

1983 WL 181926 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 29, 1983

***1 Re: H. Rubin Vision Center's Contact Lenses Advertisement T. V. Weekly, June 26-July 2, 1983**

Mr. Jack S. Folline
Chairman
South Carolina Board of Examiners in Opticianry
P. O. Box 5721
Columbia, South Carolina 29205

Dear Jack:

I have this dated received and reviewed a copy of the above-referenced advertisement which appeared in the T. V. Weekly supplement to The State and Columbia Record. You asked whether the ad contained sufficient disclosures under [Section 40-38-70 of the Code of Laws of South Carolina \(1976\)](#). The referenced South Carolina Code Section requires that certain disclosures be components of price advertisements. Three of the disclosure requirements apply to contact lens advertisements, *viz.*, whether an advertised price for contact lenses refers to hard or soft contact lenses, whether an advertised price for ophthalmic materials includes all dispensing fees, and whether an advertised price for ophthalmic materials includes an eye examination. The subject advertisement indicates that the advertised price is for soft contact lenses. It also indicates that the advertised price is complete and includes six months follow-up visits and all supplies. The advertisement specifically discloses that the doctor's examination is included in the price. Accordingly, it appears that the advertisement contains sufficient disclosure as required by [Section 40-38-70 of the South Carolina Code](#).

You have noted that the advertisement does not disclose whether or not the price refers to single vision or bifocal lenses. [Section 40-38-70](#) only requires disclosure of whether an advertised price for eyeglasses includes single vision or multi-focal lenses. There is no requirement for such disclosure in the case of contact lenses. We have generally noted in the past that the 'eyeglass' disclosures refer strictly to eyeglasses, that the 'contact lens' disclosure refers strictly to contact lenses and that the 'ophthalmic goods' disclosures refer to both eyeglasses and contact lenses. It is unlikely that the Legislature would have made reference in one required disclosure to contact lenses and reference to eyeglasses in two other required disclosures if it meant for 'eyeglasses' to encompass contact lenses.

Accordingly, unless the Board feels there is an overriding reason to consider contact lenses included in the term 'eyeglasses' as used in the single vision or multi-focal lenses disclosure requirement, it would probably be best to continue prior interpretation practice. Of course, if the Board feels that disclosure of whether or not an advertised price for contact lenses includes single vision or multi-focal lenses is important for the protection of the public, I will be glad to determine whether or not it can provide for such disclosure by regulation.

If you have any questions concerning this matter, please do not hesitate to contact me.

Yours very truly,

Grady L. Patterson, III
***2 Assistant Attorney General**

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