



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

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT
In re LCA-Vision, Inc., Matter No. 1923157

The Federal Trade Commission (the “Commission”) has accepted, subject to final approval, an agreement containing a consent order with LCA-Vision, Inc., (“LCA”).

The proposed consent order (“proposed order”) has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement, along with any comments received, and will decide whether it should withdraw from the agreement and take appropriate action or make final the proposed order.

This matter involves LCA’s advertising of the price of its LASIK surgery. The proposed complaint alleges that LCA’s advertisements represented that LASIK was available for “as low as” or “starting at” \$250 or \$295. This price was per eye, although that was not always clearly disclosed. In truth, very few consumers qualified for the advertised price. For example, anyone with vision worse than 20/40 was considered ineligible. Consumers typically learned the actual price only after undergoing a 90-minute to 2-hour consultation and sales pitch. The complaint also alleges that LCA’s ads often failed to disclose adequately the prescriptions consumers needed to qualify for the price promotion, that few people were eligible, and that most people paid between \$1,800 and \$2,295 per eye. According to the proposed complaint, LCA’s advertisements were false or misleading in violation of Sections 5(a) and 12 of the FTC Act, and harmed consumers by, among other things, wasting their time by luring them into sitting for a lengthy consultation under false or deceptive pretenses.

The proposed order prohibits LCA from engaging in the alleged deceptive conduct in the future. Section I prohibits LCA from misrepresenting the price of LASIK or any material restrictions, limitations, or conditions that affect the price of LASIK. Section II requires LCA to make certain clear and conspicuous disclosures when advertising LASIK for a price or discount for which a majority of consumers—either nationwide or in the geographic area where specific LCA ads are disseminated (e.g., the Cincinnati metropolitan area, the state of Ohio)—likely would not qualify.

Sections III and IV require LCA to pay to the Commission \$1,250,000 for consumer redress and describes the procedures and legal rights related to that payment. Section V requires LCA to provide customer information to enable the Commission to administer such redress.

Sections VI through IX are reporting and compliance provisions, which include recordkeeping requirements and provisions requiring LCA to provide information or

documents necessary for the Commission to monitor compliance with the proposed order. Section X states that the proposed order will remain in effect for 20 years, with certain exceptions.

The purpose of this analysis is to aid public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify in any way the proposed order's terms.