

STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )

IN THE MATTER OF:     **Kerri Rivera**  
  **Investigation # 2015-HCL-241**

**ASSURANCE OF VOLUNTARY COMPLIANCE**

The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General, and Kerri Rivera, individually, enter into this Assurance of Voluntary Compliance, (hereinafter “AVC”) pursuant to the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 *et seq.* (hereinafter “Consumer Fraud Act”).

**I. AUTHORITY**

1. The PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of Illinois, have authority to enter into and accept this AVC pursuant to Section 6.1 of the Consumer Fraud Act.

**II. PARTIES**

2. LISA MADIGAN is the duly elected Attorney General of Illinois and as such has the authority to enforce the Consumer Fraud Act.

3. Kerri Rivera is an individual who promotes the use of chlorine dioxide for the treatment of autism (hereinafter referred to as “Respondent”).

4. Respondent speaks and presents at seminars/conferences and operates websites which promote the use of chlorine dioxide for the treatment of autism.

### **III. DEFINITIONS**

5. Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this AVC shall be the same as those used in the Consumer Fraud Act, 815 ILCS 505/1 *et seq.*.

### **IV. APPLICABILITY**

6. The provisions of this AVC are applicable to Respondent, its officers, agents, employees, all persons or entities associated, affiliated or connected with Respondent, and any successor corporation or business entities.

### **V. RELEVANT STATUTORY AND REGULATORY PROVISIONS**

7. Section 2 of the Consumer Fraud Act provides as follows:

Unfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception, fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact, or the use or employment of any trade practice described in Section 2 of the "Uniform Deceptive Trade Practices Act", approved August 5, 1965, in the conduct of any trade or commerce are hereby declared unlawful, whether any person has in fact been misled, deceived or damaged thereby. In construing this section consideration shall be given to the interpretations of the Federal Trade Commission and the federal courts relating to Section 5 (a) of the Federal Trade Commission Act.

815 ILCS 505/2.

### **VI. ALLEGATIONS OF LAW AND FACT**

The Attorney General alleges that:

8. Respondent operates websites, including cdautism.org, and speaks at seminars/conferences regarding the use of chlorine dioxide in the treatment of autism.

9. On Respondent's websites, Respondent offers consultations for a fee regarding the use of chlorine dioxide in the treatment of autism.

10. In offering these services, Respondent engaged in "trade" or "commerce" as those terms are defined in Section 1 of the Consumer Fraud Act.

11. On Respondent's websites and during Respondent's presentations, Respondent makes unsubstantiated health and medical claims regarding the use of chlorine dioxide in the treatment of autism.

12. In truth and fact, Respondent lacks competent and reliable scientific evidence to support her claims that chlorine dioxide can treat autism.

13. Respondent's act of promoting unsubstantiated health and medical claims regarding the use of chlorine dioxide in the treatment of autism constitutes a violation of Section 2 of the Consumer Fraud Act.

#### **VII. AGREEMENT TO REFRAIN FROM UNLAWFUL PRACTICES**

14. IT IS HEREBY AGREED that Respondent, its officers, agents, employees, and all persons or entities associated, affiliated or connected with Respondents, and any successor corporation or business entity shall, as of the effective date of this AVC, comply with Section 2 of the Consumer Fraud Act, 815 ILCS 505/2.

15. IT IS FURTHER AGREED that Respondent will no longer present at seminars/conferences in the State of Illinois or sell any products in the State of Illinois concerning the use of chlorine dioxide or similar substances for the treatment of autism.

### **VIII. CONSTRUCTION OF AGREEMENT**

16. The parties understand that this AVC shall not be construed as an approval or sanction by the State of Illinois or the Illinois Attorney General of the business practices of Respondent. The parties further understand that any failure by the State of Illinois or by the Illinois Attorney General to take any action in response to any information submitted pursuant to this AVC shall not be construed as an approval or a sanction of any representation, act or practice indicated by such information. The parties further agree that this AVC is entered into between the Office of the Attorney General and Respondent for the purpose of resolving this situation, that this AVC does not bind any other offices or agencies of the State of Illinois; and that this AVC shall not be construed to, nor does it, resolve or preclude any other action, civil, criminal or administrative, which may be pending or may subsequently be brought by another officer or agency of the State of Illinois.

17. This AVC is entered into with knowledge that the allegations of fact and law contained herein constitute allegations of violations of the Consumer Fraud Act.

### **IX. SEVERABILITY**

18. If any portion, provision or part of this AVC is held invalid, unenforceable or void for any reason whatsoever, that portion shall be severed from the remainder and shall not affect the validity or enforceability of the remaining portions.

### **X. VIOLATIONS**

19. It is understood by the parties that pursuant to the Consumer Fraud Act, evidence of a violation of any of the terms of this AVC shall constitute *prima facie* evidence of a violation of the Consumer Fraud Act in any subsequent proceedings brought by the Attorney General of

the State of Illinois against Respondent. It is further understood that upon any default, the Attorney General's Office has the right to file appropriate legal proceedings to enforce this agreement.

**XI. EFFECTIVE DATE**

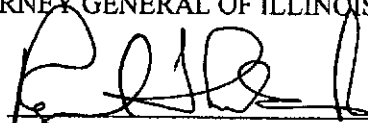
20. This AVC shall take effect immediately upon execution by the parties.

**XII. AUTHORIZATION**

21. The undersigned representative for each party certifies that she/he is fully authorized by the party she/he represents to enter into the terms and conditions of this AVC and to legally bind the party she/he represents to the AVC.

PEOPLE OF THE STATE OF ILLINOIS,  
by LISA MADIGAN,  
ATTORNEY GENERAL OF ILLINOIS

BY:

  
RAYMOND THRELKELD  
Health Care Bureau Chief

RESPONDENT  
KERRI RIVERA

BY:

  
KERRI RIVERA

BY:

  
STEVE PERNICK  
Attorney for Kerri Rivera

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