

Re: **FR Doc. 2012-23464** (Filed 9-12-12; 8:45 am)
Filed by: Donald S. Clark, Secretary, Federal Trade Commission
Request for Comments and Announcement of Workshop on Pet Medications
Issues

Dear Sir or Madam,

As both a concerned citizen, and a soon to be practicing attorney (JD expected May, 2014), I am providing my opinion and comments relating to H.R. 1406, Fairness to Pet Owners Act of 2011.

I am not in favor of the proposal as is. I feel that this bill will create a great risk to pets and their owners. The pay off for cheaper pet medications is not worth the risk to the health of our pets.

Though our economy is down and people all across the America are looking for any way to save money, the growing amount of money spent by pet owners on their pets shows how they have become intertwined into our society as family members. Americans are not shy about spending money on their pets. There is no reason to believe that pet owners as a whole would be willing to risk the lives of the pets they value so greatly in order to save a little bit of money on their medications.

I have lain out below my thoughts and comments on why I think it is wrong to compare a bill regarding the sale of prescription contact lenses to a bill regarding the sale of medications for the health of our pets.

Comparing Consumer Experience with FCLCA

Consumer experience with the FCLCA fails to provide adequate comparison to the potential consumer impact of H.R. Bill 1406. From a practical perspective first and foremost it is incorrect to model legislation regarding pet care after legislation regarding sales of contact lenses.

The sound protection of the livelihood of America's pets is too great a concern to be reduced to the comparison to contact lenses.

Americans are estimated to spend more than 52 billion on their pets in 2012 according to the American Pet Products Association. The numbers as a whole seem indicate the great amount of resources Americans are spending on their pets are increasing continually even in a time of economic downturn. This large of a market is of course a great attraction to anyone, and recently pharmacies such as Wal-Mart have began to invest in the backing of H.R. Bill 1406. Wal-Mart and retailers like it are ill fitted to provide the adequate protections needed in order to provide the appropriate care when distributing medication to pets.

As a lifelong pet owner and caretaker, I shudder at the thought of the possible consequences arising with this bill's passing. Pet care lies in a category un-comparable to any associated with human beings. Pets cannot communicate illness to anyone, nor can they seek care. Pets rely fully on their owners to provide for them in every way. As pet owners, we rely on the instruction for care and medications from properly trained veterinarians. By obtaining medication from anyone other than veterinarians, our pet's are at a great risk of improper medical application by their owners.

Veterinarians are specially trained to identify problems with animal's health and to provide the owner or caretaker with proper instruction in applying any prescribed medicine.

The American Veterinary Association itself has expressed concern regarding the prescription medications inappropriately or inaccurately dispensed by a pharmacist not trained in veterinary pharmacology and physiology. Though requirements may be put into place requiring pharmacists to contact the prescribing veterinarian, it is impractical to expect that veterinarian to be able to inform someone not specialized in animal medication the proper treatment methods. There is obvious concern raised by the possibility of pet owners then improperly applying that medication to their pets is great.

A recent study in Tampa revealed the primary source of flea infestation in homes to be lack of understanding in attempted application of flea control products. The fear expressed by researcher Michael Dryden, a Distinguished Professor of Veterinary Parasitology, was that the lack of education in

applying these flea control product can only worse when veterinarians aren't consulted.

My personal experience as a consumer of prescription contacts has been bettered since the introduction of the FCLCA in 2004.

I have been able to purchase contacts multiple times a year for discounted prices from whomever I choose, be it brick and mortar retailers or the online market. According to the FTC study my personal choice of contacts, *Acuvue 2*, sells for \$23.31 when purchased from an eye care provider, but only for \$18.05 when purchased from a mass merchandiser. At multiple purchases a year, over the 12-year span I have been purchasing contact, I could have saved a significant amount of money by virtue of the FCLCA's passing. Though my personal experience with the FCLCA have been positive, those positives would not cross over into the world of purchasing pet medications.

Congressman Matheson's analogy of his proposed bill to the FCLCA is inappropriate. Veterinarians are the only appropriate source to provide pet owners with instruction and verification in medicine for their pets. Though the idea of saving money on pet medication like I have been able to on my contact purchases seems desirable, given the grave risk posed by improper instruction of any type of potential medication for my pet it is one I don't find it worth the possible risk.

That the American Veterinary Medical Association encourages veterinarians to provide their clients with prescriptions upon request should be enough.

If the veterinarian thinks it appropriate for the client to shop elsewhere for the medication they will likely fulfill the client's request. I feel much safer regarding the life of and well being of my pet knowing I am receiving proper instruction on his medical care from a properly trained and certified veterinarian.

Contact lens purchases cannot be seen as an alternative to needed visits to a proper eye care provider for regular checkups. In many cases, over the counter pet medications are looked at as preventatives by consumers as an alternative to visits to the veterinarian. If issues arise in your wearing of contact lenses, it is up to you as the wearer to contact your provider and try to diagnose and take care of any problems. From a practical standpoint, purchasing one's contacts from someone other than their eye care provider will not prevent that consumer from regular eye care provider visits. The same cannot be said for pet medications. Pets have no channels to express to their owners any issues or problems that might arise with their ingestion of any type of medication. What an owner thinks might be a preventative measure to ensure the health of his pet, can actually have the opposite and

negative effect, and there is no way of identifying the problem until it is too late.

The bill as proposed should not be passed.

Too many unknowns come into play when a pet owner purchases and provides his pet with medications without the proper advice or instruction from a trained and certified veterinarian. I value the life of my pets far too much to put their health care in the hands of ignorant minds such as an untrained pharmacist, or even my own.