Ascorbic Acid) 1000 mg; Vitamin E (as dl-Alpha Tocopheryl Acetate) 30 IU; Magnesium (as Magnesium Sulfate) 40 mg; Zinc (as Zinc Sulfate) 8 mg; Selenium (as Selenium Amino Acid Chelate) 15 mcg; Manganese (as Manganese Gluconate) 3 mg; Potassium (as Potassium Bicarbonate) 75 mg; Amino Acid Blend 50 mg (L-Lysine (as Monohydrochloride) and L-Glutamine); Herbal Extract Proprietary Blend 350 mg (Arenigalactan Extract, Lonicera (Flower) Extract, Forsythia (Fruit) Extract, Schizonepeta (Whole Herb) Extract, Ginger (Root) Extract, Isatis (Root) Extract, Echinacea Angustifolia (Root) Powder), Citric Acid; Acesulfame Potassium; Sorbitol; Natural Lemon Flavor; Beet Root Powder, Sucralose.

Warning
Before taking this product please consult with your healthcare professional if you are pregnant, nursing or if you have any medical conditions or are taking any medicines. Dietary supplements can affect the way medicines work. If you are given a prescription for medicine always tell your healthcare professional what dietary supplements you are taking. Keep out of the reach of children. *This product is not intended to diagnose, treat, cure or prevent any disease.

quantity [Add to Cart](#)

FREE standard shipping every day!
On prescription orders of \$25 or more. Ship to shipping.

suggest

TruWell HGH Gold Pouches
Higher Potency + Greater Absorption = Better Results.
[Details](#)
~~\$59.99~~ quantity [Add to Cart](#)

Jolt Caffeine Energy Gum
Chew more. Do more.
[Details](#)
~~\$3.99~~ **\$2.99** **25% off**
quantity [Add to Cart](#)

ONLINE SPECIAL
SAVE 20% on Weight Loss
[Details](#)

ONLINE SPECIAL
SAVE 10% on Smoking Cessation
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Questions? Call (888) 607-4287 or email customer.care@cv.com
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CVS/pharmacy is the leading pharmacy and drug store in the United States, with over 5400 retail stores. CVS.com offers prescription drugs for in-store pickup or home delivery, home medical supplies, CVS store items and online exclusives.

EXHIBIT F

Capsule

A WEEKLY OPERATIONAL UPDATE FOR CVS PHARMACISTS AND TECHNICIANS

CVS BRAND MERCHANDISING

Contact: Phil Greil, Ext. 5811

NEW IN CVS/PHARMACY BRAND

Just in time for back-to-school and cold season, we are launching CVS/pharmacy Brand Airshield, our own version of the immune-boosting dietary supplement Airborne. This supplement has become so popular that last season retailers everywhere were often out of stock. This year, we will be able to meet your patients' demand with CVS/pharmacy Brand Airshield, available in Orange (item # 320711), and Lemon-Lime (item # 320712).

The effervescent tablets (drop 1 in 4-6 oz. of water) contain the same combination of antioxidants, electrolytes, amino acids and vitamins as the national brand.

However, CVS Airshield costs at least 20% less than the national brand, and comes with our 100% Money Back Guarantee.

Unlike other store brand versions of Airborne, CVS/pharmacy brand Airshield is tested to be 100% equivalent to the national brand, from taste to ingredients.

CVS Airshield can be found in your store's Cold aisle, and on this season's Cold Endcap.



Also Now Available:

CVS/pharmacy Brand Chest Congestion Relief Expectorant (Item # 297885). These easy-to-swallow tablets contain the same active ingredient as found in the OTC Humibid "e", and in Mucinex: 400 mg Guaefenesin.

The 400 mg Guaefenesin is the maximum allowed in an immediate release tablet.

Because the unique Mucinex formula is time release, patients can get the same maximum dosage by taking CVS/pharmacy Brand tablets every 4 hours instead of every 12 hours, and still save over 30% vs. Mucinex.

Mucinex 20 ct. has 5 days of treatment, and CVS/pharmacy Chest Congestion Relief 50 ct. has 8.3 days treatment.

CVS Chest Congestion can be used by adults and children 6-12 years of age (1/2 tablet), but Mucinex labeling does not have dosage for children under 12.



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EXHIBIT G

100% satisfaction Guaranteed!



Shuster Quality Rating

10.0



National Brand

10.0



CVS Brand.
Pharmacy

CVS/pharmacy Brand
same Active Ingredients

Preventing a cold is often easier than getting rid of one. Frequent handwashing or use of a liquid hand sanitizer are among the best ways to fend off a winter bug. Another increasingly common approach to staying healthy is to take immune-system boosting supplements, such as CVS/pharmacy Brand AirShield.

Modeled after Airborne — the immune-system booster that was so popular last winter most retailers struggled to keep it in stock — CVS/pharmacy Brand AirShield was just introduced last fall.

The effervescent tablets contain the same combination of antioxidants, electrolytes, amino acids and vitamins as the national brand, and are identical in taste and strength. AirShield comes in orange and lemon-lime flavors, and costs 27% less than its brand-name counterpart. CVS/pharmacy colleagues, of course, get an additional 30% off of that price, and on all CVS/pharmacy Brand products.

Our customers tell us that they're more likely to try a CVS/pharmacy Brand item when a friend or pharmacist recommends it. You can help our customers get a great value and a terrific product when you encourage them to try our brand. If you're not yet familiar with CVS/pharmacy Brand, take a few moments to familiarize yourself with the products we offer. Read the labels, look at the packaging, and try them out (remember, you receive 30 percent off CVS/pharmacy Brand products). That way, you'll feel confident in recommending any CVS/pharmacy Brand product to your customers.

Airborne Active Ingredients
(in each tablet)

Vitamin A	5000 IU
Vitamin C	1000 mg
Vitamin E	30 IU
Nicotinamide	2.8 mg
Magnesium	40 mg
Zinc	8 mg
Selenium	15 mcg
Manganese	3 mg
Sodium	230 mg
Potassium	75 mg
Amino Acid Blend	50 mg
Herbal Extracts Proprietary Blend	350 mcg

AirShield Active Ingredients
(in each tablet)

Vitamin A	5000 IU
Vitamin C	1000 mg
Vitamin E	30 IU
Magnesium	40 mg
Zinc	8 mg
Selenium	15 mcg
Manganese	3 mg
Sodium	275 mg
Potassium	75 mg
Amino Acid Blend	75 mg
Herbal Extracts Proprietary Blend	350 mcg

a money back

Satisfaction Guarantee

Guarantee
NONE

Guarantee
100% Satisfaction Guarantee

CVS Brand
pharmacy

Save \$1.00 on any
CVS/pharmacy AirShield

Expires 4/30/06
This coupon good for CVS/pharmacy employees only. One use per person. Discount applies only to items that are greater than \$1.00.



CVS Brand
pharmacy

Save \$1.00 on any
CVS/pharmacy AirShield

Expires 4/30/06
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EXHIBIT H

100% satisfaction Guaranteed!

Cold, Cough & Flu Prevention (Robitussin® DM)

Old and new products will bring relief during cough and cold season

So your customer has a cold and a nasty cough? Have them try CVS/pharmacy Brand Tussin DM. An equivalent to Robitussin DM, this liquid cough remedy contains the same active ingredients as the national brand, and is identical in taste and strength. Best of all, it costs \$2.00 less than the equivalent national brand (8 oz. size). This combination of value and quality is why our CVS/pharmacy Brand products are the highest-rated store brand products among shoppers.

Of course, the best way to avoid treating a cold is to prevent it. And two innovative new CVS/pharmacy Brand products can help your customers stay healthier this season. CVS is the first to offer these products – there are no national brand equivalents available. This helps us stay ahead of the competition, and gives our customers a great value on a unique product.

At approximately the size of a ballpoint pen and a price of just \$1.79, our new Instant Hand Sanitizing Spray with Aloe helps you



stay healthy on the go. The spray instantly kills 99.99% of germs, leaving hands clean, soft and refreshed with vitamin E and aloe. The streamlined packaging fits perfectly in your purse, jacket, pocket or car, yet contains more than 70 sprays per bottle.

Taking a cue from the popular "on the go" individually packaged drink mixes, our immune-system boosting CVS/pharmacy Brand AirShield line is now available in powdered form in pre-measured sleeves that you can mix with bottled water. An equivalent to Airborne, CVS AirShield has become one of our most popular cough and cold products. It contains the same combination of antioxidants, electrolytes, amino acids and vitamins as the national brand. The difference? The national brand doesn't offer these easy-to-mix, portable packets.

Our customers tell us that they're more likely to try a CVS/pharmacy Brand item when a friend or pharmacist recommends it. If you're not yet familiar with CVS/pharmacy Brand, take a few moments to familiarize yourself with the products we offer. Read the labels, look at the packaging, and try them out (remember, CVS colleagues receive 30% off all CVS/pharmacy Store Brand products).

