

The following is a copy of the letter that President Reiser sent to 1-800-CONTACTS regarding an exemption from the verification requirement in the Fairness in Contact Lens Consumers' Act. The icon or drop-down box has now been removed from their website.

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March 28, 2008

Mr. Jonathan Coon, CEO
1-800 CONTACTS, INC.
66 East Wadsworth Park Drive, 3rd Floor
Draper, UT 84020

Dear Mr. Coon:

I am the president of the Armed Forces Optometric Society (AFOS), an association representing over 900 doctors of optometry world-wide who practice in the Army, Navy, Air Force, Department of Veterans Affairs, Public Health Service and Federal Civil Service.

Recently we were made aware of a situation that we hope is just a legal oversight by your company regarding a statement on your website and the associated procedures in verifying contact lens prescriptions under the Fairness to Contact Lens Consumers Act (FCLCA).

On your website, there is an icon that, when selected, states that APO/FPO orders do not require contact lens prescription verification. This representation appears to release your company from its legal obligation to verify prescriptions under the current U.S. law. As you know, the intent of this safety provision in the FCLCA is to ensure that a patient's prescription is current and accurate and that the patient will not be harmed by filling it.

FPO/APO addresses are strictly for US citizens and US doctors who are living and practicing outside of the borders of United States. They are US citizens and their family members (most often also US citizens) are serving our country overseas. The doctors work in US facilities that are US property (under treaty) and are governed by US law. It is our firm belief that their prescriptions should not be exempt from laws that are in place to protect their health and welfare simply because they are serving their country overseas. We hope you agree.

To comply with all points in the FCLCA, we request that you remove this icon from your website and modify your policy to require verification of contact lenses delivered to APO/FPO addresses to protect our overseas stationed members and their families. We look forward to your reply.

Sincerely,

Daniel E. Reiser, OD, FAAO
President