



Division of  
Advertising Practices

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

April 6, 2023

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**VIA FED EX**

**CEASE AND DESIST DEMAND**

To Whom This May Concern:

The staff of the Division of Advertising Practices of the Federal Trade Commission recently received a complaint claiming that your office failed to automatically provide a patient with their eyeglass prescription immediately upon completion of their eyeglass exam and required the patient to pay a fee as a condition of releasing the prescription. Such practices violate the FTC's Ophthalmic Practice Rules, 16 C.F.R. Part 456, known as the Eyeglass Rule, which require prescribers to provide a copy of the eyeglass prescription immediately after the eye examination, *even if the patient does not request it*, and prohibit prescribers from charging any fee in addition to the examination fee as a condition of providing a copy of the prescription.<sup>1</sup>

In addition, the Rule prohibits prescribers from requiring that patients buy ophthalmic goods as a condition of providing a copy of the prescription, and prescribers cannot require patients to sign a waiver or release as a condition of releasing the prescription. 16 C.F.R. § 456.2. Prescribers also cannot refuse to perform an eye exam unless the patient purchases ophthalmic goods from the prescriber. *Id.* The Rule imposes requirements on prescribers that are intended to allow consumers to comparison shop for eyeglasses.

You are advised to immediately cease and desist from engaging in any acts or practices that violate the Rule. Violations of the Rule may result in legal action, including civil penalties of up to \$50,120 per violation.

You should review the Rule and revise your practices as necessary to ensure that they comply with the Rule's requirements. For your reference, you may find a business guidance

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<sup>1</sup> A prescriber may require a patient to pay for the eye exam before giving the patient a copy of the prescription, but only if the prescriber also requires immediate payment from patients whose exams reveal no need for ophthalmic goods. 16 C.F.R. § 456.2(a).

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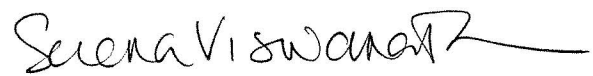
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publication produced by the FTC, “*Complying with the Eyeglass Rule*”, on our web site at <https://www.ftc.gov/business-guidance/resources/complying-eyeglass-rule>.

**Within 5 business days of receipt of this letter**, send a message to Sarah Botha and Alysa Bernstein via electronic mail at [sbotha@ftc.gov](mailto:sbotha@ftc.gov) and [abernstein@ftc.gov](mailto:abernstein@ftc.gov) describing the specific action you plan to take to address the reported violations. For any questions you have, please contact Ms. Botha at (202) 326-2036 or Ms. Bernstein at (202) 326-3289. Thank you for your prompt attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Serena Viswanathan" followed by a long, sweeping horizontal line.

Serena Viswanathan  
Associate Director  
Division of Advertising Practices