

Attorney General Raoul Announces Settlement With Telehealth Company, Visibly

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CHICAGO - Attorney General Kwame Raoul today announced a bipartisan national settlement with Visibly Inc. (Visibly) that resolves an investigation into deceptive

business practices at the online telehealth company. Visibly, formerly known as Opternative Inc., is a Chicago-based company that markets and sells an online vision test, among other products.

The Illinois Attorney General's office opened the multistate investigation after a letter from the U.S. Food and Drug Administration (FDA) warned Visibly about marketing its online vision tests without the requisite clearance or approval. Raoul's investigation raised concerns about unsubstantiated claims made by Visibly regarding the accuracy and safety of its online test, including that it was as accurate as an in-person exam. In addition, the investigation evaluated Visibly's misrepresentations about other product aspects, including customer satisfaction rates and satisfaction guarantees.

"Individuals increasingly turn to the internet for products and services to improve their health and well-being, and they oftentimes rely on the claims companies make about their offerings," Raoul said. "Companies that deceive the public with false claims about their products and services must be held accountable, and I will continue to work to protect consumers from unfair business practices."

Raoul's settlement requires Visibly to adhere to certain standards and pay \$500,000 to the participating states. Illinois will receive nearly \$85,000 under the settlement agreement. Visibly has also agreed, among other things, to:

- Not market or sell any product to consumers unless it can be legally marketed or sold in accordance with the Food, Drug and Cosmetic Act (FDCA) or other FDA authority.
- Not make any representations comparing the safety or effectiveness of any Visibly product to products or services provided in person by medical professionals without possessing competent and reliable scientific evidence substantiating the representation.
- Clearly label that its products have not been endorsed by any provider appearing on its "Find a Doctor" feature.
- Disclose that its online vision test is not a substitute for an in-person comprehensive eye examination, and urge consumers to seek such exams to determine overall eye health.

Visibly sought FDA clearance for its visual acuity test while Raoul's investigation was pending, and FDA approval was granted in August 2022.

Joining Raoul in participating in the settlement are the attorneys general of Kentucky, Mississippi, Nebraska, Nevada, Pennsylvania, South Dakota, Texas, Vermont, Washington and Wisconsin.