



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

Office of the Secretary

November 12, 2010

Theodore Plemon  
State of California

*Re: In the Matter of Rite Aid Corporation, File No. 072-3121, Docket No. C-4309*

Dear Mr. Plemon:

Thank you for your letter commenting on the Federal Trade Commission's consent agreement in the above-captioned proceeding. Your letter was placed 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 was given serious consideration by the Commission.

Your comment stated that after filling a prescription at a Rite Aid Corporation ("Rite Aid") pharmacy you began receiving e-mail solicitations for "male enhancement" products. You stated that you would like to lodge a complaint against Rite Aid. The Commission's proposed order covers the security of Rite Aid's information handling practices to ensure that information does not fall into the wrong hands. It does not address voluntary information sharing between Rite Aid and marketers.

However, the Federal Trade Commission does enforce the CAN SPAM Act,<sup>1</sup> which governs deceptive commercial e-mail, also known as spam. We have forwarded your complaint to the Commission's Consumer Response Center. In addition, you can send a copy of any unwanted or deceptive e-mail message to the Commission at [spam@uce.gov](mailto:spam@uce.gov). We use the unsolicited e-mails stored in this database to pursue law enforcement actions against people who send deceptive spam e-mail. If you request to be removed from an e-mail list and your request is not honored, you may contact the Consumer Response Center at (877) 382-4357, or file a complaint online at [www.ftccomplaintassistant.gov](http://www.ftccomplaintassistant.gov). Your complaint will be added to our Consumer Sentinel database and made available to hundreds of law enforcement and consumer protection agencies.

In addition, the conduct referenced in your comment may also be covered by the Health Insurance Portability and Accountability Act Privacy Rule, which protects the privacy of individually identifiable health information. We have shared your comment with the Office for Civil Rights of the Department of Health and Human Services. If you would like to file a complaint with them directly, you can find information on how to do so at <http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>.

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<sup>1</sup> 15 U.S.C. §§ 7701-7713.

After considering your comment, the Commission has determined that the public interest would best be served by accepting the consent order. Thank you again for your letter.

By direction of the Commission.

Donald S. Clark  
Secretary