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Final settlement reached in hearing aid lawsuit

A hearing aid manufacturer and five of its distributors have agreed to pay Santa Cruz and Marin counties \$50,000 for allegedly making false claims in ads.

The suit was filed one year ago by the district attorney offices of the two counties and the state Attorney General's office against Electone, Inc., of Winter Park, Fla.

Assistant District Attorney Bob Patterson said that besides paying the fines, Electone and its representatives have agreed to a number of requirements on their future advertising.

Among those requirements are that the company's ads cannot claim anyone is a "Dr." unless they are medically licensed as such; cannot call anyone an audiologist unless properly licensed; and must disclose the relationship between the hearing specialist and the company to persons interested in buying that brand of hearing aid.

The suit had claimed that Electone had deliberately misled the public by using false claims in its ads. Those ads ran in local newspapers, said Patterson.

The suit claimed that the ads indicated a doctor would examine anyone interested in buying a hearing aid and would provide

the patient with a professional hearing aid exam.

However, Patterson's lawsuit claimed the goal of the so-called exam was really to sell patients an Electone product.

Patterson said, "This was another case where people are going to pay for grossly misleading the public in their advertising."

Two so-called doctors and three distributors of Electone products were fined \$5,000 each, said Patterson. Among the distributors was Larry Chickos, of the Hearing Aid Center of Gilroy. That was the closest distributor of Electone products to Santa Cruz County.

Other distributors were in Marin and Redding, said Patterson. A fourth distributor of the hearing aids located in Orange County was not fined because he has since ceased business, said Patterson.

Electone itself will pay the remaining \$25,000, said Patterson. Of the total \$50,000 being paid, Patterson said \$40,000 will go to Santa Cruz County and \$10,000 will be paid to Marin County.

The settlement was hammered out during negotiations this summer. Patterson said the final settlement was worked out last week.