

# CVS Faces Class Action Claims That It Deceives Buyers Of Its Macular Degeneration Remedy

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Two consumers with age-related macular degeneration (AMD), a progressive eye disease that accounts for more than half of all blindness in America, claim that CVS makes false claims about the effectiveness of its Advanced Eye Health product. Dr. Larry Meredith and David Gumner, the plaintiffs in a California state court class action, say CVS's claims that its Advanced Eye Health supplement is comparable to a formula that the National Institutes of Health found effective in slowing AMD's progression are false and deceptive.

Two NIH Age Related Eye Disease Studies ("AREDS") found a specific formula of nutritional supplements effective in slowing AMD's progression. The second study, called AREDS2, found two effective substitutes for beta-carotene, an AREDS formula ingredient that may increase cancer risk for smokers. CVS markets its Advanced Eye Health supplement by calling it "comparable to" the AREDS2 formula, but it only contains ingredients that the NIH found ineffective at slowing the progression of AMD (omega-3 fatty acids), and the two ingredients that NIH said could substitute for beta-carotene. NIH's study did not find that these two substitute ingredients have any independent effect on AMD.

In 2004, about 10 million Americans had intermediate or advanced AMD, and scientists expect this number to double in the next 20 years. Although the CVS product does not contain the ingredients NIH found effective in fighting AMD, CVS places its Advanced Eye Health supplement next to Bausch+Lomb's PreserVision supplements, that do contain the AREDS2 formula. This placement of the CVS product further deceives consumers, by making the two products appear interchangeable, but for the CVS product's ostensibly lower price.

John Roddy and Elizabeth Ryan of Bailey Glasser's Boston, Massachusetts office represent Dr. Meredith and Mr. Gumner. They have allied with Amanda Howell of the Center for Science in the Public Interest and Stephen Gardner, Marc Stanley, Martin Woodward, and Matthew Zevin, of the Stanley Law Group, as co-counsel.

## **Attorneys**

John Roddy

Elizabeth Ryan

## **Practice Areas**

Medical Device & Drugs