

**UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION**

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<b>In the Matter of</b>	)	
	)	
<b>THE LASER VISION INSTITUTE, LLC, )</b>	)	
<b>a corporation, et al.</b>	)	<b>DOCKET NO. C-4084</b>
	)	
	)	

**COMPLAINT**

The Federal Trade Commission, having reason to believe that The Laser Vision Institute, LLC, a corporation, and Marco Musa, Max Musa, and Marc’ Andrea Musa, individually and as officers of the corporation ("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 The Laser Vision Institute, LLC ("LVI"), is a Florida corporation with its principal office or place of business at 3801 South Congress Avenue, Lake Worth, Florida 33461.
2. Respondent Marco Musa is president of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.
3. Respondent Max Musa is the chief executive officer of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.
4. Respondent Marc’ Andrea Musa is vice-president of LVI. Individually, or in concert with others, he formulates, directs, controls, or participates in the policies, acts, or practices of LVI, including the acts and practices alleged in this complaint. His principal office or place of business is the same as that of LVI.

5. Respondents have 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 the microkeratome 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.

6. 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.

7. Respondents have disseminated or have caused to be disseminated advertisements, including but not necessarily limited to the attached Exhibits A - D, print advertisements, and Exhibit E, portions of a website located at [www.laservisioninstitute.com](http://www.laservisioninstitute.com). These advertisements contain the following statements:

#### Print Advertising

**“FREE YOURSELF from the dependence of glasses and contacts! LASIK Laser Vision Correction...**

**‘Eliminate your need for reading glasses... I did, and I do surgery with it!’” Dr. Richard Livernois Lasik Surgeon/A Lasik Patient...**

**Lasik as little as \$499...**

**The Laser Vision Institute...CALL OR COME BY ANYTIME FOR A FREE CONSULTATION (Exhibit A)**

\* \* \*

#### **Change Your Life Forever...**

**with the miracle of LASIK \$499...**

Come see how this miraculous, effective, and simple procedure can eliminate a lifetime of dependence on glasses and contacts in a matter of seconds!

**CALL OR COME BY ANYTIME FOR A FREE CONSULTATION (\$50 Value)...**

Eliminate your need for bifocals... ‘I did, and I do surgery with it!’” Dr. Richard Livernois Lasik Surgeon/A Lasik Patient (Exhibit B)

\* \* \*

**...The Laser Vision Institute...YOU MAY NEVER NEED CONTACTS OR GLASSES AGAIN!...CALL FOR A FREE CONSULTATION (Exhibit C)**

\* \* \*

**LASIK . . . . We can now treat **Farsightedness** and **Astigmatism!** If you weren't a candidate before, you might be one now! . . . . **CALL OR COME IN ANYTIME FOR A FREE CONSULTATION . . . .** (Exhibit D)**

Web site

**Home Page**

[Four- page Flash program coupled with depiction of a woman's face without eyewear] imagine independence from ill-fitting glasses . . . or contact lenses that dry and tear . . . Change the way you look at life . . . get LASIK laser vision correction . . . at convenient locations throughout the US . . . using State of the Art Technology

[A boxed and highlighted link at the top right side of each page states 'Book a FREE Consultation']

**about LASIK** [page link]

Imagine freedom from your ill-fitting, uncomfortable glasses that constantly fog up. Imagine life without the daily hassle of contact lenses that dry out or tear. Thanks to the Laser Vision Institute, you may say goodbye to glasses or contact lenses. . . .

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

**how the eye works** [page link]

**Presbyopia** . . . LASIK can correct your distance vision, but you may still need glasses for close-up activities. . . . [p.2 of 2]

**considerations** [page link]

At The Laser Vision Institute we will conduct a thorough evaluation to determine candidacy for LASIK. During your consultation, you will receive a detailed Patient Consent Form that will describe the procedure and the risks in detail. One of our staff members will review the form with you and answer your questions. . . .

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

**frequently asked questions** [page link]

**Am I a good candidate?**

Requires a comprehensive eye examination by our doctors to know for certain if you are a candidate.

**More on considerations** > [page link]

[A boxed and highlighted link at the top right side of the page states 'Book a FREE Consultation']

**about us: Testimonials** [page link]

'...It is so wonderful to be able to go in a store and be able to read labels and price tags. Read the newspaper without glasses...' **Linda Brooks**

[A boxed and highlighted link at the top right side of the first page states 'Book a FREE Consultation'] (Exhibit E)

8. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that LVI's LASIK services:

- A. Eliminate the need for glasses and contacts for life.
- B. Eliminate the need for reading glasses.
- C. Eliminate the need for bifocals.

9. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that they possessed and relied upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made.

10. In truth and in fact, respondents did not possess and rely upon a reasonable basis that substantiated the representations set forth in Paragraph 8, at the time the representations were made. Among other reasons, LASIK surgery does not eliminate most peoples' need for reading glasses. Therefore, the representation set forth in Paragraph 9 was, and is, false or misleading.

11. Through the means described in Paragraph 7, respondents have represented, expressly or by implication, that consumers will receive a free consultation that determines their candidacy for LASIK.

12. In truth and in fact, consumers do not receive a free consultation that determines their candidacy for LASIK. Indeed, consumers receive a free, initial meeting with an LVI representative. At this meeting, consumers receive a quoted price for the procedure based on their prescription and other desired services, and are required to pay a \$300 deposit before the risks and limitations of

LASIK are disclosed to them and their candidacy is determined by a health care professional at a future time. The \$300 deposit is non-refundable if, after the consultation, consumers elect not to undergo the procedure. Consumers are refunded \$200 of the deposit if they are later rejected as medical candidates. Therefore, the representation set forth in paragraph 11 was, and is, false or misleading.

13. The acts and practices of respondents 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 respondents.

By the Commission.

Donald S. Clark  
Secretary

SEAL: