



OFFICE OF THE  
CHAIRWOMAN

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20850

November 17, 2016

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Senator Grassley:

I write in response to your November 7, 2016 letter to the Federal Trade Commission requesting that the Commission investigate whether Mylan Pharmaceuticals has violated the antitrust laws in connection with the sale and distribution of its epinephrine auto-injector, the EpiPen. We appreciate your ongoing vigilance regarding competition for critically important pharmaceutical products.

While statutory and regulatory restrictions prevent me from discussing any matter that may be under review by the Commission, please be assured that we are aware of the concerns you and others have raised on this subject. Protecting American consumers from anticompetitive mergers and practices in the health care sector has long been one of our most important responsibilities. As you know, Congress has empowered the Commission to prevent unfair methods of competition that violate Section 5 of the Federal Trade Commission Act,<sup>1</sup> such as anticompetitive agreements among competitors to increase prices or restrict output and exclusionary or predatory practices that harm consumers. Congress also has empowered the Commission to prevent mergers, acquisitions, and certain other practices that may substantially lessen competition or tend to create a monopoly, in violation of the Clayton Act.<sup>2</sup> The Commission's recent antitrust enforcement actions and other activities concerning pharmaceutical and other health care markets are available on the agency's website.<sup>3</sup>

A variety of complex factors may impede or prevent competition in pharmaceutical markets, and the Commission may not be able to address all of them. For example, the existence and scope of patent protections and the status and pace of drug approvals lie outside of our jurisdiction. Nevertheless, I strongly agree that maintaining competition in pharmaceutical markets is critically important, and I can assure you that protecting consumers from anticompetitive activity in the pharmaceutical sector remains a top priority for the Commission.

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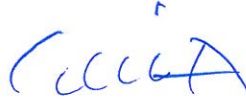
<sup>1</sup> 15 U.S.C. § 45.

<sup>2</sup> 15 U.S.C. §§ 12 *et seq.*

<sup>3</sup> <http://www.ftc.gov/tips-advice/competition-guidance/industry-guidance/health-care>.

If you or your staff have any questions, or wish to provide additional information, please feel free to have your staff call Jeanne Bumpus, the Director of our Office of Congressional Relations, at (202) 326-2195.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edith Ramirez". The signature is stylized with a large initial "E" and a long horizontal stroke.

Edith Ramirez  
Chairwoman