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Council members propose law banning expired products, prompted by CVS's repeat selling of outdated goods

To applause from the gallery, City Council members introduced legislation today to outlaw the sale of expired medications and infant formula in Philadelphia. The bill's sponsors, Council Members Maria D. Quiñones-Sánchez, Blondell Reynolds Brown and William K. Greenlee, have grown increasingly frustrated as the CVS drugstore chain has been repeatedly caught selling expired products while the City lacks enforcement powers to stop it.

The proposed legislation would impose significant penalties on retailers that sell expired over-the-counter drugs or baby formula. It would also empower the City Solicitor to investigate retailers that repeatedly violate the law and take legal action to stop them.

This legislation would impose stiff fines for the sale of expired products. Each violation will bring a fine starting at \$300 and growing to \$2,000 for repeat offenses. Additionally any customer who finds an expired product on the shelf will be entitled to a new version of the product at a 50% discount.

Consumer advocates and members of community groups filled the Council chamber and cheered as Council Member Quiñones-Sánchez officially introduced the measure.

"There is a reason over-the-counter medications and infant formula have expiration dates: they may be dangerous after they expire. Expired medications can lose potency, and expired infant formula may not contain the vitamins a baby needs – and can spoil and mold," said Councilwoman Quiñones-Sánchez.

Jeff Garis, Executive Director of Penn Action commented, "As both a consumer advocate and as the father of an infant, I am appalled that big companies like CVS are putting our children's health at risk by selling expired children's medication and infant formula. We need this law in order to effectively protect our families."

Currently, Pennsylvania law forbids selling expired milk and may bar sales of some other outdated products. But enforcement is up to the state Attorney General, who has not acted on complaints about persistent sales of expired goods at Philadelphia CVS stores. Attorneys General in New York and California have acted to stop CVS from selling expired goods.

"Clearly we can't count on companies like CVS to regulate themselves. So we are using our power as elected representatives to stop them from selling expired goods in our City." Said Councilwoman Reynolds Brown.

“CVS markets itself to women as caregivers, but women need CVS and other retailers to stop exposing their families to the risks of expired medications and expired infant formula,” stated Lauren Townsend, a Board Member with the Philadelphia Chapter of the National Organization for Women.

Expired goods are an ongoing problem for CVS customers: A report released in December documented expired infant formula, milk or eggs found on CVS shelves in 666 stores across the country – representing more than 42 percent of the stores surveyed. A followup check in December found 30 packages of expired products at 12 Philadelphia CVS stores. In January, a Fox 29 investigation found expired goods at Philadelphia CVS stores. From January to March, surveyors found 36 packages of expired goods, including over-the-counter medicines, infant formula, and dairy products at 15 CVS drugstores around Philadelphia. Fox 29 again found expired goods on CVS shelves in March. For more information visit www.CureCVSNow.org

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