



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF ECONOMIC JUSTICE
CONSUMER FRAUDS & PROTECTION BUREAU

December 24, 2021

VIA HAND DELIVERY

Sameday Health
202 Grand Street
Brooklyn, NY 11211

Re: Misleading advertising regarding timing of COVID-19 test results

Dear Sir or Madam:

The New York State Office of the Attorney General (“OAG”) has become aware that Sameday Health is representing that COVID-19 test results are available in less than 36 hours for consumers who pay a premium and less than 76 hours for those who do not if covered by insurance, when, in fact, consumers are waiting for longer than that. Misleading statements about when individuals can expect COVID-19 test results is especially concerning during the holiday season, since many individuals are relying on these test results to make decisions about whether they can travel or attend family gatherings. Individuals also need accurate information about the timing of COVID-19 test results so that they can decide between taking a rapid or PCR test, and make an informed decision between testing providers.

Pursuant to New York Executive Law § 63(12) and General Business Law §§ 349 and 350, the OAG has the authority to investigate and commence legal action to enjoin deceptive, fraudulent or illegal business practices, including but not limited to false advertising.

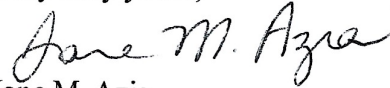
Upon receipt of this letter, please update the Sameday Health website and any signage at your test sites immediately to accurately reflect how long individuals can expect to wait before receiving COVID-19 test results. In addition, please immediately email any individuals who are awaiting COVID-19 test results to inform them of whether there will be any delays in receiving their results, and when their results can realistically be expected. Consumers who paid for expedited results not provided within the advertised time period should also receive a refund. We also request that you instruct individuals working at the testing sites to provide accurate information concerning wait times to receive results.

We appreciate that there is undoubtedly an increase in demand for COVID-19 testing due to the holidays and Omicron variant. However, it remains important, especially during the holidays, to advertise and otherwise convey accurate information to consumers about when they can receive their test results so that they can plan accordingly.

Please contact me to confirm that these steps have been completed.

We appreciate your prompt response and anticipated cooperation in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jane M. Azia". The signature is fluid and cursive, with a small dot at the end.

Jane M. Azia

Bureau Chief

Bureau of Consumer Frauds and Protection

(212) 416-8727

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