



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

Division of Advertising Practices

Mary Koelbel Engle  
Associate Director

March 18, 2003

Carla M. Barrow, Esq.  
Coffey & Wright, L.L.P.  
2665 South Bayshore Drive  
Miami, FL 33133

Re: *Walgreen Co.*, FTC File No. 022-3282

Dear Ms. Barrow:

As you know, the staff of the Federal Trade Commission has conducted an investigation to determine whether Walgreen Co. 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 Walgreens to send letters to patients encouraging them to switch to a drug other than their current drug.

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

The staff had concerns that some of Walgreens' switch letters may not have clearly and conspicuously disclosed that the manufacturer of the drug referenced in the letter paid for the mailing. In response to the staff's concerns, Walgreens has stated that its future switch letters will consistently disclose drug manufacturer funding in a clear and conspicuous manner.

After careful review, the staff has decided to not to recommend enforcement action at this time. 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