

Congress of the United States
Washington, DC 20515

June 3, 2010

Richard Feinsein
Director
Bureau of Competition
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

Re: FTC Investigation of Ranbaxy's Denial of Supply of Valacyclovir.

Dear Director Feinsein;

We are writing to urge the Bureau of Competition to open an investigation of the decision of Ranbaxy to limit the distribution of generic Valtrex® ("valacyclovir") to certain chain drugstores. Valtrex® is used by seriously ill and at-risk consumers, including thousands of children with chickenpox, seniors with shingles, and others, who need the medication to treat herpes and its painful symptoms.

Ranbaxy began marketing the drug in December 2009 under its 180-day exclusivity period. Unlike other firms beginning generic entry, Ranbaxy chose to distribute valacyclovir solely through certain chain drug stores, refusing to sell it through thousands of community pharmacies and other highly efficient distribution channels. We are concerned that this government-sanctioned monopoly, while intended to reduce the cost of medications for consumers and Medicaid programs, will actually increase costs and reduce access.

We believe Ranbaxy's decision will ultimately lead to higher prices and less access for valacyclovir for thousands of consumers. Moreover, a large portion of users of the drug are Medicaid and Medicare beneficiaries who are heavily dependent on community pharmacies, especially in underserved rural or inner city areas.

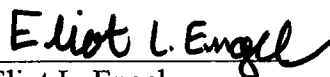
The lack of access to generic Valtrex® poses even more significant concerns, as production of the similar medication acyclovir was recently discontinued by one of its generic manufacturers, leaving only one remaining manufacturer of generic acyclovir and restricting its availability as an alternative treatment to those patients that are unable to access valacyclovir.

We appreciate your consideration of this request and look forward to working with you in resolving this important issue.

Sincerely,



Tammy Baldwin
Member of Congress



Eliot L. Engel
Member of Congress