



January 3, 2019

VIA EMAIL

Margaret Bergin
Senior Associate General Counsel and VP Risk Management
21st Century Oncology
[REDACTED]

Re: Deceptive Marketing by 21st Century Oncology

Dear Ms. Bergin:

I am writing in response to your December 20, 2018 letter, which claims, among other things, that the 21st Century Oncology patient testimonials in TINA.org's database are not deceptive and requests that TINA.org remove the 21st Century Oncology page and database entries from our website.

While we appreciate 21st Century Oncology's opinion with respect to TINA.org findings, we respectfully disagree and therefore will not be removing the references to the center from truthinadvertising.org (tina.org).

All nine entries in our 21st Century Oncology database are videos that feature three patients who were diagnosed more than 10 years ago with cancers that have a less than 50% five-year survival rate,¹ meaning patients with those types of cancers – lung and esophageal, respectively – are not likely to survive beyond five years. Despite these statistics, all of the videos feature patients who have seemingly beat the odds, completed their treatment and are doing well today. (All of the videos are still up as of January 2019.)

21st Century Oncology patient Frank, who was diagnosed with lung cancer in 2008, says that after his treatment at the center, his scans showed that his cancer “had apparently gone away.” 21st Century Oncology patient Jackie, who was diagnosed with stage 3 lung cancer in 2005, says that after completing her cancer treatment at the center, the doctors

¹ The overall five-year survival rate for lung cancer is 18.6% (with a specific 29.7% five-year survival rate for stage 3 lung cancer) while the overall five-year survival rate for esophageal cancer is 19.2% See <https://seer.cancer.gov/statfacts/html/lungb.html> and <https://seer.cancer.gov/statfacts/html/esoph.html>.

found “no evidence of disease” and that she credits her “survival to this amazing organization.” And 21st Century Oncology patient Margie, who was diagnosed in 2006 with esophageal cancer, says that after completing her cancer treatment, her doctor told her “that I am pretty well cleared and should not worry about esophageal cancer anymore.”

What is missing from these 21st Century Oncology marketing materials are clear and conspicuous disclosures that the patients portrayed in the videos experienced atypical results, what the typical patient (i.e., other lung and esophageal cancer patients) should expect to achieve, and what the risks and limitations of the promoted treatments are. Without this information, the videos are likely to deceive susceptible cancer patients who are oftentimes desperate to find a cure and may be willing to travel far distances and make significant sacrifices in pursuit of treatment that has been marketed – either expressly or implicitly – as effective and curative.

In short, while TINA.org supports providing a hopeful message to cancer patients, that messaging must accurately reflect the typical patient experience in order to eliminate the possibility of consumer harm.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



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