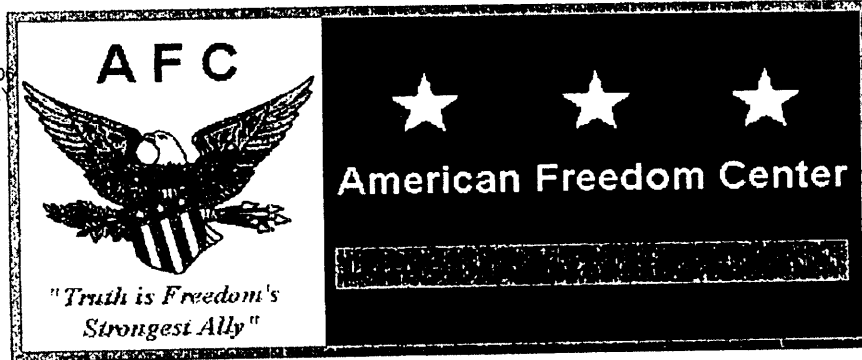


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2002-A Guadalupe St.
Suite 284
Austin, TX 78705
www.americanfreedom.org
Phone: (512) 453-7989
Fax: (512) 453-7990

November 18, 2003

The Honorable Tommy Thompson
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Marc Levin, Esq.
President
Austin, TX

Dear Mr. Secretary,

Royal Masset, Esq.
Senior Fellow
Austin, TX

On behalf of the American Freedom Center, a conservative public policy institute supporting lower taxes, self-reliance, and strong families, I applaud your many policy achievements as Governor of Wisconsin and now as Secretary of Health and Human Services. I am writing today in connection with a petition filed by WellPoint Health Networks, Inc. that is currently being considered (Docket # 98P-0610) that would force the manufacturers of Allegra and Zyrtec to move these medications from prescription status to over-the-counter.

Todd Stein, CFA
Senior Fellow
Chicago, IL

To the extent you are involved in this matter, we wish to let you know that we oppose this petition and are concerned about the increased out-of-pocket costs that Americans who use these medications will be faced with should it be approved. Insurance companies have an interest in moving as many drugs as possible to over-the-counter status because coverage is less or non-existent in most policies for over-the-counter medications.

Brent Tantillo, Esq.
Senior Fellow
Washington, D.C.

David Rogers, Esq.
Senior Fellow
Austin, TX

Hal Siemer
Senior Fellow
Austin, TX

Steven Wales, Esq.
Senior Fellow
Houston, TX

As supporters of free market policies, we believe it should be up to each pharmaceutical company to decide how and where it wishes to market its products. While the federal government can encourage companies to make certain decisions in this regard, federal mandates that drugs must go from prescription status to over-the-counter are little different than requiring Lexus vehicles to be sold at Ford dealers because the latter dealers have a lower mark-up above the invoice.

Charles Ganske
Fellow
Austin, TX

Brendan Steinhauser
Fellow
Austin, TX

Furthermore, as an organization that is concerned with the effects of out-of-control litigation on the business climate, we would point out that Andrew Krulwich, a lawyer who specializes in food and drug-law regulation, told the *Boston Herald* on September 14, 2003 that forcing switches could raise costs by exposing drug makers to unwanted product liability risks.

Thank you very much for your consideration.

Sincerely,


Marc Levin, Esq.

President

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