

company, I'd be telling my legal people, let's see how many patents we can get, how many various aspects we can patent and then list every one of those and litigate to the maximum. If successful, fantastic. We get the extra profits. If the court later on finds against us, we'll pay a small fine for that because there's no other downside."

Canada's Research-Based Pharmaceutical Companies (Rx&D) spokesman Francois Lessard says they have no comment to make on the decision other than that it "is commercial in nature and applies to a single product. The association doesn't have a commercial mandate." — Wayne Kondro, *CMAJ*

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US relaxes rules for Rx shopping sprees to Canada

Canada can expect even more raids on its national medicine cabinet following 2 significant changes to US prescription drug policy.

US residents are now allowed to return from Canada with a 3-month supply of a prescription medicine and can to receive mail-order drugs from Canada without fear of retribution. The changes, approved shortly before the Nov. 7 Congressional election, were viewed as a means of currying favour with one of the nation's largest voting blocks: senior citizens, who've long appealed for the right to buy Canadian prescription drugs. Prices north of the 49th parallel are typically 40% to 70% cheaper because of Canadian controls on the prices through the Patented Medicine Prices Review Board.

The cost of relaxing US rules may fall heavily on Canadians though, warns the Ontario Pharmacists' Association (OPA), which predicts an American buying spree could spawn shortages and leave Canadians unable to fill their own prescriptions. Retaliatory tactics from the US pharmaceutical industry, such as tightening the overall drug supply to the Canadian market and keeping new expensive drugs in the US, are also feared.

The OPA is calling on federal Health Minister Tony Clement to immediately ban all sales of prescriptions to US patients in order to head-off a "public health and safety threat for Canadians."

"Our job is to provide medications and expertise to Canadian patients, not provide solutions for the shortcomings of the US health care system and its problem with high drug costs," CEO Marc Kealey says

But Clement isn't alarmed. "The changes aren't expected to negatively affect the Canadian drug supply," says Erik Waddell, Clement's press secretary. "The trend has been a decrease in cross-border sales. If something should arise, the Minister of Health is ready and willing to act, but at this point there's no risk to the health and safety of Canadians."

The Canadian Pharmacists' Association Executive Director Jeff Poston says the recent 35%–40% decrease in cross-border prescription drug sales could reverse itself at any time. The drop has been attributed to a stronger Canadian dollar, increased Customs seizures and a revised US government health insurance plan that gave seniors more prescription options.

Parliamentary reaction to the US measures included the tabling of a pri-

vate member's bill on Oct. 31 by Liberal MP Dr. Carolyn Bennett. She is calling for the Food and Drugs Act to be amended so that the Minister of Health will have the authority to ban bulk drug exports. "Canada needs to protect itself," says Bennett. "The prospect of the US legalizing large-scale purchases from our domestic supplies is real."

The prescription drug re-importation provision allows Americans to purchase drugs in Canada and personally transport them across the border as long as the prescriptions are FDA-approved and the supply doesn't exceed 90 days. Controlled substances, such as narcotic painkillers and some biological products are excluded. Democrats estimate the move could save seniors \$360 million over the next decade.

In a related move, US Customs and Border Protection officials announced that prescription drugs sent by mail to US residents from Canadian pharmacies will no longer be subject to seizure. Custom agents had confiscated over 40 000 packages of mail-order drugs over the past year. More than 2 million American seniors shop at Canadian Internet pharmacies. — Patricia Guthrie, Atlanta, Georgia

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Americans can now order less expensive Canadian drugs online without fear of retribution.