



San Diego City Attorney Mara W. Elliott

FOR IMMEDIATE RELEASE: March 21, 2017

Contact: [Gerry Braun](mailto:gbraun@sandiego.gov) at gbraun@sandiego.gov or (619) 533-4782

City Attorney Protects Consumers Against Bogus Gender Prediction Test

Pregnant women who wanted to know their baby's gender were lured into buying a product that falsely claimed to be scientific and accurate, a San Diego Judge has found. In addition, the Judge found the IntelliGender Gender Prediction Test exposed the women to hazardous chemicals without necessary disclosures and warnings.

Those findings led to \$250,000 in penalties being awarded to People of the State of California, represented by the San Diego City Attorney's Office, in a law enforcement action against the Texas-based company IntelliGender and its principals. Superior Court Judge Joel Wohlfeil found the defendants violated California's false advertising and hazardous substances laws and committed theft by false pretenses in marketing and selling the IntelliGender test.

On Monday, Judge Wohlfeil confirmed his Statement of Intended Decision and issued a permanent injunction.

The lawsuit alleged that the company's founders, Rebecca Griffin and Teresa Garland, knowingly misrepresented facts in order to get consumers to buy the test, which was advertised as "based on science" and sold in drugstores near home-pregnancy tests. The People presented evidence that the product contained lye – a corrosive chemical that exploded on hundreds of pregnant women, causing burns and skin irritation, peeling paint off walls, shattering lightbulbs, and inflicting other damage.

In addition to awarding \$250,000 in penalties, Judge Wohlfeil enjoined IntelliGender from making false claims about the product's accuracy, claiming it is "based on science," or placing it near pregnancy tests in the family planning section of drugstores. He specifically found claims that the test could be "safely" conducted at home were false and misleading, and that the product was not fit for use as a family planning test, the purpose for which it was sold, in violation of the law.

"This case exposed the dark side of entrepreneurship," San Diego City Attorney Mara Elliott said. "To sell their product, defendants Rebecca Griffin and Teresa Garland made false claims that it was accurate and based in science, and failed to warn pregnant women that it contains lye, a hazardous substance. It is troubling these misleading claims were made to prey on pregnant women. Consumer protection laws were created to stop this kind of conduct."

The City Attorney is also suing five retailers who sold the product in San Diego; the Texas manufacturer and one retailer have already settled.

The case was handled for the City Attorney's Office by Deputy City Attorney Kristine Lorenz, Deputy City Attorney Michael Hudson, and Chief Deputy City Attorney Kathryn Lange Turner, head of the Consumer & Environment Protection Unit.

[The City Attorney's Consumer & Environmental Protection Unit](#) maintains a Consumer Hotline at (619) 533-5600, which consumers can call to report fraud, waste or abuse. The duties of the CEPU include investigating and prosecuting false advertising, unfair business practice, theft, environmental and unlicensed activity cases.

###