

## CLIENT ALERT

### Attorneys General Are on the Watch for COVID-19 Related Scams

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Now that some businesses are attempting to re-open and must sanitize their locations for employees and the public, Attorneys General will vigilantly monitor for unsupported claims that products can cure or prevent the transmission of COVID-19. They will also watch for claims that a location using these products will be safe for the public. Several Attorneys General have already initiated enforcement actions and issued cease and desist letters admonishing companies who made such representations, and more are sure to follow.

On June 27, Arizona Attorney General Mark Brnovich sent a cease-and-desist [letter](#) to Clean Air EXP imploring that the company stop claiming their air purification systems neutralize “99.9% of viruses that are ‘COVID-19 surrogates.’” The letter explains that such representations imply that products can prevent the transmission of COVID-19, while there is currently no scientific support demonstrating that any air treatment product is able to avert transmission of the virus. Attorney General Brnovich’s Office also sent a similar [letter](#) to Dream City Church regarding statements it made about an air filtration system it bought from Clean Air EXP, such as that 99% of the virus would be gone when visitors came into the church auditorium and that churchgoers would be “safe and protected.” The church was warned that because it rents its facility for other reasons besides church functions, misrepresentations about the safety of the church could violate the Arizona Consumer Fraud Act.

On June 26, Oregon Attorney General Ellen Rosenblum [announced](#) settlements with six clinics and companies who sold and advertised products they claimed could cure the virus or possessed immunity boosting properties, though the products were not approved by the FDA or recommended by the CDC. Under the settlement agreements, the companies may no longer make such claims unless they are first approved by the FDA and supported by “competent and reliable scientific evidence.” On June 16, Arkansas Attorney General Leslie Rutledge [announced](#) a lawsuit against The Jim Bakker Show for telling consumers in Arkansas that colloidal silver products could eliminate the virus, resulting in the sale of over \$60,000 worth of products. The FDA has previously advised that such products “are not scientifically recognized to be safe and effective.”

Companies should be aware that Attorneys General are watching for unsupported claims that products can cure or rid the air of COVID-19 or that a business location is free of the virus, as well as other similar scams. To avoid liability, they should carefully ensure that any claims they make about air purification, curing or preventing transmission of the virus, or the safety and cleanliness of business locations are backed by scientific support.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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