



VISION CARE, INC.

## EXECUTIVE SUMMARY

### **Johnson & Johnson Vision Care, Inc. Comments to Contact Lens Rule, 16 CFR Part 315**

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Johnson & Johnson Vision Care, Inc. (“JJVCI”) is committed to creating life-long solutions to vision care needs and appreciates the opportunity to submit comments on the Federal Trade Commission’s (the “Commission” or “FTC”) review of its 2004 Final Rule (the “Contact Lens Rule”) implementing the Fairness to Contact Lens Consumers Act (the “Act”).

We thank the Commission for its long history of promoting consumer choice and competition at the manufacturer, prescriber, and retail levels. As FTC undergoes its scheduled ten-year review of the 2004 Contact Lens Rule, we hope the Commission will work to maintain patients’ access to a range of retail options, while looking for opportunities to strengthen consumer protections by:

#### **Ensuring patients continue to see their eye care professionals for their annual check-up and prescription renewal by enforcing the one-year minimum contact lens prescription expiration date.**

- According to a recent JJVCI consumer survey, among the large majority (87%) of those who had an eye exam in the last year, 94% indicated that their contact lens prescription had changed since their last visit.<sup>1</sup>
- Annual check-ups allow doctors to work with their patients to find the most compatible, safe, and effective contact lenses to meet patient’s vision needs.
- Annual eye exams for contact lenses are also an important part of overall eye health, and it is during these exams that a clinician can screen for signs of serious vision problems and diseases.

#### **Maintaining and enforcing the current requirement that prescribers include the specific brand and product name on patient prescriptions.**

- Because each consumer’s set of eyes react differently to individual brands—with certain brands causing issues with inappropriate lens movement on the ocular surface due to the specific shape, materiality, or inflammation—eye care professionals work with patients to find the most compatible, safe, and effective contact lenses for their patients.
- Unlike prescription drugs, these medical devices cannot be substituted with a non-prescribed equivalent, as each brand is unique and proprietary to each manufacturer and designed to suit a different set of corresponding patient physiology and consumer needs.
- JJVCI supports preserving the brand name on the contact lens prescription, providing patients with the confidence that the contacts they buy outside their provider’s office will match the lenses prescribed and fitted by their eye care professional.

#### **Strengthening the prescription verification process between third-party sellers and eye care professionals through the inclusion of quantity limits.**

- Today’s passive verification process has created an environment in which prescribers do not have a reasonable opportunity to respond to verification requests and FTC should develop additional guidance around automated telephone communication.
- FTC should also use its authority to require quantity limits to ensure patients have access to the products they need, while preventing excessive orders that may harm patient eye health.
- We also support additional guidance regarding non-domestic sales and enforcement of domestic laws and regulations.

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<sup>1</sup> APCO Insight August 2015 telephone survey among adult contact lens consumers 18 years and older on behalf of Johnson & Johnson Vision Care, Inc. [available in appendix]