



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

Seller
Street Address
Town, State Zip Code

RE: **Potential Violation of the Fairness to Contact Lens
Consumers Act and the Contact Lens Rule**

As you may know, the Fairness to Contact Lens Consumers Act, 15 U.S.C. Section 7601-7610, took effect on February 2, 2004. The Act imposes certain requirements on contact lens sellers that are intended to facilitate the ability of consumers to comparison shop for contact lenses while ensuring that contact lenses are sold only in accordance with a valid prescription. In August 2004, the Federal Trade Commission issued the Contact Lens Rule to implement the Act.

Among other things, the Act and the Rule allow sellers to provide contact lenses to consumers in accordance with a valid prescription, including one that is verified with the prescriber. The Act and Rule expressly provide, however, that if a prescriber informs a seller – within eight business hours of receiving a verification request – that a prescription is expired, the seller may not fill the prescription.

We have received complaints that you have sold contact lenses to consumers after the consumers' prescribers have informed you within eight business hours that the underlying prescriptions are expired. This letter places you on notice that such conduct may constitute a violation of the Rule. **Violations of the Rule may result in legal action, which may in turn lead to civil penalties of up to \$11,000 per violation. Accordingly, I urge you to review the Rule and revise your practices as necessary to ensure that they comply with its requirements.**

To assist you with your review, we have enclosed a copy of the "The Contact Lens Rule: A Guide for Prescribers and Sellers," a business guidance publication produced by the FTC which contains a copy of the Rule and information about how to comply with the Rule. This publication is also available on our web site at www.ftc.gov.

If you have any questions regarding this letter or the Contact Lens Rule generally, you may contact FTC staff at (202) 326-3528. Thank you for your prompt attention to this matter.

Very truly yours,

Mary K. Engle
Associate Director

Enclosure