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**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

**PUBLIC ADVISORY ON**  
**DISTINGUISHING LEGITIMATE COVID-19 VACCINES FROM FRAUD**

– Issued December 30, 2020 –

Attorney General Phil Weiser issues this Public Advisory to advise Coloradans about false or unproven products deceptively marketed and sold as COVID-19 vaccines, which threaten to undermine confidence in the officially approved vaccines. The U.S. Food and Drug Administration (“FDA”) has approved vaccines, which it has determined to be safe and effective.<sup>[i]</sup> The manufacture and distribution of vaccines will take time over the next year, meaning that many Coloradans will await vaccination according to Colorado’s prioritization system. During this time of limited access to approved vaccines, some companies and persons are attempting to sell unproven products claiming to be effective against COVID-19. This Advisory provides guidance to the public on avoiding such scams when seeking an approved vaccine.

As of December 30, 2020, there are only two FDA-approved vaccines, with more anticipated. As to this time, the FDA has given emergency use approval to the Pfizer-BioNTech COVID-19 Vaccine for use in individuals 16 years and older and the Moderna COVID-19 Vaccine for use in individuals 18 years and older. The FDA is currently considering other COVID-19 vaccines for similar emergency approval.<sup>[i]</sup>

The State of Colorado works hard to ensure the medical safety and security of Coloradans. As such, the State will enforce all applicable consumer laws prohibiting fraudulent or deceptive sales of fake COVID-19 vaccines and cures, or access to legitimate vaccines, and will bring legal actions against those who engage in such illegal conduct.

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**RECEIVING AN APPROVED COVID-19 VACCINE**

Initial supplies of approved vaccines will be limited and prioritized for healthcare professionals and staff and residents of long-term care facilities. Distribution will be regulated and available only through state-approved healthcare providers. Colorado’s timeline for who will be able to receive the vaccine is available to view online at the Colorado Department of Public Health and Environment (“CDPHE”) website: <https://covid19.colorado.gov/vaccine>. This resource provides official and up-to-date

timeframes on Colorado's vaccine distribution and other important information for the public. You may also contact your medical provider or county health department.

### VACCINE SCAMS

According to the FDA, fake products that claim to cure, treat, or prevent COVID-19 have not been subjected to clinical trials. These products have not been examined for safety or effectiveness by the FDA, and may be dangerous and cause adverse effects for those who take them.<sup>i</sup> The Colorado Consumer Protection Act safeguards Colorado residents from unfair and deceptive trade practices by persons and businesses.<sup>ii</sup> It is illegal for a person or business to knowingly or recklessly: make a *false* statement that a purported vaccine or medicine has FDA approval for preventing or curing COVID-19;<sup>iii</sup> falsely claim that a purported vaccine or treatment will effectively treat or cure COVID-19; or engage in a deceptive or false act to induce a person to purchase or be administered a fake COVID-19 vaccine.<sup>iv</sup> It is also a deceptive trade practice to offer to sell appointments to receive a vaccine.

Selling, or advertising to sell, a fake COVID-19 vaccine or cure, or an appointment to receive a vaccination, is illegal—enforceable by the State's district attorneys and attorney general—punishable by a civil penalty of up to \$20,000 per violation<sup>v</sup> or \$50,000 per violation against an older person.<sup>vi</sup> Dispensing or distributing a drug with a false label or by other fraudulent means is a violation of the Pharmacy Practice Act punishable by civil penalties of up to \$10,000 per violation.<sup>vii</sup>

### PUBLIC QUESTIONS

***How Can a Person Avoid Being Sold or Administered a Fake COVID-19 Vaccine or Cure?*** Below are basic tips to identify a vaccine-related scam. Above all, do not rely on unsubstantiated claims from strangers about COVID-19 vaccine availability.

- Do not respond to unsolicited e-mails, text messages, advertisements, or telephone calls offering to sell COVID-19 vaccines or other cures or treatment.
- Do not pay for a COVID-19 vaccine. You will not have to pay for the vaccine itself, although you may be charged a small fee for administration of the vaccine—any offer to “sell” a vaccine is a scam.
- Beware of any attempt to sell you an appointment for the approved vaccine.
- Before responding to communications from a doctor, pharmacy, health department, or other health care practitioner, verify the source of that communication. Tips to detect fraudulent emails are available at: <https://coag.gov/app/uploads/2020/04/Is-that-email-suspicious.png>.
- Do not respond to advertisements offering vaccines through what purports to be an online pharmacy or other online source.
- Do not respond to solicitations offering to sell an appointment to get a vaccine early, or to enter you into a lottery or sweepstakes to receive a vaccine.

- Talk to your doctor to receive accurate information on when a vaccine will be available for you.

***What Are Some Examples of COVID-19 Vaccine Scams?*** These scams may take many different forms. The caller may be impersonating a government official to collect personal information from you in order to “qualify” you to receive a vaccine. An email or text message may solicit the purchase of a vaccine or other treatment or cure, usually through a wire transfer or prepaid gift card. Or, you may receive a solicitation to purchase an appointment to receive an early vaccine.

***Is There a List of Fake COVID-19 Vaccines to Avoid?*** Yes, the FDA maintains a list of fraudulent COVID-19 products, including fake cures, testing kits, and vaccines available at <https://www.fda.gov/consumers/health-fraud-scams/fraudulent-coronavirus-disease-2019-covid-19-products>.

### **REPORTING FRAUDULENT COVID-19 VACCINE SALES OR ADVERTISEMENTS**

If you believe you have been victimized by a COVID-19 vaccine scam, witness a retailer sell or attempt to sell a non-FDA approved vaccine, or wish to report suspicious activity, please report it to the Colorado Attorney General’s Office at <https://www.stopfraudcolorado.gov/about-consumer-protection/report-fraud.html>.

For additional information on COVID-19, vaccine availability, and distribution timeframes and procedures, please visit the CDPHE and State Emergency Operations Center website on COVID-19 at <https://covid19.colorado.gov/vaccine>.

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<sup>i</sup> U.S. Food and Drug Administration, *Beware of Fraudulent Coronavirus Tests, Vaccines, and Treatments*, Dec. 15, 2020, available at <https://www.fda.gov/consumers/consumer-updates/beware-fraudulent-coronavirus-tests-vaccines-and-treatments>.

<sup>ii</sup> COLO. REV. STAT. § 6-1-101 (2020), *et. seq.*

<sup>iii</sup> *Id.* at § 6-1-105(b).

<sup>iv</sup> *Id.* at § 105(kkk).

<sup>v</sup> *Id.* at § 112(1)(a).

<sup>vi</sup> *Id.* at § 112(1)(c).

<sup>vii</sup> *Id.* at §§ 12-280-129(1)(b), (1)(f), (1)(l), and (2)(a).