



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

November 17, 2021

CEASE AND DESIST DEMAND

VIA EMAIL TO *marc@blackoxygenorganics.com*

BlackOxygen Organics USA
c/o Northwest Registered Agent Serv
30 N. Gould St.
Suite N
Sheridan, WY 82801

BlackOxygen Organics Canada
(11578243 Canada Inc.)
c/o Marc Saint-Onge, CEO
6200 Boul. Taschereau, Suite 405
Brossard, Québec, Canada J4W3J8

Re: Unsubstantiated Claims for Coronavirus Prevention and Treatment

Dear Mr. Saint-Onge:

This is to advise you that the staff of the United States Federal Trade Commission, the national consumer protection agency, has reviewed social media posts made by BlackOxygen Organics business opportunity participants or representatives. We have determined that BlackOxygen Organics is unlawfully advertising that BlackOxygen Organics' products treat or prevent Coronavirus Disease 2019 ("COVID-19").

Some examples of COVID-19 treatment claims made by your business opportunity participants or representatives include:

- "David tested positive for COVID-19 in April 2021 and was experiencing lingering side effects. Him [sic] and his wife discovered BLACKOXYGEN and within 24 hours felt like himself. #blackoxygen #blackoxygenorganics #covid_19." [Posted to Instagram in July 2021.]
- "I had COVID back in August 2020. Since that time I have experienced the Brain Fog, the Headaches, the joint pain, the lack of energy and the asthma symptoms. I just wanted you all to know that I began taking Fulvic and Humic Acid since June 22, 2021. My energy levels are great, my headaches and joint pain have subsided, my brain fog is 80 % [sic] better and my asthma symptoms have improved. This may not be for everyone, but if you want to check it out, go join the group, Hope &

Healing with Black Oxygen Organics Fulvic and Humic Acid. I hope someone else can find relief with this stuff. It's amazing." [Posted to Facebook on September 3, 2021.]

- "Day four of our Covid quarantine. Norm is still feeling quite well. He has no sense of taste or smell, but other than that, no symptoms. I tested negative and don't seem to have caught it yet. . . . On top of that, we recently started taking a product called Black Oxygen Organics which is a fulvic and humic acid supplement and contains every necessary mineral. It is reported to stop the replication of viruses in the cell. It has many benefits [sic]! I don't sell it but I know who does! 😊 I wonder if this post will get "fact checked?" 🌈" [Posted to Facebook on September 25, 2021.]
- "True story of how BLACKOXYGEN helped this couple and their family. From her husband recovering from COVID-19 side effects and giving her the energy and the ability to handle the stress of being a mom and all the things that go with it. . . . #BLACKOXYGEN." [Posted to Instagram in June 2021.]

It is unlawful under the FTC Act, 15 U.S.C. § 41 *et seq.*, to advertise that a product can prevent, treat, or cure human disease unless you possess competent and reliable scientific evidence substantiating that the claims are true at the time they are made. For COVID-19, no such study is currently known to exist for BlackOxygen Organics' products. Thus, any COVID-19-related prevention or treatment claims regarding such products are not supported by competent and reliable scientific evidence. You must immediately cease and desist making all such claims for products that you advertise and market, sell, or otherwise promote or make available in the United States. You are also advised to review all other claims for such products and immediately cease and desist claims that are not supported by competent and reliable scientific evidence.

You are responsible for the claims of your business opportunity participants and representatives. As the FTC stated in the January 2019 Business Guidance Concerning Multi-Level Marketing, the compensation structure of a Multi-Level Marketing entity ("MLM") may create incentives for its participants to make certain representations to current or prospective participants. "As a consequence, an MLM should (i) direct its participants not to make false, misleading, or unsubstantiated representations and (ii) monitor its participants so they don't make false, misleading, or unsubstantiated representations."

Violations of the FTC Act may result in legal action seeking a Federal District Court injunction. In addition, pursuant to the COVID-19 Consumer Protection Act, Section 1401, Division FF, of the Consolidated Appropriations Act, 2021, P.L. 116-260, marketers who make deceptive claims about the treatment, cure, prevention, or mitigation of COVID-19 are subject to a civil penalty of up to \$43,792 per violation and may be required to pay refunds to consumers or provide other relief pursuant to Section 19(b) of the FTC Act, 15 U.S.C. § 57b(b).

Within 48 hours, please send a message to Kati Daffan (Assistant Director) via electronic mail at kdaffan@ftc.gov certifying that you and your participants and representatives have ceased making unsubstantiated claims for the products identified above.

If you have any questions regarding compliance with the FTC Act, please contact Suzanne Barth at 202-326-3317 or Melissa Dickey at 202-326-2662.

Very truly yours,

/s/ Lois C. Greisman

Lois C. Greisman
Associate Director
Division of Marketing Practices

cc: Facebook and Instagram *via email to* consumerpolicy@fb.com