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VIA OVERNIGHT DELIVERY & E-MAIL

May 29, 2012

Marc A. Strassler
Executive Vice President and General Counsel
Rite Aid Corporation
30 Hunter Lane
Camp Hill, Pennsylvania 17011

Dear Mr. Strassler:

On behalf of the American Civil Liberties Union of New Jersey, I write to express our concern about an incident that occurred at one of your stores involving emergency contraception ("EC"). We would like to know your corporate policy for making EC available to your customers, and we would like to hear about what steps you will take to investigate the situation discussed below and take necessary corrective action. We would also like to request an apology for our client's mistreatment.

On April 23, 2012, Andrew Andrade went to his local Rite Aid pharmacy located at 337 Central Avenue, Jersey City, New Jersey. He approached the pharmacy counter and requested to purchase Plan B, an FDA approved emergency contraceptive product. Mr. Andrade is over 17 years of age and was prepared to show his valid government identification. The staff member at the pharmacy counter advised Mr. Andrade that she was not able to sell the product to him. Another staff member apparently overheard the interaction and interrupted to affirm that Rite Aid would not sell it to him because it was against the law to sell it to a man. Mr. Andrade thought this was strange and asked to speak with a manager. The pharmacy manager came to the counter and also refused to sell Plan B to Mr. Andrade, repeating that it would be against the law to do so. Mr. Andrade suggested that this was not correct, but he could not convince the pharmacy manager to sell Plan B to him.

Mr. Andrade left, took his business to a nearby pharmacy and was able to purchase Plan B there without incident. He thereafter contacted our office to report that he had problems legally accessing contraception and remains concerned that Rite Aid may be discriminating against men who share responsibility for a couple's birth control needs.

Mr. Andrade's experience at this Rite Aid raises serious concerns regarding FDA guidelines and New Jersey law. EC is available for purchase without a prescription at the pharmacy for any individual seventeen years or older with a valid government-issued identification that proves his or her age. The FDA has explicitly said that men may purchase EC, and there are no restrictions on subsequently giving anyone else the product. Moreover, New Jersey law prohibits

discrimination based on sex in places of public accommodation, including stores and pharmacies. N.J. Stat. Ann. 10:5-12(f).

As you know, time is of the essence for a woman who wishes to prevent pregnancy. The effectiveness of EC diminishes with delay: Experts stress that EC is most effective the sooner it is taken, with effectiveness decreasing every 12 hours. Given that EC's effectiveness decreases over time, the sooner a woman can take it, the more effective it will be in preventing pregnancy. It is therefore crucial that a customer can access EC in a timely manner. Furthermore, men and women who take shared responsibility for making healthy and responsible decisions about their birth control methods should be supported.

Thank you for the opportunity to present these concerns. We would like to know your corporate policy for refusing to provide EC, and we would like to hear what steps you plan to take to ensure this incident does not happen again. We would also like to request an apology for Mr. Andrade. Please contact us at the phone numbers below to discuss the matter further.

Sincerely,



Jeanne LoCicero
Deputy Legal Director