



THE SECRETARY OF HEALTH AND HUMAN SERVICES  
WASHINGTON, D.C. 20201

October 27, 2004

The Honorable Troy King  
Attorney General  
State of Alabama  
Montgomery, Alabama 36130

Dear Mr. Attorney General:

I wrote to you last week to share with you our disappointment in the loss of flu vaccine due to manufacturing issues in England. I also shared with you my concern that some unscrupulous people were looking to make money by price gouging Americans trying to purchase the flu vaccine.

As you know, we at HHS have been coordinating with the National Association of Attorneys General and with several individual Attorney General offices to report and combat price gouging. We have also taken another significant step: last Friday, we filed a brief in Broward County court in Florida to support the State of Florida's prosecution of price gouging. A copy of our brief is available at [www.hhs.gov/flu](http://www.hhs.gov/flu). In our brief, we pointed out to the court the public health impact of price gouging – including the terrible impact of this abuse on our Nation's most vulnerable citizens and its high-risk populations, who need the flu vaccine the most. Just today, the defendant in the Florida case agreed to surrender its vaccine supplies to the Florida Department of Health for free public distribution and agreed not to purchase or sell flu vaccine of any type. We regard this as a major positive development in our campaign against price gougers, and stand prepared to similarly assist any state that prosecutes unconscionable actors. We will make it clear that price gouging and those engaging in this activity should be punished to the full extent of the law. Any state attorney general who wishes our assistance on these matters should contact my General Counsel, Alex Azar, at (202) 690-7741.

Let me also ask that you be on guard against potential price gouging with regard to antiviral medicines that can be used to prevent and treat the flu. These medicines – namely amantadine, rimantadine, oseltamivir/Tamiflu and zanamivir – can effectively treat the flu and its complications. While we believe there will be a healthy supply of these medicines, demand for them may also become high and lead to price gouging. And, of course, we must always be vigilant of counterfeit medicines as well as false claims that certain products can help prevent or treat the flu. My Department stands ready to assist you in all these efforts to protect consumers.

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Working with other officials in your State, we will help ensure that the available vaccines and anti-virals are distributed without price gouging to our citizens who need them the most. We are ready to assist you in pointing out to the courts the terrible impact price gouging has upon our efforts to ensure the public health of our Nation.

Sincerely,



Tommy G. Thompson