

United States Senate

WASHINGTON, DC 20510

July 23, 2009

The Honorable Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue Northwest
Washington, D.C. 20580

Re: *CVS Caremark Corporation merger*

Dear Chairman Leibowitz:

In recent months, community pharmacies and patients have raised significant concerns that CVS/Caremark may be engaging in anticompetitive and deceptive business practices. While we fully support fair competition in the marketplace, we have concerns when market consolidation has the potential to harm consumers, impede fair competition, or hurt small businesses. We ask the Commission to review these claims in a timely manner.

Several reports of consumer deception and harm through some of CVS/Caremark's practices have come to our attention. For example, we understand that some individuals who are enrolled in a Caremark prescription drug plan have been told that they can only obtain their chronic-use prescription medications from a Caremark mail-order pharmacy or a CVS retail pharmacy. In these cases, the consumer must forego using their regular independent pharmacies to obtain their chronic use medications. In other cases, a Caremark enrollee must pay a higher copayment for their prescription filled at independent pharmacies as compared to the Caremark mail-order and CVS retail pharmacies.

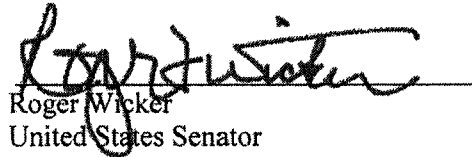
We have been informed that CVS pharmacists receive notifications in their electronic prescription processing system if a consumer has filled prescriptions at a non-CVS pharmacy. In these situations, the CVS pharmacist is instructed to inform the consumer of the dangers of using multiple pharmacies and possibly attempt to transfer all prescriptions to the CVS pharmacy. From this example, it appears that Caremark is sharing personal identifiable health information generated by another pharmacy with CVS. We are concerned that insufficient protections may be in place to limit the transfer of data between the two parts of the company that can result in anti-competitive effect.

We encourage the Commission to review all available information about these types of complaints and take appropriate action if CVS/Caremark is engaging in any anticompetitive or deceptive practices. We appreciate your consideration of this important matter and look forward to your response.

Sincerely,



Mark Pryor
United States Senator



Roger Wicker
United States Senator