



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices
Attorney

Mary Koelbel Engle
Associate Director

January 13, 2003

Jeffrey Davis, Esq.
Wal-Mart Stores, Inc.
702 SW Eighth Street
Bentonville, AR 72716

Re: *Wal-Mart Stores, Inc.*, FTC File No. 022-3281

Dear Mr. Davis:

As you know, the staff of the Federal Trade Commission has conducted an investigation to determine whether Wal-Mart Stores, Inc. engaged in unfair or deceptive acts or practices in violation of Sections 5 and 12 of the FTC Act, 15 U.S.C. §§ 45 and 52, through its involvement in so-called "switch programs." In switch programs, pharmaceutical manufacturers typically contract with pharmacies like Wal-Mart to send letters to patients encouraging them to switch to a drug other than their current drug.

Our inquiry focused on whether the letters Wal-Mart Drugs sent to patients failed to adequately disclose that the manufacturer of the drug referenced in the letter paid for the mailing or whether the letters contained any false or unsubstantiated claims, especially efficacy and comparative efficacy claims. Our investigation also examined whether Wal-

Very truly yours,

Mary K. Engle
Associate Director