



NTEF[®]
National Toxic Encephalopathy Foundation
NTEF-USA.Org

*POB 29194
Las Vegas, NV 89126
702/490-9677
Fax 888/885-9629
Angel@NTEF-USA.Org*

August 29, 2022

Regulatory Manager
C/o
Scent Air
3810 Shutterfly Rd. Suite 900
Charlotte, NC 28217

Via email:: Regulatory@Scentair.com
Re: Deceptive Marketing Practices

Dear Regulatory Manager,

The Consumer Product Safety Commission requires that we contact the manufacturer prior to filing a complaint, hence this correspondence.

By way of introduction, my name is David O. Carpenter, M.D. I am a Harvard Medical School health physician, who served as the Director of the New York State laboratories of the Department of Health and then became the founding Dean of the School of Public Health at the University at Albany.

Since 2001, I have been the Director of the Institute for Health and the Environment, University at Albany, NY. The Institute was named a Collaborating Center of the World Health Organization in 2011, along with being an expert witness in various toxic tort litigations.

Since 2019, I have been both an expert advisor and Technical Director of the National Toxic Encephalopathy Foundation (NTEF), a medical/environmental centric non-profit located in Las Vegas, NV. My Curriculum Vitae can be accessed at: https://www.national-toxic-encephalopathy-foundation.org/wp-content/uploads/2019/01/Carpenter_CV-2.pdf

We are putting you on notice that we will be filing complaints with the Consumer Products Safety Commission and the Nevada Attorney General Offices regarding the deceptive sales/marketing practices regarding your product "Lemon Clean" Air Freshener Scent. Additionally publishing both a website and press release to inform the public of your concerted, calculated and mendacious deceptive marketing practices.

Along with your intentional omission of known health risks/warnings associated with the chemicals that you disclosed on your May 29, 2020 issued dated, Lemon Clean, Safety Data Sheet, citing it is in accordance to the Federal Register, Vol. 77, No. 58, as of March 26, 2012, Rules and Regulations, as provided to the Westgate Hotel and Casino in Las Vegas, Nevada.

The primary reason for this correspondence is related to the harmful chemicals that assaulted the President of the NTEF on August 19, 2022, that resulted in ocular, dermal and respiratory injuries/irritations.

The injuries sustained are identified/disclosed on your SDS and a review of independent MSDS/SDS associated with the relevant CAS No. as referenced on your SDS. A comparison of these datasheets confirms that your SDS is deficient and refutes the assertions that you have on your website.

For a corporate entity that asserts on their website:

“We’re Here To Build Human Connections with the Power of Scent”:

<https://scentair.com/about-scentair>

“For more than 20 years...”

You should have known which fragrance materials have known health reactions, yet, you intentionally used them and did not disclose them to your targeted consumer base. There is not a single reference that you did a random sampling via independently testing of the demographics that will encounter your product, especially in tourist destinations, where they are ‘captive’ in the fragrant environment.

What about chemicals that are identified as:

REPRODUCTIVE TOXICITY

(Category 2, H361)

Diphenyl ether,

ASPIRATION HAZARD/ ASP. TOX

(Category 1, H304)

Longifolene, Beta-pinene, dl-limonene, Alpha-pinene, Myrcene,

STOT RE

(Category 2, H373)

3,5,5-trimethyl-1-hexanol, Butylated hydroxytoluene,

MUTAGENIC EFFECTS

Butylated hydroxytoluene,

CONTAINS A KNOWN OR SUSPECTED ENDOCRINE DISRUPTOR

Butylated hydroxytoluene,

Your website makes fallacious assertions of:

“Fragrance Safety”; <https://scentair.com/scent-systems/fragrance-safety> citing: “ScentAir fragrances do not contain any toxins, known carcinogens or respiratory allergens.”

The deliberate use of the term ‘allergens, while neglecting the numerous irritants and sensitizers:

SKIN IRRITANTS;

(Category 2, H315)

Citral, dl-limonene, dl-citronellol, Linalool, Beta-pinene, Geraniol, 3,5,5-trimethyl-1-hexanol, Alpha-pinene, Butylated hydroxytoluene, 2-methylundecanal, delta-1-(2,6,6-trimethyl-3-cyclohexen-1-yl)-2-buten-1-one, Myrcene, Dihydromyrcenol, Diethyl malonate, Alpha,alpha-dimethyl-p-ethylphenylpropanal, 4-tert-butylcyclohexyl acetate,

SKIN SENSITIZERS

(Categories 1, 1A, 1B, H317)

Citral, dl-limonene, dl-citronellol, 4-tert-butylcyclohexyl acetate, Beta-pinene, Geraniol, Alpha-pinene, Longifolene, allyl cyclohexane propionate, 2-methylundecanal, delta-1-(2,6,6-trimethyl-3-cyclohexen-1-yl)-2-buten-1-one, Linalool, Butylated hydroxytoluene, Allyl cyclohexane propionate, Linalool,

EYE DAMAGE/IRRITANTS

(Categories 1, 2A H318, 2, H319)

Citral, Geraniol, Dihydromyrcenol, Diethyl malonate, Alpha,alpha-dimethyl-p-ethylphenylpropanal, 4-tert-butylcyclohexyl acetate, dl-citronellol, Linalool, Beta-pinene, 3,5,5-trimethyl-1-hexanol, Myrcene, Butylated hydroxytoluene, 2-methylundecanal,

RESPIRATORY IRRITANTS

Diethyl malonate, Alpha,alpha-dimethyl-p-ethylphenylpropanal, 4-tert-butylcyclohexyl acetate, 3,5,5-trimethyl-1-hexanol, Geraniol,

You asserted that your product/s don't contain any 'toxins', even though independent MSDS/SDS refutes this statement:

SPECIFIC TARGET ORGAN TOXICITY, SINGLE EXPOSURE

(Category 3)

4-tert-butylcyclohexyl acetate, Beta-pinene (respiratory),

SPECIFIC TARGET ORGAN TOXICITY, REPEATED EXPOSURE

(Category 1, H372)

Diphenyl ether,

SPECIFIC TARGET ORGAN TOXICITY, REPEATED EXPOSURE

(Category 2)

3,5,5-trimethyl-1-hexanol,

"...our in-house Fragrance Regulatory Team directly monitors the safety of each fragrance. They ensure all appropriate safety documentation is on reviewed and maintained at all times."

"Our fragrances do NOT contain any components found to be carcinogenic per the following Regulatory bodies:

- *National Toxicology Program (NTP)²*
- *International Agency for Research on Cancer (IARC)³*
- *Occupational Safety and Health Association (OSHA)⁴*

The intentional non-disclosure of what is;

CONSIDERED HAZARDOUS BY OSHA

Diethyl malonate, 4-tert-butylcyclohexyl acetate, dl-citronello, Linalool, Benzyl benzoate, Butylated hydroxytoluene, Myrcene

Your intentional omission regarding CA Proposition 65-Carcinogens List, by referencing only 'Regulatory Bodies' not state agencies. Yet, Section 15.3, cites chemicals that are listed as harmful/hazardous by numerous US State Regulatory Agencies, as referenced on either your SDS or independent MSDS/SDS:

NJ- RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST

dl-limonene, Alpha-pinene, Butylated hydroxytoluene, Dihydromyrcenol, Diethyl malonate, 3,5,5-trimethyl-1-hexanol, Longifolene, Allyl cyclohexana propionate,

PA- RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST

Dihydromyrcenol, 3,5,5-trimethyl-1-hexanol, Longifolene, Butylated hydroxytoluene, Allyl cyclohexana propionate,

RI- RIGHT TO KNOW HAZARDOUS SUBSTANCE LIST

Butylated hydroxytoluene,

Your SDS cites Myrcene as being on the California Prop 65-Carcinogens List "**YES**", which is only discoverable thru your SDS. Along with on independent MSDS/SDS it is listed as under carcinogens, Category 2, OSHA, IARC-2B. Since you are selling nationally, those potential customers should be informed of this classification.

Whereas, independent MSDS/SDS lists the following chemicals that you listed but there was no disclosure of known hazards: "This chemical is considered hazardous by the 2012 OSHA Hazard

Communication Standard (29 CFR 1910.1200)", Benzyl Benzoate, 4-Tert-Butylcyclohexyl Acetate. Di-Citronello, Linalool, Myrcene, Diethyl Malonate

"The ROI of Indoor Air Quality: How Your Air Affects Your Bottom Line"; <https://scentair.com/roi-indoor-air-quality-how-your-air-affects-your-bottom-line> citing: "Volatile organic compounds (VOCs) or chemical contaminants that stem from interior products such as the fumes from cleaning solutions or the emissions from office equipment"

This is a deceptive statement, the true definition of a VOC is:

Volatile Organic Compounds (VOCs) are a large group of chemicals that are found in many products we use to build and maintain our homes...Several studies suggest that exposure to VOCs may make symptoms worse for people with asthma or who are particularly sensitive to chemicals. These are much different exposures than occupational exposures...Most health related studies have been conducted on single chemicals. Less is known about the health effects of exposure to combinations of chemicals"

[This references air fresheners as a VOC source, this asserts that your product does in fact contribute to problematic IAQ, that you were alluding to.]

<https://www.health.state.mn.us/communities/environment/air/toxins/voc.htm>

Independent research is showing that the public is moving away from fragranced products at home, work and outside structures.

The fragranced products phenomenon: air quality and health, science and policy

Steinemann A, Air Quality, Atmosphere & Health, vol. 14, pages 235-243 (2021)

[These statistics were from nationally representative population-based studies that were conducted across four countries—the United States (US), Australia (AU), the United Kingdom (UK), and Sweden (SE)—to investigate fragranced product emissions, exposures, and effects.]

17.0% of individuals (20.1%, 16.7%, 13.1%, 8.1%) report that if they enter a business, and smell air fresheners or some fragranced product, they want to leave as quickly as possible; and 16.0% of individuals (22.7%, 15.0%, 13.5%, 12.6%) have been prevented from going to some place because they would be exposed to a fragranced product that would make them sick.

For workplaces: 47.8% (53.1%, 42.8%, 44.7%, 50.7%) of the general population would support a fragrance-free policy in the workplace, compared with 20.4% (19.7%, 22.2%, 23.3%, 6.4%) that would not. Also, 56.7% of asthmatic individuals would support fragrance-free workplace policies, compared with 17.7% that would not; 65.5% of autistic individuals would support fragrance-free workplace policies, compared with 24.0% that would not; and 40.4% of non-fragrance sensitive individuals would support fragrance-free workplace policies, compared with 23.4% that would not. Thus, more than twice as many individuals would support (than would not) fragrance-free policies in workplaces.

For hotels: 60.7% (55.6%, 55.6%, 53.8%, 77.7%) ... general population would prefer hotels without fragranced air, compared with 22.1% (27.8%, 22.7%, 28.1%, 9.8%) with fragranced air. Also, 65.8% of asthmatic individuals would prefer hotels without fragranced air, compared with 22.7% with fragranced air; 52.1% of autistic individuals would prefer hotels without fragranced air, compared with 38.1% with fragranced air; and 53.7% of non-fragrance sensitive individuals would prefer hotels without fragranced air, compared with 25.1% with fragranced air. Thus, more than twice as many individuals would prefer hotels without fragranced air than with fragranced air.

[You referenced IFRA on your website as one of your associations]

"However, in recent years, fragrance in products has been associated with adverse effects on air quality and health, despite extensive tests for safety (IFRA 2020a).

‘... most of our exposure to pollutants occurs indoors. A primary source of indoor air pollutants is fragranced consumer products, such as air Therefore, an important source of air pollutants and exposures is largely unregulated, and the emissions and ingredients are largely unknown.

Health effects were categorized as follows: “(a) migraine headaches; (b) **asthma attacks**; (c) neurological problems (e.g., dizziness, seizures, head pain, fainting, loss of coordination); (d) **respiratory problems (e.g., difficulty breathing, coughing, shortness of breath)**; (e) **skin problems (e.g., rashes, hives, red skin, tingling skin, dermatitis)**; (f) cognitive problems (e.g., difficulties thinking, concentrating, or remembering); (g) mucosal symptoms (e.g., watery **or red eyes, nasal congestion, sneezing**); (h) immune system problems (e.g., swollen lymph glands, fever, fatigue); (i) gastrointestinal problems (e.g., nausea, bloating, cramping, diarrhea); (j) cardiovascular problems (e.g., fast or irregular heartbeat, jitteriness, chest discomfort); (k) musculoskeletal problems (e.g., muscle or joint pain, cramps, weakness); and (l) other.”

Across the general population in the four countries, the frequency and types of adverse health effects associated with fragranced product exposures include the following: **respiratory problems**, 16.7% (18.6%, 16.7%, 11.6%, 20.0%); mucosal symptoms, 13.2% (16.2%, 14.0%, 9.2%, 13.5%); migraine headaches, 12.6% (15.7% 10.0% 8.4% 16.1%); **skin problems**, 9.1% (10.6% 9.5% 9.8% 6.5%); **asthma attacks**, 7.0% (8.0% 7.6% 6.8% 5.5%); neurological problems, 5.1% (7.2% 4.5% 3.7% 5.0%); cognitive problems, 4.3% (5.8% 4.1% 2.8% 4.5%); gastrointestinal problems, 3.8% (5.5% 3.3% 3.0% 3.5%); cardiovascular problems, 3.2% (4.4% 3.0% 3.2% 2.1%); immune system problems, 2.7% (4.0% 3.3% 1.9% 1.5%); musculoskeletal problems, 2.5% (3.8% 2.6% 2.0% 1.5%); and other, 2.0% (1.7% 1.9% 2.1% 2.2%).

Fragranced consumer products can be a primary source of indoor air pollutants (Steinemann 2017b). In **studies of indoor environments around the world, fragranced product chemicals (such as limonene)** are consistently among the most prevalent and highest concentrations among pollutants (e.g., Goodman et al. 2017; Jia et al. 2008; Wang et al. 2017). In addition to being a primary source of indoor pollutants, fragranced products have been implicated as major contributors to outdoor air pollution (e.g., McDonald et al. 2018). **Thus, in an interesting development, fragranced consumer products used indoors have received regulatory attention because of the ability of product emissions to migrate outdoors and affect ambient air quality (CARB 2019).**

The most common fragranced product VOCs (>80% of products) were limonene and beta-pinene. The most common fragrance-free product VOC (100% of products) was ethanol, which was also in fragranced products. **The most common potentially hazardous VOCs (>75% of products) were ethanol and limonene...** [No distinction was made for the optical/enantiomers of Limonene in this article, but, the MSDS references it as a racemix, so apparently, it has been heated above 300 degrees Centigrade to form dipentene]

Across the **five studies**, the **249 products emitted collectively 3916 VOCs**. The **most prevalent compounds in fragranced products were terpenes (limonene, alpha-pinene, beta-pinene)**, which were not found in fragrance-free products.

Nearly all products (99%) emitted potentially hazardous VOCs. The most prevalent potentially hazardous VOCs were **limonene** (67% of products), ethanol (53%), and acetaldehyde (44%).

... Terpenes characteristic of fragranced consumer products are among the most abundant pollutant ... In addition to being primary emissions, terpenes react with other chemicals to generate a range of secondary and potentially hazardous pollutants.

Common terpenes in the fragranced consumer products, such as limonene, are chiral molecules: they can exist as a right-hand enantiomer (e.g., d-limonene), a left-hand enantiomer (e.g., l-limonene), or a mixture. Chiral molecules found in nature are usually and predominantly one enantiomer or another, whereas chiral molecules that are synthesized are usually a mixture of enantiomers. For a specific chiral molecule, individual enantiomers and their mixtures can have the same chemical structure but different biological effects. An interesting area for scientific

exploration is the potential difference in effects of different enantiomeric forms and sources of chiral fragrance molecules.

*Nationally representative population surveys, across the four countries (US, AU, UK, SE), found that **more people, at least twice as many, prefer fragrance-free environments to fragranced environments**, such as workplaces, health care facilities and professionals, hotels, and airplanes. ...Interestingly, even among individuals who do not report fragrance sensitivity, a majority of these non-fragrance sensitive individuals would nonetheless prefer fragrance-free environments.*

In conclusion, I am requesting the following to be produced on or before **September 2, 2022, by 12:30 p.m., EST:**

Failure to produce the following could result in litigation and we would be able to obtain them via the discovery process, which by law, you have comply with a Request for Production of Documents. If initiated, your client the Westgate, would be a named Defendant, which would probably result in them disassociating themselves with your company.

Copies of all testing done for dermal, ocular, respiratory (both known allergens or known irritants), proof that your product chemicals have no cited referenced throughout the United States of having any association of being potentially/listed as a carcinogen, endocrine disruptor/s (known or suspected), mutagenic effect/s, specific organ toxicity, reproductive toxicity. Any warning notices that are enclosed with your fragrance cartridges. Any warnings regarding the use of these products in a baby's nursery. Copies of the MSDS/SDS that you use to create your fragrances and SDS.

Since you offer to provide customers with your SDS, we are requesting them for both the United States and United Kingdom for the following fragrances: A walk in the park; Agave Scent; Apple & Oak Scent; Asian Garden; Australian Coast; Berry Scent; Black Mink-Pomegranate Scent; Black Orchid Scent; Cake Batter Scent; Cedarwood Scent; Cobalt Scent; Apple Pie A La Scent; Cookie Dough Scent; Pumpkin Pie Fragrance, Dark Vanilla Pomelo Scent, Eucalyptus Mint Scent, Fresh Apple Scent, Fresh Linen Scent ,Ginger Lily Scent, Golden Bamboo Scent, Green Bamboo Scent, Green Clover & Aloe Scent, Green Tea & Lemongrass Scent, Hot Apple Pie Scent, Island Breeze, Kai Jasmine Scent, Kashmir - Birchwood & Vanilla Musk Scent, Lavender & Ylang Scent, Lavender Clean Scent, Lavender Lemon Verbena Scent, Leather Woods Scent, Lemon Verbena Scent, Mahogany Scent, Meadow Clean Scent, Mediterranean Fig Scent, Ocean Scent, Patchouli Blanc Scent, Pine Clean Scent, Pine Forest Scent, Pink Grapefruit Scent, Santal & Red Cedar Scent, Scent of Amalfi Coast, ScentAir Clear - Clean Scent, Seaside Driftwood Scent, Sugar Cookie Scent, Sum Shower Scent, Tranquil Waters Scent, Tropical Coconut Scent, Tuscan Orange Scent, Vanilla Bourbon Scent, Vanilla Woods Scent, Waffle Cone Scent, White Blossom Tea Scent, White Tea and Fig Scent, White Tea and Thyme Scent.

Failure to provide the aforementioned information, which should be readily accessible, we will proceed accordingly and make sure that the public is apprised that you are intentionally refusing to provide information that reaffirms our assertions.

If you have any questions regarding this request, I can be reached at DavidOCarpenter.MD@NTEFUSA.Org

Very truly yours,

David O. Carpenter, M.D.

Cc: Westgate Hotel and Casino
NTEF