

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30736
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

March 24, 2020

VIA UPS OVERNIGHT

Frequency Apps Corp.
Adam Petty, Resident Agent
11565 Edgerton Ave.
Rockford, MI 49341

Biores Technologies, Inc.
Adam Petty, Resident Agent
11565 Edgerton Ave.
Rockford, MI 49341

Re: *Notice of Intended Action- Frequency Apps Corp. and Biores Technologies, Inc.*
AG No. 2020-0283822-A

Dear Sir/Madam:

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 that you are marketing to consumers for sale the “Coronavirus Defender patch,” which you claim will “help aid the immune system to defend itself against exposure to the virus,” and “can help lessen the effect of the virus if you already have the Covid 19 virus.” You have priced the patch at \$49.99 but state that you may receive a 30-day supply of the patch for free when you buy a 45-day supply of any patches your companies sell.

It appears you are attempting to profit from the public’s fear surrounding the Coronavirus, otherwise known as Covid-19. We have received a complaint from a consumer indicating that the consumer was concerned that you are leading purchasers “to have a false sense of security and to ignore proper safety methods to prevent the spread of the virus.” The consumer’s concerns are well founded. Currently, there are no vaccines, drugs, or other treatments approved to prevent or treat the virus.

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:

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(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).]

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 market or sell your “Coronavirus Defender patches” to Michigan consumers. Additionally, we are requesting that you provide our office, within ten days, contact information for all consumers that have purchased these patches from your company.

This Office is taking steps to either file a civil lawsuit pursuant to MCL 445.905 or commence a formal investigation under MCL 445.907. Your response to this Notice will help us determine if one of these paths will be necessary.

Your inappropriate sales tactics are especially concerning in light of the public health emergency Michiganders face, which unfortunately cannot be simply patched up as you suggest. We look forward to receiving your prompt response.

Sincerely,



Katherine J. Bennett (P75913)
Darrin F. Fowler (P53464)
Assistant Attorneys General
Corporate Oversight Division
(517) 335-7632