



MIKE HUNTER  
ATTORNEY GENERAL

September 12, 2019

The Preserve Group, LLC  
900 SE Central Avenue, Suite 223  
Seaside Park, NJ 08752

Dear Sir/Madam:

I send this letter to demand that The Preserve Group, LLC (“Preserve” or “Company”) immediately cease and desist from engaging in the unlawful business practices in the State of Oklahoma described below.

As Attorney General of Oklahoma, I am charged with the enforcement of the Oklahoma Consumer Protection Act, 15 O.S. §§ 751, *et seq.* (“the Act”). My office recently learned that Preserve is, or has been, in the course of its business, engaging in unlawful practices pursuant to the Act.

The Oklahoma Consumer Protection Act, in particular 15 O.S. § 753(2), (3), (5), and (20), provides as follows:

- A person engages in a practice which is declared to be unlawful . . . when, in the course of the person’s business, the person: . . .
2. Makes a false or misleading representation, knowingly or with reason to know, as to the source, sponsorship, approval, or certification of the subject of a consumer transaction; . . .
  3. Makes a false or misleading representation, knowingly or with reason to know, as to affiliation, connection, association with, or certification by another; . . .
  5. Makes a false representation, knowingly or with reason to know, as to the characteristics, ingredients, uses, benefits, alterations, or quantities of the subject of a consumer transaction or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith; . . .
  20. Commits an unfair or deceptive trade practice as defined in Section 752 of this title; . . .

Your Company advertises that the PRESERVEkit is a “self-administered tool for survivors to collect evidence for use at a later date within the judicial system.” I am deeply concerned about the Company’s product and the manner in which it is advertised and promoted to Oklahoma consumers. While products like this may originate from a desire to assist victims, the product is likely to fail in that aim, and instead mislead victims as to its usefulness, possibly further traumatizing them.

Preserve states that its product “includes forensic tools and step-by-step instructions for survivors to collect evidence on their own terms.” Furthermore, Preserve states that consumers

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are provided “with the option to come forward with evidence of the crime in a month, a year, a decade, or longer.”

The Company’s representations and promotions suggest that PRESERVEkits are sufficient to justify and sustain criminal proceedings against perpetrators of sexual assaults. Oklahoma law establishes procedures for the administration, preservation, and evidentiary use of sexual assault kits. *See* 21 O.S. § 142.20; 74 O.S. § 150.28a; 74 O.S. § 150.28b. However, Preserve fails to address or even acknowledge Oklahoma law regarding the legal admissibility of sexual assault kits. Preserve also fails to disclose that Oklahoma has enacted statutes of limitations that prohibit the criminal prosecution of sexual assaults not filed within mandated timeframes.

Preserve has ten days from the date of this letter within which to provide this Office with assurances of voluntary compliance under the Oklahoma Consumer Protection Act. The Company’s assurances must include, at minimum, an agreement that it will not sell PRESERVEkits in Oklahoma. Be advised that under 15 O.S. § 761.1, any person engaging in violations of the Act faces up to “Ten Thousand Dollars (\$10,000) per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper.”

While likely well-intentioned, this product will, no doubt, encourage victims to stay in the shadows and not seek the immediate help they need. Oklahoma law provides for medical examination of sexual assault victims, at no cost to the victims. At the time of this initial, free exam, the administration of sexual assault kits is only one part of the treatment of victims. Healthcare professionals may also take photographs of victims, administer acute treatment of injuries sustained, prescribe medications, including those to prevent sexually transmitted diseases, and assess emotional safety and well-being. They also provide the victim with information about additional resources available to him or her, including: possible financial assistance and other social services, such as counseling; possible law enforcement prosecution of the assailant and protection of the victim; and recommendations for follow-up medical care.

Victims must be empowered to come forward so that justice can truly be served through lawful processes. My work to reform the processing, collection, and testing of sexual assault evidence kits in Oklahoma is solely focused on helping victims find the voice and justice they so desperately need and deserve. If this is truly your goal and you would like to join us in this effort, I invite you to contact Chief Assistant Attorney General Melissa Blanton, who leads my office’s Victims Services Unit, at 405.521.3921 or [melissa.blanton@oag.ok.gov](mailto:melissa.blanton@oag.ok.gov).

Sincerely,



Mike Hunter  
Oklahoma Attorney General



MIKE HUNTER  
ATTORNEY GENERAL

September 12, 2019

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

Dear Sir/Madam:

I send this letter to demand that the MeToo Kits Company (“MTK” or “Company”) immediately cease and desist from engaging in the unlawful business practices in the State of Oklahoma described below.

As Attorney General of Oklahoma, I am charged with the enforcement of the Oklahoma Consumer Protection Act, 15 O.S. §§ 751, *et seq.* (“the Act”). My office recently learned that MTK is, or has been, in the course of its business, engaging in unlawful practices pursuant to the Act.

The Oklahoma Consumer Protection Act, in particular 15 O.S. § 753(2), (3), (5), and (20), provides as follows:

A person engages in a practice which is declared to be unlawful . . . when, in the course of the person’s business, the person: . . .

2. Makes a false or misleading representation, knowingly or with reason to know, as to the source, sponsorship, approval, or certification of the subject of a consumer transaction; . . .

3. Makes a false or misleading representation, knowingly or with reason to know, as to affiliation, connection, association with, or certification by another; . . .

5. Makes a false representation, knowingly or with reason to know, as to the characteristics, ingredients, uses, benefits, alterations, or quantities of the subject of a consumer transaction or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith; . . .

20. Commits an unfair or deceptive trade practice as defined in Section 752 of this title; . . . .

Your Company advertises that the “MeToo Kit” is the “first at-home kit for commercial use.” The Company’s marketing materials state that “[t]he MeToo Kit is designed to address the problem associated with traditional sexual assault kits available to survivors.” I am deeply concerned about MTK’s product and the manner in which it is advertised and promoted to Oklahoma consumers. While products like this may originate from a desire to assist victims, the product is likely to fail in that aim, and instead mislead victims as to its usefulness, possibly further traumatizing them.

The Company states that “[t]he MeToo Kit comes at a pocket-friendly price,” though the price is not specified. More concerning, the Company states that its product “empowers survivors to *accurately collect evidence in a setting and timing of their choice*,” and that the product is “able to collect DNA samples and other tissues, which upon testing *can provide the necessary time-sensitive evidence required in a court of law to identify a sexual predator’s involvement in a sexual assault*.” (Emphasis added).

The Company’s representations and promotions suggest that MeToo Kits are sufficient to justify and sustain criminal proceedings against perpetrators of sexual assaults. Oklahoma law establishes procedures for the administration, preservation, and evidentiary use of sexual assault kits. *See* 21 O.S. § 142.20; 74 O.S. § 150.28a; 74 O.S. § 150.28b. However, MTK fails to address or even acknowledge Oklahoma law regarding the legal admissibility of sexual assault kits. MTK also fails to disclose that Oklahoma law provides for medical examination of sexual assault victims, at no cost to the victims.

Additionally, the administration of sexual assault kits is only one part of the treatment of sexual assault victims. At the time of the initial, free exam, healthcare professionals may also take photographs of victims, administer acute treatment of injuries sustained, prescribe medications, including those to prevent sexually transmitted diseases, and assess emotional safety and well-being. They also provide the victim with information about additional resources available to him or her, including: possible financial assistance and other social services, such as counseling; possible law enforcement prosecution of the assailant and protection of the victim; and recommendations for follow-up medical care.

The Company has ten days from the date of this letter within which to provide this Office with assurances of voluntary compliance under the Oklahoma Consumer Protection Act. The Company’s assurances must include, at minimum: 1) an agreement that it will not sell MeToo Kits in Oklahoma; and 2) an agreement that it will cease and desist from all targeted marketing or sales campaigns to Oklahomans, including those aimed at Oklahoma universities and colleges. Be advised that under 15 O.S. § 761.1, any person engaging in violations of the Act faces up to “Ten Thousand Dollars (\$10,000) per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper.”

While likely well-intentioned, this product will, no doubt, encourage victims to stay in the shadows and not seek the immediate help they need. Victims must be empowered to come forward so that justice can truly be served through lawful processes. My work to reform the processing, collection, and testing of sexual assault evidence kits in Oklahoma is solely focused on helping victims find the voice and justice they so desperately need and deserve. If this is truly your goal and you would like to join us in this effort, I invite you to contact Chief Assistant Attorney General Melissa Blanton, who leads my office’s Victims Services Unit, at 405.521.3921 or [melissa.blanton@oag.ok.gov](mailto:melissa.blanton@oag.ok.gov).

Sincerely,



Mike Hunter  
Oklahoma Attorney General