

**From:** Gerard Lozada  
**Sent:** Friday, April 02, 2004 6:21 PM  
**To:** CONTACTLENSRULE  
**Subject:** Comment Regarding FCLCA (#1)

March 20, 2004

**TO:** FEDERAL TRADE COMMISSION  
**FROM:** DR. GERARD LOZADA

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**RE:** CONTACT LENS RULE, PROJECT NO. R411002  
CONSIDERATIONS REGARDING  
THE FAIRNESS TO CONTACT LENS CONSUMERS ACT (FCLCA)

The following case study demonstrates that some third party contact lens vendors are escaping regulation of any type and that the FTC must consider the possible underreporting of contact lens related eye disease.

A 36 year-old female patient presented in my office reporting bilateral ocular discharge, stinging and a foreign body sensation of three weeks duration. Approximately ten days earlier, the patient sought relief at our local public hospital where doctors prescribed Vasocon A. With symptoms unchanged, the patient decided to seek care in my office where she reported her only previous eye examination being at the public hospital.

The patient's vision, ocular reflexes, eye pressure, and internal ocular health were all normal. Notably present was a condition known as Giant Papillary Conjunctivitis (GPC). Based on the onset, case history, and findings, I diagnosed allergic conjunctivitis and prescribed Alrex 0.2% to relieve symptoms.

While writing notes at the end of examination, the patient asked about wearing contact lenses designed to change eye color. I advised against this due to the current state of eye irritation and asked if she had experience with contact lenses. When the patient answered yes, I asked where she had obtained contact lenses. The patient reported purchasing a pair of contact lenses in Texas six to seven months earlier and a bottle of cleaning solution at a flea market. No instructions were given and the patient was told that the contact lenses would last one year. The cost had been \$40 which made it obvious to me that the product was a disposable contact lens designed to be discarded after two weeks of use and not after one year. These lenses are packaged six per box and retailed in my office for \$42 per box, thus the patient had paid the equivalent of \$120 per box.

I inquired further about the cleaning solution and was told that it was a bottle of "alcohol." This startled me since alcohol in the eye causes severe chemical burns and asked if she was certain that alcohol had been given to her. The patient replied that the solution was a disinfectant, thus it must be alcohol. Based on these omissions in the case history, I do not believe that this patient intended for any medical personnel to know the truth about her contact lens use, despite it being the source of the problem. These same omissions caused both the previous doctor and myself to

diagnose seasonal allergies and not GPC secondary to contact lens overwear. Because of my persistence, I informed the patient to discard the lenses and avoid contact lens wear without being properly examined first.

In summary, a third party contact lens vendor dispensed and sold contact lenses based on neither a contact lens prescription nor an eye examination. In addition, instructions for proper contact lens use were not provided. The lenses were misrepresented as an annual product and the patient was price gouged. Due to lack of proper care instructions, a hygiene related disease established itself. Fortunately, the patient had not replaced the bottle of cleaning solution with alcohol, otherwise the outcome may have been disastrous.

Thank you for your consideration.