



# Attorney General Doug Peterson

# News Release

FOR IMMEDIATE RELEASE  
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## **Nebraska Attorney General Peterson Reaches Settlement with Omaha Companies for Deceptive and Misleading Statements Regarding COVID-19 Antibody Tests**

### ***Nebraska Reaches \$25,000 Settlement Concerning COVID-19 Drive-Thru Testing Clinic***

LINCOLN— Attorney General Doug Peterson announced today that his office has reached a settlement with Pivot Concierge Health, LLC and Banyan Medical Systems, LLC (collectively, “the companies”), to resolve allegations that the companies violated the Nebraska Consumer Protection Act and the Uniform Deceptive Trade Practices Act. The settlement relates to the companies’ coordinated advertising and administration of COVID-19 antibody tests to consumers through the end of April 2020 at a drive-thru location in Omaha, Nebraska.

According to the Attorney General, the companies failed to make necessary disclosures required by test manufacturers and recommended by the FDA. The Attorney General also claims the companies made deceptive and misleading statements to consumers regarding the ability of their antibody tests to identify the presence of a current or prior COVID-19 infection. In combination, this conduct created a significant likelihood of consumer confusion and endangered the public health.

Specifically, according to the complaint filed on July 7, 2020, the Attorney General claims that consumers should have been informed that antibody tests are not meant to diagnose or exclude active infection of the COVID-19 virus. Rather, antibody tests look for certain antibodies in the blood, which, if present, may indicate that a person has been infected with a strain of the coronavirus *in the past*. Moreover, consumers receiving positive results following an antibody test should have been made aware that the positive result may have been due to past infection with non-SARS-CoV-2 coronavirus strains.

Attorney General Peterson stated, “Especially during a national pandemic, consumers are entitled to – and the law demands they receive – accurate and truthful information about products and services offered to prevent or detect this aggressive virus. With today’s filing, we remind all healthcare providers and other businesses that they will be held accountable for the representations they make to consumers.”

Under the terms of the settlement, the companies are prohibited from misrepresenting the characteristics of any COVID-19 testing product or service they offer. In addition, the companies are required to clearly and conspicuously disclose to consumers all material facts, including all known risks and limitations, of each COVID-19 testing product and service they offer – including but not limited to information provided by the manufacturer of said product or service.

Finally, Pivot Concierge Health, LLC has agreed to pay \$25,000 to the Attorney General's Office.

Click [here](#) for a copy of the complaint and [here](#) for a copy of the settlement.

To obtain information about how to protect yourself as a consumer, file a consumer complaint, or report a scam, please visit the Nebraska Attorney General's Office, Consumer Protection Division website at [www.protectthegoodlife.nebraska.gov](http://www.protectthegoodlife.nebraska.gov) or call (800) 727-6432.

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