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April 7, 2009

By E-mail

LactNet List Owner
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By Federal Express

Ms. Kathleen B. Bruce, RN, IBCLC
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Dr. Kathleen G. Auerbach, PhD, IBCLC
Assistant Professor of Clinical Pediatrics and
Obstetrics
University of Chicago Medical Center
5825 S. Maryland Avenue
Chicago, Illinois 60637

L-Soft International, Inc.
Attention: Legal Department
8100 Corporate Drive, Suite 350
Landover, MD 20785-2231

Ladies and Gentlemen:

Our firm serves as legal counsel to the American Academy of Pediatrics (the "AAP"). We understand that one or more of you, as a founder, owner, facilitator or host of the Lactnet e-mail LISTSERV®, have the ability to remove postings in that list.

On behalf of the AAP, we must insist that you immediately remove two items posted by Dr. Jay Gordon on April 1, 2009, copies of which are attached hereto for your reference. In the first posting, Dr. Gordon, without the knowledge or permission of the AAP, issued a fake press release purportedly sent on behalf of the AAP by Dr. David Tayloe, the AAP's president. This posting contains patent misstatements of fact and misrepresents the AAP's position, and it is defamatory. In addition, it misappropriates the AAP's name and Dr. Tayloe's name and has

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already caused confusion and alarm among your members, many of whom have contacted the AAP to inquire about the fake press release they believed to have been issued by the AAP. The second posting is a purported apology, which itself has caused further confusion and is wholly undercut by its obvious malicious tenor and unprofessional introductory comments.

As you may know, the AAP is among the largest and most prominent of the organizations that share its mission to attain optimal physical, mental, and social health and well-being for all infants, children, adolescents, and young adults. The AAP has a long standing policy promoting breastfeeding and providing support for nursing mothers. Its views regarding breastfeeding and other topics related to the well-being of children and adolescents are widely consulted, both in the U.S. and internationally. While the AAP considers the open exchange of competing viewpoints and constructive criticism to be essential to the process of developing knowledge and advancing its mission, needless to say, the manner in which Dr. Gordon has chosen to express his views is legally unacceptable.

Unfortunately, while Dr. Gordon's posting may have been generated by a misguided sense of humor, its satirical nature was not readily apparent to many readers who contacted the AAP to inquire about the press release purportedly issued by the AAP. Accordingly, to avoid further damage to the AAP and Dr. Tayloe, it will be essential for the original items and all copies on your server, wherever located, to be immediately taken out of circulation.

Please contact me if you have any questions.

Sincerely,



Nicole Finitzo

Enclosures

cc: Dr. Errol Alden, The American Academy of Pediatrics

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Subject: AAP Severs Ties with Formula Industry 4/1/2009
From: Jay Gordon <[log in to unmask]>
Reply-To: Lactation Information and Discussion <[log in to unmask]>
Date: Wed, 1 Apr 2009 08:51:36 -0700
Content-Type: text/plain
Parts/Attachments: text/plain (48 lines)

Press Release
 4/1/2009

American Academy of Pediatrics<For Immediate Release

Dr. David T. Tayloe, President of the American Academy of Pediatrics which represents 60,000 primary care pediatricians, pediatric medical subspecialists and pediatric surgical specialists has announced that it is severing all ties with the infant formula industry.

"This method of feeding substitution has harmed millions of children both in America and throughout the world and we pediatricians can no longer continue our relationship with the manufacturers of infant formula." said Dr. Tayloe, who assumed the post of AAP President in October of 2008.

³Our alliance with the pharmaceutical industry is unethical. Our accepting millions of dollars and continuing to allow these business people to influence our policies while sponsoring our speakers, conferences and conventions is an ongoing embarrassment and we will end this ethical problem right now.²

³Further, I would like to apologize for our past mistakes involving the breastfeeding advertisement campaign and allowing the maker of Similac infant formula to print its corporate logo on the cover of a special edition of the academy's book on breastfeeding.²

³Again, I cannot express enough regret and can assure you that the AAP will immediately seek compliance with the WHO Code and will promote the Baby Friendly Hospital Initiative.²

Sincerely,

David T. Tayloe, MD, President of the American Academy of Pediatrics
April 1, 2009

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manufacturers of infant formula." said Dr. Tayloe, who assumed the post of AAP President in October of 2008..

³Our alliance with the pharmaceutical industry is deemed unethical by breastfeeding experts all over the world even by our own Committee on Breastfeeding. Our accepting millions of dollars and continuing to allow these business people to influence our policies while sponsoring our speakers, conferences and conventions is an ongoing embarrassment but we will not end this ethical problem because they support too many of our endeavors and doughnuts.²

³Further, I cannot apologize for our past mistakes involving the breastfeeding advertisement campaign and allowing the maker of Similac infant formula to print its corporate logo on the cover of a special edition of the academy's book on breastfeeding.²

³Again, I will not express enough regret and can assure you that the AAP will continue to ignore the WHO Code and the Baby Friendly Hospital Initiative.²

Sincerely,

(NOT!) David T. Tayloe, MD, President of the American Academy of Pediatrics
April 1, 2009

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