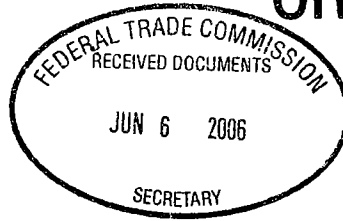


ORIGINAL**DAVID A. BALTO**
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June 6, 2006

Donald S. Clark, Secretary
Federal Trade Commission
Office of the Secretary
Room H-172
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Re: Authorized Generic Drug Study: FTC Project No. P062105

Dear Secretary Clark:

As advocates of the public interest, the American Antitrust Institute, Consumer Federation of America, Families USA, and US PIRG, appreciate this opportunity to comment on the Federal Trade Commission's ("FTC's") proposed study of the competitive effects of authorized generic drugs in the prescription drug marketplace. By initiating this study, the FTC has demonstrated its commitment to ensuring that the anticompetitive practices of brand name drug manufacturers do not threaten Americans' access to low cost generic drugs. We share with the FTC this commitment to protecting consumers, and therefore are grateful for the chance to provide suggestions on how best to achieve this critical goal.

The role of the FTC as law enforcer and advisor to both Congress and regulators has led to substantial benefits to competition and consumers in the pharmaceutical marketplace. Because of several antitrust enforcement actions brought by the FTC against brand name pharmaceutical manufacturers, efforts by those manufacturers to delay generic entry have been forestalled. These enforcement actions have saved consumers and the health care system hundreds of millions of dollars.

As critical has been the FTC's role in performing studies, regulatory advocacy, and advising Congress and the Food and Drug Administration how to prevent abuse of the regulatory process. Indeed, the FTC's 2002 landmark study on the generic pharmaceutical industry—Generic Drug Entry Prior to Patent Expiration: An FTC Study—provided critical insights on how brand name firms manipulated the regulatory process in order to improperly extend product monopolies. As the Commission is well aware, abuse of the regulatory process is one of the most egregious forms of anticompetitive conduct because the market cannot correct itself. The

