

ticing optometrists, which would be perpetuated and enhanced by HR 1283, fosters further harmful confusion. Investigation reveals that the title "Doctor" employed by many optometrists was obtained as "quickie" or, in some instances, "mail-order" degrees. A recent mailing of the New York State Optometric Association, Inc., dated April 21, 1967, discloses that the Massachusetts College of Optometry is offering the degree of "Doctor of Optometry" upon a course of study consisting of two days' attendance a week during the period from July to the second week in September upon presentation of a dissertation and the payment of a \$500 tuition fee.

There is annexed hereto as Exhibit 2 an article which appeared on April 15, 1965 in the "Optical Journal and Review of Optometry", the leading publication of professional optometry, and a statement of "Professional Terminology" which appeared in the "Manual of Professional Practice for the American Optometrist" 1966 revision, published by the American Optometric Association (Exhibit 3) which indicate further continuous attempts on the part of the privately practicing optometrists to confuse the public and falsely pass themselves off as medical practitioners.

It is additionally abundantly clear that it is presently the practice of substantially all privately practicing optometrists in the District of Columbia to engage in the sale of eyeglasses at exorbitant profit (Exhibit 4). It is the general practice of privately practicing optometrists, when supplying eyeglasses to the public, to purchase from suppliers of eyeglasses fully assembled eyeglasses and to resell such eyeglasses to the public at more than two or three times the optometrists' cost in addition to a substantial "examination fee". Since it is rarely the practice of such optometrists to segregate the items of the total billing to the customer, the public is generally unaware of the excessive costs involved in dealing with such privately practicing optometrists. To the extent that HR 1283 would prohibit price advertising, the public could not conveniently make price comparisons necessary to determine the extent to which it is the victim of this practice. To the extent HR 1283 would prevent source advertising, the public would be denied information as to alternative more economical sources of supply.

There is among practitioners of optometry the respectable, although a minority, opinion that such profiteering in the sale of eyeglasses prevents optometry from achieving the dignity of a profession (Exhibit 5). There can be little question that since privately practicing optometrists derive so major a proportion of their income in the form of profits obtaining upon the sale of eyeglasses, these self-employed optometrists are "commercially motivated" and should not be protected against reasonable price competition and competitive advertising. As vendors of merchandise, in the manner described, privately practicing optometrists are clearly distinguished from health care practitioners such as physicians and podiatrists whose canons of professional ethics prohibit profiteering in the sale of merchandise (Exhibit 6 "Principles of Professional Conduct, Medical Society of the State of New York", Chapter 1, Section 6; Exhibit 7 "Code of Ethics of the Podiatry Association of the State of New York", VI(1)).

It is further the custom of privately practicing optometrists to discourage their customers from purchasing eyeglasses from more economical retail sources, and to withhold from the customer whose eyes they examine any written prescription which would enable the customer to purchase eyeglasses from other available retail sources.

Since HR 1283 would permit optometric eye examinations to be made only by self-employed optometrists, the adverse effect upon competition and pricing which would ensue is manifest. (See Exhibit 8—the pertinent provisions of a report of the Anti-Trust Division of the Justice Department submitted to the United States District Court, Northern District of Illinois, Eastern Division, in the so-called "Optical Rebate Cases"*, concerning the effect of the judgment in those cases on the pricing of eyeglasses.)

There is little question but that Sterling and other retail sellers of eyeglasses similarly situated, who provide eye examinations through employed optometrists, constitute the one factor most likely to stimulate wholesome competition with which the Justice Department was concerned in its report to the Court. In this

**U.S. v. Bausch & Lomb Optical Co., et al.*, Civil Action No. 46C1332; *U.S. v. American Optical Co., et al.*, Civil Action No. 46C1333; *U.S. v. House of Vision-Belgard-Spero, Inc., et al.*, Civil Action No. 48C607; *U.S. v. Uhlmann Optical Co. of Illinois, et al.*, Civil Action No. 48C608. While these cases involve primarily anti-competitive practices of oculists, the analogous prevailing practices of privately practicing optometrists make the report of the Justice Department referred to clearly applicable.