



August 1, 2016

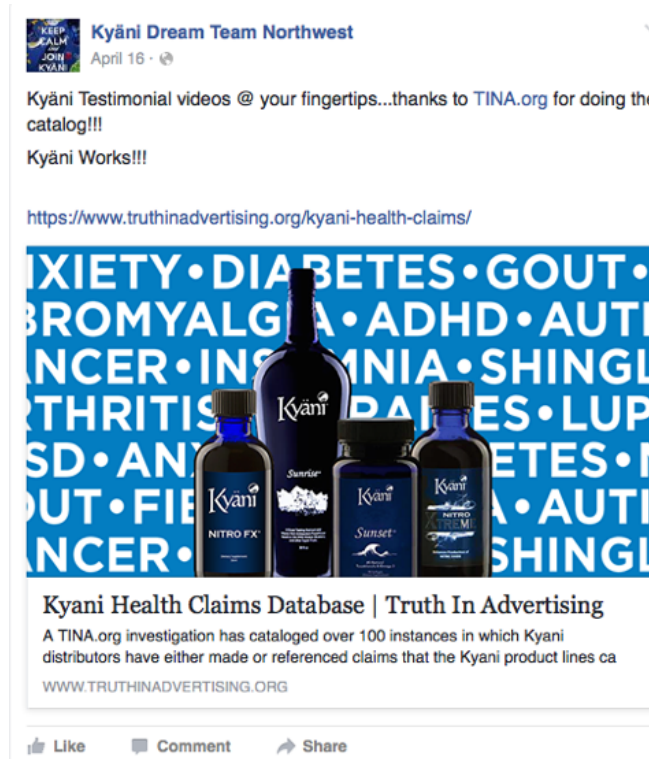
VIA EMAIL

Michael Breshears, Chief Executive Officer
Kyäni, Inc.
1070 Riverwalk Dr., Suite 350
Idaho Falls, ID 83402
[REDACTED]

Re: Continuous Deceptive Marketing by Kyäni Distributors

Dear Mr. Breshears:

It has come to my attention that Kyäni distributors are using TINA.org's database of inappropriate health claims made about Kyäni products as a marketing tool. For example, the Kyäni Dream Team Northwest Facebook page posted a link to TINA.org's database in April 2016 to apparently support the claim that "Kyäni works!!!"



Not only is the use of this database of deceptive health and disease-treatment claims illegal, but the timing is such that it was posted 10 days after you assured me in writing that Kyäni has “robust policies against inappropriate claims which [you] try hard to enforce” and that “compliance is key to Kyäni.” The post is still published today, almost four months later.

It is troublesome, to say the least, that Kyäni’s compliance procedures are apparently wholly unable to identify and eradicate obvious illegal and deceptive marketing claims made about its products. We trust you will address this matter immediately and make every effort to enhance your company’s procedures for ensuring that claims made and used by Kyäni distributors are truthful and in compliance with the law.

Sincerely,



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

Cc: Jessica Rich, Director, Bureau of Consumer Protection, FTC
Mary Engle, Associate Director, Division of Advertising Practices, FTC
Lois Greisman, Associate Director, Division of Marketing Practices, FTC
Idaho Attorney General Lawrence G. Wasden