



August 15, 2019

Via E-Mail [cynthia@codycpa.com](mailto:cynthia@codycpa.com) and Certified Mail Return Receipt

Michael Adams  
Consumer Wellness Center, Inc.  
dba CWC Labs  
NN Store, LLC dba Natural News  
NN Store, LLC dba Health Ranger Store  
1285 Sheridan Ave.  
Suite 235  
Cody, WY 82414

*Re: Business Disparagement*

Dear Mr. Adams:

Our firm represents Safer Medical of Montana, Inc., the manufacturer of Prescript-Assist Probiotic, a probiotic that has helped tens of thousands of people with their digestive health since 2001.

On August 14, 2019, you published an article and a video falsely claiming that Prescript-Assist contains hazardous levels of lead and aluminum. Your avoidance of expressly stating the name of the product does not shield you or your companies from liability for trade disparagement because your publication is easily understood to be about Prescript-Assist. A defamatory statement is “of or concerning” a person or company if the publication was intended to refer to the person or entity and would be so understood by persons reading it who knew the product. *Gazette, Inc. v. Harris*, 229 Va. 1, 37, 325 S.E.2d 713, 738 (1985). This is the case regardless of whether the company or product is actually named. *Reynolds v. Reynolds*, 231 Ariz. 313, 317, 294 P.3d 151, 155 (Ct. App. 2013). Safer Medical’s customers and retailers readily recognized the product that was the subject of your publication was Prescript-Assist and, indeed, reported the statements to Safer Medical.

While you surely have the right to make truthful statements about a business or product, it is not lawful to make false or misleading statements that disparage a company or its product. Your article and your video are false and misleading and have already caused Safer Medical to lose customers and caused retailers to discontinue selling Prescript-Assist. In addition to being liable for trade disparagement, because you manufacture and sell competing products, you are also liable under federal law, namely 15 U.S.C. §1125, for making a false or misleading representation of fact, which misrepresents the nature, characteristics, or qualities, of another entity’s goods.

Your article and video are false and misleading in that, although you appear to accurately state the levels of these elements in Prescript-Assist, you grossly misstate the significance of those levels. You claim that the product contains “hazardous levels” and “crazy levels” of lead and aluminum, you call the test results “alarming,” and you refer to the product as “dangerous,” “toxic,” and “contaminated.” You even question why the FDA is not raiding Amazon warehouses to confiscate this product.

Your entire article and video are designed to create hype and panic without ever disclosing the real fact that the levels of lead and aluminum in Prescript-Assist are well within federally recommended standards and far below a level that could ever be considered harmful.

For example, you indicate your tests show Prescript-Assist contains .0125 milligrams of lead, which is 12.5 µg (micrograms). The FDA has established a daily intake for lead, called the Interim Reference Level (IRL). The FDA has established the current IRL at 12.5 µg per day for adults, the amount in Prescript-Assist. These levels allow for differences across populations and are set at nearly ten-times less than the actual amount of intake required to reach a concerning blood reference level. See <https://www.fda.gov/food/metals/lead-food-foodwares-and-dietary-supplements>. An adult would have to ingest over 4.4 pounds of Prescript-Assist per day to exceed the FDA established IRL for lead.

Similarly, the levels of aluminum you report are well within normal amounts of aluminum found in food and supplements. You claim that your tests show 3,000,000 ppb. By stating the amount in terms of parts per billion, you seek to generate alarm by expressing the measurement in a manner that makes it sound like a large number. As you are aware, 3 million ppb converts to only 3,000 ppm or 3 grams per liter. Thus, based on your own test levels, a capsule of Prescript-Assist contains a mere .55 milligrams (approximately ½ of a milligram) of aluminum.

The National Center for Biotechnology Information reports that aluminum is a nonessential metal to which humans are frequently exposed. Aluminum in the food supply comes from natural sources, water used in food preparation, food ingredients, and utensils used during food preparations. No reports of dietary aluminum toxicity to healthy individuals exist in the literature. Despite your claim that aluminum causes neurological damage, the only study that linked neurological deficits to aluminum was related to inhaling dust containing high levels of aluminum. When ingested, aluminum is harmless to humans even in high concentrations. The National Center for Biotechnology Information also reports that most adults consume 1-10 mg of aluminum daily from natural sources and overall median intake of 24 mg daily. The CDC reports that antacids have 100 to 200 mg of aluminum per tablet, capsule, or 5 milliliter (mL) liquid dose and that little of this form of aluminum is taken up into the bloodstream. The CDC also notes that “most aluminum in food, water, and medicines leaves your body quickly in the feces. Much of the small amount of aluminum that does enter the bloodstream will quickly leave your body in the urine.” The CDC also states that, “the FDA has determined that aluminum used as food additives and medicinals such as antacids are generally safe.” Even the World Health Organization has determined that aluminum in drinking-water above 100 µg/litre is very likely to not be a risk.

You also claim in your article that the Prescript-Assist ingredient, Leonardite, represents a health hazard to humans and that it was never meant for human consumption. This is false. Your references to Leonardite being harmful are only accurate if it is ingested in massive quantities, as is true of most

elements. For example, you manufacture Nascent Iodine and proudly display it on your website. The National Institute of Health reports that the recommended daily amount of iodine for an adult is 150 µg. Your product contains 400 µg of iodine. If Safer Medical published an article and video claiming that your product is toxic and dangerous, you would surely claim that was trade libel even though Iodine can, indeed be toxic if more than 1,100 µg (1.1 milligrams) were ingested per day. See <https://ods.od.nih.gov/factsheets/Iodine-Consumer/>

You question why the manufacturer chose to use Leonardite as an ingredient in its supplement. As you acknowledge, Leonardite is a humate or humic acid. The Journal of Chemistry reports that one of the most characteristic properties of humic substances is their ability to bind to and absorb metal ions. See <https://www.hindawi.com/journals/jchem/2017/7169019/>. Indeed, humic acid compounds have been awarded patents by the United States Patent & Trademark Office as dietary supplements for nutrient absorption benefits. See Patent Number See U.S. Pat. No. 5,626,881. Humic acids and humate have been found to stimulate immune cells or the immune response. (See Gau, R.J., et al., *Toxicol. Appl. Pharmacol.* 166(1): 59-67 (2001); Lange, N., et al., *Arch. Exper. Vet. Med.*, 2: 140-6 (1987); Reide, U.N., et al., *Virchows Archir. B. Cell Pathol.*, 60: 27-34 (1991); and Kuhnert et al., *Dtsch. tierarztl.* 96(1): 3-10 (1989).). Studies on animals show that humates promotes growth, better health, and decreased mortality rates. See U.S. Pat. No. 5,626,881. The carbon chains of the organic matter provide an energy source (food) for microbes which increases their number dramatically. The microbes release enzymes which etch metallic ions or fracture molecules from the food the animal eats which is captured by the humic acids and expedited through the digestive system into contacted cells. See U.S. Pat. No. 5,626,881.

Humic acids have negatively charged ionic sites which singly or in combination chelate or attract and hold positively charged ions and molecules. See U.S. Pat. No. 5,626,881. Your article is grossly confused by an inappropriate test for the bioavailability of lead from Leonardite as opposed to nonbioavailable lead which is of no physiological consequence. In contrast to the results of your inappropriate test, Leonardite has long been experimentally shown as effectively serving as a magnet to capture bioavailable lead from water and food that otherwise have entered the body and sequestering this lead in a nonbioavailable form which passes safely out of the body. See <https://www.hindawi.com/journals/jchem/2017/7169019/>

You also claim that you discovered the “contaminated” probiotic supplement during routine testing, when, in fact, you tested the product as a result of instigation by Prescript-Assist’s direct competitor.

All of your misstatements are made in commercial advertisement clearly calculated to promote your laboratory and retail services, making your actions all the more egregious.

Michael Adams

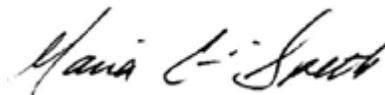
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Your published statements have severely harmed Safer Medical's reputation, and Safer Medical hereby demands that you immediately retract or correct your misstatements regarding its Prescript-Assist product. I am available to discuss this matter with you. Please take corrective action no later than August 19, 2019.

Sincerely,

**JABURG & WILK, P.C.**

A handwritten signature in cursive script that reads "Maria Crimi Speth".

Maria Crimi Speth