

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Terrell McSweeney

In the Matter of

**CARROT NEUROTECHNOLOGY, INC.,
a corporation,**

**ADAM GOLDBERG, individually and as an
owner and officer of CARROT
NEUROTECHNOLOGY, INC., and**

**AARON SEITZ, individually and as an owner
and officer of CARROT
NEUROTECHNOLOGY, INC.**

DOCKET NO. C-

COMPLAINT

The Federal Trade Commission, having reason to believe that Carrot Neurotechnology, Inc., a corporation, and Adam Goldberg and Aaron Seitz, individually and as owners and officers of the corporation (collectively, “Respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Carrot Neurotechnology, Inc. (“Carrot”) is a California corporation with its principal office or place of business at 3995 Prado De Las Frutas, Calabasas, California, 91302.
2. Respondent Adam Goldberg is an owner and officer of Carrot. Individually or in concert with others, he controlled, had the authority to control, or participated in the acts and practices of Carrot, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of Carrot.
3. Respondent Aaron Seitz is an owner and officer of Carrot. Individually or in concert with others, he controlled, had the authority to control, or participated in the acts and practices of Carrot, including the acts and practices alleged in this complaint. His principal office or place of business with regard to the acts and practices alleged in this complaint is the same as that of Carrot.

4. Respondents have advertised, labeled, offered for sale, sold, and distributed the Utimeyes software application to consumers. Utimeyes is for use on mobile devices running the iOS or Android operating systems and computers running the Mac or Windows operating systems. According to its website, www.ultimeyesvision.com, Utimeyes is “scientifically shown to improve vision.”

5. The acts and practices of Respondents alleged in this complaint have been in or affecting commerce, as “commerce” is defined in Section 4 of the Federal Trade Commission Act.

6. Utimeyes is a “device” within the meaning of Sections 12 and 15 of the Federal Trade Commission Act.

7. First sold in 2012, Utimeyes is available for purchase and download over the Internet through the Utimeyes website and third party app stores such as the Apple App Store, Google Play Store, and Amazon Appstore. The retail cost of Utimeyes has ranged between \$5.99 and \$9.99. U.S. sales of Utimeyes from January 2012 through June 2015 totaled more than \$350,000.

8. Respondents have disseminated or have caused to be disseminated advertisements and promotional materials for Utimeyes, including but not necessarily limited to the attached Exhibits A through I. These materials contain the following statements and depictions, among others:

A. Exhibit A, screen excerpts from Utimeyes website (March 12, 2014) and Exhibit A-1, full list of “Featured Links” extracted from Utimeyes website (March 13, 2014)

Turn Back The Clock On Your Vision

Reverse the effects of aging eyes. Why rely on reading glasses...and a flashlight to read restaurant menus when you don't have to. ULTIMEYES® delivers sharper vision without glasses and dramatically improves the ability to see in dim light.

Achieve Peak Athletic Performance

Improve on-field, on-court and on-track performance with ULTIMEYES®. Check out the articles below and find out what ULTIMEYES® is and what it is did for the UC Riverside baseball team.

ULTIMEYES® is an affordable, natural and simple-to-use interactive game scientifically designed to improve vision.

[. . .]

Featured Links [The website made the following and other representations in the form of hyperlinks to press releases and other media articles, most of which also quoted the individual Respondents.]

- Better baseball batting through brain science
- Apparently, Your Tablet Can Give You Super-Vision
- Better Batters Result from Brain-training Research [. . .]
- Learning to see better in life and baseball [. . .]
- How To Improve Your Eyesight By Exercising The Brain With ‘Perceptual Learning’
- Training Gives Baseball Players Superhuman Vision
- Study Reports Brain can be Trained to See Better [. . .]
- Screen time improves eye sight: study [. . .]
- High Tech Training Improves Vision [. . .]
- This App Trains You to See Farther [. . .]
- Using an iPad ‘boosts vision’: Half an hour a day can improve sight by up to a third [. . .]
- ULTIMEYES, an app that trains your brain and improves vision [. . .]
- The iPad Can Improve Eyesight [. . .]
- This Simple App Can Train Your Brain to Have 20/7.5 Vision [. . .]
- See Like a Big-League Slugger
- University of California Reports Findings That ULTIMEYES® Produces Better Vision and Real World Benefits – Published in Current Biology [. . .]
- UltimEyes iPad App Improves Your Vision by Training Your Brain
- Reverse the effects of aging eyes! ULTIMEYES® [. . .]
- Want To Improve Your Vision? 25 Minutes on this App Will Improve Your Vision By 31%
- A neuroscientist has just developed an app that, after repeated use, makes you see farther. Absolutely astonishing and 100% real. [. . .]

B. Exhibit B, screen excerpts from the UltimEyes website (July 31, 2014) (Exhibit C, screen excerpts from the UltimEyes website (Oct. 21, 2014), contains similar representations)

ULTIMEYES®

A simple-to-use interactive game scientifically shown to improve vision.

[Text appears with a depiction of 3 athletes and 3 executives looking at a series of 3 eye charts, the first blurry, the second more clear, and the third in focus.]

[. . .]

The Science Behind ULTIMEYES®

ULTIMEYES® optimizes visual processing to reduce blurring. Proprietary algorithms monitor your performance and adapt to it, creating a customized session to ensure optimal progress.

Numerous scientific studies conducted over more than a decade support the principles upon which ULTIMEYES® was created.

ULTIMEYES® is the result of collaboration between Vision Science and Entertainment Software to improve how you see. ULTIMEYES® tailors itself to your unique abilities and is designed to improve visual acuity, contrast sensitivity and attention to yield an overall improvement of your vision. The patent-pending methods of perceptual learning established by Dr. Aaron Seitz, a renowned expert in the field of Perceptual Learning, combined with interactive gaming dynamics proven to engage players, produce high levels of continued focus and, in turn, produces results.

[. . .]

On average, participants in our monitored studies—conducted by University of California researchers—improved by two lines on the eye chart!

Contrast sensitivity, which is the visual skill that enables you to distinguish objects in dim light and against obscure backgrounds, increased dramatically among users in these studies.

[. . .]

Frequently Asked Questions

Click on any question to see its answer.

1. What benefits have ULTIMEYES® users experienced?

ULTIMEYES® users have experienced improvements in different areas of vision, including near vision, far vision, peripheral vision, and contrast sensitivity either monocularly (in one eye) or binocularly (in both eyes).

2. What are the side effects of ULTIMEYES®?

There are no known side effects from ULTIMEYES®, except better vision.

3. How many ULTIMEYES® sessions are required to improve my vision?

Individuals will notice improvements at different rates. Our research shows that robust improvements in vision are found after completing 32 sessions with some of the individuals noticing some improvement in less than 16 sessions. For maximum benefits we recommend 4 ULTIMEYES® sessions per week, for 8 weeks.

C. Exhibit D, screen excerpt from the Apple App Store (Aug. 12, 2014) (Exhibits E and F, screen excerpts from the Google Play Store (Aug. 14, 2014) and the Amazon Appstore (Aug. 13, 2014), contain similar representations)

- **Turn back the clock on your vision
- **Lose your reading glasses and delay the need for them
- **See better at night
- **Read better in dim light
- **Improve vision for sports and improved lifestyle

On average ULTIMEYES® clients who completed the ULTIMEYES® program can read two lines better on the Snellen eye chart and experience 100% increase in contrast sensitivity.

Anyone pursuing improved vision through natural means and mitigating the need for visual aids including glasses can benefit from ULTIMEYES®.

ULTIMEYES® works by causing brain plasticity, which is the brain's natural ability to adapt to the environment. What's break-through [sic] about ULTIMEYES® is that it activates brain plasticity to occur in the brain's visual processing center. The result is enhanced vision in a completely safe non-invasive and easy to use way.

ULTIMEYES® has been examined in many academic institutions including University of California Los Angeles, University of California Riverside, The Western School of Optometry and other non-academic institutions including law enforcement agencies and athletic organizations by people of all ages, genders and visual abilities. Results of some of these studies have been accepted and will be published by major scientific journals such as Vision Research and Current Biology.

ULTIMEYES® is simple to use. The road to better vision requires you to follow the on-screen prompts and complete four 25-minute sessions per week for a total of eight weeks. Although results vary from person to person many ULTIMEYES® users experience improvement in their vision after only 3 weeks...especially with reading and seeing in dim lighting.

D. Exhibit G, excerpts from video transcript, “Brain Training Makes Better Batters,” viewable on the Utimeyes YouTube channel at http://www.youtube.com/watch?v=8M_tVyVlrLQ (published Feb 23, 2014) and on the Amazon Appstore Utimeyes page (Exhibit F)

AARON SEITZ, ASSOCIATE PROFESSOR, PSYCHOLOGY: There are, you know, over 100 million people worldwide who have serious vision problems that impact their lives. And, so, if we could use brain training to improve their vision, this has profound benefit to their lives. I decided that I wanted to try to create something which would have real-world impact.

[. . .]

JENNI DEVEAU, POSTDOCTORAL RESEARCHER, PSYCHOLOGY:

We did a study with the 2013 UCR baseball team where we did vision assessments before their season started and then we conducted training. They came in to our lab. Because they are already started off [sic] with really good vision, we had to really challenge their vision. After the season was over, we had tons of baseball data and searched for the help of Dan Ozer to let us know what does all this mean, what can we do with all this.

DANIEL OZER, PROFESSOR, PSYCHOLOGY: I was able to look at the improvement of the players in terms of more hits, more base on balls, additional bases, and I put that information into a formula that was developed about thirty years ago by a man named Bill James whose methods have become famous in the book Moneyball and was able to see how many runs were created in addition to what you would expect if there had just been normal improvement.

AARON SEITZ: With Dan Ozer, we had discussed that, you know, if they won one extra game based upon this calculation, this would be huge.

DANIEL OZER: And then I placed that into the context of how many runs the UCR pitchers allowed and came up with this estimate of it made a difference of somewhere between four and five games. I was shocked. There has been a lot of interest in the last couple of decades, people with a very serious interest in statistics beginning to look at baseball data because it's runs and runs allowed that win and lose games.

[. . .]

JENNI DEVEAU: Many of the players, they described being able to see things in dimmer light conditions, being able to see the ball better, being able to hit the ball better. They had less strikeouts compared to the rest of the league and they had more runs created.

[. . .]

TEXT ON SCREEN:
31% IMPROVEMENT IN VISION
4.4% FEWER STRIKEOUTS
41 MORE RUNS
4 TO 5 MORE WINS
[. . .]

AARON SEITZ: What I've been able to do is take my research that started looking at a very simple basic science problem and turn it into a game that anybody could play that has real-world benefits.

E. Exhibit H, Ultimeyes Press Release (April 18, 2014)

ULTIMEYES

[. . .]

App Scientifically Shown to Improve Vision is Downloadable Now in the Apple App Store for the iPad and iPhone, and Android Phones via Google Play and Amazon's Appstore for Android

[. . .]

Carrot Neurotechnology, Inc. announced today that its popular vision-enhancing interactive game App, ULTIMEYES®, has launched for all iOS and Android platforms. Previously available only for the PC, Mac and iPad, anyone with an iPhone or Android device can now improve their vision...at home or on the go. Improve the clarity of your vision and ability to see in poor lighting, lessen the need for reading glasses, and improve vision for sports and other everyday activities for a better lifestyle. From athletes who want to sharpen their "perfect vision" to people who struggle with low vision issues, ULTIMEYES® has been scientifically shown to help increase vision capabilities via perceptual learning.

[. . .]

Though results vary from person to person, on average, ULTIMEYES® users that have participated in ULTIMEYES studies could read one or two lines better on the Snellen eye chart and experienced a 100% increase in contrast sensitivity. Studies have been conducted with high performance athletes, law enforcement agencies, and people of all ages, genders and vision capabilities.

[. . .]

Carrot Neurotechnology, Inc. develops and sells its patent pending integrated game program ULTIMEYES®, that delivers affordable, safe, and comprehensive vision improvement for sports, reading, driving, and relieving the need for traditional visual aids used for age-related eye conditions such as presbyopia and loss of contrast sensitivity.

F. Exhibit I, Ultimeyes Press Release (Feb. 17, 2014)

University of California Reports Findings That ULTIMEYES® Produces Better Vision and Real World Benefits – Published in Current Biology

A study conducted with UCR Baseball Team [sic] demonstrates that Carrot Neurotechnology Inc.'s interactive vision training game ULTIMEYES® produces improved vision and quantifiable real world benefits.

[. . .]

Carrot Neurotechnology, Inc. today announced that the peer-reviewed journal Current Biology published the results of a study entitled “Improved vision and on-field performance in baseball through perceptual learning,” in the February 17th issue, which demonstrates that improved vision resulting from Carrot Neurotechnology’s integrated interactive game program ULTIMEYES® yields improved vision with real world benefits. In this peer-reviewed journal, the researchers go on to say that the results of the study demonstrate the ability to deliver real world benefits across a broad range of activities ranging from athletics to more routine lifestyle activities such as reading, watching TV and driving.

The study was conducted by the University of California Riverside and the University of California Riverside baseball team prior to the 2013 season and included 37 players. As a result of using the integrated interactive game program visual acuity of the trained players increased 31% following use of the program and 7 of the players reached impressive 20/7.5 Snellen acuity. Contrast sensitivity function improved similarly in the trained players. Baseball players typically have excellent vision, so the extent of the improvement surprised the researchers. Players reported, “My eyes feel stronger”, “I can see the ball better while I’m hitting”, “I have greater peripheral vision. Easy to see further”, “I can tell a change in dim light and being able to distinguish lower contrasting things.” Acuity is the sharpness of vision and contrast sensitivity is the ability to see details in low contrast such as seeing in dim light at night.

[. . .]

“This study reaffirms that our product delivers improved visual performance and confirms that these improvement transfer into practical real-world benefits. We’re encouraged and excited by the broad range of lifestyle benefits that many individuals who rely on vision including athletes but also those with normal vision and low vision going about their routine tasks,” said Adam Goldberg, CEO of Carrot Neurotechnology, Inc.

Count I
Deceptive Efficacy Claims

9. In connection with the advertising, promotion, offering for sale, or sale of Ultimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that Ultimeyes substantially improves users' vision, including that Ultimeyes:

- A. Improves the vision of users, including people of all ages, genders, and visual abilities;
- B. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
- C. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
- D. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids.

10. The representations set forth in Paragraph 9 are false or misleading, or were not substantiated at the time the representations were made.

Count II
False Establishment Claims

11. In connection with the advertising, promotion, offering for sale, or sale of Ultimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that scientific testing proves that Ultimeyes:

- A. Improves the vision of users, including people of all ages, genders, and visual abilities;
- B. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
- C. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and

- D. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids.
12. In fact, scientific testing does not prove that Ultimeyes:
- A. Improves the vision of users, including people of all ages, genders, and visual abilities;
 - B. Improves vision with real world benefits, including benefits across a broad range of activities ranging from athletics to more routine lifestyle activities, such as reading, watching TV, and driving;
 - C. Improves vision on average by 31% and two lines on the Snellen eye chart, and improves contrast sensitivity by 100%; and
 - D. Reverses, delays, or corrects aging eye or presbyopia, including, but not limited to, by improving night vision, improving users' ability to read in dim light, and diminishing the need for glasses or other visual aids.
13. Therefore, the representations set forth in Paragraph 11 are false or misleading.

Count III
Deceptive Failure to Disclose Material Connections

14. In numerous instances in connection with the advertising, promotion, offering for sale, or sale of Ultimeyes, Respondents have represented, directly or indirectly, expressly or by implication, that scientific research conducted by Respondent Seitz proves that Ultimeyes improves vision.

15. In numerous instances in which Respondents have made the representation set forth in Paragraph 14 of this complaint, Respondents have failed to disclose, or have failed to disclose adequately, that Respondent Seitz co-owns and is the Chief Scientist of Respondent Carrot. These facts would be material to consumers in their purchase or use decisions regarding Ultimeyes.

16. Respondents' failure to disclose, or disclose adequately, the material information discussed in Paragraph 15, in light of the representation set forth in Paragraph 14, is a deceptive act or practice.

Violations of Sections 5 and 12

17. The acts and practices of Respondents as alleged in this complaint constitute deceptive acts or practices, and the making of false advertisements, in or affecting commerce in violation of Sections 5(a) and 12 of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this _____ day of _____, 2015, has issued this Complaint against Respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL: