



**National Minority Quality Forum Statement regarding the  
*Counterfeit Drug Penalty Enhancement Act of 2011*  
December 6, 2011**

The National Minority Quality Forum applauds the Counterfeit Drug Penalty Enhancement Act of 2011, legislation that addresses one of the front-end, underlying factors that compromise quality health care and subvert efforts to incentivize the innovations necessary to increase the effectiveness of the American health care delivery system. This legislation is a step in the right direction – taking steps to remove fraudulent, and potentially harmful or ineffective drugs from the market without restricting access to legal, necessary and effective health care services.

According to a January 2010 Fact Sheet (No 275) issued by the World Health Organization (WHO), SFCCs (spurious/false-labeled/falsified/counterfeit) drugs can be defined as medicines that are deliberately and fraudulently mislabeled with respect to identity and/or source. Use of these counterfeit branded or generic medicines poses a public health risk because their content can be harmful, or they can lack the necessary active ingredients. As WHO notes, unlike substandard medicines where there are problems with the manufacturing process by a known manufacturer, counterfeit medicines are made by those with the intent to mislead – and, we might add, depending upon the nature of the counterfeit, the willingness to do harm to those whose health and lives depend upon the product.

Unlike the counterfeit consumer merchandise we encounter in the form of clothing, electronics and other non-essential items, the production and distribution of counterfeit medicines preys upon those whose health and longevity depend upon consumption of the product. The National Minority Quality Forum believes that this reprehensible practice must be stopped.

Support of the Counterfeit Drug Penalty Enhancement Act of 2011 by the Pharmaceutical Research and Manufacturers of America, in our view, reflects not only an appropriate and necessary protection of the business interests of their members, but, more significantly, is a harbinger of the implicit promise of this legislation -- that passage will avert revenue losses linked to counterfeit drugs and the concomitant cost increases that are passed on to patients and their families. Further, the unproductive costs to manufacturers associated with protecting their financial interests against encroachment squander private sector resources that could be invested in forward-looking research and innovation.

The Counterfeit Drug Penalty Enhancement Act of 2011, sponsored by U.S. Senators Pat Leahy (VT) and Charles Grassley (IA) and U.S. Representatives Patrick Meehan (PA) and Linda Sanchez (CA) is an exemplar of bipartisan and bicameral engagement of our Federal government in a national action to protect the health and welfare of the American public. We laud their efforts and anticipate more such proactive initiatives. The National Minority Quality Forum encourages Congress to pass the Counterfeit Drug Penalty Enhancement Act of 2011.

**About the National Minority Quality Forum**

The National Minority Quality Forum (The Forum) is a Washington, DC-based not-for-profit, non-partisan, independent research and education organization dedicated to improving the quality of health care that is available for and provided to all populations. The Forum develops user-friendly, web-based disease indices that provide a unique two-dimensional view of the prevalence and impact of diseases by ZIP code, including diabetes, kidney disease, heart disease and HIV/AIDS. For additional information, call us at 202-223-7560. Visit our website at [www.nmqf.org](http://www.nmqf.org). Look for us on Facebook (National Minority Quality Forum), and follow us on Twitter (<http://www.twitter.com/NMQF>).