Office of the Secretary

UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

WASHINGTON, D.C. 20580

June 18, 2009

Mr. John M. Rector Senior Vice President and Special Counsel Ms. Joanne Thelmo General Counsel and Senior Vice President National Community Pharmacists Association 100 Daingerfield Road Alexandria, VA 22314-2888

. Your letter was placed on the public record

pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and was given serious consideration by the Commission.

Your letter commends the Commission for its action, and also presents comments and recommendations which the Commission addresses below.

Several of your comments address the applicability of the order to CVS Caremark
Corporation's ("CENCSTORIAN STATES AND CONTROL STATES AND CONTROL

¹ Current Federal law (the recently enacted American Recovery and Reinvestment Act of 2009) requires all health-related entities, including pharmacies, to notify customers of breaches of personal health information. In addition, 44 states have enacted laws requiring breach notificatio

address the challenged conduct and also prohibits reasonably related conduct, such as misrepresentations about CVS Caremark's information sharing practices, as your letter alleges. In addition, although the order does not cover every potential violation of Section 5 of the