



# **BENSON'S**

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## **SURGICAL SUPPLY CO. INC.**

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May 11, 2000

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20857

Re: Docket Nos. 92N-0297 and 88N 258

Dear Sir/Madam:

- We are a licensed prescription wholesaler doing business in several states.
- We purchase much of our inventory through several of the major full-line wholesale distributors.
- We purchase 60% of our inventory through wholesale distributors who, in some cases, are not authorized distributors for the product they sell.
- We purchase 40% of our inventory from drug companies.
- We do not receive prescription drug pedigrees from full-line wholesalers or from manufacturers.
- If we were required to provide prescription drug pedigrees that go back to the manufacturer to our customers, we could do so only in those instances where we have purchased directly from the manufacturer or from an "authorized distributor". Since we do most of our business with major full-line wholesalers who do not provide any pedigrees, (and because most "unauthorized distributors" will not be capable of providing pedigrees back to the manufacturer), we will not be able to lawfully engage in 70% of the transactions we now do.
- Our company services over 2500 physicians offices, clinics, etc. who do not buy direct from manufacturers because of minimum order requirements or prohibitive costs due to packaging, etc.
- 80% of our customers have advised us that their business will be adversely affected if we are not able to supply them.

88N-0258

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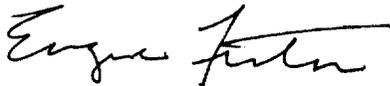
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PHYSICIAN'S SUPPLIES - BIOLOGICALS - RENTALS - DIAGNOSTICS - INSTRUMENTS - REPAIRS

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- We have tried to become authorized distributors with at least 5 manufacturers who have turned down our request.
- Of our 40 employees, 25% will be put out of jobs if the prescription drug requirement becomes effective.
- We support a return to the guidance issued by the FDA in August 1988 with respect to prescription drug pedigrees and authorized distributors.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Eugene Finton".

Eugene Finton  
President

CROSS FILE SHEET

FILE NO: 88N-0258/c81

SEE FILE NO: 92N-0297/c68