



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
CONSUMER FRAUDS & PROTECTION BUREAU

January 3, 2022

VIA HAND DELIVERY

EZ Test NY
242 Bay Ridge Avenue
Brooklyn, NY 11222

Re: Misleading advertising regarding timing of COVID-19 test results

Dear Sir or Madam:

The New York State Office of the Attorney General (“OAG”) has become aware that the one or more of your mobile testing sites advertise COVID-19 test results in “24 hours or less” even though your website acknowledges that consumers “can expect [their] results in approximately 3 to 6 days. PLEASE BE AWARE THAT THESE TIMES ARE NOT GUARANTEED.” Consumers have reported wait times as long as eleven days. Misleading statements about when individuals can expect COVID-19 test results is especially concerning during the holiday season, since many individuals are relying on these test results to make decisions about whether they can travel or attend family gatherings. Individuals also need accurate information about the timing of COVID-19 test results so that they can decide between taking a rapid or PCR test, and make an informed decision between testing providers.

Pursuant to New York Executive Law § 63(12) and General Business Law §§ 349 and 350, the OAG has the authority to investigate and commence legal action to enjoin deceptive, fraudulent or illegal business practices, including but not limited to false advertising.

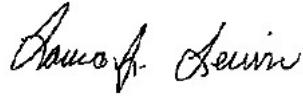
Upon receipt of this letter, please update any signage at your test sites, including but not limited to tent canopies, immediately to accurately reflect how long individuals can expect to wait before receiving COVID-19 test results. In addition, please immediately email any individuals who are awaiting COVID-19 test results to inform them of whether there will be any delays in receiving their results, and when their results can realistically be expected. We also request that you instruct individuals working at the testing sites to provide accurate information concerning wait times to receive results.

We appreciate that there is undoubtedly an increase in demand for COVID-19 testing due to the holidays and Omicron variant. However, it remains important, especially during the holidays, to advertise and otherwise convey accurate information to consumers about when they can receive their test results so that they can plan accordingly.

Please contact me to confirm that these steps have been completed.

We appreciate your prompt response and anticipated cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Laura J. Levine". The signature is written in a cursive style with a large initial "L".

Laura J. Levine
Deputy Bureau Chief
Bureau of Consumer Frauds and Protection
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laura.levine@ag.ny.gov