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VIA FEDEX & ELECTRONIC MAIL

September 19, 2025

The Honorable James Uthmeier
Attorney General
Office of the Attorney General
State of Florida
PL-01 The Capitol
Tallahassee, FL 32399-1050
CitizenServices@myfloridalegal.com
cate.mcneill@myfloridalegal.com
James.Uthmeier@myfloridalegal.com

Re: Deceptive and Misleading Advertising by Mayday Health Targeting Florida Consumers

Dear Attorney General Uthmeier:

Thank you for all that you do to protect life, at all stages, including the unborn.

I write to you today on behalf of 40 Days for Life, the world's largest pro-life organization with over 1,000,000 participants across 1,800 cities in all 50 U.S. states and 64 countries, standing firm in our unwavering commitment to protecting all people, including the unborn. Every life and person deserves equal protection, including comprehensive, medically sound healthcare.

Through our continuous, peaceful, prayerful and lawful vigils in front of abortion facilities, our constant presence grants us unprecedented insight into the devastating impact of abortion on women, the unborn and our Nation.

This harm has been profoundly exacerbated by the proliferation of the abortion pill (medication abortion), now accounting for some two-thirds of all U.S. abortions (630,000+ per year), and its increasingly unregulated distribution, especially through the U.S. Mail.

This is one of *the Monumental Issues of Our Time* and compels direct and effective intervention.

I write specifically to alert your Office to the *potentially deceptive and misleading advertising practices of an organization called Mayday Health (“Mayday”).* Mayday has



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been prominent in other states with abortion bans and its methods are now *a direct threat to the welfare and safety of Florida's citizens and fall squarely within your jurisdiction to protect consumers.*

We urge you to investigate and take decisive action to prevent these practices from harming our great State.

Factual Background

Mayday, a not-for-profit, is running an advertising campaign for Mifepristone and Misoprostol (the abortion pills) in public venues, billboards and gas stations, *directly targeting consumers in Florida.*

The deceptive advertisements themselves are not the only issue; they function as a bait-and-switch, luring individuals to a website that provides instructions and links to out-of-state entities that mail abortion pills.

The fundamental deception lies in what these ads omit.

This is an actual picture of a Mayday's advertisement in Florida:



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Here are screenshots of relevant portions of Mayday's website, showing their Florida ads:



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And then Mayday's sales pitch:

The screenshot shows a web browser window with the title "What do you need?". Below the title are four buttons: "Abortion", "Morning after pills", "Birth Control", and "Gender-Affirming Care". Below these buttons are three lines of text: "Did you know you can proactively order abortion pills even if you're not currently pregnant? Click [here](#) for more info.", "Interested in the abortion procedure instead? [Go here.](#)", and "Before going to any external websites, you can [take these steps](#) for digital privacy." On the right side of the page is a chatbot window with a speech bubble icon and the text: "Hi, my name's Charley. I can help you get or manage an abortion. / Hola, mi nombre es Charley. Puedo ayudarte a conseguir o manejar un aborto." At the bottom of the browser window is a Windows taskbar with the Start button, a search bar, and several application icons. The system clock in the bottom right corner shows "12:05 PM 9/11/2023".

The Mayday campaign and ads appear to willfully fail to disclose three critical pieces of information that a reasonable consumer would need to make an informed decision:

Omission of Health Risks:

The ads do not mention that the abortion pill carries significant health risks, including the black box warning from the Food and Drug Administration ("FDA"), the most severe warning for a medication, for risks of hemorrhage and infection.

Omission of Safety Protocols:

The advertisements and Mayday's website seem to encourage consumers to bypass the strict Risk Evaluation and Mitigation Strategy ("REMS") program mandated by the FDA. REMS requires a certified prescriber and a specific patient agreement in order to ensure safe use. This campaign appears to be a deliberately circumvention of REMS through Mayday's guidance on obtaining pills by mail from out-of-state.

Omission of Legal Risks:

Mayday's campaigns appear to target consumers in states with abortion restrictions, like Florida, but fail to inform them of potential legal ramifications they may face for obtaining and using these medications, which could include criminal liability.



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Application of the Florida Statute

Mayday's conduct appears to constitute a violation of the Florida *Deceptive and Unfair Trade Practices Act* ("FDUTPA"/ "Act"), Chapter 501, Part II, Fla. Stat. The Act makes it unlawful to engage in "unfair methods of competition, unconscionable acts or practices and unfair or deceptive acts or practices in the conduct of any trade or commerce." §501.204(1), Fla. Stat.

Mayday's activities appear to fall squarely within the definition of "trade or commerce." They are a form of commercial practice intended to influence consumer behavior by directing them to obtain a specific medical product. The FDUTPA is a broad, remedial statute meant to protect consumers from deceptive marketing, including that which is misleading through omission.

The intent of the Act is to "protect the consuming public and legitimate business enterprises from those who engage in unfair, unconscionable or deceptive acts or practices in the conduct of any trade or commerce." §501.202(2), Fla. Stat.

Case Law

Florida case law supports the claim that Mayday's campaign is a deceptive and unfair practice.

Deceptive Practice:

The simple message of the Mayday ads, which omit the grave risks associated with the product, would likely mislead a reasonable consumer seeking information on a medical product.

A practice is considered deceptive if it is "likely to mislead a consumer acting reasonably in the circumstances, to the consumer's detriment." *Davis v. Powertel, Inc.*, 776 So. 2d 971 (Fla. 1st DCA 2000); see also, *Rollins, Inc. v. Butland*, 951 So. 2d 860, 869 (Fla. 2d DCA 2006).

Unfair Practice:

Mayday's encouragement to bypass established, federally mandated safety protocols for a drug with known risks appears both unethical and substantially injurious.

An action is considered unfair if it "offends established public policy" and is "immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers." *Samuels v. King Motor Co.*, 782 So. 2d 489 (Fla. 4th DCA 2001; see also, *Blue Supply Corp. v. Novos Electro Mechanical, Inc.*, 990 So. 2d 1157, 1158; Fla. 3d DCA 2008.



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"Safe Harbor" Defense:

The act of misleading consumers by hiding vital information, particularly related to a drug with a black box warning, is not a "permitted" act and is therefore not shielded.

Mayday might try to claim its actions are protected by FDUTPA's "safe harbor" provision that exempts acts "specifically permitted by federal or state law." However, this defense is unlikely to succeed. The FDA's REMS program for the drug is an explicit acknowledgment of its serious risks and no federal law "specifically permits" deceptive advertising that omits material facts. *Berenguer v. Warner-Lambert Co.*, No. 02-05242, 2003 Fla. Cir. LEXIS 1079, 2003 WL 24299241, * 2; Fla. 13th Cir. Court, July 31, 2003.

Path to Enforcement

The State of Florida should take decisive action to shut down Mayday's ads. A violation of the FDUTPA appears evident and can be easily proven:

Deceptive Act or Unfair Practice:

Mayday's public advertising campaign and website, by omitting crucial health, safety and legal information, appear to constitute a deceptive and unfair practice. The omission of a black box warning and the circumvention of the REMS program appear to be clear acts of deception.

Causation:

Mayday's ads directly cause harm by potentially misleading consumers into a course of action that exposes them to significant physical and legal danger they were not adequately warned about. The ads and website would be the direct cause of this lack of informed consent.

Actual Damages:

The harm caused constitutes "actual damages" as applied under FDUTPA. The damages include the risk of hemorrhage, infection and other health complications, as well as the potential for criminal liability and the emotional and financial cost of dealing with these consequences.

Injunction:

The FDUTPA empowers your Office to seek an injunction against Mayday's apparent deceptive practices and to issue a cease and desist order.



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Fines:

Under FDUTPA Sections 501.2075 and 501.2077, courts can impose civil penalties of up to \$10,000 per violation.

Given the clear and present danger to Florida consumers, **we respectfully request that your Office initiate an immediate investigation into Mayday Health's advertising and operational practices. We urge you to use the full authority of your Office to prevent these deceptive and misleading practices from harming the citizens of the great State of Florida.**

Thank you for your attention to this urgent matter. We are at your disposal should you need further.

Sincerely,



Shawn Carney (Sep 18, 2025 13:09:53 MDT)

Shawn Carney
President & CEO
40 Days for Life



Matt Britton (Sep 18, 2025 12:47:05 MDT)

Matt Britton
General Counsel
40 Days for Life & Institute of Law & Justice



Donato Borrillo (Sep 18, 2025 12:10:24 HST)

Donato Borrillo, JD, MD
Assistant General Counsel & Director of Medicolegal Affairs
40 Days for Life & Institute of Law & Justice
Florida Medical License ME 126274

CC:
Pam Bondi, Attorney General
Robert F. Kennedy, Jr., Secretary, Department of Health and Human Services
Robert M. Califf, M.D., Commissioner, U.S. Food and Drug Administration

ATTACHMENTS





ABORTION POLICY

HEALTH

POLITICS & LAW

Ad campaign touting availability of abortion pills taking place this month along Pinellas beaches

However, Florida law forbids the use of telehealth to perform or induce an abortion, with criminal sanctions possible.

BY: **MITCH PERRY** - AUGUST 21, 2025 10:56 AM



📷 The view from Clearwater Beach on Aug. 8, 2025. (Photo by Mayday Health)

Abortion pills are safe, FDA-approved, and accessible by mail in Florida.

The first two assertions are correct. The third runs up against the plain text of Florida law and puts the provider and the patient at risk of felony penalties.

Nevertheless, an abortion pill advocacy group is spreading the messages via floating digital boat advertisements across some of the

Tampa Bay area's most prominent beaches this month – even though Florida abortion laws ban abortion pills from being sent in the mail. Abortion medication in Florida must be ordered by a physician and dispensed in person at a clinic or doctor's office.

Mayday.Health's abortion pill boat tour is cruising along two coastal routes in St. Pete Beach and Clearwater Beach throughout August with a simple message: "MIFEPRISTONE AND MISOPROSTOL" – the two FDA-approved medications used in medication abortion.

"In a state like Florida, where abortion access has been significantly restricted, many people still don't know these options exist," said Tamara Stein, deputy director of Mayday.Health, a health-education nonprofit. "Our campaign is designed to spark curiosity, prompt people to search for information, and ultimately empower them to make informed decisions. It's bold, it's visible, and it cuts through the noise."

Whether it's through floating advertisements on Florida beaches or through other routes, the message is being received.

A [study](#) conducted by #WeCount, a Society of Family Planning project, shows that 13,380 abortions in Florida were provided to pregnant patients under shield laws in 2024. These are legal protections put in place by some states to reduce legal risk for clinicians who offer abortion to states where abortion is prohibited or severely restricted.

#We Count [says](#) its data include clinician-provided abortions, defined in this report as medication or procedural abortions completed by a licensed clinician within the United States in a clinic, private medical office, hospital, or virtual-only clinic.

Bree Wallace is director for case management with the Tampa Bay Abortion Fund. She says self-managed abortions with pills are becoming more popular because of websites like Mayday.Health, as well as PlanCPills.org and Aid Access.

"Many Floridians and people in other states with abortion bans use websites like Mayday or other trusted resources to find information about accessing pills on their own," Wallace said.

One such group is the Massachusetts Medication Abortion Access Project, or [The MAP](#). In a story published by [WBUR](#) in Boston in April, the group expected to mail 2,500 packages of abortion pills

in that month alone, “with just over half going to Texas, Georgia and Florida.”

But Wallace stresses: “It’s important that individuals assess their legal risks and utilize trusted helplines to learn more about potential legal risks that can come with that – but it’s very medically safe.”

Those legal risks include breaking Florida law and facing criminal sanctions. Only a physician can perform an abortion here and they cannot use telehealth for medicinal abortions. “Any medications intended for use in a medical abortion must be dispensed in person by a physician and may not be dispensed through the United States Postal Service or by any other courier or shipping service,” state statute [reads](#).

Any person who willfully performs, or actively participates in, a termination of pregnancy commits a third-degree felony, punishable by up to five years in prison and a \$5,000 fine.

Tallahassee attorney Julie Gallagher said that means the physician and the patient are breaking the law if they either order or receive the pills in the mail.

“I would say the pills are safe, but it’s not legal to get them through the mail in Florida. You have to go to a clinic and you have to get the doctor to dispense directly to you,” said Gallagher, an abortion-rights advocate who defended an abortion doctor when the administration of Gov. Ron DeSantis [tried to revoke her license](#).

When asked whether patients should be wary of physicians willing to violate the law, she replied: “Do you want to go to a physician who is willing to violate the law? And possibly put you in a situation where you’re violating the law? I wouldn’t.”

Alexandra Bedner of the Susan B. Anthony Pro-Life America pointed to the anti-abortion Charlotte B. Lozier Institute’s [analysis](#) that Florida law contains “implied” protections against prosecuting patients. The analysis cites a 1997 Florida Supreme Court precedent to that effect. However, the DeSantis appointees who dominate the court have not been shy about [overturning established legal precedents](#).

Florida’s abortion landscape

Abortions in Florida are legal but only through six weeks of pregnancy, before many women even discover they are pregnant.

There are exceptions for rape, incest, or human trafficking when the fetus is not more than 15 weeks old.

Abortions also are legal in Florida through the end of the second trimester to save the pregnant patient's life or to avert a serious risk of substantial and irreversible physical impairment, and when there's a fatal fetal abnormality. Two physicians must certify that the termination meets the statutory criteria unless it's an emergency situation, which requires certification from one doctor.

In addition to a six-week ban, before having an abortion a patient must undergo a sonogram and wait 24 hours. Minors must receive permission from a parent. And only physicians can perform abortions.

Options

Abortion rights advocates in Florida argue women need to be aware of what state law says but still need options.

"Florida bans abortion before many people realize they're pregnant. And not everyone can afford to travel, take off work, or coordinate childcare in order to leave the state for abortion care," said Cheyenne Drews, reproductive freedom program director with Progress Florida.

"Research shows that with the right information and support, having an abortion at home is overwhelmingly safe, and organizations like Repro Legal Helpline are helping people understand their specific legal risks," she said.

Mayday.Health was founded in the immediate aftermath of the U.S. Supreme Court's overturning of *Roe v. Wade* in 2022. The organization does not itself ship pills needed for a medical abortion, but does provide information to patients and links to providers that do.

"We wanted to give people clear, trustworthy, and accessible information about how they could still make their own decisions about their own bodies – even in states with abortion bans," Stein said.

"The moment demanded action, and we knew we had a responsibility to meet it with facts, not fear," she said. "We understand that fear is real, especially in a state like Florida where the laws are complex and changing. But people deserve access to information. We believe everyone has the right to make informed

decisions about their own bodies – safely, privately, and on their own terms.”

Telehealth abortions increasing

The FDA first approved mifepristone to terminate pregnancies in 2000, initially through seven weeks of pregnancy. The drug blocks progesterone, a hormone necessary to maintain a pregnancy. Another drug, misoprostol, causes uterine contractions and sometimes is applied in miscarriages.

In 2016, the FDA extended the approval of mifepristone to 10 weeks. In May, U.S. Health and Human Services Secretary Robert F. Kennedy Jr. [announced](#) that he had directed the Food and Drug Administration to review its regulations for mifepristone.

The practice of consulting with patients remotely and prescribing them medication via the mail has grown in recent years, with 25% of abortions delivered through telehealth as of the end of 2024, the #WeCount study shows.

More than 14% of the 92,040 abortions performed in Florida in 2024 were provided via telehealth, the report indicates, notwithstanding the law. The group reports that shield laws continue to facilitate abortion access, especially in the [12 states](#) where abortion is banned in the United States.

Challenging the protections

Maggie Carpenter, a physician who practices abortion care via telemedicine, was the first to [be criminally charged](#) for prescribing over state lines, and is being protected by New York’s shield law against a lawsuit from Texas’ attorney general and criminal prosecution from Louisiana.

In July, [a Texas man sued a California doctor](#) in federal court for allegedly sending abortion pills to his partner. Jonathan Mitchell, former Texas solicitor general, filed the lawsuit July 20 in the U.S. District Court for the Southern Division of Texas, Galveston Division, on behalf of Jerry Rodriguez.

Florida only requires a physician to register as a telehealth provider, which means that the Florida Board of Medicine cannot rescind the license of a telehealth provider who violates the state’s abortion law.

Overall, medication abortions accounted for more than 60% of all abortions in the formal health care system in 2023, according to the

[Guttmacher Institute](#). The organization says that refers to data on procedural and medication abortions provided at brick-and-mortar health facilities (such as clinics or doctor's offices), as well as medication abortions provided via telehealth and virtual providers in the United States.

Abortions are counted as having been provided in the state in which a patient had a procedure or where pills were dispensed. It does not include medication abortions provided under the protection of shield laws to a patient in a state where abortion is completely banned.

Note: This story has been changed to include a suggestion by Susan B. Anthony Pro-Life America that state legal precedent could spare patients from prosecution. The subhead has been changed to clarify that telehealth is illegal for abortion consultations.

Senior Reporter Christine Sexton contributed to this story.

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MITCH PERRY  

Mitch Perry has covered politics and government in Florida for more than two decades. Most recently he is the former politics reporter for Bay News 9. He has also worked at Florida Politics, Creative Loafing and WMNF Radio in Tampa. He was also part of the original staff when the Florida Phoenix was created in 2018.

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BY JACKIE LLANOS AND CHRISTINE SEXTON

May 1, 2025



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BY SOFIA RESNICK

March 1, 2025

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