

# Notice to Employers, Public Schools, Universities & Other Institutions That Mandating Covid-19 Masks, Tests & Vaccines Violate Federal Law

## **Covid-19 Masks:**

This serves as notice that the mandate for any individual to wear a mask against COVID-19 for employment or attendance at a university or other institution violates federal law. All COVID-19 masks, whether surgical, N95 or other respirators, are authorized, **not approved or licensed**, by the federal government; they are Emergency Use Authorization (EUA) only. They merely **“may be effective.”**

In a letter dated April 24, 2020, the Food and Drug Administration stated that authorized face masks must be labeled accurately and may not be labeled in a way that misrepresents the product’s intended use as “source control to help prevent the spread of SARS-CoV-2.” The letter specifies that the labeling “may not state or imply that the product is intended for antimicrobial or antiviral protection or related uses or is for use such as infection prevention or reduction.” Any EUA mandate requiring individuals to wear face masks conflicts with Section 360bbb-3(e)(1)(A)(ii)(I-III), which provides that the person must be informed of the option to refuse to wear the device.

Liability for forced participation in a medical experiment, including possible injury, may be incalculable. Children’s Health Defense urges U.S. employers, universities and other institutions to respect and uphold the rights of individuals to refuse to wear EUA masks.

## **Covid-19 Tests:**

This serves as notice that the mandate for any individual to be tested against COVID-19 for employment or participation at a university or other institution violates federal law. All COVID-19 tests, whether polymerase chain reaction (PCR), antigen tests or others, are authorized, **not approved or licensed**, by the federal government; they are Emergency Use Authorization (EUA) only. They merely **“may be effective.”**

The Food and Drug Administration (FDA) has issued Emergency Use Authorizations for over 200 different test kits manufactured by various organizations. Each of FDA’s EUA letters relies on 21 U.S.C. § 360bbb- 3(e)(1)(A)(ii)(I- III), stating: “This test is only authorized for the duration of the declaration that circumstances exist justifying the authorization of emergency use of in vitro diagnostics for detection and/or diagnosis of SARS-CoV-2....”

Liability for coercing participation in a medical experiment, and any injury from it, may be incalculable. Children’s Health Defense urges U.S. employers, universities and other institutions to respect and uphold the rights of individuals to refuse EUA tests.

## **Covid-19 Vaccines:**

This serves as notice that the requirement for any individual to be vaccinated against COVID-19 for employment or participation at a university or other institution violates federal law. All COVID-19 vaccines are merely authorized, **not approved or licensed**, by the federal government; they are Emergency Use Authorization (EUA) only. They merely **“may be effective.”**

EUA products are by definition experimental and thus require the right to refuse. Under the Nuremberg Code, the foundation of ethical medicine, no one may be coerced to participate in a medical experiment. Consent of the individual is “absolutely essential.” A federal court held that the U.S. military could not mandate EUA vaccines to soldiers. *Doe #1 v. Rumsfeld*, 297 F.Supp.2d 119 (2003). The court held: “...the United States cannot demand that members of the armed forces also serve as guinea pigs for experimental drugs.” *Id.* at 135. No court has ever upheld a mandate for an EUA vaccine.

## **Title 21 U.S.C. § 360bbb-3(e)(1)(A)(ii)(I-III) of the Federal Food, Drug, and Cosmetic Act states:**

### **individuals to whom the product is administered are informed—**

- (I) that the Secretary has authorized the emergency use of the product;
- (II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and
- (III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.