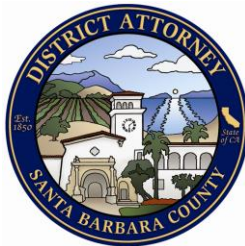


OFFICE OF THE
DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA

JOYCE E. DUDLEY
District Attorney



DA 08-543

RELEASE NUMBER

August 5, 2019

RELEASE DATE

Joyce E. Dudley

APPROVED BY JOYCE E. DUDLEY, DISTRICT ATTORNEY

Christopher Dalbey, Deputy District Attorney

CONTACT (805) 568-2436

******* PRESS RELEASE *******

**SANTA BARBARA COUNTY DISTRICT ATTORNEY JOYCE E. DUDLEY ANNOUNCES
THE FILING OF AN ENFORCEMENT ACTION ALLEGING THAT “WILDFIRE
PROTECTION” COMPANY MISLEADS CONSUMERS ABOUT THE EFFECTIVENESS
AND NON-TOXICITY OF ITS FIRE PROTECTION PRODUCT**

Santa Barbara County District Attorney Joyce E. Dudley announced today that she has filed an enforcement action against wildfire protection company Sunseeker Enterprises, Inc. (dba Sun FireDefense) and its owner, James Mosely. The lawsuit alleges that Sunseeker Enterprises made false and misleading advertising claims about the effectiveness, environmental impact, and non-toxicity of its heavily marketed wildfire protection product, “SPF 3000 Clear Spray.” The action seeks civil penalties of at least \$5,000,000, restitution for harmed consumers, and a permanent injunction. Sunseeker Enterprises markets the SPF 3000 Clear Spray product as a clear coating that can be applied to the exterior of a home to prevent it from catching fire and burning down, particularly in a wildfire.

Wildfires are a growing and ever-present danger in Santa Barbara County, Los Angeles, and many regions of California where urban areas border wildlands; thus Los Angeles City Attorney Mike Feuer has joined Santa Barbara County in the filing of these charges. Recently, our fires have become more frequent, and more severe. In the past two years, wildfires in California have killed more than 150 people and injured dozens more, burning homes, businesses, and millions of acres, resulting in billions of dollars of damages.

In filing this law suit District Attorney Dudley stated, “Several months ago I saw a commercial on TV which personally frightened me. It was for a product that left me, and I suspect most viewers from our still traumatized community, with the distinct impression that if this product was used on their home, they, and their loved ones would be better protected from future fires. I was immediately concerned that this was a predatory company trying to take advantage of our communities’ justifiable fear based upon the very real threat of wildfires. I also firmly believed that if their claims were false, their commercial was despicable. I then contacted our consumer protection prosecutor, Deputy District Attorney Christopher Dalbey, who immediately began our investigation and ultimate prosecution.” Dudley went on to state, “Our consumers have a right to accurate marketing information, a right that becomes all the more critical when making crucial and life-saving decisions about how to defend their homes and loved ones. Given the staggering danger posed by wildfires, it is critical that California consumers receive truthful, accurate, and scientifically-validated information about fire prevention and protection products. Lives, homes, and our public’s safety depend on it.

If consumers falsely believe that their homes are protected from wildfires, when in fact their homes are not, those consumers could delay evacuation, placing their lives, the lives of their loved ones, and the lives of First Responders at great risk.”

Los Angeles City Attorney Mike Feuer stated, “In the wake of the devastating wildfires that have plagued the state recently, unscrupulous companies will inevitably surface and attempt to take advantage of Californians’ legitimate safety fears and fears of losing their homes and cherished possessions. Consumers should carefully evaluate the advertising claims made regarding so-called ‘fire defense’ products.”

The joint enforcement action filed today arises from Sunseeker’s advertisements claiming that SPF 3000 Clear Spray “provides protection against heat and embers up to 3000 degrees Fahrenheit,” is “effective for 5+ years after a single application,” was developed “through collaboration with NASA and the U.S. Forest Service,” is “non-toxic to humans or animals,” and uses “[t]he best eco-friendly fire protection materials,” among other allegedly false and misleading claims.

Santa Barbara County Deputy District Attorney Christopher Dalbey, along with Los Angeles Supervising Deputy City Attorney Christina Tusan and Deputy City Attorneys William Pletcher, Stephen Mayer, and Rebecca Morse, all of the City’s Consumer Protection Unit, are litigating this matter in the Superior Court of Santa Barbara County.

* * * * *

