

November 14, 2018

Laura Smith, Esquire
Legal Director
Truth in Advertising, Inc.
P.O. Box 927
Madison, Connecticut 06443

Dear Ms. Smith:

We are in receipt of your letter dated October 22, 2018, in which you falsely allege that Northwestern Medicine Chicago Proton Center is using a “deceptive marketing tactic” in two patient testimonial videos. You claim that your organization has: “found hundreds of testimonials featuring patients with cancer types that have a less than 50 percent five-year survival rate, being used in direct-to-consumer marketing materials to advance the narrative, either explicitly or implicitly, that treatment at a specific cancer center will provide patients with a therapeutic advantage, allowing them to beat the odds and live beyond five years” and that: “Northwestern Medicine Chicago Proton Center is one of the cancer centers using this type of deceptive marketing tactic.”

A review of the two videos from Northwestern Medicine Chicago Proton Center that you claim demonstrate the so-called “deceptive marketing tactic” as well as a more general review of your website, reveals not only that your claims are meritless, but also that, with regard to Northwestern Medicine Chicago Proton Center, your organization is engaging in the very type conduct of which you seem to be complaining. Specifically, on your website you have described the testimonials from patients at all 43 cancer centers reviewed in your “study”, including Northwestern, using the identical or nearly identical description when –at least in Northwestern’s case, the description is wholly inaccurate. For example, you claim that:

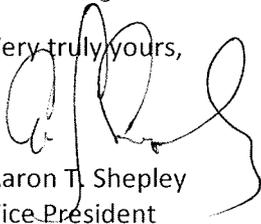
“All the testimonials in TINA.org’s database feature patients who are not likely to survive beyond five years from diagnosis based on their cancer types but nevertheless state expressly or imply that they have lived beyond five years or will live past the five-year mark, which is, by definition, an atypical result.” (emphasis added)

Neither of the two Northwestern Medicine Chicago Proton Center testimonials highlighted on your website state or imply anything of the sort. In the first testimonial the patient provides no information suggesting when she was diagnosed or what outcome is anticipated. She makes no claims about her current condition. She does not claim to be in “in remission” or “cured”. She concludes by stating: “Coming here I know I did not make a wrong decision”. This is not deceptive. Likewise, the second testimonial contains no statements expressing or implying when the patient was diagnosed with cancer or projecting an outcome positive or otherwise. Instead the patient begins by stating that: “I was

diagnosed with cancer and my doctor suggested proton therapy” and concludes by saying: “this facility is a Godsend”.

We take no position on the merit of the claims of deceptive marketing you have leveled against other organizations, however, in the case of the Northwestern Chicago Proton Center, it is abundantly clear that you were either careless in your review of the Northwestern testimonials or you failed to review them at all. Either way, your conclusion that the testimonials are “deceptive” is legally and factually wrong. Please consider this communication as our demand that you immediately remove any reference to the Northwestern Medicine Proton Center from your website and that you cease and desist from any continuing effort to use your website to impair the reputation of our organization.

Very truly yours,

A handwritten signature in black ink, appearing to read 'AS', with a large, looping flourish extending to the right.

Aaron T. Shepley
Vice President
Senior Associate General Counsel
Northwestern Medicine