



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
HEALTH CARE BUREAU

March 26, 2020

VIA EMAIL

Ms. Meg Hellerstedt
President
Sylvane, Inc.
245 Hembree Park Drive
Suite 124
Roswell, GA 30076

Re: CEASE AND DESIST NOTIFICATION

Dear Ms. Hellerstedt:

The New York State Office of the Attorney General (“OAG”) is extremely concerned by your company’s representations to consumers that they can effectively control the spread of the 2019 novel coronavirus (COVID-19) by using the air purifiers sold on your website, including the IQAir HealthPro Plus Air Purifier (sold for \$899) and the Aeris Aair Indoor Air Purifier (on sale for \$899, normally \$999 to \$1,199). *See* <https://www.sylvane.com/blog/how-air-purifiers-can-help-with-the-coronavirus/> (“How Air Purifiers Can Help with the Coronavirus”).

The 2019 novel coronavirus poses serious consequences to public health, and consumers are concerned as to how they can best protect themselves and their families. Your marketing may mislead consumers as to the degree of protection air purifiers can provide against COVID-19, a virus whose predominant form of transmission is through droplet spread.¹ The World Health Organization (“WHO”) has noted that “studies to date suggest that the virus that causes COVID-19 is mainly transmitted through contact with respiratory droplets rather than through the air.” *See* <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses>.

Recent studies have suggested that medical procedures may aerosolize particles, causing the virus to remain in the air longer. Thus, the WHO does recommend “airborne precautions” for medical workers. *See* <https://www.c-span.org/video/?470405-1/world-health-organization->

¹ The WHO has stated that “the currently available evidence...does not support routine airborne transmission.” <https://www.who.int/news-room/q-a-detail/q-a-on-infection-prevention-and-control-for-health-care-workers-caring-for-patients-with-suspected-or-confirmed-2019-ncov>.

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coronavirus-news-conference#&start=1260. However, your website does not clarify that air purifiers are primarily useful against the coronavirus in medical environments.² This omission may mislead consumers into purchasing units that have limited usefulness in protecting them and their families. Therefore, any misrepresentation to consumers about the effectiveness of air purifiers violates New York law.

You are hereby advised to immediately cease and desist from making misleading claims as they violate New York's consumer protection statutes, Executive Law § 63(12) and General Business Law Article 22-A §§ 349 and 350, which prohibit fraudulent and deceptive business practices and false advertising. Additionally, you are advised to add language to your coronavirus page [<https://www.sylvane.com/blog/how-air-purifiers-can-help-with-the-coronavirus/>] which clarifies that your products may be most effective in medical environments where particles are being aerosolized.

Within the next **ten business days**, please contact the undersigned to confirm that you have so complied. Your failure to comply with this directive may result in further action by this office. Please be advised that the Office of the Attorney General is authorized pursuant to Executive Law § 63(12) and General Business Law Article 22-A to bring suit to enjoin any deceptive acts and practices, and to seek restitution, damages, and penalties of up to \$5,000 per violation (§ 350-d).

Very truly yours,

/s/ Lisa Landau
Lisa Landau
Chief, Health Care Bureau

² Note that the Centers for Disease Prevention and Control's guidance for home treatment of COVID-19 does not currently include the use of home air purifiers even for households with contagious patients.
<https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-home-care.html>.