

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

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<b>In the Matter of</b>	)	
	)	
<b>LCA-VISION, INC. d/b/a LASIKPLUS,</b>	)	<b>DOCKET NO. C-4083</b>
<b>a corporation.</b>	)	
	)	

COMPLAINT

The Federal Trade Commission, having reason to believe that LCA-Vision, Inc., a corporation ("respondent"), has 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 LCA-Vision, Inc. ("LCA") is a Delaware corporation with its principal office or place of business at 7840 Montgomery Road, Cincinnati, Ohio 45236. LCA provides refractive surgery services under the brand name *LasikPlus*.
2. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
3. Respondent has advertised, offered for sale, and sold directly to the public refractive surgery services designed to improve the focusing power of the eye by permanently changing the shape of the cornea (the clear covering of the front of the eye), thereby reducing patients' dependence on eyeglasses and contact lenses. These surgery services include, among others, LASIK (laser assisted *in situ* keratomileusis). In LASIK, a computer-assisted surgical knife, called a microkeratome, is used to cut a flap in the cornea. A hinge is left at one end of the flap. The flap is folded back revealing the stroma, the middle section of the cornea. Pulses from a computer-controlled excimer laser then vaporize a portion of the stroma and the flap is replaced. Excimer lasers and microkeratomes are "devices" within the meaning of Sections 12 and 15 of the Federal Trade Commission Act, and refractive surgery services are "services" within the meaning of Section 12 of the Federal Trade Commission Act.

4. Respondent has disseminated or has caused to be disseminated advertisements through various broadcast, print, and outdoor display media, public seminars, and direct mail, including but not necessarily limited to the attached Exhibits A - E. These advertisements contain the following statements:

Television

ANNCR: But now there's a way you could be free from your glasses or contacts forever...[Graphic: LasikPlus logo plus super: A LIFETIME OF BETTER SIGHT...IN JUST MINUTES!] Voice-over: You could enjoy a lifetime of better sight in just minutes with LasikPlus. . . . [Exhibit A]

Print (Newspapers)

**20/20 Vision for \$649! per eye...** Now you can afford to get rid of your glasses and contacts for life! So many former eyeglass and contact lens wearers are celebrating the fact that Laser Vision Correction has improved their lives and released them from the on-going hassle and expense of glasses and contacts. . . . [Exhibit B]

Outdoor/Airport

**20/20 Vision for \$649\* per eye Limited Time Only! Now you can afford to get rid of your corrective lenses for life!** [Exhibit C]

Direct Mail

**Fed up with the ongoing expense and hassle of contacts? LasikPlus lets you throw away your lenses for life!**

With LasikPlus laser vision correction, you could have a lifetime of better sight without lenses!. . . [Exhibit D]

Magazines

*Sports Illustrated* (Dec. 3, 2001), *U.S. News & World Report* (Dec. 3, 2001), *Time* (Dec. 2001) *Newsweek* (Dec. 2001):

**America Abandons Glasses & Contacts  
Laser Vision Correction Myths Exposed**

**Leading Eye Doctors Deal With The Widespread Media Disinformation About Our Nation's Most Popular Elective Surgery.** The media have greatly exaggerated and in some cases, completely misrepresented the few problems that can occur with laser vision correction. As with any surgical procedure there are risks. But compared with those associated with contacts and glasses, they are minimal. . . .

Over 2 Million People Now Enjoy the Wonders of  
Excellent Vision Without the Use of Contacts or Glasses.

**MYTH #1**

**Laser Vision Correction is Risky**

**FACTS:** Risky? People who wear contact lenses face many more risks from infections or corneal damage. In fact, laser vision correction can eliminate risks often associated with wearing contacts or glasses.

Any problems that may have occurred have usually been the result of people being approved for the procedure when they shouldn't have been. . . .

**MYTH #2**

**Laser Vision Correction Causes Glare & Halos**

**FACTS:** Glare and halos at night are caused when the treatment area does not cover the total area of the dilated pupil. This may create a starburst effect around lights at night. Those providers who offer a choice of the latest FDA approved laser technology can customize the treatment area to accommodate almost any pupil size. This virtually eliminates the risk of glare or haloing.

**MYTH #3**

**Laser Vision Correction Can Cause Blindness**

**FACTS:** Not true...laser vision correction uses a cool beam laser that does not harm tissue. On the other hand, broken lenses from glasses have caused blindness. Contacts have also led to loss of sight from infections or corneal damage. . . . ***LasikPlus Vision Center Doctors Believe Your Greatest Safety Assurance Is Knowing All the Facts.*** . . . . If you are interested in enjoying the wonders of 20/20 vision or better without the hassle and expense of contacts or glasses, call LasikPlus. [Exhibit E]

5. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that LCA's refractive surgery services:

- A. Eliminate the need for glasses and contacts for life.
  - B. Pose significantly less risk to patients' eye health than wearing glasses or contacts.
  - C. Eliminate the risk of glare and haloming, a starburst effect around lights at night, that can be caused by the LASIK procedure.
6. Through the means described in Paragraph 4, respondent has represented, expressly or by implication, that it possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made.
7. In truth and in fact, respondent did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 5, at the time the representations were made. Therefore, the representation set forth in Paragraph 6 was, and is, false or misleading.
8. The acts and practices of respondent as alleged in this complaint constitute unfair or 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 eighth day of July, 2003, has issued this complaint against respondent.

By the Commission.

Donald S. Clark  
Secretary

SEAL: