

LETTERS TO THE EDITOR

To the Editor:

The article by Bryan A. Liang “Searching for Safety: Addressing Search Engine, Website, and Provider Accountability for Illicit Online Drug Sales”¹ (the “AJLM article”) contains many inaccuracies and notable omissions. It could easily mislead a reader to believe that an American purchasing a drug from a pharmacy anywhere in the world other than the United States represents a grave safety issue, which is not true. Similarly it misrepresents the safety of purchasing medication from online pharmacies that have been carefully verified in the PharmacyChecker.com program, which the article grossly mischaracterizes.

One glaring omission from the author’s own byline is his role as Vice President and Director of the pharmaceutical-sponsored Partnership for Safe Medicines which, not surprisingly, actively opposes all personal drug importation. Soon after publication, the AJLM article was posted for public access on this group’s website, using the *AJLM* imprimatur to validate and broadcast its misleading statements.

The article describes the role of U.S. Customs to include “prohibiting individuals other than the original manufacturers from re-importing drugs back into the U.S.” but there is no mention of the highly relevant FDA policy of permitting personal importation of up to a 90-day supply of a medication.

The article asserts that PharmacyChecker.com “permits the dangerous practice of online drug sellers simply using an ‘online consultation’ as the basis for prescription sales.” A single pharmacy is offered to support this claim but the article fails mention that 1) the State of Utah has expressly permitted this particular pharmacy to use a sophisticated online medical consultation process to provide only five non-narcotic medications and 2) the PharmacyChecker.com program prohibits the use of online prescribing unless expressly permitted by law, as in this rare case.

The author also claims that, “‘Verified’ pharmacies sell fake drugs and do not fulfill the supposed ‘requirements’.” To support this outrageous claim, the article states that an online pharmacy that “had been disciplined in 2001... for filing more than 10,000 medication orders from U.S. patients without a valid prescription ... continued to be a PharmacyChecker.com verified pharmacy...” This is impossible as PharmacyChecker.com did not begin verifications until 2003.

The article mentions the recent Ryan Haight Online Pharmacy Consumer Protection Act (which prevents the online sale of narcotics without a prescription based on a physical examination by a licensed doctor) but fails to note that 1) compliance is necessary for PharmacyChecker.com membership, and, furthermore, 2) PharmacyChecker.com prohibits membership to non-U.S. pharmacies that sell controlled substances into the U.S.

¹ Bryan A. Liang, *Searching for Safety: Addressing Search Engine, Website, and Provider Accountability for Illicit Online Drug Sales*, 35 *AM. J. L. MED.* 125 (2009).

These are just some of the many misrepresentations and inaccuracies of the article. In complete contrast to the article's assertions, online pharmacies that are verified by PharmacyChecker.com are rigorously monitored for compliance with strict standards. In addition, the leading search engines use these verifications to qualify pharmacy advertisers and help protect consumers (contrary to article's contention of a "lack of any oversight by search engines"). We suggest that AJLM more carefully verify the truthfulness and accuracy of its articles and require disclosure by its authors of relationships that are relevant to their subject matter.

Sincerely,

Tod Cooperman, MD
President, PharmacyChecker.com

Gabriel Levitt
Vice President, PharmacyChecker.com

SEARCHING FOR SAFETY: A REPLY TO COOPERMAN AND LEVITT

To the Editor-in-Chief:

In a letter to the editor,¹ Tod Cooperman, MD, and Gabriel Levitt, President and Vice President of PharmacyChecker.com, contend that our piece, *Searching for Safety: Addressing Search Engine, Website, and Provider Accountability for Illicit Online Drug Sales*,² "contains many inaccuracies and notable omissions."³ We address each of their claims in turn.

CLAIMS AND REPLIES

Cooperman and Levitt first state one "glaring omission" is Liang's affiliation with "the pharmaceutical-sponsored Partnership for Safe Medicines ["PSM"] which, not surprisingly, actively opposes all personal drug importation."⁴ The clear implication is that Liang is trying to hide this affiliation, which somehow indicates our piece has an insidious agenda of fomenting resistance to importation.

First, Liang's PSM affiliation is well known. In numerous academic articles,⁵ editorials,⁶ and other media settings,⁷ Liang is so identified. There is

¹ Tod Cooperman & Gabriel Levitt, *Letter to the Editor*, *supra*.

² Bryan A. Liang & Tim Mackey, *Searching for Safety: Addressing Search Engine, Website, and Provider Accountability for Illicit Online Drug Sales*, 35 AM. J. LAW & MED. 125 (2009).

³ See Liang, *supra* note 1.

⁴ See *id.*

⁵ See, e.g., Bryan A. Liang, *Pigs, Drugs and Terrorists*, 5 PATIENT SAFETY & QUALITY HEALTHCARE 10 (2008); Bryan A. Liang, *A Dose of Reality: Promoting Access to Pharmaceuticals*, 8 WAKE FOREST INTEL. PROP. L.J. 301 (2008) [hereinafter *Dose*]; Bryan A. Liang, *Fade to Black: Importation and Counterfeit Drugs*, 32 AM. J. LAW & MED. 279 (2006) [hereinafter *Fade to Black*]; Bryan A. Liang, *Over the Virtual and Geographic Borders:*