



November 19, 2019

The Honorable Jerrold Nadler, Chairman
The Honorable Doug Collins, Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Nadler and Ranking Member Collins:

Consumer Reports writes in support of H.R. 5133, the Affordable Prescriptions for Patients Through Promoting Competition Act of 2019. This bipartisan bill will strengthen and clarify the authority of the Federal Trade Commission to stop the anticompetitive use of “product hopping” to delay and frustrate the availability of more affordable generic prescription drugs.¹

Brand-name prescription drug patent-holders have used various anticompetitive schemes to block market entry by generics. These schemes include so-called “pay for delay” deals, and blocking access to testing samples and access to participation in FDA-required safety protocols. Product hopping – the practice of making a minor, inconsequential change in a drug in order to artificially prolong the brand-name drug maker’s patent-protected monopoly profits, while at the same time discontinuing the just-as-effective version that generics are on the verge of replicating at a lower price – is every bit as harmful to competition and consumers.

H.R. 5133 would promote more effective competition, increasing the power of consumer choice in the marketplace, and making medications more affordable for consumers who need them. We urge the Committee to approve this bill and send it promptly to the full House.

Sincerely,

A handwritten signature in blue ink that reads 'Dena B. Mendelsohn'.

Dena Mendelsohn
Senior Policy Counsel
Consumer Reports

A handwritten signature in blue ink that reads 'George P. Slover'.

George P. Slover
Senior Policy Counsel
Consumer Reports

cc: Members, Committee on the Judiciary

¹ Consumer Reports has long supported and informed consumers about constructive efforts to bring down the high prices consumers pay for prescription drugs – in our advocacy work, as well as in our journalism, most recently in our April 2018 article, “How to Pay Less for Your Meds.” Reporting on the results of a nationally representative telephone survey we conducted, the article re-confirmed that escalating prescription drug costs are forcing many consumers to choose between cutting back on needed medications or on other basic necessities.