



March 27, 2013

VIA FEDEX

Claudia R. Morris, M.D.
Children's Hospital & Research Center Oakland
747 52nd Street
Oakland, CA 94609

Re: Your alleged involvement in the deceptive marketing of dietary supplement
SpeechNutrients speak™

Dear Dr. Morris:

I am writing to you on behalf of Truth in Advertising, Inc. ("TINA"), a nonprofit consumer advocacy organization dedicated to protecting consumers from deceptive advertising.

Since 2008, Illinois-based company, NourishLife LLC and its subdivision, SpeechNutrients (collectively "NourishLife" or the "company") have been advertising and selling a dietary supplement called SpeechNutrients speak™ ("Speak") that is marketed as a treatment for childhood speech delays. In numerous places, the company states that the Speak formula was developed and patented by a pediatrician, and that it has an exclusive license from Children's Hospital & Research Center Oakland (CHRCO) – your employer – to use the patented formula.¹

The problem, as you may know, is that there is no patented formula for the Speak vitamin and never has been. Though it appears that you filed a patent application in February 2008 with the U.S. Patent and Trademark Office for the formula,² the

¹ See, e.g., <http://www.speechnutrients.com> (Exhibit 1); <http://www.speechnutrients.com/products/speak/>, under "Formulation" tab (Exhibit 2); photograph of Speak product package – front (Exhibit 3); photograph of Speak product package – side (Exhibit 4).

² Patent application submitted to U.S. Patent and Trademark Office (Exhibit 5).

application was never granted. In fact, it was officially rejected in December 2011.³ Accordingly, NourishLife's representations that it is selling a "patented" formula are deceptive, to say the least. Further, because there is no patent, NourishLife's publicizing of its relationship with you and your Hospital is misleading.

NourishLife also engages in other deceptive acts:⁴

- It states that there is clinical evidence to back its claim that Speak supports normal and healthy speech development and maintenance, when, in fact, there is no competent and reliable scientific evidence to support such a claim. (Your study – *Syndrome of Allergy, Apraxia, and Malabsorption: Characterization of a Neurodevelopmental Phenotype that Responds to Omega 3 and Vitamin E Supplementation* – does not provide the level of substantiation required by the Federal Trade Commission and U.S. Food and Drug Administration for the claims made by NourishLife.)
- It posts testimonials on its website that are accompanied by photographs of the families – the problem is that all but one of the photos that accompany the testimonials regarding the effectiveness of Speak are fake (i.e., professional photos that were purchased on iStock.com).
- It claims that Speak contains "pharmaceutical grade" omega-3, when, pursuant to the U.S. Food and Drug Administration, there is no such thing.
- It created another website, ApraxiaResearch.com, that poses as an independent resource for information on apraxia, but is really just another forum used to market Speak.
- Its supplement contains an amount of vitamin E that far exceeds the tolerable upper intake level set by the Food and Nutrition Board, and may be hazardous to the health of children, but it does not alert consumers to this fact.⁵

³ Rejection of Patent Application – Summary (Exhibit 6); Detailed Rejection Statement (Exhibit 7). In April 2012, following the final rejection, the patent application was amended. No official action has yet been taken with respect to the amendment.

⁴ Supporting evidence for the following information can be found on our website at www.truthinadvertising.org/complaint-filed-against-nourishlife.

⁵ One mother reported that her 3-year-old daughter experienced seizure-like behavior for the first time after taking Speak. See *Speech experts wary of untested supplement sold as a speech aid for kids with verbal apraxia*, Deborah L. Shelton, Chicago Tribune, Sep. 16, 2010, available at http://articles.chicagotribune.com/2010-09-16/health/ct-met-speech-supplements-20100915_1_dietary-supplements-speech-therapy-vitamin-e-supplements (Exhibit 8).

In short, NourishLife uses deceptive advertising practices to persuade parents of children with disabilities to buy Speak. TINA brought this matter to the company's attention on March 19, 2013, requesting that it correct the deceptive advertising of its product and alert its Speak customers of the issues by March 26, 2013. The company did not comply with TINA's requests.⁶ Knowing how much you must care about this vulnerable population, we trust you will take whatever action is necessary in order to put an end to NourishLife's references to its relationship with you and your Hospital.

If you have any questions or would like additional information, please do not hesitate to contact me.

Sincerely,



Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.



Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

⁶ Because of this, TINA has filed complaints with the Federal Trade Commission, the U.S. Food and Drug Administration, and the Illinois Attorney General's Office, urging each of them to take prompt action to halt NourishLife's deceptive advertising and marketing of Speak. All of these letters are available at www.truthinadvertising.org/complaint-filed-against-nourishlife.