



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

Office of the Secretary

August 6, 2008

VIA FACSIMILE AND EXPRESS MAIL

CVS Caremark Corp.
c/o Anthony E. DiResta, Esquire
Reed Smith LLP
1301 K. Street, N.W.
Washington, DC 20005

Re: *CVS Caremark Corporation's Petition to Limit or Quash Civil Investigative*

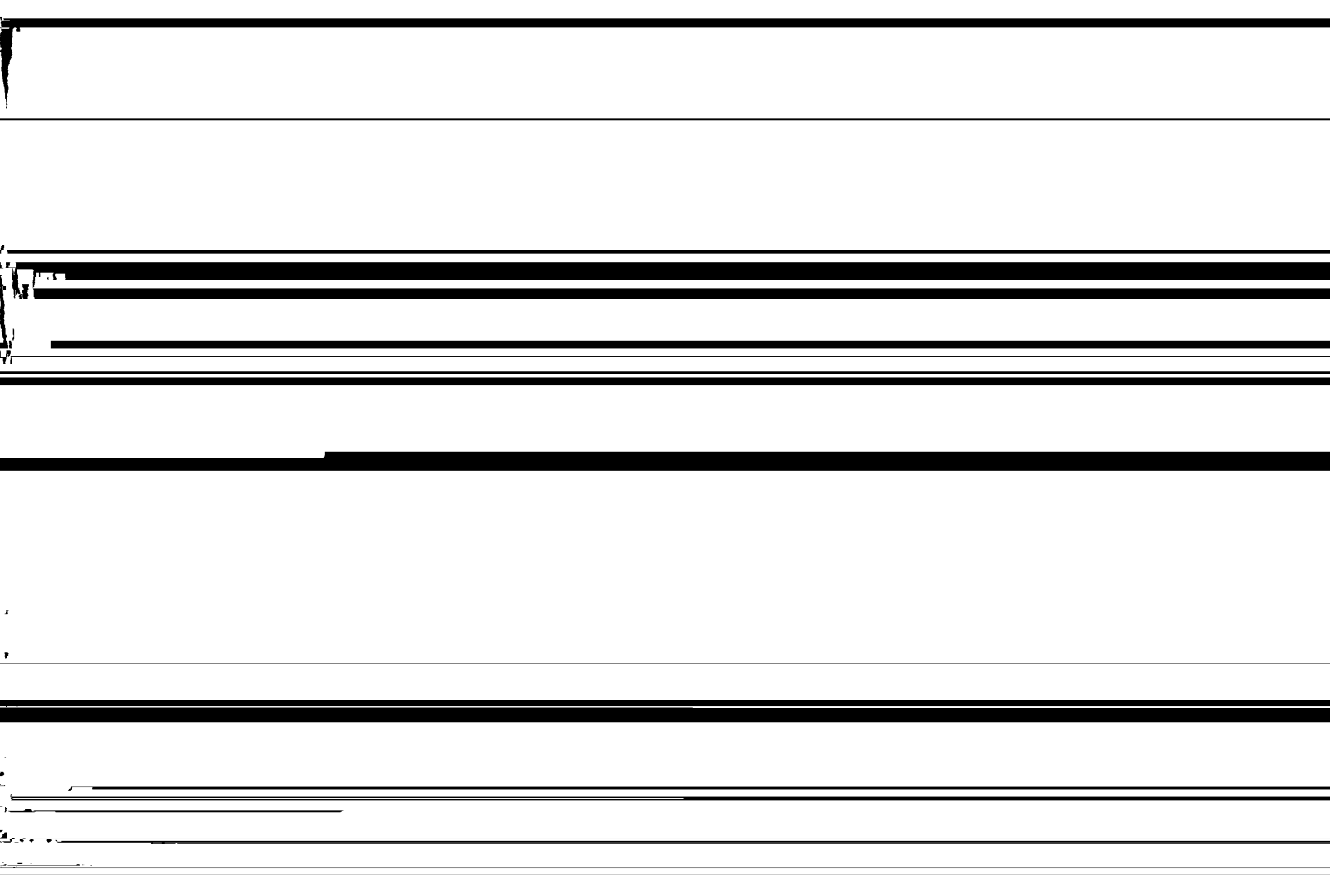
... stated that sensitive consumer information was found in the trash containers behind CVS

pharmacies in Indiana, Ohio, Kentucky, Arizona, and Texas.² *Id.* at 8.³ By letter dated September 27, 2007, FTC staff advised CVS that the Commission was conducting an inquiry “to determine whether CVS’s handling of sensitive information from or about its consumers in connection with the preparation and sale of prescription medicines and supplies raises any issues under Section 5.” *Id.* at 5 (quoting from Exhibit C to the Petition at 1-2 [Letter from Alain



practices related to consumer privacy and/or data security.⁶ It complains, rather, that these

specifications seek documents and materials relating to the electronically stored data accessible

Even if CVS's claim were correct, it would not provide sufficient grounds for quashing or limiting this investigatory CID. First, this is a coordinated investigation by HHS and the FTC. CVS cites no authority holding that the two agencies cannot conduct a coordinated investigation, ~~and having a redundant investigatory process similar to CVS, which would be followed by most~~



investigation decisions regarding whether one agency or both agencies were better situated to deal with particular enforcement actions that might be uncovered during the course of these investigations. Second, "Each agency's investigations should not be bogged down by repetitive



continued investigation of CVS, including its Caremark subsidiary, is no longer in the public

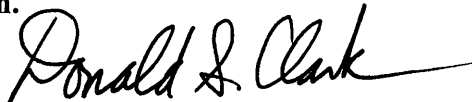
V. CVS Has Provided No Factual Support for Its Claims that CID Compliance Would Be Burdensome.

Allegations of fraud must be supported with specific facts. *See* *United States v. ...*

VI. CONCLUSION AND ORDER

For all the foregoing reasons, **IT IS ORDERED THAT** CVS's Petition be, and it hereby is, **DENIED**. Pursuant to Rule 2.7(e), Petitioner must comply with the CID by August 18, 2008.

By Direction of the Commission.


Donald S. Clark
Secretary