



COUNTERFEIT IN EYEWEAR

CONSUMER GUIDELINES



Know the problem to deal with it better

IO SONO ORIGINALE Project



with funding from the **Ministry of Economic Development**

Directorate General for the Fight against Counterfeiting

Italian Patent and Trademark Office



*Ministero
dello Sviluppo Economico*

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Guidelines edited by Casa del Consumatore

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WHAT IS COUNTERFEITING

The term “counterfeit” means reproduction of goods in such a way that they can be mistaken for the original, or producing, importing, selling or using products or services covered by intellectual property rights. Counterfeiting is a very old phenomenon that affects many sectors. The marketing of counterfeit products affects not only the health and safety of consumers but also the economy of the country since the fraudulent imitation of a product can also cause derailing of trade and unfair competition, and inflicts very serious damage on research development and innovation capacity.

HOW TO PROTECT YOURSELF

The sale of counterfeit goods occurs via various distribution channels, where counterfeiting is not always obvious. It can often be accomplished through markets outside regular distribution, such as stalls or beaches, or via internet, and finally in shops that are part of regular distribution. These guidelines provide practical advice to guard against the danger of unknowingly buying counterfeit goods.



GOOD RULES

COUNTERFEITING IS NOT ALWAYS OBVIOUS. TO AVOID UNKNOWINGLY BUYING COUNTERFEIT GOODS IT IS IMPORTANT TO FOLLOW SOME SIMPLE RULES:

- avoid buying products that are too cheap than their market value. It may be tempting, but it's likely they won't be originals;
- spherical power measured in dioptres (marking obligatorily appearing on the glasses);
- distance between pupils (marking to appear on the glasses or in the instructions);
- the words “not suitable for driving or for use on the road” with the corresponding symbol;
- the following warnings: “for close-up vision and reading only”, “only regular examinations by an eye care professional can determine the visual requirements and state of health of the eyes”, “not intended for driving or operation of a motor vehicle”, “not intended for long distance vision”, “not intended for eye protection”;
- a reference to the technical standard, if the manufacturer declares conformity with the standard;
- the name and address of the manufacturer or an authorised representative (may be marked on the glasses or appear in the information and packaging supplied with it).

COUNTERFEITING IN THE EYEWEAR SECTOR

Eyewear is a classic product of Italian know-how and design, but it is also one of the market sectors most subject to counterfeiting of brands, patents, designs and styles.

Italian eyewear manufacturers make and distribute more than 50% of the world's eyewear brands under license agreements stipulated with the brands' owners.

Over the years eyewear has evolved from a "necessary accessory" to an expression of style offering a precise, independent expression of fashion and creativity, and its added value has grown as a result.

This development has however come to the counterfeiters' attention, causing inestimable damage in terms of loss of sales and therefore of jobs. But counterfeiting has even more serious implications than these for the eyewear market. Counterfeiters sell products of very low quality which can cause serious damage to users' health. Prescription glasses, which are in effect medical devices, and sunglasses, which are forms of personal protective equipment, are intended to correct the vision and protect the eyes.

Counterfeit prescription eyeglasses may have incorrect centring or distance between the pupils, which can damage the eyes; the same applies to counterfeit sunglasses, which do not have appropriate filters for protection from UV rays.

The principal reason for buying these products is their much lower price in comparison with the corresponding original products with designer labels, especially for fashion-conscious young people who are more concerned with style than with their own health.

REGULATORY REFERENCES

PRESCRIPTION EYEWEAR AND READY-MADE EYEWEAR

The legislation applicable to sale of products classified as medical devices, and specifically prescription eyewear, is Legislative Decree no. 46/97 and Health Ministry Decrees 23/07/98 and 21/12/99.

The Ministry of Health, having consulted the Supreme Council of Health, also issued Ministerial Decree 26/11/04 identifying the minimum information and obligatory instructions to be provided to consumers when purchasing ready-made eyewear.

Regulation EN 14139 and the ministerial decree state that the information and warnings to be supplied to the end consumer with ready-made eyewear, in the form of markings on the frame itself or contained in the information supplied with them, are as follows:

- manufacturer's name or commercial brand of the eyewear (marking to be applied to the glasses obligatorily);
- spherical power measured in dioptres (marking obligatorily appearing on the glasses);
- distance between pupils (marking to appear on the glasses or in the instructions);
- the words "not suitable for driving or for use on the road" with the corresponding symbol;
- the following warnings: "for close-up vision and reading only", "only regular examinations by an eye care professional can determine the visual requirements and state of health of the eyes", "not intended for driving or operation of a motor vehicle", "not intended for long distance vision", "not intended for eye protection";
- a reference to the technical standard, if the manufacturer declares conformity with the standard;

- the name and address of the manufacturer or an authorised representative thereof (may be marked on the glasses or appear in the information or packaging supplied with the glasses).

The following warnings must also appear, required by the Ministerial Decree:

- a vision test is required to correctly assess the extent and nature of defects of the vision. Assessment of defects of the vision cannot be based on self-diagnosis or choice of eyewear considered appropriate by successive degrees of approximation;
- ready-made eyeglasses to correct farsightedness, industrially made with lenses of the same dioptric power, are recommended exclusively for correction of “ordinary” farsightedness;
- ready-made eyeglasses are recommended only for close-up vision. They must not be used while driving, for distance vision, or as eye protection;
- improper use or use of the incorrect power of eyeglasses can cause a number of problems with the vision, and may also cause headache. If this happens, have your eyes checked by an eye care professional. Only your ophthalmologist can assess the health of your eyes and the extent of your vision problems;
- ready-made reading glasses should not be used to correct “complex” farsightedness;
- ready-made reading glasses will not improve the vision in the presence of eye pathologies such as cataracts or macular degeneration;
- farsightedness is characterised by progressive physiological weakening of the vision, which normally appears, after the age of 45 with a series of disturbances such as difficulty reading the newspaper or distinguishing small objects;

- farsightedness is considered “simple” when both eyes require the same number of dioptres to correct the vision (dioptres are units of measurement of visual capacity);
- farsightedness is considered “complex” in the presence of astigmatism or anisometropia, or when the number of dioptres is different in each eye. Astigmatism is a defect of the vision due to irregular curvature of the cornea which results in blurry, deformed vision of images. Anisometropia is characterised by unequal refractive power in the two eyes.



SUNGLASSES

The principal purpose of sunglasses is to protect the human eye from excessive solar radiation, to reduce fatiguing of the eyes and improve visual perception. Dangerous forms of solar radiation include UV rays, which can seriously damage the health.

Sunglasses are subject to European Regulations, in the form of Directive 89/686/EEC as amended (implemented in Italian law by Legislative Decree 475 of 04/12/92 and Legislative Decree 10 of 02/01/97), which do not consider such products simple fashion accessories but true personal protective devices, identifying the minimum obligatory information to be provided. The technical standards used to assess conformity with the Directive are EN 1836:2005+A1:2007 or EN ISO 12312-1:2013.

THE FIGURES ON COUNTERFEITING

Every year the Finance Guard, Italy's financial police force, seizes millions of counterfeit eyeglasses from warehouses all over the country: imitations made in China, ready to invade our beaches and marketplaces.

Dizzy numbers of these articles are sold, fake versions of all the famous brands without the required certification.

Counterfeiting causes the eyewear industry to lose about 15% of its sales every year, meaning more than 100 million euros in lost sales for Italian eyewear companies and loss of more than 500 jobs every year - without of course taking into consideration the damage to the state in terms of tax revenues.

Counterfeiting of brands, patents, designs and styles which have been protected by the eyewear industry at great cost, in terms of both research and human resources, is highly damaging to technical and aesthetic know-how obtained with such great difficulty.

DAMAGES CAUSED BY COUNTERFEITING

Counterfeiting not only translates into economic and image loss for the companies affected, but is a complex criminal phenomenon that involves all.

Counterfeiting harms individuals, the family and the community in the following ways:

Health

Risk to the health of the citizen, his family and the environment is caused by the use of **harmful chemicals in contact with the skin**. These substances not found in nature and are part of the group of alkylphenol ethoxylates, and can cause dermatitis and allergies and environmental pollution. They are bioaccumulative and toxic to aquatic organisms.

Other substances are aromatic amines, substances released from dyes during production and subsequent use of the garments. These amines, when absorbed into the skin, may have carcinogenic effects. The use of low-cost dye allows attractive savings. Azoic dyes, which contain aromatic amines, are unfortunately used for the manufacture of a large number of products containing wool, cotton and leather.

Natural Environment

These chemicals have low biodegradability and are thus bioaccumulative, and can affect the food chain. Because of their harmful effects on health and environment, they are banned in Europe.

Security

Counterfeiting is one of the sources of financing for organized crime. The more this business thrives, the greater the ability of criminal action at all levels.

Exploitation of labour

The management of the supply chain of fake products requires the use of workers without due respect for their dignity, even involving the exploitation of women, children and illegal immigrants.

Companies are also affected by the phenomenon in the following ways:

- **unfair competition:** brand companies invest in product, materials and communication research; they strive to offer their customers products that are better, safer, more functional and more attractive. These huge investments are largely outweighed by those who produce fakes: they, in fact, often use inferior materials, do no research, and exploit brand advertising.
- **Loss of product value:** Registered brand name products are based on a thorough job of planning, design, manufacturing, distribution and communication. **Fakes disregard these requirements, creating a gap that inflicts damage to the image of a legal product** that is huge and unfair.
- **Tax revenue:** the huge turnover of the fake industry generates huge profits for international crime, but does not produce any income tax! Indeed, it decreases, sometimes very significantly, the profits of firms affected by counterfeiting, which lowers their tax revenue. The loss of tax revenue then fatally translates into increased social costs.

GUIDELINES

How to avoid counterfeit goods

Scammers know how to replicate branded products perfectly to make them look real. These fakes may give the appearance of a status symbol, at high risk of being discovered for what they are, being less durable than the originals because they involve poor materials and workmanship. It's no coincidence that they cost much less than the original. The consumer has a very effective weapon to keep criminal organizations from getting rich running the thriving counterfeit industry: **not to buy any fake or counterfeit product, and to interpret this need as a duty of civic participation.**

Sunglasses

Sunglasses' primary function is protecting the eyes, primarily from bright light, UV rays and potentially harmful radiation which can cause severe damage to the cornea, lens or eyelids, but they also help keep wind, sand and salt water out of the eyes. Fashions and brand names should be secondary properties to be taken into consideration when buying a pair of sunglasses. But appearances are very important, and so people who cannot afford to buy original designer sunglasses often buy "fake" ones which look the same, but are actually very different. The crime of counterfeiting, punishable under the criminal code, is unfortunately very common in eyewear.

Counterfeit eyewear most often comes from Asia and may be bought cheaply at market stalls; this is why it is so important to buy sunglasses only from an optician you know and trust, where opticians, optometrists and trained personnel can provide customers with advice about lenses and frames, and above all guarantee that the products they sell meet the requirements of the legislation.

What are the obligatory features of sunglasses?

The first thing to check in order to determine whether eyeglasses conform to the essential safety requirements laid down by the law is that they must bear the **CE marking**, which must be legibly and indelibly marked in a visible position (on the temples, on the package and/or in the enclosed documentation).

If the mark appears on the packaging and/or enclosed documentation it must have a minimum size of 5 millimetres. Secondly, eyeglasses must be accompanied by **information from the manufacturer**, that is, by an instruction booklet in Italian containing complete information on the category and type of sun filter and instructions for cleaning, maintenance and use. There are three basic safety requirements to be met in designing sunglasses: **harmlessness** (they must not cause any risks or problems during ordinary use), **comfort** and **effectiveness** (they must be light, strong and comfortable to wear), and **protection against radiation** (lenses must not deteriorate or lose their properties).

Are all sunglasses the same?

There are various different kinds of lenses, each with its own specific properties:

- uniform: lenses characterised by uniform colouring over their entire surface;
- degrading (graduated): lenses characterised by uniform vertical variation of colour;
- polarising: lenses which let light through selectively, recommended for driving and sports and particularly effective in the presence of strong reflections (on water, snow or shiny surfaces);
- photochromatic: lenses that adapt the intensity of their colouring to that of outdoor light (colour becomes darker in the presence of visible and ultraviolet light).

As for the **material used**, lenses may be made of **organic material** (there are many different types) or made of **glass**.

Sun filters (lenses) may be divided into five categories depending on their filtering power:

- applicable to photochromatic filters in their light state, degrading filters and filters offering specific protection against a particular region of the solar spectrum;
- recommended in low light conditions;
- recommended in medium light conditions;
- recommended in full light conditions;
- recommended in strong light conditions (not for use on the road or while driving).

In summer, in the presence of strong light, it's important to use at least the level of protection offered by category 3 filters.

Lens colour does not determine protection against UV rays, which are by definition invisible. UV rays increase in intensity depending on the height of the sun and the altitude, penetrate through clouds and increase in power when reflected off snow, water or sand. Lenses should be chosen on the basis of the declared category and therefore the planned use, and whether or not they are recommended for use while driving.



Note: UV radiation reaches maximum intensity when the sky is clear, but while there is less sunlight under a cloudy sky, 90% of UV rays penetrate clouds. It is a good idea to ask your optician or eye care professional for advice when choosing sunglasses, informing them of any vision problems or eye pathologies you may have. You may choose the frame according to your personal tastes, but it's best not to choose glasses that are too small as they will not

protect your entire field of vision. If you practice sports, you should wear wrap-around glasses that protect the eyes at the sides and also provide protection against wind, sand and dust.

Prescription eyewear

The regulations governing sale of products classified as medical devices, and specifically **prescription glasses**, distinguish between **custom-made** and **ready-made** glasses.

Custom-made glasses

Retail sale of custom-made glasses and lenses for correcting vision **defects** is limited to opticians and conducted directly under their control to protect human health.

The optician must give the buyer a written declaration of conformity to regulations.

This is why it is so important to go to an optician rather than buy counterfeit goods, which not only fail to correct problems with vision but can cause severe eye damage.

It is particularly important for consumers to buy prescription glasses that are not 'standard' but offer all the guarantees and customisation normally required of a product intended to correct vision defects.

If you require prescription glasses, you should not even consider buying them from a market stall, but buy them only from an authorised dealer.

But certain kinds of prescription glasses are now sold in drugstores and supermarkets, and many consumers are convinced that they can solve their vision problems, but this is not the case: vision must be constantly monitored by an ophthalmologist, who knows what remedy is required for particular problems, and the appropriate glasses should be bought from a professional optician.

Ready-made glasses

Drugstores and supermarkets can only sell ready-made glasses at standard graduations, which do not vary depending on particular problems with vision but are the same for both lenses, and therefore cannot be used by people requiring different dioptries for each eye. The only kind of lens that can be sold in the form of ready-made glasses is monofocal lenses with a power of +1.00 to +350 dioptries.

In Ministerial Decree 26/11/04, the Ministry of Health specified that ready-made glasses must always bear a warning, printed on a label or sticker attached to the lenses or frame, stating that they are NOT SUITABLE for use while driving or on the road (such use violates art. 173 of the Highway Code). Ready-made glasses must bear not only the **CE marking** but the following information:

- name or brand of the manufacturer or the party marketing the glasses;
- dioptries;
- distance between pupils, warnings and precautions for use in Italian.

WHAT TO DO IN CASE OF COUNTERFEIT GOODS



It should be remembered that only with **reputable retailers, possibly officially authorized** by the manufacturer, can you be sure you are buying **truly authentic items**.

WHOM TO CONTACT TO PROTECT YOURSELF

In the event that the buyer has a reasonable suspicion that he has unknowingly bought a fake product, it can be reported to:

**Directorate General for the Fight against Counterfeiting – I.P.T.O.
Ministry of Economic Development**

→ CALL CENTER

 | +39 06 4705 5800  | +39 06 4705 5750

From Monday to Friday from 9:00 to 17:00

 | contactcenteruibm@mise.gov.it

→ ANTI-COUNTERFEITING HOTLINE

 | +39 06 4705 3800  | +39 06 4705 3539

From Monday to Friday from 9:00 to 17:00

 | anticontraffazione@mise.gov.it

→ INFORMATION CENTRE

From Monday to Friday from 9:30 to 13:30

For afternoon appointments, contact the Call Center

→ For more information **consult the WEB** at the following addresses:

www.mise.gov.it

www.uibm.gov.it

Customs Agencies

→ F.A.L.S.T.A.F.F. PROJECT

Developed and launched since 2004, the FALSTAFF project aims to promote the circulation of original goods, conforming to quality and safety, to ensure free competition in the market. The FALSTAFF project team can be contacted at the following address:

 | dogane.falstaff@agenziadogane.it

Finance Guard

→ S.I.A.C. PROJECT

The Anti-Counterfeiting Information System (SIAC) is co-funded by the European Commission and entrusted by the Ministry of the Interior to the Finance Guard, confirming the central role of the Corps in the specific operating segment.

The initiative is inspired by the knowledge that to deal with an illicit and transversal multi-dimensional phenomenon like counterfeiting a “system” is necessary among all institutional components and actors involved in the fight against the “counterfeit industry”. On this basis, the project was designed as a multifunctional online platform composed of several applications, which perform the following functions:

- information for consumers.
- Cooperation among institutions and, in particular, among Police Forces and between these and Municipal Police forces.

- Collaboration between institutional components and companies.

The website of the Anti-Counterfeiting Information System is overseen by the staff of the Special Market Protection Unit, reporting to the Special Forces Command of the Finance Guard.

You can contact the office of the S.I.A.C. at:


 | **+39 08 0588 2221**


or at the address:

 | **siac@gdf.it**

- Cooperazione tra gli attori istituzionali e, in particolare, tra le Forze di polizia e tra queste e le Polizie Municipali.
- Collaborazione tra le componenti istituzionali e le aziende.

Il sito web del Sistema Informativo Anti Contraffazione è curato dal personale del Nucleo Speciale Tutela Mercati, alle dipendenze del Comando Reparti Speciali della Guardia di Finanza. È possibile contattare la redazione del S.I.A.C. al numero:

 | **+39 08 0588 2221**

oppure al seguente indirizzo:
 | **siac@gdf.it**