

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

April 1, 2020

VitaStik, Inc.  
Registered Agent: Stronghold  
10000 South Maryland Pkwy, Ste. 1122  
Las Vegas, NV 89183

\$tonghold, Inc.  
Registered Agent: Stronghold  
10000 South Maryland Pkwy, Ste. 112  
Las Vegas, NV 89183

Dear Alred Santos:

*Re: VitaStik, Inc.*

The purpose of this letter is to make clear to you the serious concerns of this Office related to your marketing and sales of a product demonstrating your intention to profit from the current public health emergency.

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.

A concerned Michigan consumer recently brought to this Office's attention your website promoting an at-home Coronavirus test kit. No such kits have been approved by the Food and Drug Administration (FDA). Indeed, the Federal Trade Commission currently has on its website a posting warning consumers that all such promotions are scams. The FTC then refers consumers to the FDA's website. See <https://www.consumer.ftc.gov/features/coronavirus-scams-what-ftc-doing>; <https://www.fda.gov/medical-devices/emergency-situations-medical-devices/faqs-diagnostic-testing-sars-cov-2#offeringtests>

Upon reviewing the consumer's concerns, Special Agent Jeff Campbell began an investigation. During this investigation, he spoke to you about your supposed at-home test kit. You said it was coming from China but refused to provide additional details such as the source or manufacturer. You told Agent Campbell that the FDA was reviewing your application for this product and promised to provide him confirming emails of those discussions two days ago. But no such emails were sent.

Agent Campbell followed up with the FDA and confirmed there is no knowledge there of you or your product. Agent Campbell's report is included with

this warning letter for your reference. This matter has been referred to the FDA for appropriate action.

Based on the above, the Attorney General has probable cause to believe you are engaging 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.

(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.

(aa) Causing coercion and duress as the result of the time and nature of a sales presentation.

(bb) Making a representation of fact or statement of fact material to the transaction such that a person reasonably believes the represented or suggested state of affairs to be other than it actually is.

[MCL 445.903(1).]

This Office hopes to call out your scam and leave this matter to the Federal authorities for appropriate action. These test kits, which you claim with no foundation have 96.3 percent accuracy, are dangerous. False reliance on whatever test strips you are selling could have deadly consequences for both those who buy them and their loved ones. Do not sell these kits to Michigan consumers. If you have sold any to Michigan consumers, refund them now. If you fail to comply, you will find the mitten on your map has become a boxing glove aimed squarely at you.

No response to this letter is required. But your compliance is demanded.

Sincerely,

*/s/ Darrin F. Fowler*

Darrin F. Fowler  
Assistant Attorney General  
Corporate Oversight Division  
(517) 335-7632



**DEPARTMENT OF  
ATTORNEY GENERAL  
FINANCIAL CRIMES  
DIVISION**

<b>ORIGINAL DATE</b> 03/30/2020	<b>ATTY GEN LEGAL FILES NUMBER</b> 2020-0284358-A
<b>DATE OF THIS REPORT</b> March 30, 2020	<b>LANSING - FINANCIAL CRIMES</b>

<b>SPECIAL AGENT NAME</b> Jeff Campbell	<b>AAG ASSIGNED</b> Darrin Fowler	<b>COMPLAINANT</b> [REDACTED]
<b>STREET ADDRESS AND CITY OF INVESTIGATOR OFFICE</b> 525 W. Ottawa St., Lansing, MI 48933 [REDACTED]		<b>REPORT NUMBER AND CASE STATUS</b> #1 – Initial - Open

**Report Type:**

Initial

**Complaint/Nature of Incident:**

Suspicious Online Product – COVID-19 Home Test Kit

**Venue:**

Lansing, MI

**Complainant:**

[REDACTED]  
[REDACTED]

**Suspect:**

Alfred Santos, III  
VitaStik, LLC  
433 N. Camden Drive, Ste #600  
Beverly Hills, CA 90210

**Information:**

On 3/27/2020, I Special Agent Jeff Campbell, was assigned to investigate information regarding concerns from a Michigan resident about a potentially fraudulent website that was marketing a COVID-19 Home Test Kit. This complaint was sent by [REDACTED] and included the following link to the website of concern to her: <https://www.vitastik.com/collections/bundle-discount-packs-7-11-per-vitamin-diffuser/products/coronavirus-home-test-kit-human-15-minute-accurate-affordable-and-reliable-finger-prick-corona-virus-blood-test>.

I called [REDACTED] on 3/27/2020 and spoke with her by telephone. She told me she had seen information about this home test kit posted by a person named [REDACTED] on her local “Nextdoor” neighborhood social media site in the Whitehall, Michigan area. She and others on the site had commented about their concerns over this being a legitimate product, as she did not believe the FDA had approved any such products that purport to be testing for COVID-19. [REDACTED] said the posting had since been removed but sent me a copy of the limited comments she was still able to access from the Nextdoor posting. This is included in this complaint file. [REDACTED] did not know of anyone who had purchased one of these kits, and she reported it simply because it appeared suspicious to her and others that commented on the posting.

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Upon examining the VitaStik website at the link provided to me, I located a test kit being offered for sale. This test kit was described at this link with the following language: "CORONAVIRUS HOME TEST KIT – HUMAN 15 MINUTE ACCURATE, AFFORDABLE AND RELIABLE FINGER PRICK CORONA VIRUS BLOOD TEST". This kit was priced at \$25.00 per kit, and further described the kit as being 96.3% accurate, and being able to detect IgM and IgG antibodies from a human blood sample in under 15 minutes. I captured numerous screenshots from the VitaStik website related to the marketing and sale of these test kits, and they are included in this complaint file.

Through online research, I located an email address of [REDACTED], and a phone number of [REDACTED] for VitaStik. I attempted to contact by phone and email on 3/27/2020 to inform them of the complaint, and to ask them for further information about the product. I received an email reply from VitaStik on Sunday 3/29/2020 indicating that they would call me on Monday at 1pm Pacific Time to discuss the complaint. The email also indicated VitaStik had FDA authorization to "manufacture, market, and distribute" these kits. A copy of that email is included with this complaint file.

On 3/30/2020 at approximately 4:05pm, I received a telephone call from a male who identified himself as Al Santos from VitaStik, with an incoming phone number of [REDACTED]. In the course of our telephone conversation, Mr. Santos informed me that he and his company had been going through the FDA emergency approval process under the "Emergency Use Authorization Act" to get his product approved for sale in the United States. He described this process as being done through emails back and forth between VitaStik and the FDA, and that he had amended the marketing language depicted on his website at the direction of the FDA to meet their approval requirements. Specifically, he told me he was told to include the language indicating that this test was "not reviewed by the FDA" because the FDA was not reviewing the actual performance or accuracy of this test. He further stated that the FDA had been very responsive throughout the emergency approval process, and that he expected to have final approval for this product the following day. He stated he had not shipped any of the test kits yet but did not specifically say whether any had been pre-ordered and sold in advance.

I asked Mr. Santos specifically who manufactures the test kits he was selling, and where he obtained them. He told me there were three different companies in China that manufacture these tests, and that they had been widely used throughout China. He also said there many different distributors of these test kits. I asked again for the specific brand name or manufacturer name but was not given a direct answer to that question. Instead, he referred to these tests being used widely in China and explained how this test was designed to detect the antibodies associated with exposure to all of the various strains in the SARS, MERS and COVID virus family, not just COVID-19. He indicated that his test was simply a quick method to give a

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positive or negative result that someone “may have been exposed” to one of the various strains he mentioned and would help someone determine if they needed further testing.

I asked Mr. Santos to provide me with an FDA application log, file, or other certification number to help me confirm his information. He told me that he had not been given one, as this process had been done strictly through emails with the FDA, and there was no such number through this emergency approval process. I asked him to forward me the email communications he had with the FDA so I could verify his information that way. Mr. Santos told me he could send me screenshots of this info. As of 3/31/2020 at 2:10pm, I had not yet received any further information or communication from Mr. Santos or VitaStik.

On 3/31/2020, I spoke with Special Agent [REDACTED] from the FDA. I provided him with the information I had found so far and asked him to investigate whether VitaStik had a current application in progress. SA [REDACTED] told me he was not able to find any application under the name of VitaStik during his initial search. After reviewing screenshots of the website information I provided him, he told me he did not believe this test kit would meet the FDA approval requirements as they do not approve home test kits that provide an immediate positive or negative result, only those that are sent in to a laboratory for analysis. SA [REDACTED] forwarded the information I provided to his headquarters office for review and potential action by the FDA to shut this website down.

For further information about VitaStik, included with this file is trademark information showing that VitaStik is a trademark of a corporation called \$tronghold, Inc. Corporate information on \$tronghold, Inc shows that Alfred Santos III is listed as the president, secretary, treasure and director of this corporation. The current status is listed as revoked, with an address of 10000 South Maryland Pkwy, Suite #1122, Las Vegas, NV 89183.

At the direction of Special Agent Supervisor Stephen Morse, I purchased [REDACTED]  
[REDACTED]  
[REDACTED] received a purchase confirmation email shortly after the purchase was completed. The total amount for this purchase was \$28.67, including shipping. I also received a separate email notifying me of the shipment of this product. Copies of a screenshot of this purchase along with the emails received are included with this complaint file.

Based on the information obtained, I will forward these findings to the Corporate Oversight Division for review and a decision on appropriate enforcement action.

**Status:**  
**Open**

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