



MULLEN  
COUGHLIN<sub>LLC</sub>  
ATTORNEYS AT LAW

RECEIVED  
MAY 03 2021  
CONSUMER PROTECTION

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426 W. Lancaster Avenue, Suite 200  
Devon, PA 19333

April 27, 2021

**VIA U.S. MAIL**

Consumer Protection Bureau  
Office of the New Hampshire Attorney General  
33 Capitol Street  
Concord, NH 03301

**Re: Notice of Data Event**

Dear Sir or Madam:

We represent We represent Capital Brands Holdings (“Capital Brands”) located at 11601 Wilshire Boulevard, Los Angeles, California 90025, and are writing to notify your office of an incident that may affect the security of some personal information relating to eighty-eight (88) New Hampshire residents. The investigation into this matter is ongoing, and this notice will be supplemented with any new significant facts learned subsequent to its submission. By providing this notice, Capital Brands does not waive any rights or defenses regarding the applicability of New Hampshire law, the applicability of the New Hampshire data event notification statute, or personal jurisdiction.

**Nature of the Data Event**

On or about January 4, 2021, Capital Brands was made aware of multiple suspicious transactions associated with its online payment platform. In response, Capital Brands immediately began investigating the cause of the suspicious transactions and, on January 5, 2021, discovered that a malicious code had been injected into its e-commerce platform. Capital Brands immediately secured its e-commerce platform and began working to determine what information may have been accessible. While Capital Brands did not confirm that any information was in fact accessed, on February 26, 2021 the investigation determined the code could have been used by a third party to collect certain customer payment information.

The information that could have been subject to unauthorized access includes name, address, and payment card information.

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### **Notice to New Hampshire Residents**

On or about April 27, 2021, Capital Brands provided written notice of this incident to all affected individuals, which includes eighty-eight (88) New Hampshire residents. Written notice is being provided in substantially the same form as the letter attached here as *Exhibit A*.

### **Other Steps Taken and To Be Taken**

Upon discovering the event, Capital Brands moved quickly to investigate and respond to the incident, assess the security of Capital Brands systems, and notify potentially affected individuals. Capital Brands is also working to implement additional safeguards and training to its employees. Capital Brands is providing access to credit monitoring services for twelve (12) months, through Experian, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Capital Brands is providing impacted individuals with guidance on how to better protect against identity theft and fraud, including advising individuals to report any suspected incidents of identity theft or fraud to their credit card company and/or bank. Capital Brands is providing individuals with information on how to place a fraud alert and security freeze on one's credit file, information on protecting against tax fraud, the contact details for the national consumer reporting agencies, information on how to obtain a free credit report, a reminder to remain vigilant for incidents of fraud and identity theft by reviewing account statements and monitoring free credit reports, and encouragement to contact the Federal Trade Commission, their state Attorney General, and law enforcement to report attempted or actual identity theft and fraud.

### **Contact Information**

Should you have any questions regarding this notification or other aspects of the data security event, please contact us at (267) 930-4554.

Very truly yours,



Matthew V. Toldero of  
MULLEN COUGHLIN LLC

MVT:mfl  
Enclosure

# Exhibit A

# Capital Brands Distribution

Return Mail Processing  
PO Box 589  
Claysburg, PA 16625-0589

April 27, 2021



G4115-L01-0000001 T00001 P001 \*\*\*\*\*AUTO\*\*MIXED AADC 159

SAMPLE A. SAMPLE - L01

APT ABC

123 ANY ST

ANYTOWN, ST 12345-6789



Dear Sample A. Sample:

## Notice of Data Breach

Capital Brands Distribution, LLC (“Capital Brands”) writes to inform you of a recent incident that may impact your personal information. We are providing you with information about the event, our response, and steps you may take to better protect your information, should you feel it is appropriate to do so.

**What Happened?** On January 4, 2021, Capital Brands was made aware of multiple suspicious transactions associated with its online payment platform. We immediately began investigating the cause of the suspicious transactions and, on January 5, 2021, discovered that a malicious code had been injected into our e-commerce platform. We immediately secured our e-commerce platform and began working to determine what information may have been accessible. While we did not confirm that any information was in fact accessed, analysis of the code determined that it could have been used by a third party to collect certain payment information from our customers, including you.

**What Information Was Involved?** The information involved was provided to Capital Brands in connection with your or your family member’s online purchase of our products. As part of Capital Brands’ investigation, we determined that this information may include your name, address, and payment card information.

**What We Are Doing.** The confidentiality and security of you information is important to us. As part of our ongoing commitment to the security of information in our care, we continue to review our existing policies and procedures, to implement additional safeguards, and to provide additional training to employees on data privacy and security. We also notified law enforcement of this incident and will be notifying state regulators, as required.

As an added precaution, we are offering you access to credit monitoring and identity theft protection services for [EXTRA3] months at no cost to you. You will find information on how to enroll in these services in the enclosed *Recommended Steps to Help Protect Your Information*. We encourage you to enroll in these services as we are not able to do so on your behalf.

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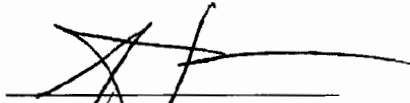


G4115-L01

**What You Can Do.** We encourage you to remain vigilant against incidents of identity theft and fraud by reviewing your account statements and monitoring your free credit reports for suspicious activity. The enclosed *Recommended Steps to Help Protect Your Information* includes additional steps you may take, should you feel it is appropriate to do so. You may also activate the complimentary credit and identity monitoring services we are offering.

**For More Information.** We understand that you may have questions about this incident that are not addressed in this letter. If you have additional questions about this incident, please call our dedicated assistance line at (866) 751-1317, Monday through Friday between the hours of 9:00am to 11:00pm Eastern Time, and Saturday and Sunday between the hours of 11:00am to 8:00pm Eastern Time.

We sincerely regret any inconvenience or concern this incident has caused.



Mark K. Suzumoto

Chief Legal Officer  
Capital Brands Distribution, LLC

(Enclosure)

## Recommended Steps to Help Protect Your Information

### Enroll in Credit Monitoring

To help protect your identity, we are offering complimentary access to Experian IdentityWorks<sup>SM</sup> for [EXTRA3] months.

If you believe there was fraudulent use of your information as a result of this incident and would like to discuss how you may be able to resolve those issues, please reach out to an Experian agent. If, after discussing your situation with an agent, it is determined that identity restoration support is needed then an Experian Identity Restoration agent is available to work with you to investigate and resolve each incident of fraud that occurred from the date of the incident (including, as appropriate, helping you with contacting credit grantors to dispute charges and close accounts; assisting you in placing a freeze on your credit file with the three major credit bureaus; and assisting you with contacting government agencies to help restore your identity to its proper condition).

Please note that Identity Restoration is available to you for twelve months from the date of this letter and does not require any action on your part at this time. The Terms and Conditions for this offer are located at [www.ExperianIDWorks.com/restoration](http://www.ExperianIDWorks.com/restoration).

While identity restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks as a complimentary twelve month membership. This product provides you with superior identity detection and resolution of identity theft. To start monitoring your personal information, please follow the steps below:

- Ensure that you **enroll by July 31, 2021** (Your code will not work after this date.)
- **Visit** the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/credit>
- Provide your **activation code: ABCDEFGHI**

If you have questions about the product, need assistance with Identity Restoration that arose as a result of this incident or would like an alternative to enrolling in Experian IdentityWorks online, please contact Experian's customer care team at (866) 751-1317 by July 31, 2021. Be prepared to provide engagement number **ENGAGE#** as proof of eligibility for the Identity Restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR TWELVE MONTH EXPERIAN IDENTITYWORKS MEMBERSHIP**

A credit card is not required for enrollment in Experian IdentityWorks. You can contact Experian immediately regarding any fraud issues, and have access to the following features once you enroll in Experian IdentityWorks:

- **Experian credit report at signup:** See what information is associated with your credit file. Daily credit reports are available for online members only.\*
- **Credit Monitoring:** Actively monitors Experian file for indicators of fraud.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE™:** You receive the same high-level of Identity Restoration support even after your Experian IdentityWorks membership has expired.
- **\$1 Million Identity Theft Insurance\*\*:** Provides coverage for certain costs and unauthorized electronic fund transfers.

\* Offline members will be eligible to call for additional reports quarterly after enrolling.

\*\* The Identity Theft Insurance is underwritten and administered by American Bankers Insurance Company of Florida, an Assurant company. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.



## **Monitor Your Accounts**

Under U.S. law, a consumer is entitled to one free credit report annually from each of the three major credit reporting bureaus, Equifax, Experian, and TransUnion. To order your free credit report, visit [www.annualcreditreport.com](http://www.annualcreditreport.com) or call, toll-free, 1-877-322-8228. You may also directly contact the three major credit reporting bureaus listed below to request a free copy of your credit report.

Consumers have the right to place an initial or extended "fraud alert" on a credit file at no cost. An initial fraud alert is a 1-year alert that is placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting seven years. Should you wish to place a fraud alert, please contact any one of the three major credit reporting bureaus listed below.

As an alternative to a fraud alert, consumers have the right to place a "credit freeze" on a credit report, which will prohibit a credit bureau from releasing information in the credit report without the consumer's express authorization. The credit freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a credit freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit. Pursuant to federal law, you cannot be charged to place or lift a credit freeze on your credit report. To request a security freeze, you will need to provide the following information:

1. Full name (including middle initial as well as Jr., Sr., II, III, etc.);
2. Social Security number;
3. Date of birth;
4. Addresses for the prior two to five years;
5. Proof of current address, such as a current utility bill or telephone bill;
6. A legible photocopy of a government-issued identification card (state driver's license or ID card, military identification, etc.); and
7. A copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft if you are a victim of identity theft.

Should you wish to place a fraud alert or credit freeze, please contact the three major credit reporting bureaus listed below:

<b>Equifax</b>	<b>Experian</b>	<b>TransUnion</b>
<a href="https://www.equifax.com/personal/credit-report-services/">https://www.equifax.com/personal/credit-report-services/</a>	<a href="https://www.experian.com/help/">https://www.experian.com/help/</a>	<a href="https://www.transunion.com/credit-help">https://www.transunion.com/credit-help</a>
888-298-0045	1-888-397-3742	833-395-6938
Equifax Fraud Alert, P.O. Box 105069 Atlanta, GA 30348-5069	Experian Fraud Alert, P.O. Box 9554, Allen, TX 75013	TransUnion Fraud Alert, P.O. Box 2000, Chester, PA 19016
Equifax Credit Freeze, P.O. Box 105788 Atlanta, GA 30348-5788	Experian Credit Freeze, P.O. Box 9554, Allen, TX 75013	TransUnion Credit Freeze, P.O. Box 160, Woodlyn, PA 19094



## **Additional Information**

You may further educate yourself regarding identity theft, fraud alerts, credit freezes, and the steps you can take to protect your personal information by contacting the consumer reporting bureaus, the Federal Trade Commission, or your state Attorney General. The Federal Trade Commission may be reached at: 600 Pennsylvania Avenue NW, Washington, DC 20580; [www.identitytheft.gov](http://www.identitytheft.gov); 1-877-ID-THEFT (1-877-438-4338); and TTY: 1-866-653-4261. The Federal Trade Commission also encourages those who discover that their information has been misused to file a complaint with them. You can obtain further information on how to file such a complaint by way of the contact information listed above. You have the right to file a police report if you ever experience identity theft or fraud. Please note that in order to file a report with law enforcement for identity theft, you will likely need to provide some proof that you have been a victim. Instances of known or suspected identity theft should also be reported to law enforcement and your state Attorney General. This notice has not been delayed by law enforcement.

**California Residents:** Visit the California Office of Privacy Protection ([www.oag.ca.gov/privacy](http://www.oag.ca.gov/privacy)) for additional information on protection against identity theft. **Kentucky Residents:** Office of the Attorney General of Kentucky, 700 Capitol Avenue, Suite 118 Frankfort, Kentucky 40601, [www.ag.ky.gov](http://www.ag.ky.gov), Telephone: 1-502-696-5300. **Maryland Residents:** Office of the Attorney General of Maryland, Consumer Protection Division 200 St. Paul Place Baltimore, MD 21202, [www.oag.state.md.us/Consumer](http://www.oag.state.md.us/Consumer), Telephone: 1-888-743-0023. **New Mexico Residents:** You have rights pursuant to the Fair Credit Reporting Act, such as the right to be told if information in your credit file has been used against you, the right to know what is in your credit file, the right to ask for your credit score, and the right to dispute incomplete or inaccurate information. Further, pursuant to the Fair Credit Reporting Act, the consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information; consumer reporting agencies may not report outdated negative information; access to your file is limited; you must give your consent for credit reports to be provided to employers; you may limit "prescreened" offers of credit and insurance you get based on information in your credit report; and you may seek damages from a violator. You may have additional rights under the Fair Credit Reporting Act not summarized here. Identity theft victims and active duty military personnel have specific additional rights pursuant to the Fair Credit Reporting Act. You can review your rights pursuant to the Fair Credit Reporting Act by visiting [www.consumerfinance.gov/f/201504\\_cfpb\\_summary\\_your-rights-under-fcra.pdf](http://www.consumerfinance.gov/f/201504_cfpb_summary_your-rights-under-fcra.pdf), or by writing Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580. **New York Residents:** the Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; <https://ag.ny.gov/>. **North Carolina Residents:** Office of the Attorney General of North Carolina, Consumer Protection Division, 9001 Mail Service Center Raleigh, NC 27699-9001, [www.ncdoj.gov](http://www.ncdoj.gov), Telephone: 1-919-716-6400, 877-566-7226 (toll free within NC). **Oregon Residents:** Oregon Department of Justice, 1162 Court Street NE, Salem, OR 97301-4096, [www.doj.state.or.us/](http://www.doj.state.or.us/), Telephone: 877-877-9392. **Rhode Island Residents:** Office of the Attorney General, 150 South Main Street, Providence, Rhode Island 02903, [www.riag.ri.gov](http://www.riag.ri.gov), Telephone: 401-274-4400. Under Rhode Island law, you have the right to obtain any police report filed in regard to this incident. There are 61 Rhode Island residents impacted by this incident. **Washington D.C. Residents:** the Office of Attorney General for the District of Columbia can be reached at: 441 4th Street NW, Suite 1100 South, Washington, D.C. 20001; 1-202-442-9828; <https://oag.dc.gov>. **All US Residents:** Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW Washington, DC 20580, [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft), 1-877-IDTHEFT (438-4338), TTY: 1-866-653-4261.

