

September 16, 2010

Chairman Edolphus Towns  
Ranking Member Darrell Issa  
Committee on Oversight and Government Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, D.C. 20515

**Re: Request for Investigation of John Horton for Possible Legal and Ethics Violations While Associate Deputy Director of the White House Office of National Drug Control Policy**

Dear Chairman Towns and Ranking Member Issa:

We call upon your Committee and any other appropriate government agencies to investigate possible violations of the U.S. Office of Government Ethics' "Misuse of Position" policy and law by John Horton while Associate Deputy Director of the Office of National Drug Control Policy (ONDCP).<sup>1</sup> Mr. Horton served in that position from March 2002 to May 2007.<sup>2</sup> Mr. Horton appears to have misused and abused his government position for private gain by starting, while in office, an online pharmacy verification service, LegitScript.com, and given unfair market advantage to his business. More importantly, his actions appear to have violated the will of Congress, misled the Committee on Oversight and Government Reform, and instigated and/or encouraged government actions by ONDCP and other government agencies adverse to the interests of Americans, specifically hindering access by Americans to safe and affordable medication.

We believe that to serve his private interests and those of prospective pharmaceutical and pharmacy clients, Mr. Horton appears to have subverted the activities of ONDCP by ignoring the congressional request found in Section 1107 of the Office of National Drug Control Policy Reauthorization Act of 2006 to develop strategies to stop the online advertising of *controlled substances without a prescription*.<sup>3</sup> Instead, Mr. Horton developed strategic policies for blocking the online advertising of *all prescription medication* from licensed Canadian and other non-US pharmacies that do *require a prescription*. Such pharmacies have been a lifeline to affordable medication for millions of Americans. Approximately 120 million Americans struggle to pay their drug bills and are skipping medication or decreasing their prescribed

---

<sup>1</sup> The policy is authorized by, and may be enforced pursuant to, *inter alia*, 18 U.S.C. 208(a) ("Acts Affecting a Personal Financial Interest"), 5CFR 2635.702 ("Use of Public Office for Private Gain"), 5CFR 2635.802 ("Conflicting Outside Employment and Activities"); 18 U.S.C. 207(a)(1). ("Lifetime ban on making a communication or appearance involving particular matters involving a specific party or parties"); 18 U.S.C 207(a)(2) ("Two-year restriction on particular matters involving a specific party or parties where the matters were under your official responsibility.")

<sup>2</sup> John Horton LinkedIn.com profile, accessed July 9, 2010 at <http://www.linkedin.com/pub/john-horton/8/413/b2a> (attached as Exhibit A).

<sup>3</sup> Office of National Drug Control Policy Reauthorization Act of 2006, Pub. L. no. 109-469, 120 Stat 3502 (2006), accessed July 15, 2010 at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109\\_cong\\_public\\_laws&docid=f:publ469.109](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_public_laws&docid=f:publ469.109).

dosage, risking sickness and death.<sup>4</sup> Despite its statutory prohibition, U.S. policy on personal drug importation allows Americans to import non-controlled prescription drugs pursuant to a valid prescription without fear of prosecution.

### Conduct at ONDCP

John Horton's role at ONDCP is described by him on his LinkedIn.com page:

"I served as the primary staff person responsible for advising the "Drug Czar" and coordinating federal policy on several issues, including prescription drug-related issues (including Internet pharmacy policy) and several chemical control issues. I authored the Administration's National Synthetic Drug Control Strategy and co-authored the President's National Drug Control Strategy in the years from 2002 until 2007."<sup>5</sup>

The specific goals of ONDCP are to "reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences."<sup>6</sup> As part of the ONDCP Reauthorization Act of 2006, Congress called for a report from ONDCP to propose a "strategy to stop advertisements that provide information about obtaining over the Internet drugs for which a prescription is required without the use of such a lawful prescription."<sup>7</sup> The definition of "drugs" in Congress' request is "*controlled substances*."<sup>8</sup> Instead of responding to Congress's concerns about access to *controlled substances without a prescription*, ONDCP submitted a report to Congress detailing a plan of action to block advertising on the Internet of *any prescription medication* (not limited to controlled substances) by Canadian pharmacies even where a prescription is required.

We believe the facts indicate, and an investigation will show, that, through Mr. Horton's efforts, ONDCP ignored Congress' request to develop a strategy for stopping online pharmacy advertisements of controlled substances without a prescription. Instead Mr. Horton developed a strategy specifically aimed at blocking Canadian and other non-U.S. pharmacies from advertising online to Americans, with the goal of curtailing access by Americans to lower priced medications. At some point in late 2006 or early 2007, while still Associate Deputy Director of ONDCP, Mr. Horton decided to start a private company called LegitScript, an online pharmacy verification service, knowing that his work with ONDCP laid the groundwork for that business. We believe his businesses are now supported by revenues from pharmaceutical and pharmacy interests which benefited from such actions at the expense of the American consumer.

---

<sup>4</sup> "The Public on Prescription Drugs and Pharmaceutical Companies," USA Today, Kaiser Family Foundation, and Harvard School of Public Health, March 2008. See [www.kff.org/kaiserpolls/upload/7748.pdf](http://www.kff.org/kaiserpolls/upload/7748.pdf).

<sup>5</sup> John Horton LinkedIn.com profile, see *supra* note 2.

<sup>6</sup> Office of National Drug Control Policy: "About" page, accessed July 11, 2010 at <http://www.whitehousedrugpolicy.gov/about/index.html> (attached as Exhibit B), or see Anti-Drug Abuse Act of 1988 of Pub. L. no. 100-690.

<sup>7</sup> See *supra* note 3. "SEC. 1107. REQUIREMENT FOR STRATEGY TO STOP INTERNET ADVERTISING OF PRESCRIPTION MEDICINES WITHOUT A PRESCRIPTION. Not later than 120 days after the date of the enactment of this Act, the Director of the Office of National Drug Control Policy shall submit to Congress a strategy to stop advertisements that provide information about obtaining over the Internet drugs (as defined in section 702(3) of the Office of National Drug Control Policy Reauthorization Act of 1998) for which a prescription is required without the use of such a lawful prescription." Section 702 (3) of the Office of National Drug Control Policy Reauthorization Act of 1998 defines the term "drug" as "controlled substance" in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

<sup>8</sup> Section 702 (3) of the Office of National Drug Control Policy Reauthorization Act of 1998: "The term 'drug' has the meaning given the term 'controlled substance' in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))." Accessed July 27, 2010 at <http://www.whitehousedrugpolicy.gov/about/98reauthorization.html>.

[The 2007 ONDCP report to Congress](#) states:

“Both Google and Yahoo use a third-party called PharmacyChecker.com (located at [www.PharmacyChecker.com](http://www.PharmacyChecker.com)) to verify whether websites seeking to advertise an online pharmacy are legitimate. However, PharmacyChecker has approved several websites from Canada that may be operating lawfully in Canada, but offer prescription drugs to United States consumers in violation of Federal law.”<sup>9</sup>

The paper draws the baseless conclusion that, “For all these reasons, PharmacyChecker is not an adequate, reliable verification system...”<sup>10</sup> The ONDCP report does not mention that pharmacy members of PharmacyChecker.com *require prescriptions and are not permitted to export controlled substances to Americans* and, thus, are completely outside the scope of Congress’ request to ONDCP.

The ONDCP strategy lays out the following specific plan:

“The DEA, Food and Drug Administration (FDA) and/or ONDCP will meet with the major Internet advertising services (Google, Yahoo and others) to encourage voluntary action such that only online pharmacies in compliance with Federal and State laws are advertised through the major Internet advertising services. Search engines will be requested to voluntarily adopt standards that comply and encourage consumer compliance with Federal and State laws and regulations, and Boards of Pharmacy standards. This will be done in consultation with the State Boards of Pharmacy through the NABP.”<sup>11</sup>

On March 20, 2007, almost one month before ONDCP submitted its strategy to the Chairman of the Committee on Oversight and Government Reform, and while Mr. Horton was still Associate Deputy Director of ONDCP, his company’s domain name “[legitscript.com](http://legitscript.com)” was registered.<sup>12</sup> The domain “legitscript.com” is registered to LegitScript. Mr. Horton attests that he is the founder of LegitScript, LLC.<sup>13</sup>

We believe that using non-public information about government plans, involving DEA, FDA, and ONDCP, to stop advertising on search engines by Canadian and other non-U.S. pharmacies that supply non-controlled prescription medications to Americans, Mr. Horton set the stage for his company, LegitScript.com, to replace PharmacyChecker.com as the online pharmacy verification service used by the major search engines. In addition, we believe that Mr. Horton expected to play a role in some capacity on the behalf of pharmaceutical and/or pharmacy interests to pressure the search engines into blocking advertising (and perhaps even the appearance in search results) of lower cost pharmacies in Canada and elsewhere that supply medications to Americans.

To increase their profits, the U.S. pharmaceutical and pharmacy industries, and their trade associations, lobbyists, groups and individuals funded by them, have worked to prevent licensed Canadian and other international pharmacies from advertising and selling prescription medication to Americans. There is no doubt that Mr. Horton is connected with the pharmaceutical and pharmacy industries, as evidenced by

---

<sup>9</sup> United States Office of National Drug Control Policy. Executive Office of the President. “Report on Strategy to Stop Internet Advertising of Prescription Medications Without a Prescription and Plan to Conduct a Study on the Diversion and Inappropriate Use of Prescription Drugs.” Submitted to the Committee on Oversight and Government Reform on April 16, 2007. Obtained from ONDCP and posted at <http://pharmacycheckerblog.com/wp-content/uploads/2010/03/Sec-1107-and-1108.pdf>.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> Network Solutions, Who Is Search, for [legitscript.com](http://legitscript.com) – <http://www.networksolutions.com/whois-search/legitscript.com>, accessed July 11, 2010. Registration shows the contact address of 818 SW 3<sup>rd</sup> Ave., #353, Portland Oregon, a mailbox at a UPS Store which is also used by LegitScript, LLC (attached as Exhibit C).

<sup>13</sup> John Horton LinkedIn.com profile, see *supra* note 2.

their joint sponsorship of the Alliance for Safe Online Pharmacies,<sup>14</sup> and the reciprocal endorsement by each of LegitScript and the NABP of the other's program for online pharmacy verification.<sup>15</sup> We believe that an investigation will demonstrate these relationships were established while Mr. Horton was still with ONDCP.

#### Exploiting Advantage Created from Misuse of Position

On April 16, 2007, ONDCP submitted Mr. Horton's strategy to Congress. Having planted the seed of this new policy and set wheels in motion within the government for its realization, Mr. Horton left office and immediately registered LegitScript as a [for-profit company in Virginia](#).<sup>16</sup>

LegitScript's revenue sources are not clearly explained on its website (LegitScript.com). In response to questions raised by some about who pays LegitScript, it denies that it is "funded" by pharmaceutical interests, claiming on its site that: "LegitScript is 100% employee owned. We were launched with start-up money from our own employees. We haven't accepted any money from outside entities."<sup>17</sup> However, this does not answer the question of who pays John Horton. The only revenue source identified on the website is from the sale of "market research reports" about online pharmaceuticals, which we believe are sold to pharmaceutical and pharmacy companies and/or related parties and provide revenue (not "funding") to LegitScript. It is also possible, as explained below, that Mr. Horton receives compensation for his efforts through a separate government relations firm that he established or through other means.

This chronology suggests that Mr. Horton exploited his position as Associate Deputy Director of a White House office for his personal gain, violating U.S. Office of Government Ethics' [Misuse of Position](#) laws, which hold that "Executive branch employees must not use their public office for their own or another's private gain."<sup>18</sup> In addition, Mr. Horton violated his government obligations by ignoring the will of Congress which, as expressed in the ONDCP Reauthorization Action of 2006, asked for strategies to stop online advertising of controlled substances without a prescription, but expressed no concerns about, or required actions relating to, online advertising by Canadian or other non-US pharmacies that *require valid prescriptions* from Americans consumers before dispensing medications that are *not controlled substances*.<sup>19</sup>

Having left office and pursuing his goals, Mr. Horton approached search engine companies to promote the use of LegitScript and/or the Verified Internet Pharmacy Practice Sites (VIPPS) program from the

---

<sup>14</sup> Founding members of the Alliance for Safe Online Pharmacies: Americans Pharmacists Association, Eli Lilly & Company, LegitScript, and the National Association of Chain Drug Stores; a category of affiliated parties called "Observers" includes National Association of Boards of Pharmacy, National Health Council, and Partnership for Safe Medicines, accessed July 9, 2010 at <http://www.safeonline-rx.com/alliance/who-we-are.html> (attached as Exhibit D).

<sup>15</sup> LegitScript.com accepts an online pharmacy as *approved* if it is a member of the National Association of Boards of Pharmacy's program called Verified Internet Pharmacy Practice Site: Accessed July 14, 2010 at <http://www.legitscript.com/blog/1> (attached as Exhibit E). Furthermore, LegitScript encourages "consumers who want to fill prescriptions with an Internet pharmacy to choose a VIPPS-accredited pharmacy website whenever possible" – accessed July 15, 2010 at <http://www.legitscript.com/faqs> (attached as Exhibit F). The NABP website reads: "NABP recognizes that some non-accredited Internet pharmacies may be operating legitimately. Of those entities that approve non-accredited Internet pharmacies, LegitScript.com is the only one that adheres to NABP-recognized standards." Accessed July 14, 2010 at <http://www.nabp.net/programs/consumer-protection/buying-medicine-online/> (attached as Exhibit G).

<sup>16</sup> Commonwealth of Virginia State Corporation Commission, LegitScript Registration (attached as Exhibit H). See <http://pharmacycheckerblog.com/wp-content/uploads/2010/03/LegitScript.com-LLC-Registration-May-4-2007.png>

<sup>17</sup> LegitScript Frequently Asked Questions, see *supra* note 15.

<sup>18</sup> See *supra* note 1. For a summary of the Office of Government Ethics', "Misuse of Position" policy, see [http://www.usoge.gov/common\\_ethics\\_issues/misuse.aspx](http://www.usoge.gov/common_ethics_issues/misuse.aspx), 5 C.F.R. PART 2635.700.

<sup>19</sup> The Department of Homeland Security, Customs Border Patrol, made it clear at the end of 2006 that, in response to Congressional pressure, as a matter of policy it would not seize any prescription drug orders from Canada. See "U.S. to stop seizing Canadian drug imports," *Associated Press*, on [msnbc.msn.com](http://msnbc.msn.com), October 4, 2006: Accessed July 26, 2010 at <http://www.msnbc.msn.com/id/15127747/>.

National Association of Boards of Pharmacy – both of which exclude non-U.S. pharmacies – in place of PharmacyChecker.com. It can be surmised that Mr. Horton acted in this fashion with knowledge of ONDCP's continuing actions at the time and either on behalf of, or with the expectation of business from, pharmacy companies, pharmaceutical companies, and/or related parties, as well as business from the search engines. A little over a year after leaving office, Mr. Horton registered LegitScript as a non-profit entity in the State of Oregon<sup>20</sup>, although, as noted earlier, LegitScript, LLC was already set up as a for-profit company in Virginia.<sup>21</sup>

Perhaps initially rebuffed by search engines and/or in concert with a related federal investigation (see below), in August of 2009, Horton issued two reports, first on Microsoft/Bing and then Yahoo!, claiming that over 80% of pharmacy advertisers on those search engines found were “illegal” or “rogue” when, in fact, most of these were licensed Canadian-based pharmacies requiring prescriptions. We believe that Mr. Horton's intention was to coerce the search engines and again cast doubt on the PharmacyChecker.com Verification Program, continuing the efforts commenced while with ONDCP. A report on Google was conspicuously not issued.

#### Federal Investigation Apparently Triggered by ONDCP Strategy

On June 16, 2009, PharmacyChecker.com received a subpoena sent by the Office of Criminal Investigations (OCI), U.S. Food and Drug Administration, requiring PharmacyChecker.com to *produce documents* as a witness in a Grand Jury called in Rhode Island. The reason for the investigation was not directly disclosed to PharmacyChecker.com, but it was clear that the investigation focused on Google's advertising policies regarding online pharmacies. The FDA requested essentially all communications between PharmacyChecker.com and Google regarding pharmacy verification policies, and other PharmacyChecker.com business records, which were provided. Additionally, pursuant to the subpoena, Gabriel Levitt, vice president of PharmacyChecker.com, met in Rhode Island with the Acting U.S. Attorney Luis M. Matos, Assistant U.S. Attorney Adelaine Goldstein, Special Agent Jason Simonian, and other FDA agents. Assistant U.S. Attorney Adelaine Goldstein made a request for additional documents on August 12<sup>th</sup>, 2009, and PharmacyChecker.com subsequently responded.

We suspect that Mr. Horton and his misguided policies at ONDCP played a role in this criminal investigation and that his business plans were guided by his knowledge of the investigation, possibly violating post-employment prohibitions on federal employees.<sup>22</sup> It is even likely that Mr. Horton was working behind the scenes, consulting and providing guidance to OCI.

During the time of the investigation, records show Mr. Horton was active in changing his business registrations. [He dissolved LegitScript as a non-profit organization in Oregon](#) on April 8, 2009,<sup>23</sup> and then registered LegitScript as a for-profit LLC in Oregon on August 17, 2009.<sup>24</sup> At the same time, records at the Oregon Secretary of State Corporation Division show that Mr. Horton registered a firm called [Evergreen Government Relations](#).<sup>25</sup> A week earlier, on August 10, 2009, he [abandoned his](#)

---

<sup>20</sup> Oregon Secretary of State, Corporation Division website, accessed July 15, 2010 at [http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.do\\_name\\_srch?p\\_name=&p\\_regist\\_nbr=530817-91&p\\_srch=PHASE1&p\\_print=FALSE&p\\_entity\\_status=ACTINA](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.do_name_srch?p_name=&p_regist_nbr=530817-91&p_srch=PHASE1&p_print=FALSE&p_entity_status=ACTINA) (attached as Exhibit I).

<sup>21</sup> See *supra* note 17.

<sup>22</sup> See *supra* note 1.

<sup>23</sup> See *supra* note 21.

<sup>24</sup> Oregon Secretary of State, Corporation Division website, accessed July 28, 2010 at [http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.show\\_deti?p\\_be\\_rsn=1407818&p\\_srce=BR\\_INQ&p\\_print=FALSE](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.show_deti?p_be_rsn=1407818&p_srce=BR_INQ&p_print=FALSE).

<sup>25</sup> Oregon Secretary of State, Corporation Division website, accessed July 11, 2010 at [http://egov.sos.state.or.us/br/pkg\\_web\\_name\\_srch\\_inq.do\\_name\\_srch?p\\_name=&p\\_regist\\_nbr=624628-91&p\\_srch=PHASE1&p\\_print=FALSE&p\\_entity\\_status=ACTINA](http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.do_name_srch?p_name=&p_regist_nbr=624628-91&p_srch=PHASE1&p_print=FALSE&p_entity_status=ACTINA) (attached as Exhibit J).

[registration at the U.S. Trademark Office](#) to use “LegitScript Certified” as a certification mark for Internet pharmacies.<sup>26</sup> Possible reasons for these actions appear to be explained by events that soon unfolded.

### Achievement of His Goals

In late January 2010, PharmacyChecker.com was contacted by Google and informed that it was changing its advertiser policies to exclude all non-U.S. pharmacies from advertising on Google; it would no longer use the PharmacyChecker.com Verification Program; and it was terminating its contract *without cause* and ahead of the expiration date. Instead, it would only permit online pharmacies based in the U.S. and approved by the VIPPS program of the National Association of Boards of Pharmacy to advertise on Google in the United States.

Soon after Google announced its policy change, LegitScript.com announced that it had been hired by Google to monitor its pharmacy advertising.<sup>27</sup> Google’s policy change was immediately heralded by organizations sponsored by pharmaceutical and pharmacy companies that oppose personal drug importation, such as the Partnership for Safe Medicines<sup>28</sup> and the National Association of Boards of Pharmacy.<sup>29</sup> It’s noteworthy that the Partnership for Safe Medicines and National Association of Boards of Pharmacy, both of which receive funding from pharmaceutical companies, have publicly endorsed and supported the work of LegitScript.com.<sup>30</sup>

We suspect that, in order to end further criminal investigation, Google agreed to exclude Canadian online pharmacy advertisers and drop PharmacyChecker.com, exactly as called for by ONDCP while John Horton was leading its Internet pharmacy strategy. And, while LegitScript.com did not end up replacing PharmacyChecker.com as an online pharmacy verification service, Google contracted with Mr. Horton’s firm, LegitScript, to monitor its compliance, likely with the approval of those involved in the investigation.<sup>31</sup>

Within weeks of Google’s policy change, the two other major search engine clients of PharmacyChecker.com, Microsoft/Bing and Yahoo!, contacted PharmacyChecker.com announcing the same changes in policy. Again, no explanations were given for the changes, but it was also noted that it was not due to any fault of PharmacyChecker.com. We believe that LegitScript also secured a contract to serve in a monitoring capacity with at least one of these additional search engines.

### **Why we are requesting this investigation:**

There should be little doubt that the improper plan of action apparently devised and implemented by John Horton at ONDCP has succeeded in its broad objectives: The search engines dropped ads from non-U.S. pharmacies, PharmacyChecker.com was displaced by the NABP’s VIPPS program that excludes non-U.S. pharmacies, and LegitScript gained the business of search engines perhaps insuring the search engines an end to continued government investigations. It also appears that Mr. Horton was informed of the aforementioned investigation involving Google’s advertiser policies. His apparent knowledge that VIPPS, and not LegitScript, would be the chosen verification program of Google and other search engines was demonstrated by Mr. Horton’s legal changes to LegitScript from a non-profit verification company to a for-profit entity. These changes prepared LegitScript for its subsequent role overseeing

---

<sup>26</sup> United States Patent and Trademark Office, Trademark Electronic Search System, accessed July 13, 2010 at <http://www.inewidea.com/db/77362972.html> (attached as Exhibit K).

<sup>27</sup> LegitScript.com, accessed July 19, 2010 at <http://www.legitscript.com/blog/119> (attached as Exhibit L).

<sup>28</sup> Partnership for Safe Medicines website, accessed July 13, 2010 at <http://www.safemedicines.org/2010/02/partnership-for-safe-medicines-applauds-googles-updated-us-pharmaceutical-advertising-policy.html>.

<sup>29</sup> National Association of Boards of Pharmacy website, accessed July 13, 2010 at <http://www.nabp.net/news/nabp-responds-to-new-google-ad-requirements/> (attached as Exhibit M).

<sup>30</sup> Partnership for Safe Medicines website, accessed July 15, 2010 at <http://www.safemedicines.org/2009/09/internet-search-engines-promote-illegal-online-pharmacies.html> (attached Exhibit N).

<sup>31</sup> See *supra* note 27

compliance with the new policy. It would also seem that Mr. Horton's government relations firm may have benefitted from his misuse of position at ONDCP.

We believe that Mr. Horton misused his government office and government itself for his personal gain, in violation of his public trust, the will of Congress and perhaps the law. His actions, we believe, were a disservice to Americans that need access to affordable medication, and unfairly disadvantaged an existing business, PharmacyChecker.com. If an investigation bears this out, prompt remedial action to undo the damage caused by Mr. Horton's actions would be appropriate, as well as the imposition of statutory penalties.<sup>32</sup>

**Summary:**

We believe a proper investigation will show that Mr. Horton:

- 1) diverted ONDCP from a) its assigned focus on controlled substances and b) an appropriate response to Congress' request of ONDCP to develop strategy regarding the Internet advertising of controlled substances available without a prescription;
- 2) improperly redirected ONDCP and other agencies to devise means and implement actions to a) block advertising of any medication from pharmacies outside the U.S., b) pressure search engines to make changes to this effect that would achieve this goal, c) disadvantage needy Americans from obtaining less expensive medications from Canada and other countries, and d) disadvantage an existing company, PharmacyChecker.com, causing its contracts with search engines to be cancelled as he gained business from the same search engines for his own company, LegitScript;
- 3) improperly or illegally planned to benefit, and/or benefitted, from his activities as a federal official through his businesses, such as LegitScript and Evergreen Government Relations; and
- 4) violated the U.S. Office of Government Ethics's Misuse of Position policy.

We suggest that the investigation include inquiries into the following:

A. During the period of Mr. Horton's his employment at ONDCP:

- All activities, communications, and contacts by Mr. Horton relating to the concept and/or creation of LegitScript
- All communications and contacts by Mr. Horton and ONDCP with representatives of the pharmaceutical and pharmacy industries
- All communication by Mr. Horton and ONDCP with other agencies regarding the subject of the Congressional request under Section 1107 of the ONDCP Reauthorization Act of 2006, PharmacyChecker.com, personal drug importation, and Canadian or other international pharmacies
- All interaction specifically with the FDA regarding investigation of search engines
- All communications by Mr. Horton and ONDCP with representatives of search engines
- All revenue receive by Mr. Horton other than his government salary

B. During the period immediately following Mr. Horton's departure from ONDCP and for the subsequent three-year period:

- All communications and contacts by Mr. Horton with any federal agencies, including ONDCP, the FDA, and DEA

---

<sup>32</sup> See 18 U.S.C. 216(a) ("Penalties and Injunctions").

Honorable Edolphus Towns  
Honorable Darrell Issa  
September 16, 2010  
Page 8

- All communications and contacts between Mr. Horton and the government representatives (Department of Justice and FDA) involved in the Rhode Island criminal investigation and proceedings involving Google
- All revenue received by Mr. Horton and by his companies, including LegitScript and Evergreen Government Relations
- All communications and contacts by Mr. Horton with representatives of search engines, pharmaceutical companies, pharmacy companies, and organizations funded by pharmaceutical and pharmacy companies, involving discussion of ONDCP's strategy and/or federal activities relating to ONDCP strategy

Respectfully,

Tod Cooperman, MD, President, PharmacyChecker.com

Gabriel Levitt, Vice President, PharmacyChecker.com

Cc:

Robert I. Cusick  
Director of the Office of Government Ethics  
1201 New York Ave., NW. Suite 500.  
Washington, DC 20005  
Phone: (202) 482-9292  
Fax: (202) 482-9237

Edward H. Jurith  
General Counsel  
Office of National Drug Control Policy  
750 17th Street, NW.  
Washington, DC 20503  
Phone: (202) 395-6709  
Fax: (202) 395-5543

Congresswoman Nita Lowey  
U.S. House of Representatives  
2329 Rayburn House Office Building  
Washington, D.C. 20515  
Phone: (202) 225-6506  
Fax: (202) 225-0546

Congressman Henry A. Waxman (Fmr. Chairman, Committee on Oversight and Government Reform)  
U.S. House of Representatives  
2204 Rayburn House Office Building  
Washington, D.C. 20515  
Telephone: (202) 225-3976  
Fax: (202) 225-4099



## **Exhibit Documentation**

*Request for Investigation of John Horton for Possible Ethics Violations While Associate Deputy Director of the White House Office of National Drug Control Policy*

**Exhibit A** – John Horton LinkedIn.com Profile

**Exhibit B** – White House Drug Policy, About Page

**Exhibit C** – Whols.com, LegitScript.com

**Exhibit D** – Safe OnlineRx.com, Who We Are

**Exhibit E** – LegitScript.com Blog, Launch Page

**Exhibit F** – LegitScript.com, Frequently Asked Questions

**Exhibit G** – NABP, Consumer Protection, Buying Medicine Online

**Exhibit H** – Commonwealth of VA State Corporation Commission, LegitScript Registration

**Exhibit I** – Oregon Secretary of State Website Access, LegitScript.com

**Exhibit J** – Oregon Secretary of State Website Access, Evergreen Government Relations

**Exhibit K** – U.S. Patent, LegitScript.com Trademark

**Exhibit L** – LegitScript.com Blog, Internet Pharmacy Ad Policy

**Exhibit M** – NABP, Response to New Google Advertising Requirements

**Exhibit N** – SafeMedicines.org, Search Engines Promote Illegal Online Pharmacies

# Exhibit A

## John Horton LinkedIn.com Profile

John Horton's Experience

**President and Founder**

**LegitScript**  
(Internet industry)  
May 2007 — Present (3 years 3 months)

LegitScript reviews and verifies the operations of pharmacy websites (such as Internet pharmacy websites) and the entities controlling those websites to determine compliance with the law and accepted standards of medical and pharmacy practice and ethics. LegitScript is the only organization in this sector whose standards are recognized by the National Association of Boards of Pharmacy for this purpose. LegitScript reviews a broad range of activity touching on issues of prescription drug counterfeiting operations, prescription drug abuse, and pharmaceutical security.

**Associate Deputy Director**

**Office of National Drug Control Policy**  
(Government Administration industry)  
March 2002 — May 2007 (5 years 3 months)

At the Office of National Drug Control Policy, I served as the primary staff person responsible for advising the "Drug Czar" and coordinating federal policy on several issues, including prescription drug-related issues (including Internet pharmacy policy) and several chemical control issues. I authored the Administration's National Synthetic Drug Control Strategy and co-authored the President's National Drug Control Strategy in the years from 2003 until 2007.

**Name Search:**  
Search for people you know from over 70 million professionals already on LinkedIn.

First Name  Last Name

(example: **John Horton**)

**NEW on LinkedIn**  
Profile Organizer

- Save profiles and add notes
- Develop the relationships you need to grow your business

# Exhibit B

## White House Drug Policy, About Page

The screenshot shows the 'About' page of the White House Office of National Drug Control Policy (ONDCP). The page layout includes a top navigation bar with links to Google Maps, YouTube, News, and Popular. A left sidebar contains a list of menu items: Authorizing Legislation, FOIA Requests, Data Sets, Clearinghouse, Internships, Employment, ONDCP Sponsored Sites, Stay Connected, and FAQs. Below these are four highlighted categories: Policy, Prevention, Treatment, and Market Disruption. The main content area features the heading 'ABOUT' in green, followed by a paragraph explaining the ONDCP's establishment in 1988 and its purpose. A second paragraph details the ONDCP's goals and the role of the Director. A third paragraph describes the Director's legal responsibilities. On the right side, there is a list of three recent blog posts with their titles and dates. At the bottom right, there is a link for 'More Blog News' and the 'FAIR Act' logo.

http://www.whitehousedrugpolicy.gov/about/index.html

Google Maps YouTube News Popular

- Authorizing Legislation
- FOIA Requests
- Data Sets
- Clearinghouse
- Internships
- Employment
- ONDCP Sponsored Sites
- Stay Connected
- FAQs

**Policy**

**Prevention**

**Treatment**

**Market Disruption**

## ABOUT

The White House Office of National Drug Control Policy (ONDCP), a component of the Executive Office of the President, was [established](#) by the Anti-Drug Abuse Act of 1988.

The principal purpose of ONDCP is to establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, and trafficking, drug-related crime and violence, and drug-related health consequences. To achieve these goals, the Director of ONDCP is charged with producing the [National Drug Control Strategy](#). The Strategy directs the Nation's anti-drug efforts and establishes a program, a [budget](#), and guidelines for cooperation among Federal, State, and local entities.

By law, the Director of ONDCP also evaluates, coordinates, and oversees both the international and domestic anti-drug efforts of executive branch agencies and ensures that such efforts sustain and complement State and local anti-drug activities. The Director advises the President regarding changes in the organization, management, budgeting, and personnel of Federal Agencies that could affect the Nation's anti-drug efforts; and regarding Federal agency compliance with their obligations under the Strategy.

- [Monitor . . . Secure . . . Dispose!!](#)  
Mon, July 19, 2010 10:51 AM
- [Expanding Access to Evidence-Based Services for Injection Drug Users](#)  
Fri, July 16, 2010 2:30 PM
- [Delaware Law Seeks to Curb Illegal Prescription Drug Use](#)  
Fri, July 16, 2010 11:47 AM

▸ [More Blog News](#)


**FAIR Act**

# Exhibit C

WhoIs.com, LegitScript.com

http://www.networksolutions.com/whois-search/legitscript.com

Google Maps YouTube News Popular



BOOKMARK

|                    |   |
|--------------------|---|
| Current Registrar: | NETWORK SOLUTIONS, LLC.                               |
| IP Address:        | <a href="#">72.32.196.103</a> (ARIN & RIPE IP search) |
| Record Type:       | Domain Name   |
| Server Type:       | IIS 6   |
| Lock Status:       | clientTransferProhibited                              |
| WebSite Status:    | Active  |

Visit AboutUs.org for more information about LEGITSCRIPT.COM  
[AboutUs: LEGITSCRIPT.COM](#)

Registrant: [Make this info private](#)  
LegitScript LLC  
818 SW 3rd Ave., #353  
Portland, OR 97204  
US

Domain Name: LEGITSCRIPT.COM

**Promote your business to millions of viewers for only \$1 a month!**  
Learn how you can get an Enhanced Business Listing here for your domain name. [Learn More](#)

Administrative Contact , Technical Contact :  
LegitScript LLC  
info@legitscript.com  
818 SW 3rd Ave., #353  
Portland, OR 97204  
US  
Phone: (877) 534 4879

Record expires on 20-Mar-2011  
**Record created on 20-Mar-2007**  
Database last updated on 02-Mar-2010




Domain servers in listed order: [Manage DNS](#)

|                                    |                                |
|------------------------------------|--------------------------------|
| <a href="#">NS65.WORLDDNIC.COM</a> | <a href="#">205.178.190.33</a> |
| <a href="#">NS66.WORLDDNIC.COM</a> | <a href="#">206.188.108.33</a> |

## Exhibit D

Safe OnlineRx.com, Who We Are

http://safeonlinerx.com/alliannce/who-we-are.html

Google Maps  YouTube  News  Popular

# Who We Are

ASOP is led by a Steering Group of stakeholders who include (in alphabetical order): [American Pharmacists Association](#), [Eli Lilly & Company](#), [LegitScript](#), and the [National Association of Chain Drug Stores](#).

ASOP seeks to represent all stakeholders who have an interest in protecting patient safety by preventing access to illegal online drug sellers and ensuring patient access to safe and legitimate online pharmacies. ASOP Members may include:

- Patients and their advocates
- Pharmacists and pharmacies
- Other health care providers
- Boards of Pharmacy
- Public health organizations
- Pharmaceutical companies
- Wholesalers and distributors
- Think tanks

Other organizations that are interested in the Alliance's work but are not participating as members are listed below as Observers.

### Full Membership list (alphabetical order)

- [American Pharmacists Association](#)
- [Eli Lilly & Company](#)
- [LegitScript](#)
- [National Association of Chain Drug Stores](#)

### Observers (alphabetical order)

- [National Association of Boards of Pharmacies](#)
- [National Health Council](#)
- [Partnership for Safe Medicines](#)

## Exhibit E

LegitScript.com Blog, Launch Page

The screenshot shows a web browser window with the address bar displaying <http://www.legitscript.com/blog/1>. The browser's toolbar includes icons for Google Maps, YouTube, News, and Popular. The website header features the LegitScript logo with a 'BETA' tag and the tagline 'ONLINE PHARMACIES YOU CAN TRUST'. A navigation menu contains links for Home, About Us, Pharmacies, Blog (which is highlighted), FAQ, and Resources. Below the menu, there are links for 'Blog Home' and a 'Subscribe' button with a RSS icon.

[The LegitScript Blog](#)

TUESDAY, MAY 27, 2008

### Ready, Aim...Launch LegitScript

Posted by LegitScript

At LegitScript, we're pretty excited. Last week, we [launched](#) our Internet pharmacy verification program. There's nothing quite like it out there: a comprehensive database that allows consumers and businesses to determine whether an Internet pharmacy is legitimate or not.

Why are we qualified to determine which Internet pharmacies are legit? One reason is that our [standards](#) have been recognized by the [National Association of Boards of Pharmacy](#). Why does that matter? Well, all pharmacies are regulated by state Pharmacy Boards, and the NABP collectively represents those pharmacy boards, so we thought it was pretty important to have the NABP review and approve our standards.

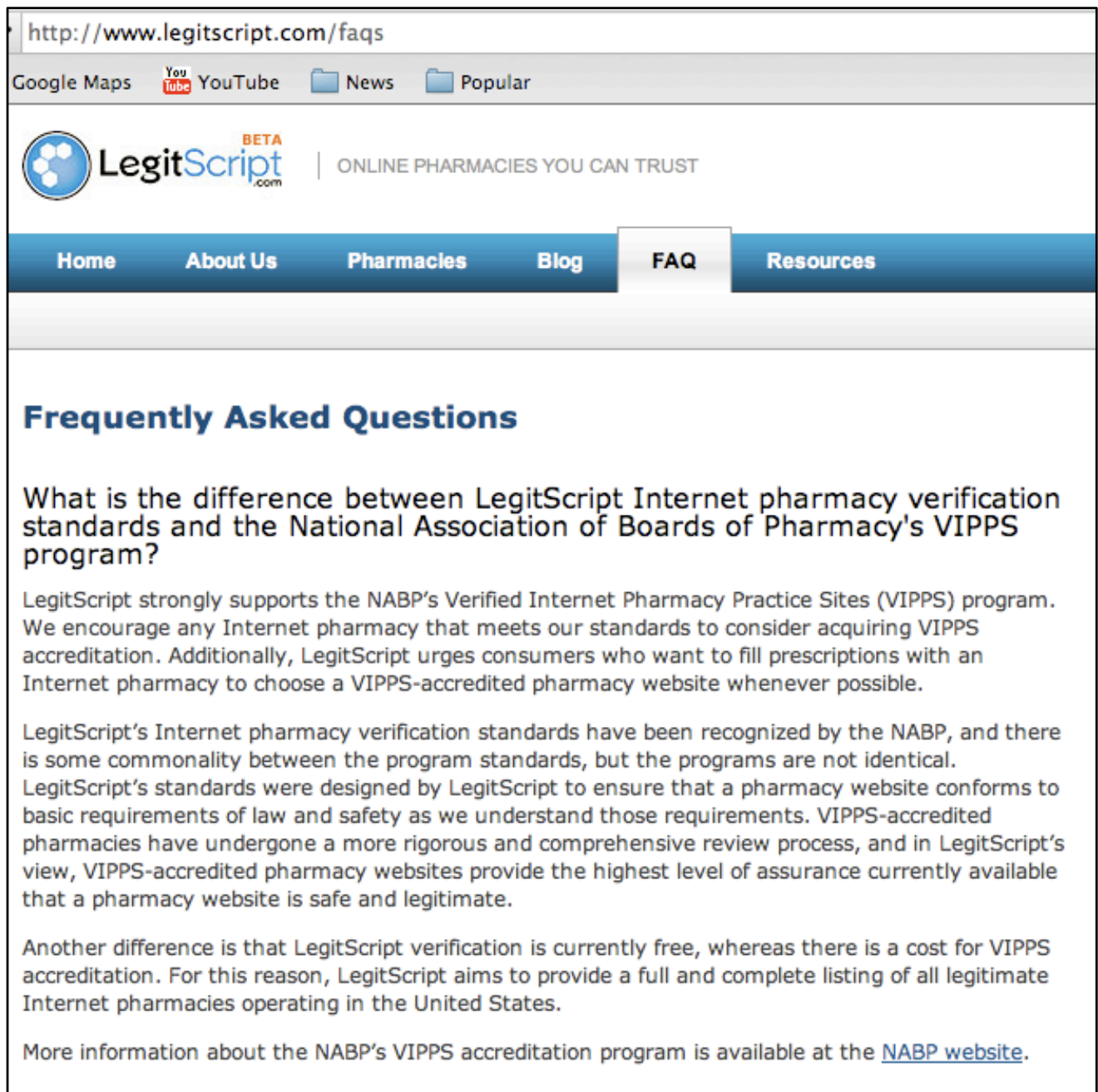
We're starting off with the 15 pharmacies that the NABP has already approved as part of its [VIPPS](#) (Verified Internet Pharmacy Practice Sites) program. But within a few months, we expect to add several other Internet pharmacies to our "approved" list.

Over the next few months, we're going to be adding quite a bit of functionality to our website. However, we think that legitimacy is at the core of everything we're trying to do. That's why LegitScript was created — to help separate the good guys from the bad guys in the Internet pharmacy world.

SHARE

## Exhibit F

LegitScript.com, Frequently Asked Questions



The screenshot shows a web browser window with the address bar displaying <http://www.legitscript.com/faqs>. The browser's toolbar includes links for Google Maps, YouTube, News, and Popular. The website header features the LegitScript logo with a 'BETA' tag and the tagline 'ONLINE PHARMACIES YOU CAN TRUST'. A navigation menu below the header includes links for Home, About Us, Pharmacies, Blog, FAQ (which is highlighted), and Resources. The main content area is titled 'Frequently Asked Questions' and contains the following text:

**What is the difference between LegitScript Internet pharmacy verification standards and the National Association of Boards of Pharmacy's VIPPS program?**

LegitScript strongly supports the NABP's Verified Internet Pharmacy Practice Sites (VIPPS) program. We encourage any Internet pharmacy that meets our standards to consider acquiring VIPPS accreditation. Additionally, LegitScript urges consumers who want to fill prescriptions with an Internet pharmacy to choose a VIPPS-accredited pharmacy website whenever possible.

LegitScript's Internet pharmacy verification standards have been recognized by the NABP, and there is some commonality between the program standards, but the programs are not identical. LegitScript's standards were designed by LegitScript to ensure that a pharmacy website conforms to basic requirements of law and safety as we understand those requirements. VIPPS-accredited pharmacies have undergone a more rigorous and comprehensive review process, and in LegitScript's view, VIPPS-accredited pharmacy websites provide the highest level of assurance currently available that a pharmacy website is safe and legitimate.




Another difference is that LegitScript verification is currently free, whereas there is a cost for VIPPS accreditation. For this reason, LegitScript aims to provide a full and complete listing of all legitimate Internet pharmacies operating in the United States.

More information about the NABP's VIPPS accreditation program is available at the [NABP website](#).

## Exhibit G

### NABP, Consumer Protection, Buying Medicine Online

<http://www.nabp.net/programs/consumer-protection/buying-medicine-online/>

Google Maps  YouTube  News  Popular

- 83% do not require a valid prescription
- 42% offer foreign or non-FDA-approved drugs
- 55% do not provide a physical address
- 1,411 sites are located outside of the United States and selling drugs illegally to patients in the US

Only 4% of the sites NABP reviewed are potentially legitimate in that they appear to meet pharmacy laws and practice standards, based on information obtained by looking at the Web site. NABP highly recommends that you use only those Internet pharmacies that are VIPPS accredited. Currently, 21 sites, representing more than 12,000 online pharmacies, have received accreditation.

### Additional Resources for Internet Pharmacies

NABP recognizes that some non-accredited Internet pharmacies may be operating legitimately. Of those entities that approve non-accredited Internet pharmacies, [LegitScript.com](http://LegitScript.com) is the only one that adheres to NABP-recognized standards.


NABP does not collect data on the prices of prescription medications. Information and price comparisons on medications available at legitimately operating Internet pharmacies are available at [Pharmahelper.com](http://Pharmahelper.com), which lists only those Internet pharmacies that adhere to NABP-recognized standards.

If you have concerns or questions about a Web site selling prescription drugs, contact NABP at [custserv@nabp.net](mailto:custserv@nabp.net) or via the online [Report a Site page](#). Or contact your local [state board of pharmacy](#) and the state board of pharmacy where the Internet drug outlet is located.



# Exhibit H

Commonwealth of VA State Corporation Commission, LegitScript Registration



Commonwealth of Virginia  
**State Corporation Commission**

Commonwealth of Virginia03/02/10  
17:39:36

LLCM3220LLC DATA INQUIRY

LLC ID: S222280 - 2STATUS: 19 CANC (AUTO-FEE)STATUS DATE: 12/31/09

LLC NAME: LEGITSCRIPT, LLC

DATE OF FILING: 05/04/2007PERIOD OF DURATION:INDUSTRY CODE: 00

STATE OF FILING: VA VIRGINIAMERGER INDICATOR:

CONVERSION/DOMESTICATION INDICATOR:

PRINCIPAL OFFICE ADDRESS

STREET: 2918 S BUCHANAN ST #C-2

CITY: ARLINGTON STATE: VA ZIP: 22206-0000

REGISTERED AGENT INFORMATION

R/A NAME: INCORP SERVICES INC

STREET: 7288 MANOVER GREEN DR

CITY: MECHANICSVILLE STATE: VA ZIP: 23111-0000

R/A STATUS: 5ENTITY AUTHORIZEFF DATE: 04/29/09LOC: 142HANOVER COUNTY


| YEAR | FEES  | PENALTY | INTEREST | BALANCE |
|------|-------|---------|----------|---------|
| 09   | 50.00 | 25.00   |          | 75.00   |

CIS has changed to enhance its navigation.  
Click on menu items or buttons to select and perform functions  
as labeled. Function key usage varies depending on the Applica  
Please refer to [Function Key Documentation](#) for details.  
(Screen Id:LLC\_Data\_Inquiry)

8

# Exhibit I

Oregon Secretary of State Website Access, LegitScript.com



OREGON SECRETARY OF STATE  
**Corporation Division**

HOME | business information center | **business name search** | oregon business guide  
 referral list | business registry/renewal | forms/fees | notary public  
 uniform commercial code | uniform commercial code search | documents & data services

### Business Name Search

| <a href="#">New Search</a> |                             | <a href="#">Printer Friendly</a> |              | <b>Business Entity Data</b> |                   | 07-15-2010 06:51 |
|----------------------------|-----------------------------|----------------------------------|--------------|-----------------------------|-------------------|------------------|
| Registry Nbr               | Entity Type                 | Entity Status                    | Jurisdiction | Registry Date               | Next Renewal Date | Renewal Due?     |
| 530817-91                  | DNP                         | INA                              | OREGON       | 06-30-2008                  |                   |                  |
| <b>Entity Name</b>         | LEGITSCRIPT                 |                                  |              |                             |                   |                  |
| <b>Foreign Name</b>        |                             |                                  |              |                             |                   |                  |
| <b>Non Profit Type</b>     | PUBLIC BENEFIT WITH MEMBERS |                                  |              |                             |                   |                  |

### Associated Names

*Please click [here](#) for general information about registered agents and service of process.*

| Type          | AGT                   | REGISTERED AGENT | Start Date | 06-30-2008     | Resign Date              |
|---------------|-----------------------|------------------|------------|----------------|--------------------------|
| <b>Name</b>   | CHARLES               | WERT             |            |                |                          |
| <b>Addr 1</b> | 16039 NE CAMERON BLVD |                  |            |                |                          |
| <b>Addr 2</b> |                       |                  |            |                |                          |
| <b>CSZ</b>    | PORTLAND              | OR               | 97230      | <b>Country</b> | UNITED STATES OF AMERICA |


  

### Name History

| <a href="#">New Search</a> | <a href="#">Printer Friendly</a> | <a href="#">Image Date</a> | <a href="#">ACTION</a>    | <a href="#">Date</a> | <a href="#">Date</a> | <a href="#">Status</a> | <a href="#">Change</a> | <a href="#">Dissolved by</a> |
|----------------------------|----------------------------------|----------------------------|---------------------------|----------------------|----------------------|------------------------|------------------------|------------------------------|
|                            |                                  | 04-08-2009                 | ARTICLES OF DISSOLUTION   | 04-08-2009           |                      | FI                     |                        | DIR                          |
|                            |                                  | 06-30-2008                 | ARTICLES OF INCORPORATION | 06-30-2008           |                      | FI                     | Agent                  |                              |

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback](#)  
[Site Map](#) | [Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)


For comments or suggestions regarding the operation of this site,  
 please contact : [businessregistry.sos@state.or.us](mailto:businessregistry.sos@state.or.us)



© 2010 Oregon Secretary of State. All Rights Reserved.

# Exhibit J

## Oregon Secretary of State Website Access, Evergreen Government Relations



OREGON SECRETARY OF STATE  
**Corporation Division**

HOME | business information center | **business name search** | oregon business guide  
referral list | business registry/renewal | forms/fees | notary public  
uniform commercial code | uniform commercial code search | documents & data services

### Business Name Search

| <a href="#">New Search</a> |                                    | <a href="#">Printer Friendly</a> |              | <b>Business Entity Data</b> |                   |              | 07-15-2010 06:51 |
|----------------------------|------------------------------------|----------------------------------|--------------|-----------------------------|-------------------|--------------|------------------|
| Registry Nbr               | Entity Type                        | Entity Status                    | Jurisdiction | Registry Date               | Next Renewal Date | Renewal Due? |                  |
| 624628-91                  | DLLC                               | ACT                              | OREGON       | 08-19-2009                  | 08-19-2010        | YES          |                  |
| Entity Name                | EVERGREEN GOVERNMENT RELATIONS LLC |                                  |              |                             |                   |              |                  |
| Foreign Name               |                                    |                                  |              |                             |                   |              |                  |

### Associated Names

*Please click [here](#) for general information about registered agents and service of process.*

| Type   | ACT REGISTERED AGENT    | Start Date | 08-19-2009 | Resign Date |                          |
|--------|-------------------------|------------|------------|-------------|--------------------------|
| Name   | JOHN CULLEN HORTON      |            |            |             |                          |
| Addr 1 | 1125 NW 12TH AVE - 1303 |            |            |             |                          |
| Addr 2 |                         |            |            |             |                          |
| CSZ    | PORTLAND                | OR         | 97209      | Country     | UNITED STATES OF AMERICA |


| Type   | MAL MAILING ADDRESS | Addr 1 | 1125 NW 12TH AVE - 1303 |         |                          |
|--------|---------------------|--------|-------------------------|---------|--------------------------|
| Addr 2 |                     |        |                         |         |                          |
| CSZ    | PORTLAND            | OR     | 97209                   | Country | UNITED STATES OF AMERICA |

### Summary History

| Image Date | Action                   | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|------------|--------------------------|------------------|----------------|--------|-------------------|--------------|
| 08-19-2009 | ARTICLES OF ORGANIZATION | 08-19-2009       |                | FI     | Agent             |              |

[About Us](#) | [Announcements](#) | [Laws & Rules](#) | [Feedback](#)  
[Site Map](#) | [Policy](#) | [SOS Home](#) | [Oregon Blue Book](#) | [Oregon.gov](#)

For comments or suggestions regarding the operation of this site,  
 please contact : [businessregistry.sos@state.or.us](mailto:businessregistry.sos@state.or.us)



© 2010 Oregon Secretary of State. All Rights Reserved.

# Exhibit K

U.S. Patent, LegitScript.com Trademark

## Trademark Logo Design Ideas

Inewidea logo design samples & collection

Logo Ideas | Blog | RSS | About | Contact

|                          |  |
|--------------------------|--|
| Brand Logo               |   |
| Serial Number            | 77362972   |
| Word Mark                | LEGITSCRIPT CERTIFIED  |
| Goods and Services       | (ABANDONED) IC 035. US 100 101 102. G & S: Retail pharmacy services<br><br>(ABANDONED) IC 042. US 100 101. G & S: Testing, analysis and evaluation of the goods and services of others for the purpose of certification; Accreditation services, namely setting and providing standards for Internet pharmacies for the purpose of accreditation |
| Mark Drawing Code        | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS   |
| Filing Date              | January 2, 2008  |
| Published for Opposition | October 14, 2008<br>on the bottom half of the white border and a blue dot on the left and one on the right of the white border at the halfway point of the circle, the outer white border is surrounded by a thin blue border followed by a thin white border followed by a blue outer border  |
| Abandonment Date         | August 10, 2009  |
| Disclaimer               | NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CERTIFIED" APART FROM THE MARK AS SHOWN  |

Note that we are not owner of this trademark, owner details can be found at <http://tess2.uspto.gov/> by the Serial Number

Million Classified Trademark Logos Ideas  
All Rights Reserved @2008

## Exhibit L

LegitScript.com Blog, Internet Pharmacy Ad Policy



WEDNESDAY, APRIL 21, 2010

### LegitScript to help Google implement Internet pharmacy ad policy

Posted by LegitScript



As some folks who follow the Internet pharmacy world may know, in February, Google [announced](#) an updated AdWords online advertising policy regarding Internet pharmacies. The search engine now requires that all Internet pharmacy and prescription drug advertisers targeting the US be accredited by the [National Association of Boards of Pharmacy \(NABP\)](#) as part of the NABP's [Verified Internet Pharmacy Practice Sites \(VIPPS\)](#) program.

**We're pleased to announce that LegitScript will be helping Google implement this policy.** LegitScript will monitor Google's online advertisements, or sponsored search results, for prescription drugs and Internet pharmacies. This will provide an additional layer of security to ensure that only Internet pharmacies that are appropriately certified to sell prescription drugs will be allowed to advertise through Google's program.

LegitScript is glad to support Google's recent policy developments for online pharmacies. Internet users who choose to fill a prescription online, or who choose to use an online veterinary pharmacy for their pets, deserve to know that the Internet pharmacy is legitimate. Among other requirements, this means that the website must only facilitate the sale of FDA-approved (and for animals, EPA-approved) medicines, and must be licensed in all required jurisdictions.

LegitScript also continues to encourage our visitors to let us know about rogue online pharmacies that aren't yet in our database, whether the website sent out a "spam" email; you saw it as an online advertisement (regardless of the search engine); or you just ran across it on the Internet. Submissions from LegitScript's visitors help make our program stronger and more effective. (For Internet pharmacies, find out [Is It Legit?](#) at legitscript.com.)

If you are associated with an Internet pharmacy or prescription drug advertiser, and think that your website meets VIPPS program standards, LegitScript encourages you to review Google's [advertising policies](#) for Internet pharmacies, and to visit [nabp.net](#) to find out more about and apply for the VIPPS program, in order to become an approved Internet pharmacy advertiser with Google.

# Exhibit M

## NABP, Response to New Google Advertising Requirements

The screenshot shows a web browser window with the URL <http://www.nabp.net/news/nabp-responds-to-new-google-ad-requirements/>. The page header includes the NABP logo and the text "NATIONAL ASSOCIATION OF BOARDS OF PHARMACY". A navigation menu lists "HOW CAN WE HELP YOU?" with sub-links for MEMBERS, PHARMACISTS, STUDENTS, ACCREDITATION, GOVERNMENT AFFAIRS, and CONSUMERS. A secondary menu includes HOME, ABOUT, PROGRAMS, PUBLICATIONS, NEWSROOM, EVENTS, CONTACT, and BOARDS OF PHARMACY.

**TOPICS**

- Committee And Task Force Reports
- Compounding
- Controlled Substances
- Electronic Prescriptions
- Internet Pharmacy
- Pharmacy Technicians
- Prescribing Authority
- Prescription Label
- Prescription Monitoring Program
- Prescriptions
- Pseudoephedrine
- Resolutions
- Tamper-Resistant Prescription

### NABP Responds to New Google Ad Requirements

Posted: April 05, 2010 05:25 PM Topics: AWARxE, Internet Pharmacy, Vet-VIPPS, VIPPS

On February 9, Google announced that it will only accept advertisements from Internet pharmacies in the US that are accredited through the VIPPS program, and from Internet pharmacies in Canada that are accredited by the Canadian International Pharmacy Association (CIPA). As of March 1, this revised policy removes ads for Internet drug outlets that are not accredited by VIPPS or CIPA from Google's sponsored search results and allows Internet pharmacies to target ads only to patients in the country where the pharmacies are licensed.

Because the VIPPS accreditation program is structured to exclusively address licensed pharmacies engaged in transacting a full range of defined business activities online, NABP is developing a separate program that targets Internet advertisers that offer only limited pharmacy services or other prescription drug-related services online to accommodate the needs of Google and the range of prescription drug-related advertisers it serves. During this process, NABP is working with Google to clarify which entities fall within the scope of its new policy and how NABP's new and existing programs will interface with Google's decision.


In accordance with Google's policy, NABP will review all prescription drug-related entities seeking to advertise through Google's AdWords program, upon receipt of the advertisers' completed application for NABP approval. Based on the service the advertised entity provides, NABP will determine whether accreditation through VIPPS or approval through NABP's new program is required. The review process and fee is dependent upon the level of service the pharmacies offer. NABP is in the process of developing a process and fee structure to accommodate the approval review process.

Check this site for updates as they become available or contact Customer Service and ask to receive an alert when the application for the new program is available.

Sign up to receive NABP e-News

# Exhibit N

## SafeMedicines.org, Search Engines Promote Illegal Online Pharmacies



WORKING TOGETHER TO PROTECT THE SAFETY OF YOUR PRESCRIPTION DRUGS.



ABOUT US | MEMBER SUPPORT | CONSUMER INFORMATION | POLICYMAKERS AND MEDIA | HEALTHCARE PROFESSIONALS

### Internet Search Engines Promote Illegal Online Pharmacies

**The Partnership for Safe Medicines speaks out against dangerous ads for illicit online pharmacies**

WASHINGTON—The Partnership for Safe Medicines, a group of organizations and individuals dedicated to protecting consumers from counterfeit medicines, issued the following statement regarding [recent reports](#) released by [LegitScript](#), an online pharmacy verification service, and [KnujOn](#), an Internet compliance company, which found that 80 to 90 percent of search engine-sponsored advertisements of online drug pharmacies violate federal and state laws, including selling substandard or counterfeit drugs to unsuspecting consumers.

The Partnership for Safe Medicines (PSM) applauds the research LegitScript and KnujOn are conducting and for highlighting the systemic problems associated with online pharmacy advertisements. [Consistent with earlier findings](#) published by PSM's vice president Bryan A. Liang, search engine companies' flagrantly disregard public health and safety when they permit an illegal online pharmacy to advertise on their sites. These sellers are not legitimate, licensed online pharmacies; they are criminal operations. LegitScript and KnujOn's findings confirm the importance of one of the Partnership's core drug safety principles – any Web site selling prescription drugs to Americans must be subject to the same rigorous oversight and standards that govern legitimate pharmacies in the United States.

"Rogue online pharmacies continue to profit from the sale of counterfeit drugs," said [Marv Shepherd, Ph.D.](#), PSM president and director of the Center for Pharmacoeconomic Studies at the University of Texas at Austin's College of Pharmacy. "What's even more alarming is that Internet search engines are in no way held accountable for hosting and profiting off the illegal online pharmacies who distribute substandard and counterfeit drugs. How long will our policymakers allow search engines to knowingly facilitate the illegal importation and distribution of unsafe medicines?"

"While Congress has passed laws to combat selling prescription drugs online without a prescription, they have failed to include penalties for the search engines advertising these illegal operations," said [Thomas T. Kubic](#), president and CEO of the Pharmaceutical Security Institute and PSM board member. "Organizations such as the World Health Organization, domestic agencies, and law enforcement agencies are tied down by the challenges of offshore sellers using the Internet and light penalties associated with these sales. We need to increase the criminal penalties against the perpetrators of counterfeit medicines to reflect the gravity of their offenses."

Internet search engines claim to protect consumers by verifying the legitimacy of an online drug advertiser using [PharmacyChecker.com's](#) services. However, LegitScript and KnujOn's latest report revealed that this Web site does not rigorously inspect online pharmacies for quality of product and safety. In fact, the report's researchers were able to purchase prescriptions from an Internet pharmacy approved by PharmacyChecker.com without a prescription and many of the Web sites claiming to be based in Canada actually shipped drugs originating in India, Singapore or Barbados.

"It is obvious that the existing policies and safeguards Internet search engines have in place do not work," said [Bryan A. Liang, Ph.D., M.D., J.D.](#), executive director of the Institute of Health Law Studies and vice president of PSM. "As we discovered in our work, neither search engines nor PharmacyChecker.com are being held accountable for clear violations of state and federal laws, as well as their own requirements, despite being on notice that illicit sales are occurring. No one should be able to purchase prescription drugs, including controlled substances, over the Internet without a valid prescription and physician oversight. But as long as search engines are not held accountable for the profits they make off sponsored ads placed by illegal online pharmacies, this dangerous practice will continue."

As the problem of counterfeit drugs continues to grow across the globe, especially through online pharmacies, PSM believes steps must be taken in order to limit their distribution and sale.

"Unless the online pharmacy is licensed through a national Internet pharmacy licensing program such as [VIPPSS](#), selling drugs via the Internet should be illegal," continued Dr. Liang. "We need new legislation that prohibits financial transactions for drug sales of unlicensed online pharmacies and creates substantive criminal penalties for any party, including Web sites and search engines, who engage in illegal sale of contraband or counterfeit drugs."

#### About the Partnerships for Safe Medicines

The Partnership for Safe Medicines is a group of organizations and individuals that have policies, procedures, or programs to protect consumers from counterfeit or contraband medicines. To join us in our stand against counterfeit drugs or obtain your own copy of the [Principles for Drug Safety](#) doctrine, please visit [www.SafeMedicines.org](http://www.SafeMedicines.org)

Posted at 03:39 PM in [Bryan A. Liang, MD, PhD, JD](#), [Marv D. Shepherd, PhD](#), [News](#), [Press Releases](#), [Online Pharmacies](#), [Partnership News](#), [Safety](#), [Foreign Drugs](#), [Safety](#), [Internet Pharmacies](#), [Thomas T. Kubic](#) | [Permalink](#)

 [ShareThis](#)

© 2008 Partnership for Safe Medicines | [Contact Us](#) | [Privacy Policy](#) | [RSS Feeds](#) 