



Division of
Advertising Practices

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

SAMPLE LETTER

VIA FED EX

Notice of the Ophthalmic Practice Rules (“Eyeglass Rule”)

To Whom It 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 provide a consumer with an eyeglass prescription at the end of the eye examination. We are writing to inform you that such a practice would violate the FTC’s Ophthalmic Practice Rules, 16 C.F.R. Part 456, known as the Eyeglass Rule, which requires prescribers to provide a copy of the eyeglass prescription immediately after the eye examination, *even if the patient does not request it*, and prohibits prescribers from requiring that patients buy eyeglasses as a condition of providing a copy of the prescription.

You should also know that prescribers cannot place a liability waiver on the prescription, require patients to sign a waiver, or require patients to pay additional fees,¹ in exchange for a copy of the prescription. Prescribers also cannot refuse to perform an eye exam unless the patient purchases ophthalmic goods from the prescriber. 16 C.F.R. § 456.2. The Rule is intended to allow consumers to comparison shop for eyeglasses.

This letter places you on notice that violations of the Rule may result in legal action, including civil penalties of up to \$16,000 per violation.

You should review the Rule and, if necessary, revise your practices to comply with the Rule’s requirements. For your reference, enclosed is a copy of the Eyeglass Rule and the FTC business guidance publication, *Complying with the Eyeglass Rule*, which explains how to comply with the Eyeglass Rule. These publications are also available on our web site at www.ftc.gov.

If you have any questions regarding this letter or the Eyeglass Rule generally, you may contact staff attorney Paul Spelman at (202) 326-2487 or staff attorney Alysa Bernstein at (202)

¹ 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 glasses, contact lenses, or other ophthalmic goods. 16 C.F.R. § 456.2(a).

326-3289. Thank you for your prompt attention to this matter.

Very truly yours,

Mary K. Engle
Associate Director