



OFFICE OF THE ARIZONA ATTORNEY GENERAL
STATE OF ARIZONA

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June 25, 2020

VIA MAIL & E-MAIL

Luke Barnett
Senior Pastor
Dream City Church
13613 N. Cave Creek Road
Phoenix, AZ 85022
info@dreamcitychurch.us

Re: COVID-19 Representations Regarding The Church's Air Filtration System

Dear Mr. Barnett:

The Arizona Attorney General's Office ("AGO") is aware of public representations you made recently regarding Dream City Church installing an air filtration system purchased from Clean Air EXP. In particular, this letter concerns your statements that the filtration system "kills 99 percent of COVID within 10 minutes" and that "when you come into [the church's] auditorium, 99 percent of COVID is gone." "So you can know when you come down here, you'll be safe and protected." These representations suggest the church's air filtration system neutralizes 99% of COVID-19, although no scientific evidence appears to exist supporting such a claim. Moreover, statements in Clean Air EXP's representations about its systems appear to be based on aerosol testing solely of an entirely different virus, the cystovirus Phi6, and bacteria, and surface testing of other COVID-like viruses that do not include COVID-19.¹ Furthermore, your representations appear to have no factual basis related to social distancing of less than six feet, especially if individuals are not wearing masks.

The AGO is aware of no scientific research or public health authority that has certified any kind of air treatment product that universally prevents, at all or at any distance, COVID-19 infections. In addition, Clean Air EXP has not identified any scientific research or evidence that supports the claim that its merchandise neutralizes COVID-19. As a result, your statements may violate the Arizona Consumer Fraud Act, A.R.S. §§ 44-1521 *et seq.* ("CFA"), by misrepresenting merchandise in a manner that implies the church's air filtration system

¹ The AGO has sent a similar letter to Clean Air EXP regarding those claims.

effectively eliminates the threat of COVID-19 infections.²

In the absence of scientific evidence regarding COVID-19 specifically, statements suggesting that a product could provide nearly guaranteed protection from COVID-19 infections create a misrepresentation or a false promise. Misrepresentations and false promises are illegal under A.R.S. § 44-1522, which specifically prohibits:

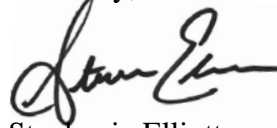
[T]he act, use or employment by any person of any deception, deceptive or unfair act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely on such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise whether or not any person has in fact been misled, deceived or damaged thereby.

The AGO demands that Dream City Church remove any still-posted statements regarding the church's air filtration system's effectiveness against COVID-19 and refrain from making any such further representations until such time as Clean Air EXP can provide scientific evidence of (1) its merchandise's effectiveness against COVID-19 specifically, and (2) its merchandise's effectiveness in large spaces such as Dream City Church's 3,000-seat sanctuary, as opposed to the in-home settings for which the product typically is sold.

The deadline for complying with this demand is 5:00 p.m. on Monday, June 29, 2020, followed by a written confirmation of compliance to be delivered to this office no later than 5:00 p.m. on Thursday, July, 2 2020. Additionally, in anticipation of possible consumer fraud litigation, you are hereby notified to preserve all written and electronic materials related to Dream City Church's facility rentals from six months prior to installation of the Clean Air EXP air filtration system to the present.

If you have questions about this letter, you may contact me at Stephanie.Elliott@azag.gov or 602-542-8798.

Sincerely,



Stephanie Elliott
Senior Litigation Counsel

² By renting out its auditorium for public events and making public statements about the safety of its facilities, Dream City Church is in engaging in the "sale or advertisement of merchandise" as defined under the CFA. See A.R.S. § 44-1521(1), (5), (7).