

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

August 29, 2019

***First-Class Mail and
Email info@metookit.com***

MeToo Kits Company
370 Jay Street, 7th Floor
Brooklyn, NY 11201

Dear Sir/Madam:

Re: MeToo Kits Company

This letter gives you notice of intended action in accordance with MCL 445.905(2) and provides you an opportunity to immediately cease and desist from engaging in the unlawful business practices described below.

As background, this Office is responsible for enforcement of the Michigan Consumer Protection Act, MCL 445.901 *et seq.* Under this Act, the Attorney General may bring injunctive actions to protect the interests of consumers.

We have learned this week that you are marketing for sale a sexual assault evidence kit, described as the "first ever sexual assault evidence kit for at-home use." Having reviewed your website and other online statements, we are very concerned about these sales and the representations being made to accomplish them.

Your marketing materials do not state the price you are charging, or plan to charge, for these kits. But these materials also fail to explain that such kits are free to Michigianians who seek medical attention for a sexual assault within 120 hours of the assault. The evidence kit is included in a sexual assault medical forensic examination, which by law is provided without charge to the victim. See MCL 333.21527 and MCL 18.355a.

An at-home evidence kit does not address the health care needs of many sexual assault survivors. It assumes the only reason a collection is made is for evidentiary purposes at trial. However, the medical examination is significantly important because it can identify and treat injuries and provide medications for the prevention and treatment of pregnancy, sexually transmitted diseases, and injuries. Medical professionals can also help victims identify resources for emotional support.

Your marketing campaign also assumes and misleads victims into thinking that they are collecting all the evidence that could be collected from the assault. Medical forensic examinations involve the taking of photographs, documentation of injuries, and an anatomically thorough investigation by a qualified professional in an appropriate

August 29, 2019

setting. While your website suggests the at-home kit results will be admissible in Court, we are skeptical about that proposition. Your speculation about such admissibility is a poor justification for sales of a product that appears destined to delay sexual assault victims from seeking prompt medical attention.

Based on the above, the Attorney General has probable cause to believe you are engaged in the following unfair trade practices made unlawful by the Act:

(c) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have.

(n) Causing a probability of confusion or of misunderstanding as to the legal rights, obligations, or remedies of a party to a transaction.

(s) Failing to reveal a material fact, the omission of which tends to mislead or deceive the consumer, and which fact could not reasonably be known by the consumer.

(cc) Failing to reveal facts that are material to the transaction in light of representations of fact made in a positive manner.

[MCL 445.903(1).]

You have ten days within which to provide this Office with assurances of voluntary compliance under the Act. To be acceptable to this Office, such assurances must include an agreement that you will not sell these sexual assault kits to Michigan consumers.

Be advised that we will be filing a petition in Ingham County Circuit Court seeking authority to issue investigative subpoenas. See MCL 445.907. We are extremely concerned about the representations being made as part of your marketing campaign and will be seeking documentation and testimony to better understand them. This is an important consumer and public safety matter, and we will pursue it accordingly.

We look forward to your response.

Sincerely,



Darrin F. Fowler
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Assistant Attorneys General
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(517) 335-7632

DFP/cms