



MULLEN
COUGHLIN^{LLC}
ATTORNEYS AT LAW

RECEIVED
JUN 21 2021
CONSUMER PROTECTION

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

June 14, 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 Nutritional Medicinals, LLC (“Nutritional Medicinals”) located at 9277 Centre Pointe Drive, Suite 220, West Chester, OH 45069, and are writing to notify your office of an incident that may affect the security of some personal information relating to three (3) 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, Nutritional Medicinals 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 March 25, 2021, Nutritional Medicinals discovered unusual activity related to its online store. Nutritional Medicinals launched an investigation, with the assistance of third-party forensic specialists, to determine the nature and scope of the activity. On May 5, 2021, this investigation determined that malicious code inserted into Nutritional Medicinals’ online store was capable of capturing customer payment card information that was entered between January 18, 2021 and April 14, 2021. On May 12, 2021, Nutritional Medicinals confirmed the full scope of the specific payment card information and affected individuals that could have been impacted by this event.

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

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Notice to New Hampshire Residents

On or about June 14, 2021, Nutritional Medicinals provided written notice of this incident to all affected individuals, which includes three (3) 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, Nutritional Medicinals moved quickly to investigate and respond to the incident, assess the security of Nutritional Medicinals systems, and notify potentially affected individuals. Nutritional Medicinals is also working to implement additional safeguards and training to its employees. Nutritional Medicinals is providing access to credit monitoring services for two (2) years, through Kroll, to individuals whose personal information was potentially affected by this incident, at no cost to these individuals.

Additionally, Nutritional Medicinals 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. Nutritional Medicinals 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) 930-4861.

Very truly yours,



Kevin Dolan of
MULLEN COUGHLIN LLC

KED:bwt

Exhibit A



functional formularies'
— LET FOOD BE THY MEDICINE —

<<Date>> (Format: Month Day, Year)

<<first_name>> <<middle_name>> <<last_name>> <<suffix>>
<<address_1>>
<<address_2>>
<<city>>, <<state_province>> <<postal_code>>
<<country >>

RE: NOTICE OF DATA EVENT

Dear <<first_name>> <<middle_name>> <<last_name>> <<suffix>>:

Nutritional Medicinals, LLC dba Functional Formularies (“Nutritional Medicinals”) is writing to inform you of a recent data security event that may impact the privacy of some of your payment card information. We take this event seriously, and this letter provides details of the incident, our response, and steps you may take to better protect against possible misuse of your personal information, should you feel it appropriate to do so.

What Happened? Nutritional Medicinals recently became aware of unusual activity related to its online store, www.functionalformularies.com. Following this, we promptly launched an investigation to assess the security of our systems. On May 5, 2021, this investigation confirmed that malicious code inserted into our online store was capable of capturing customer payment card information that was entered between January 18, 2021 and April 14, 2021. On May 12, 2021, we determined that your payment card information may have been impacted by this event.

What Information Was Involved? Our investigation determined that the code was capable of collecting your name, address, and credit card and associated security code and expiration date information.

What We Are Doing. Nutritional Medicinals takes the confidentiality, privacy, and security of information in our care seriously. Upon discovery, we commenced an investigation to confirm the nature and scope of the incident. The malicious code has been removed and we remain vigilant for any further issues with our online payment process. We are taking steps to implement additional safeguards and review policies and procedures relating to data privacy and security.

Nutritional Medicinals is providing you with access to twenty-four (24) months of identity monitoring services through Kroll at no cost to you. A description of services and instructions on how to enroll can be found within the enclosed *Steps You Can Take to Help Protect Against Identity Theft and Fraud*. Please note that you must complete the activation process yourself, as we are not permitted to activate these services on your behalf.

What You Can Do. You can review the enclosed *Steps You Can Take to Help Protect Against Identity Theft and Fraud*. You can also activate the complimentary identity monitoring services through Kroll. We also encourage you to remain vigilant against incidents of identity theft and fraud, to review your account statements, and to monitor your credit reports for suspicious activity.

For More Information. We understand you may have questions about this incident that are not addressed in this letter. To ensure your questions are answered in a timely manner, please call our dedicated assistance line at 1-855-945-2562, Monday through Friday, 8:00 a.m. to 5:30 p.m. Central Time, excluding some U.S. holidays.

Nutritional Medicinals takes the privacy and security of the information in our care seriously. We sincerely regret any inconvenience or concern this incident may cause you.

Sincerely,

David Barnes
Nutritional Medicinals, LLC

STEPS YOU CAN TAKE TO HELP PROTECT AGAINST IDENTITY THEFT AND FRAUD

Activate Identity Monitoring Services

To help relieve concerns and restore confidence following this incident, we have secured the services of Kroll to provide identity monitoring at no cost to you for two years. Kroll is a global leader in risk mitigation and response, and their team has extensive experience helping people who have sustained an unintentional exposure of confidential data. Your identity monitoring services include Credit Monitoring, Fraud Consultation, and Identity Theft Restoration.

Visit <https://enroll.krollmonitoring.com> to activate and take advantage of your identity monitoring services.

You have until **September 10, 2021** to activate your identity monitoring services.

Membership Number: <<Member ID>>

Additional information describing your services is included with this letter.

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 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, 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 credit freeze, please contact the three major credit reporting bureaus listed below:

Equifax	Experian	TransUnion
https://www.equifax.com/personal/credit-report-services/	https://www.experian.com/help/	https://www.transunion.com/credit-help
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; 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.

For District of Columbia residents, the District of Columbia Attorney General may be contacted at: 441 4th St. NW #1100 Washington, D.C. 20001; 202-727-3400; and oag@dc.gov.

For Maryland residents, the Maryland Attorney General may be contacted at: 200 St. Paul Place, 16th Floor, Baltimore, MD 21202; 1-410-528-8662 or 1-888-743-0023; and www.oag.state.md.us. Nutritional Medicinals, LLC is located at 9277 Centre Pointe Drive, Suite 220, West Chester, OH 45069.

For 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 bureaus 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 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. We encourage you to review your rights pursuant to the Fair Credit Reporting Act by visiting 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.

For New York residents, the New York Attorney General may be contacted at: Office of the Attorney General, The Capitol, Albany, NY 12224-0341; 1-800-771-7755; or <https://ag.ny.gov/>.

For North Carolina residents, the North Carolina Attorney General may be contacted at: 9001 Mail Service Center, Raleigh, NC 27699-9001; 1-877-566-7226 or 1-919-716-6000; and www.ncdoj.gov.

STATE OF NH
DEPT OF JUSTICE
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