



NATIONAL ASSOCIATION OF  
CHAIN DRUG STORES

November 24, 2009

Margaret A. Hamburg, M.D.  
Commissioner of Food and Drugs  
Food and Drug Administration  
10903 New Hampshire Ave  
Silver Spring, MD 20993-0002

Dear Commissioner Hamburg:

Re: International Internet Week of Action (IIWA)

On behalf of the National Association of Chain Drug Stores (NACDS), I am writing to express our support for FDA's recent enforcement actions against Internet sites that appear to be engaged in the illegal sale of unapproved or misbranded drugs to U.S. consumers as part of the International Internet Week of Action (IIWA).

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P.O. Box 1417-D49  
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NACDS represents 154 traditional drug stores, supermarkets, and mass merchants with pharmacies – from regional chains with four stores to national companies. NACDS members also include more than 900 pharmacy and front-end suppliers, and over 70 international members from 24 countries. Chains operate 37,000 pharmacies, and employ more than 2.5 million employees, including 118,000 full-time pharmacists. They fill more than 2.5 billion prescriptions annually, which is more than 72 percent of annual prescriptions in the United States. The total economic impact of all retail stores with pharmacies transcends their \$815 billion in annual sales. Every \$1 spent in these stores creates a ripple effect of \$3.82 in other industries, for a total economic impact of \$3.11 trillion, equal to 26 percent of GDP. For more information about NACDS, visit [www.NACDS.org](http://www.NACDS.org).

We are deeply concerned about rogue Internet sites, both domestic and foreign, that are engaged in a pattern of illegal activity regarding the prescribing and dispensing of prescription medications. They are in violation of state and federal laws governing the legitimate prescribing and dispensing of prescription drugs. They are shipping unapproved, counterfeit, mislabeled or adulterated products within or into the United States. These illegal Internet sites take advantage of consumers by luring them into illegal schemes to obtain prescription drugs, often controlled substances, without a prescription or valid patient-prescriber relationship. These Internet sites are not pharmacies.

NACDS members operate legitimate state licensed pharmacies, many of which operate branded Internet sites to provide additional value and convenience for the public they serve. It is critical that policymakers continue to make the appropriate distinction between such legitimate sites and rogue Internet operators such as those the FDA has targeted through this enforcement action.

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[www.nacds.org](http://www.nacds.org)

NACDS is pleased to work with policymakers to address this serious issue. In the 110th Congress, we worked with Senators Diane Feinstein and Jeff Sessions, and Representatives Bart Stupak and Lamar Smith and others to help pass the “Ryan Haight Online Pharmacy Consumer Protection Act” (Public Law 110-425), an important bill to help prevent rogue Internet sites from illegally selling controlled substances, while protecting consumers’ access to high quality Internet sites operated by legitimate state licensed pharmacies.

As FDA is aware, there are many stakeholders that are involved in the advertising, ordering, facilitating payments, and delivery of prescription drugs to consumers through these Internet sites. Eliminating illegal Internet drug sellers will require coordination between state, federal, and international governments and the cooperation of financial institutions and credit card companies, Internet search engines and Internet Service Providers (ISPs), and the U.S. Postal Service and private sector shippers. Each of these sectors is involved in these transactions and as the volume of prescription drug sales on the Internet grows, it will be essential that policies are adopted to ensure that these entities are involved in, and make a contribution toward, solving this problem. We applaud your leadership on this critical public health issue.

We look forward to working with you to ensure the continued health and safety of the American public. Should you have any questions, please contact me at 703-837-4183 or [knicholson@nacds.org](mailto:knicholson@nacds.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Nicholson". The signature is fluid and cursive, with a large initial "K".

Kevin N. Nicholson, R.Ph., J.D.  
Vice President, Pharmacy Advisor  
Government Affairs and Public Policy

cc: Ilisa Bernstein