

ROB BONTA
Attorney General

State of California
DEPARTMENT OF JUSTICE



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April 8, 2024

Via U.S. Mail

Personal Health Now
Modesto Pregnancy Center
First Choice Health Services
2801 Coffee Road A5
Modesto, CA 95355

RE: Substantiation of Marketing Claims

Dear Sir or Madam:

This letter concerns advertising representations and claims you have made on the internet concerning your “personal health education program.”¹

Under California’s false advertising law, the Office of the Attorney General may require any person doing business in California to substantiate any advertising claim, including any claim that (1) purports to be based on factual, objective, or clinical evidence, (2) compares a product’s effectiveness or safety to that of other brands or products, (3) or purports to be based on any fact. (Bus. & Prof. Code, § 17508, subd. (b).)

This correspondence serves as a formal demand under section 17508 that you provide evidence, within twenty (20) calendar days of the date of this letter, of the facts on which the advertising claims listed below are based. Failure to adequately substantiate the claims listed below may result in further action. (Bus. & Prof. Code, § 17508, subd. (c).)

After we receive and review your response, we may request further clarification or request to arrange a telephonic conference with you to discuss the claims and evidence at issue.

We request that your response include any and all business records, memoranda, or other documents that you believe substantiate the claims identified in this letter during the time period when such claims have been made. These supporting business records, memoranda, or other documents should include any and all tests, analyses, research, studies, or other evidence based on the expertise of professionals in the relevant area, which have been conducted and evaluated in an objective manner by qualified persons, using procedures generally accepted in the

¹ <https://www.personalhealthnow.org/about>.

profession to yield accurate and reliable results. You may also provide a narrative response, provided that you produce any and all documents referenced in the narrative response.

CLAIMS TO BE SUBSTANTIATED FROM WEBSITE

1. You provide “[m]edically and scientifically accurate personal health information.”²
2. You provide “California standards-aligned sex education programs for middle school and high school.”³
3. “The Personal Health Education program” is “an alternative comprehensive sex education program compliant with the requirements of the California Healthy Youth Act.”⁴
4. Your “health education programs exist to share current facts and information from credible, scientific sources in an unbiased way.”⁵
5. “In addition to unbiased messaging and credible information, the [Personal Health] program reinforces teen decision-making skills by highlighting the value of getting feedback from trusted adults.”⁶
6. “Compliant: Meets California Healthy Youth Act standards.”⁷

As you may be aware, the California Healthy Youth Act requires factual information contained in sexual health education, whether taught by school district personnel or outside consultants, “be medically accurate and objective.” (Ed. Code, § 51933, subd. (b).) Additionally, “[i]nstruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to . . . [p]arenting, adoption, and abortion.” (Ed. Code, § 51934.) In your response, please specifically identify how your curriculum is compliant with the state standard that sexual education be “medically accurate and objective,” and include “objective discussion of . . . abortion.” (*Ibid.*) Additionally, please provide copies of all sexual health education materials used in Modesto City Schools, as well as any other documents that support your response.

² <https://www.personalhealthnow.org/>

³ <https://www.personalhealthnow.org/>

⁴ <https://www.personalhealthnow.org/about>.

⁵ *Ibid.*

⁶ *Ibid.*

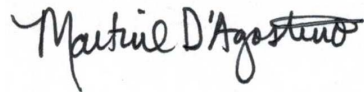
⁷ <https://www.personalhealthnow.org/high-school>.

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We thank you in advance for your prompt cooperation with this request. We look forward to reviewing your response and will contact you with any follow-up questions. Should you have the need to contact our office in the interim, please contact me directly at Martine.DAgostino@doj.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Martine D'Agostino". The signature is written in a cursive style with a loop at the end of the last name.

MARTINE N. D'AGOSTINO
Deputy Attorney General

For ROB BONTA

CC: Modesto City Schools Board of Education