



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Division of Advertising Practices

March 29, 2007

Sonny Song
President, Trinity Enterprise, Inc.
832 East Rand Road, Suite 22
Mt. Prospect, Illinois 60056

SENT BY FEDERAL EXPRESS

Dear Mr. Song:

As you know, the staff of the Division of Advertising Practices of the Federal Trade Commission ("Commission") has conducted a non-public investigation into whether Trinity Enterprise, Inc. ("Trinity") has complied with the Fairness to Contact Lens Consumers Act ("Act"), 15 U.S.C. § § 7601-7610, and the Commission's Contact Lens Rule ("Rule"), 16 C.F.R. Part 315.

Among other things, the Act and the Rule permit contact lens sellers to provide contact lenses, both corrective and plano, to U.S. consumers *only in accordance with a valid prescription* – that is, after either obtaining a copy of the prescription itself or verifying the prescription information with the prescriber in accordance with procedures set forth in Section 315.5 of the Rule, 16 C.F.R. § 315.5. Trinity distributes plano contact lenses to distributors who, in turn, sell those contact lenses to consumers at retail locations such as beauty salons and shopping mall kiosks. Our investigation indicated that for a limited time, Trinity circulated promotional material to those distributors that represented, expressly or by implication, that a valid prescription was not required for plano lenses.

Although Trinity's representations were inconsistent of the Act and the Rule, we have decided not to recommend enforcement action at this time. Among the factors we considered in making this determination was Trinity's voluntary notification to its distributors of the requirements of the Act and the Rule and Trinity's agreement to take steps in the future to ensure its compliance with the Act and the Rule.

This action is not to be construed as a determination that a violation of law did not occur, just as the pendency of an investigation should not be construed as a determination that a violation has occurred. The Commission reserves the right to take such further action as the public interest may require.

Very truly yours,

Mary K. Engle
Associate Director