



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

Division of Advertising Practices

Mary K. Engle
Associate Director

September 5, 2007

William Spears, President
King Roach Enterprises, Inc. c/o
John Henry, Esq.
The Law Offices of John Henry, P.C.
P.O. Box 1838
Round Rock, TX 78680

Dear Mr. Spears:

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 King Roach Enterprises, Inc. ("KRE") 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 cosmetic ("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. Our investigation indicated that for a limited time, KRE sold plano contact lenses to consumers without valid prescriptions on its website.

Although KRE's actions of distributing contact lenses without either obtaining a copy of the prescription itself or verifying the prescription information with the prescriber violated 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 the fact that KRE sold very few contact lenses and your representation that you do not intend to sell contact lenses in the future.

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