

CVS To Pay Consumers For Allegedly Misleading Eye Health Supplement Claims

08.02.2017

CVS has agreed to a \$645,000 settlement in a class-action lawsuit over sales of an eye health supplement it claimed contained ingredients found to slow the progression of macular degeneration, the leading cause of blindness in the United States. The lawsuit alleged those claims were false.

According to the lawsuit, the packaging of CVS Eye Health, sold next to Bausch & Lomb's PreserVision supplement, claimed it was "Comparable to Ongoing Study Formula in AREDS 2." In a clinical trial called the Age-Related Eye Disease Study 2, the National Institutes of Health has been studying the effects of different ingredients on the progression of macular degeneration, according to the complaint.

An earlier study found that supplementing diets with daily doses of vitamin C, vitamin E, beta-carotene, zinc and copper could reduce the risk of developing advanced macular degeneration by 25 percent. The follow-up trial determined that the addition of omega-3 to the supplement did not improve the effectiveness, the complaint said.

Bausch & Lomb's PreserVision contains the formula found to be effective by this trial. But CVS Eye Health does not, according to the plaintiffs. The CVS supplement contained omega-3 fatty acids and carotenoid substitutes for beta-carotene – none of which have been proven effective on their own in slowing macular degeneration – but did not contain vitamin C, vitamin E, zinc or copper, according to the lawsuit.

John Roddy and Elizabeth Ryan of Bailey Glasser's Boston, Massachusetts, office and Steve Gardner and Amanda Howell of the Stanley Law Group represented the California clients. CVS agreed to pay class members \$8 for each bottle purchased, up to \$24, and stop selling the product.

Attorneys

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Practice Areas

Medical Device & Drugs

Product Liability