

# NORTON ROSE FULBRIGHT

Norton Rose Fulbright US LLP  
1225 Seventeenth Street, Suite 3050  
Denver, Colorado 80202  
United States

Direct line +1 303 801 2738  
erin.locker@nortonrosefulbright.com

Tel +1 303 801 2700  
Fax +1 303 801 2777  
nortonrosefulbright.com

RECEIVED

DEC 06 2017

CONSUMER PROTECTION

November 30, 2017

**By Certified Mail  
Return Receipt Requested**

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

**Re: Preliminary Legal Notice of Information Security Incident**

Dear Sirs or Madams:

I write on behalf of my client, Grass Advantage, LLC d/b/a Amazing Grass ("Grass Advantage"), to inform you of a potential security incident which may have affected the personal information of certain Amazing Grass customers, including approximately five (5) New Hampshire residents. Grass Advantage is notifying these individuals and outlining some steps they may take to help protect themselves.

On November 3, 2017, Grass Advantage was alerted to a potential security incident affecting its website and online store at [www.AmazingGrass.com](http://www.AmazingGrass.com). Grass Advantage promptly engaged an independent forensic firm to assist in its investigation of this matter. Based on the forensic firm's investigation, Grass Advantage believes that malicious software designed to capture payment card data was installed by an unauthorized individual on portions of the Amazing Grass website. Information entered by certain customers when making purchases on the website between September 11, 2017 and November 3, 2017 may have been affected, including names, contact information, order details, credit or debit card numbers, expiration dates and card verification numbers.

Grass Advantage takes the privacy of customer information very seriously, and deeply regrets that this incident occurred. Upon discovering the incident, Grass Advantage promptly initiated an investigation and took steps to ensure that the malicious software was removed from the Amazing Grass website and that the incident had been contained. To help prevent an incident like this from recurring in the future, Grass Advantage is continuing to work with the company that hosts

Norton Rose Fulbright US LLP is a limited liability partnership registered under the laws of Texas.

29266023.1

Norton Rose Fulbright US LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright Canada LLP and Norton Rose Fulbright South Africa Inc are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at [nortonrosefulbright.com](http://nortonrosefulbright.com).

and manages the website to make additional updates and enhancements to security. Grass Advantage also notified federal law enforcement about this incident and will cooperate in their investigation.

Affected individuals are being notified via written letter, which includes an offer for one year of complimentary identity monitoring services related to protecting payment card information. These notifications will begin mailing on or around November 30, 2017. A form copy of the notice being sent to potentially affected New Hampshire residents is included for your reference.

If you have any questions or need further information regarding this incident, please contact me at (303) 801-2738 or [erin.locker@nortonrosefulbright.com](mailto:erin.locker@nortonrosefulbright.com).

Very truly yours,

A handwritten signature in cursive script, appearing to read "Erin Locker".

Erin Locker

ELL

Enclosure



**Amazing Grass**  
 RETURN MAIL PROCESSING CENTER  
 PO BOX 6336  
 PORTLAND, OR 97228-6336

<<Mail ID>>  
 <<Name 1>>  
 <<Name 2>>  
 <<Address 1>>  
 <<Address 2>>  
 <<Address 3>>  
 <<Address 4>>  
 <<Address 5>>  
 <<City>><<State>><<Zip>>  
 <<Country>>

<<Date>>

Dear <<Name1>>:

**Notice of Potential Data Incident**

Amazing Grass recently became aware of a potential data security incident that may have affected the personal information of certain individuals who made a payment card purchase on our website. We are providing this notice as a precaution to inform potentially affected individuals about the incident and to call your attention to some steps you can take to help protect yourself. We sincerely regret any concern this may cause you.

***What Happened***

We were recently alerted to a potential security incident affecting our website, [www.AmazingGrass.com](http://www.AmazingGrass.com). We promptly began investigating this matter and engaged an independent forensic computer firm to help us determine what may have happened. Based on the forensic firm's investigation, we believe that an unauthorized individual gained the ability to install malicious code designed to capture payment card information on certain pages of our website.

***What Information Was Involved***

This incident may have affected certain online order information entered by our customers between September 11, 2017 and November 3, 2017, including name, address, email address, telephone number, order information, payment card account number, expiration date and card verification number. According to our records, you made or attempted to make a payment card transaction during this period so it is possible that you were affected. Please note, Amazing Grass does not collect sensitive information like Social Security numbers from our customers, so that information was not affected by this incident.

***What We Are Doing***

We take the privacy of personal information seriously, and deeply regret that this incident occurred. We took steps to address this incident promptly after we were alerted to it. We engaged an outside forensic computer firm to assist in our investigation of the incident and ensured that the malicious script was removed from our website and the incident had been contained. We also reported this matter to federal law enforcement and will cooperate in their investigation. To help prevent an incident like this from recurring in the future, we have worked with our website hosting provider to update and enhance the security of the Amazing Grass website.

We have also engaged a leading identity protection services company to provide twelve months of identity monitoring services related to protecting payment card information at no cost to you. More information about these services and instructions on enrolling are included with this letter in the enclosed "Information About Identity Theft Protection" reference guide.

### ***What You Can Do***

You can carefully review credit and debit card account statements as soon as possible in order to determine if there are any discrepancies or unusual activity listed. We urge you to remain vigilant and continue to monitor statements for unusual activity going forward. If you see anything you do not recognize, you should immediately notify the issuer of the credit or debit card as well as the proper law enforcement authorities, including local law enforcement, your state's attorney general, and/or the Federal Trade Commission ("FTC"). In instances of payment card fraud, it is important to note that cardholders are typically not responsible for any fraudulent activity that is reported in a timely fashion.

Although Social security numbers were not at risk in this incident, as a general practice you can carefully check your credit reports for accounts you did not open or for inquiries from creditors you did not initiate. If you see anything you do not understand, call the credit agency immediately. As an additional precaution, we are providing information and resources to help individuals protect their identities. This includes an "Information About Identity Theft Protection" reference guide, enclosed here, which describes additional steps you may take to help protect yourself, including recommendations from the Federal Trade Commission regarding identity theft protection and instructions for enrolling in a complimentary one-year membership in identity monitoring services from Experian.

### ***For More Information***

For more information about this incident or if you have additional questions or concerns, you may contact us toll free at 866-274-4371 between 9 a.m. and 9 p.m. Eastern Time, Monday through Friday, or between 11 a.m. and 8 p.m. Eastern Time, Saturday through Sunday. Again, we sincerely regret any concern this event may cause you.

Sincerely,

Amazing Grass

## **Information About Identity Theft Protection**

**Enrollment in Experian IdentityWorks:** If you believe there was fraudulent use of your information 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 (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 this offer is available to you for one year 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). You will also find self-help tips and information about identity protection at this site.

While Identity Restoration assistance is immediately available to you, we also encourage you to activate the fraud detection tools available through Experian IdentityWorks<sup>SM</sup> as a complimentary one-year membership. This product provides you with internet surveillance, and identity theft insurance at no cost to you upon enrollment. To start monitoring your personal information please follow the steps below:

- Ensure that you enroll by: <<Enrollment Deadline>> (Your code will not work after this date.)
- Visit the Experian IdentityWorks website to enroll: <https://www.experianidworks.com/identityone>
- Provide your activation code: <<Enrollment Code>>

If you have questions about the product, need assistance with identity restoration that arose as a result of this incident, please contact Experian's customer care team at 877-890-9332 by <<Enrollment Deadline>>. Be prepared to provide engagement number <<Engagement Number>> as proof of eligibility for the identity restoration services by Experian.

### **ADDITIONAL DETAILS REGARDING YOUR 12-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:

- **Internet Surveillance:** Technology searches the web, chat rooms & bulletin boards 24/7 to identify trading or selling of your personal information on the Dark Web.
- **Identity Restoration:** Identity Restoration specialists are immediately available to help you address credit and non-credit related fraud.
- **Experian IdentityWorks ExtendCARE<sup>TM</sup>:** 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.

**Review Accounts and Credit Reports:** As a general precaution, you can regularly review statements from your accounts and periodically obtain your credit report from one or more of the national credit reporting companies. You may obtain a free copy of your credit report online at [www.annualcreditreport.com](http://www.annualcreditreport.com), by calling toll-free 1-877-322-8228, or by mailing an Annual Credit Report Request Form (available at [www.annualcreditreport.com](http://www.annualcreditreport.com)) to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA, 30348-5281. You may also purchase a copy of your credit report by contacting one of the three national credit reporting agencies listed at the bottom of this guide.

Remain vigilant with respect to reviewing your account statements and credit reports, and you should promptly report any suspicious activity or suspected identity theft to the proper law enforcement authorities, including local law enforcement, your state's attorney general, and/or the Federal Trade Commission ("FTC"). You may contact the FTC or your state's regulatory authority to obtain additional information about avoiding and protection against identity theft: Federal Trade Commission, Consumer Response Center 600 Pennsylvania Avenue, NW, Washington, DC 20580, 1-877-IDTHEFT (438-4338), [www.ftc.gov/idtheft](http://www.ftc.gov/idtheft).

**For residents of Maryland:** You may also obtain information about preventing and avoiding identity theft from the Maryland Office of the Attorney General: Maryland Office of the Attorney General, Consumer Protection Division, 200 St. Paul Place, Baltimore, MD 21202, 1-888-743-0023, [www.oag.state.md.us](http://www.oag.state.md.us)

**For residents of North Carolina:** You may also obtain information about preventing and avoiding identity theft from North Carolina Attorney General's Office: North Carolina Attorney General's Office, Consumer Protection Division, 9001 Mail Service Center, Raleigh, NC 27699-9001, 1-877-5-NO-SCAM, [www.ncdoj.gov](http://www.ncdoj.gov).

**For residents of Rhode Island:** You may also obtain information about preventing and avoiding identity theft from the Rhode Island Office of the Attorney General: Rhode Island Office of the Attorney General, Consumer Protection Unit, 150 South Main Street, Providence, RI 02903, 401-274-4400, <http://www.riag.ri.gov>.

**Fraud Alerts:** There are also two types of fraud alerts that you can place on your credit report to put your creditors on notice that you may be a victim of fraud: an initial alert and an extended alert. You may ask that an initial fraud alert be placed on your credit report if you suspect you have been, or are about to be, a victim of identity theft. An initial fraud alert stays on your credit

\* Identity theft insurance is underwritten by insurance company subsidiaries or affiliates of American International Group, Inc. (AIG). The description herein is a summary and intended for informational purposes only and does not include all terms, conditions and exclusions of the policies described. Please refer to the actual policies for terms, conditions, and exclusions of coverage. Coverage may not be available in all jurisdictions.

report for at least 90 days. You may have an extended alert placed on your credit report if you have already been a victim of identity theft with the appropriate documentary proof. An extended fraud alert stays on your credit report for seven years. You can place a fraud alert on your credit report by contacting any of the three national credit reporting agencies at the addresses or toll-free numbers listed at the bottom of this page.

**Credit Freezes:** You may have the right to put a credit freeze, also known as a security freeze, on your credit file, so that no new credit can be opened in your name without the use of a PIN number that is issued to you when you initiate a freeze. A credit freeze is designed to prevent potential credit grantors from accessing your credit report without your consent. If you place a credit freeze, potential creditors and other third parties will not be able to get access to your credit report unless you temporarily lift the freeze. Therefore, using a credit freeze may delay your ability to obtain credit. In addition, you may incur fees to place, lift and/or remove a credit freeze. Credit freeze laws vary from state to state. The cost of placing, temporarily lifting, and removing a credit freeze also varies by state, generally \$5 to \$20 per action at each credit reporting company. Unlike a fraud alert, you must separately place a credit freeze on your credit file at each credit reporting company. Since the instructions for how to establish a credit freeze differ from state to state, please contact the three major credit reporting companies as specified below to find out more information.

**New Mexico Consumers Have the Right to Obtain a Security Freeze or Submit a Declaration of Removal.** You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft. You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act. The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval. The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:

- (1) the unique personal identification number, password or similar device provided by the consumer reporting agency;
- (2) proper identification to verify your identity;
- (3) information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report; and
- (4) payment of a fee, if applicable.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone. A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit. You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying. As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.

**More Information about Fraud Alerts and Credit Freezes:** You can obtain more information about fraud alerts and credit freezes by contacting the FTC or one of the national credit reporting agencies listed below.

**National Credit Reporting Agencies Contact Information**

Equifax (www.equifax.com)  
**General Contact:**

P.O. Box 740241  
Atlanta, GA 30374  
800-685-1111

**Fraud Alerts:**  
P.O. Box 740256, Atlanta, GA 30374  
**Credit Freezes:**  
P.O. Box 105788, Atlanta, GA 30348

Experian (www.experian.com)  
**General Contact:**

P.O. Box 2002  
Allen, TX 75013  
888-397-3742

**Fraud Alerts and Security Freezes:**  
P.O. Box 9554, Allen, TX 75013

TransUnion (www.transunion.com)  
**General Contact:**

P.O. Box 105281  
Atlanta, GA 30348  
877-322-8228

**Fraud Alerts and Security Freezes:**  
P.O. Box 2000, Chester, PA 19022  
888-909-8872