

RETURNED GOODS POLICY
Evomela**1. Scope**

This policy applies to the return of EVOMELA™ (melphalan) for injection by customers who purchased either directly from Spectrum (e.g., wholesalers and distributors) or indirectly through a wholesaler or distributor (e.g., hospitals and clinics). This policy does not apply to product returns from manufacturers or exporters, or returns by customers located outside the U.S.

2. Procedure for Returning Items

- a. **Direct Customers (wholesalers, specialty distributors):** submit returns to Spectrum at the address provided below.
- b. **Indirect Customers (hospitals, clinics, physicians):** submit returns to (i) the wholesaler/specialty distributor from whom you purchased the units being returned, (ii) a Spectrum-approved reverse distributor, or (iii) Spectrum at the address provided below. **All credit for returns will be in the form of a credit memo issued to your wholesaler/specialty distributor.**
- c. All returns require prior authorization from Spectrum. Return goods authorizations (RGA) may be requested by emailing spectrumreturns@icsconnect.com, faxing 866-636-9799, or calling 866-636-9798.
- d. **An itemized packing slip, with reason for return, RGA number, and the additional information listed below must accompany any returned goods.**
- e. If returning more than one box, each box should clearly be marked with both the RGA number and the box number (e.g., “Box 1 of 2,” “Box 2 of 2,” etc.).
- f. Return the items to Spectrum at the following address:

Shipping and Returned Goods Address:

Spectrum Pharmaceuticals, Inc.
Attn: Returned Goods Dept.
345 International Blvd, Suite 100
Brooks, KY 40109

Packing slip information should include the following information:

- Product Name
- Quantity for Each Product
- Lot Number(s)
- Unit Purchase Price, net of allowances and discounts (include documentation)
- Debit Memo Number
- Billing Address
- Shipping Address
- Reason for return
- Contact Person
- Wholesale Account #
- HIN #
- RGA number

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3. Eligibility for Return Credit

- a. Spectrum will issue credit for the return of eligible, unopened product only.
- b. To receive credit, product authorized for return must be shipped to Spectrum freight prepaid within forty-five (45) days of authorization (RGA) date.
- c. Product Eligible for Return Credit:
 - (i) Received by direct customer as damaged. Products received as damaged may be returned for full credit, including freight, when reported within four (4) days of receipt. If product is received damaged please have the transportation company note “damaged” or “broken” on the freight bill. Damaged items should remain in the original carton for inspection.
 - (ii) Received by direct customer in error. Product shipped in error by Spectrum may be returned for full credit, including freight, when returned within thirty (30) days of invoice date. RGA instructions must be followed carefully.
 - (iii) Ordered by direct customer in error. Products ordered in error may be returned for credit, freight prepaid, when reported within four (4) days of receipt.
 - (iv) Expired/short dated product. Expired or short dated product may be returned for credit, freight prepaid, provided the return is received by Spectrum no earlier than six months prior to expiration and no later than twelve months after expiration.

4. Items Not Eligible For Return Credit

- a. Merchandise that is not in the original, sealed, unopened primary container; this includes partial containers. (A Certificate of Destruction will not qualify for return credit.)
- b. Merchandise received by Spectrum more than 6 months before expiration or more than twelve months after expiration.
- c. Merchandise obtained other than through normal channels of distribution or purchased from a source other than an authorized distributor of record of Spectrum.
- d. Merchandise involved in a fire sale, sacrifice sale, bankruptcy, flood, or earthquake.
- e. Items deteriorated or damaged due to conditions not caused by Spectrum, such as improper storage, heat, cold, water, smoke, fire, negligence, etc.
- f. Discontinued merchandise deleted from Product Compendia (First DataBank, MediSpan) for one year or more.
- g. Non-original or repackaged merchandise.
- h. Product sold with the understanding that it is non-returnable.
- i. Merchandise that is obtained in violation of state or federal regulations.

5. Amount of Return Credit; Additional Terms

- a. Returns of Unsold Product by Direct Customers: Credit is issued at the purchase price, net of all allowances and discounts, in the form of a credit memo. If the purchase price is not ascertainable, credit will be issued at 90% of the WAC in effect on the date of the return.
- b. Returns of Product Purchased by Indirect Customers: Credit is issued at the net contract price in effect on the date of return. If no contract is in effect between Spectrum and

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customer on the date of return, credit is issued at 90% of the WAC in effect on the date of the return (100% of WAC for returns under Section 3c(i) or 3c(ii) above). Credit is issued in the form of a credit memo to the indirect customer's wholesaler/specialty distributor.

- c. Transportation charges will be prepaid by customer. No credit will be issued for administration, handling, third party processing fees, or shipping (except as provided for returns of damaged product or product shipped in error under Section c(i) or c(ii) above).
- d. Deductions from payables may not be taken until credit memo is issued. Unauthorized deductions for returns may result in held orders.
- e. Returns are subject to final count and acceptance by Spectrum.
- f. Spectrum reserves the right to destroy, without recourse, all returned packages.
- g. Unauthorized returns may be destroyed and not reimbursed. Spectrum reserves the right to inspect all authorized returns prior to issuing credit and to destroy products deemed unfit for sale whether or not they are eligible for credit.

Title and Risk of Loss

Title and risk of loss will pass to direct customers at the time products are delivered at customer receiving dock. Delivery of all quantities of products shall be deemed to be made in full and in good condition unless Spectrum Customer Service is notified within 4 calendar days from the date the shipment is received from Spectrum.

Effective Date

This Returned Goods Policy applies to Evomela returns that are received by Spectrum on or after April 1, 2016.

Exceptions

Spectrum reserves the right to amend or approve exceptions to this Returned Goods Policy from time to time due to business considerations and/or State statute.