

ALERT

FTC Sends Warning Letters to 37 Eyeglass and Contact Lens Prescribers Over Possible Rule Violations

June 5, 2025

On June 3, 2025, the Federal Trade Commission (FTC) announced its staff had sent warning letters to 37 contact lens prescribers that, according to the FTC, were the subject of consumer complaints concerning possible violations of the FTC's Eyeglass and Contact Lens Rules. The FTC has not made these letters public to identify recipients, but it posted a template showing the letters' content. In April 2023, the FTC also sent similar warning letters to 37 providers concerning potential violations of the Eyeglass Rule.

Companies covered by these rules should take compliance seriously—the FTC is authorized to seek civil penalties up to \$53,088 per violation. Below we highlight key requirements noted in the warning letters and discuss the implications for covered eye care providers.

The warning letters highlight key rule requirements.

The warning letters state that the Eyeglass and Contact Lens Rules require prescribers to provide patients a copy of the prescription immediately after the completion of refractive exams and contact lens fittings, even if patients do not request their prescriptions. The letters describe several examples of potential violations, including:

- waiting for patients to ask for their prescription before giving it to them;
- asking patients if they want a copy and only providing it if the patients say yes; and
- waiting until after patients have shopped for corrective eyewear in their store before providing their prescription.

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Practice Areas

FTC and Consumer Protection

In addition, the rules prohibit prescribers from creating certain additional requirements before releasing patients' prescriptions:

- charging fees other than the examination or fitting fee;
- requiring that patients buy glasses or contact lenses; or
- requiring patients sign a waiver or release;

The letters also note that providers that give patients paper prescriptions and also sell glasses or contact lenses must obtain patients' written or electronic confirmation that they received their prescriptions.

Recipients should carefully assess how to respond.

Although the warning letters state they were based on receiving consumer complaints, there is no requirement that FTC staff verify those complaints before issuing the letters. The letters caveat they do "not reflect a formal assessment" of whether any rule violations occurred, but it is possible that some of the recipients are already being investigated "informally." A "formal assessment" may not occur until FTC staff makes a recommendation to leadership whether to pursue an enforcement action.

The letters also demand that recipients email FTC staff within five days of receipt to identify who is responsible for their companies' compliance with these rules and confirm what steps are being taken to address the alleged violations in the letter. This is a fact-finding tool FTC staff may use for future follow-up to review compliance.

Other companies in the industry should take note too.

These warning letters state that "additional reports of non-compliance" could "result in legal action." While this may imply that the FTC will not enforce against violators for past conduct if they do not engage in future violations, the FTC also investigates and brings enforcement actions against companies it has not warned about potential rule violations. Additionally, the FTC has argued that the existence of FTC warning letters to certain companies in an industry puts its competitors that did not receive them on notice of legal requirements.

Wiley's FTC Regulation Practice has substantial experience advising and representing clients in a wide range of FTC matters. Our team includes former FTC attorneys who conducted and supervised investigations and enforcement actions alleging violations of FTC regulations. The team routinely advises on regulatory compliance, helps companies respond to FTC investigative requests, and advocates before the agency. Please reach out to either of the authors with questions.