

C A M P A I G N F O R ACCOUNTABILITY

November 5, 2019

By EMAIL: mohare@estee.com

Michael O'Hare
Executive Vice President, Global Human Resources
The Estée Lauder Companies
767 5th Avenue
New York, NY 10153

Re: Removal of Vicki Smith from Obria Medical Clinics Board of Directors

Dear Mr. O'Hare:

Campaign for Accountability ("CfA"), a nonprofit watchdog organization, respectfully requests that Estée Lauder cease its affiliation with Obria Medical Clinics of Southern California ("Obria"). Estée Lauder employee Vicki Smith serves on Obria's board of directors and her name, along with her corporate affiliation, appears on Obria's website. Ms. Smith also has used her Estée Lauder email address in communicating with government officials on Obria's behalf.

Background

Vicki Smith appears to be an Estée Lauder employee working as a La Mer regional training director.¹ Ms. Smith is also an Obria board member and is listed on Obria's "About Us" webpage as "Vicki Smith | Estée Lauder | Former Education Director | Board Chair."²

Obria, as a part of its affiliated Obria Group, is a network of approximately 35 crises pregnancy center ("CPCs") based out of southern California that does not offer contraception, including condoms, beyond fertility awareness and opposes abortion without exception. In 2014, Obria's founder and CEO, Kathleen Eaton Bravo, undertook a rebranding effort aiming to transform her California CPCs, previously called BirthRight and then Birth Choice, into a national network. Obria pledged to open 200 clinics across the United States by 2019. To date, Obria has affiliates in six states. Obria's rebranding included an effort to medicalize its clinics, while maintaining its staunchly anti-abortion and anti-contraception ethos.

Until recently, the bulk of Obria funding came from private donations, much of it from the Catholic Church. On March 29, 2019, Obria received its first Title X Family Planning Program

¹ Vicki Smith, *Regional Training Director at La Mer*, LINKEDIN, (last accessed Oct. 30, 2019), available at <https://www.linkedin.com/in/vicki-smith-86b05173/>.

² Obria Medical Clinics of Southern California, *About Obria: Board of Directors*, OMCSOCAL.ORG. (last accessed Oct. 30, 2019), available at <https://omcsocal.org/aboutus>.

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grant.³ Through a Freedom of Information Act request aimed at uncovering information about Obria, CfA discovered an April 4, 2019 email chain including Ms. Smith, using her Estée Lauder email address, scheduling a call with U.S. Department of Health and Human Services official Diane Foley, Deputy Assistant Secretary for the Office of Population Affairs, to discuss the Obria's then-newly awarded Title X grant.⁴

Estée Lauder Policies Regarding Employees' Charitable Involvement

Estée Lauder's employee handbook "generally encourages employees to participate in community, charitable and other outside activities."⁵ The handbook makes clear, however, that an employee's extracurricular charitable activities "should not . . . imply Company sponsorship or support (for example, through use of the Company stationery) without the express written approval of the Company in each instance."⁶ The handbook further indicates that the charitable involvement also "should not . . . adversely affect the reputation of the Company, including the image of the Lauder family, which is a valuable asset of the Company."⁷

Violations of Estée Lauder Policies

The formatting of Obria's "About Us" webpage to read "Vicki Smith | Estée Lauder | Former Education Director | Board Chair"⁸ is a clear effort to closely link the organization's management and Estée Lauder. Listing Estée Lauder's name, especially without inclusion of Ms. Smith's position, implies the company's "sponsorship or support" of Obria and, unless Ms. Smith received express written approval, appears to violate Estée Lauder's employee handbook. Similarly, Ms. Smith's use of her Estée Lauder email address when communicating with government officials may improperly imply company support of Obria's Title X project.

³ HHS Title X Family Planning Service Grants Award by State; Fiscal Year 2019 Grantees, HHS.GOV, (last accessed Oct. 30, 2019), available at <https://www.hhs.gov/opa/grants-and-funding/recent-grant-awards/index.html>; see also Kenneth P. Vogel and Robert Pear, *Family Planning Grant to Anti-Abortion Group*, THE NEW YORK TIMES (Mar. 29, 2019), available at <https://www.nytimes.com/2019/03/29/us/politics/trump-grant-abortion.html>; Victoria Colliver, *Anti-Abortion Clinics Caught in Tumult Over Trump Family Planning Rules*, POLITICO (May 3, 2019), available at <https://www.politico.com/story/2019/05/03/anti-abortion-clinics-family-planning-1402415>; Anna North, *Obria, the Anti-Abortion Group That's Tapping Into "Wellness" Culture, Explain*, VOX (Aug. 29, 2019), available at <https://www.vox.com/policy-and-politics/2019/8/29/20828866/obria-medical-clinics-birth-control-planned-parenthood>.

⁴ See Ex. A, (Email conversation between Berni Neal, Vicki Smith, Diane Foley, et al., (Apr. 4, 2019)).

⁵ See Estée Lauder Companies, *Code of Conduct* (Rev. Feb. 2017) at 12, available at <https://media.elcompanies.com/files/e/estee-lauder-companies/universal/investors/corporate-governance/governance-principles/code-of-conduct.pdf>.

⁶ *Id.*

⁷ *Id.*

⁸ Obria Medical Clinics of Southern California, *About Obria: Board of Directors*, OMCSOCAL.ORG. (last accessed Oct. 30, 2019), available at <https://omcsocal.org/aboutus>.

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Ms. Smith's involvement with Obria could also adversely affect Estée Lauder's reputation as a company that has long championed women.⁹ Though it claims to be a health clinic providing comprehensive care, Obria is staunchly opposed to all forms of contraception, including condoms.¹⁰ In fact, after receiving its first Title X grant—intended primarily to promote low income women's access to birth control—Obria's CEO stated “if you really study contraception, it is the flood gates [*sic*] to abortion”¹¹ and insisted that none of her organization's federal funding would cover birth control.¹² Contraception enables women to control when and how they become pregnant, and its denial is antithetical to women's empowerment and autonomy.

Ms. Eaton Bravo has made an apparent effort to present her religiously-based CPCs as holistic health centers that provide non-hormonal alternatives to women seeking reproductive healthcare services, though in fact, the organization opposes all non-hormonal contraception beyond the fertility awareness method. Further, Obria strongly promotes so-called “abortion pill reversal” as one of the services offered at its clinics. This practice—which consists of pumping large dosages of progesterone into women—has not been clinically tested; its safety is unknown, its effectiveness has never been demonstrated, and healthcare organizations have roundly discouraged the practice.¹³ Far from a sound medical procedure, abortion pill reversal is more akin to medical experimentation on women.

Ms. Eaton Bravo has also been a vocal proponent of the “replacement” theory. In a 2015 interview with *The Catholic World Report*, Ms. Eaton Bravo stated that when European “nations accepted contraception and abortion, they stopped replacing their population. Christianity began to die out. And, with Europeans having no children, immigrant Muslims came in to replace them, and now the culture of Europe is changing. The US faces a similar future. . . . The church and family are in crisis.”¹⁴

⁹ Forbes rated The Estée Lauder Companies the Best Employer for Women in 2019. Vicky Valet, *America's Best Employers for Women*, FORBES (July 2, 2019), available at <https://www.forbes.com/best-employers-women/-f206dc77de9c>.

¹⁰ Sarah Varney, *Federally Funded Obria Prescribes Abstinence to Stop the Spread of STDs*, KAISER HEALTH NEWS (Oct. 7, 2019), available at, <https://khn.org/news/federally-funded-obria-prescribes-abstinence-to-stop-the-spread-of-stds/>.

¹¹ See at 6:43 (EWTN, *Trump Administration Awards Pro-Life Obria Group Millions of Dollars*, YOUTUBE, (Apr. 26, 2019), available at <https://www.youtube.com/watch?v=6oY8V2Xe-fc&app=desktop>).

¹² *Id.* starting at 5:48.

¹³ The American Congress of Obstetricians and Gynecologists, *Facts are Important: Medication Abortion “Reversal” Is Not Supported by Science*, ACOG.ORG (Aug. 2017), available at <https://www.acog.org/-/media/Departments/Government-Relations-and-Outreach/FactsAreImportantMedicationAbortionReversal.pdf>; see also Mara Gordon, *Controversial ‘Abortion Reversal’ Regimen Is Put to the Test*, NPR (Mar. 22, 2019), available at <https://www.npr.org/sections/health-shots/2019/03/22/688783130/controversial-abortion-reversal-regimen-is-put-to-the-test>.

¹⁴ Jim Graves, *Fighting the Culture of Death—and Planned Parenthood—in California*, CATHOLIC WORLD REPORTER (Jan. 9, 2015), available at <https://www.catholicworldreport.com/2015/01/09/fighting-the-culture-of-death-and-planned-parenthood-in-california/>.

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Conclusion

An affiliation with a well-regarded company like Estée Lauder, which has a long history of promoting and supporting women and women's causes, lends legitimacy and credibility to Obria's highly controversial and racially charged policies and practices. CfA respectfully asks that you enforce the guidelines set in your employee handbook by demanding that Obria remove Estée Lauder's name from its "About Us" webpage and cease referring to the company in any further publications or communications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alice C.C. Huling". The signature is fluid and cursive, with the first name "Alice" being more prominent and the last name "Huling" written in a more compact, stylized manner.

Alice C.C. Huling
Counsel

EXHIBIT A

Lancey, Brandon (OS/ASPA)

From: Keyasha Kuykindall <kkuykindall@obriagroup.org>
Sent: Thursday, April 4, 2019 2:15 PM
To: Foley, Diane (HHS/OASH);Kathleen Eaton-Bravo;Berni Neal
Cc: Vicki Smith;Mauricio Leone
Subject: RE: [Re: Request for a brief call regarding Obria

Hello Diane:

You will find that I just sent a calendar request with number information for the conference call. I have also inserted the number below. Thank you.

Dial: (b)(6)
Meeting ID: (b)(6)

Keyasha Kuykindall

Executive Assistant
Donor Relations
The Obria Group, Inc.
17731 Irvine Blvd., Ste.201 – B, Tustin, CA 92780
C: (b)(6)
O: 949-273-5040
D: (b)(6)
kkuykindall@obriagroup.org
obriagroup.org | obria.org

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From: Foley, Diane (HHS/OASH) <Diane.Foley@hhs.gov>
Sent: Thursday, April 4, 2019 11:09 AM
To: Kathleen Eaton-Bravo <kathleen@obria.org>; Berni Neal <berni@nealfamilyfoundation.com>
Cc: Vicki Smith <vismith@estee.com>; Keyasha Kuykindall <kkuykindall@obriagroup.org>; Mauricio Leone <mleone@obriagroup.org>
Subject: Re: [Re: Request for a brief call regarding Obria

I will be available at 2:30PT Is there a specific number I should call?

Diane Foley MD, FAAP
Deputy Assistant Secretary
Office of Population Affairs
Office of the Assistant Secretary for Health/HHS
Phone: [240-453-2888](tel:240-453-2888) (o)
(b)(6) (c)

On: 04 April 2019 13:55,
"Kathleen Eaton-Bravo" <kathleen@obria.org> wrote:

Diane,

Hoping that the 2:30 time for the call works for you. Would like Berni, National Board Chair, to be in the call if at all possible.

Let me know,
Kathleen

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From: Berni Neal (b)(6) <[\(b\)\(6\)@nealfamilyfoundation.com](mailto:(b)(6)@nealfamilyfoundation.com)>
Sent: Thursday, April 4, 2019 10:03 AM
To: Foley, Diane (HHS/OASH)
Cc: Kathleen Eaton-Bravo; Vicki Smith; Keyasha Kuykindall; Mauricio Leone
Subject: Re: [Re: Request for a brief call regarding Obria

Thank you Diane. I am available at 2:30pm PT. If you are not perhaps Kathleen can take the 1pm call time to get the key issues discussed. I will ask Obria to provide a call in number.

If 2:30 works, then, I look forward to speaking with you.

Safe travels,

Berni Neal
(b)(6)

On Thu, Apr 4, 2019 at 8:23 AM -0700, "Foley, Diane (HHS/OASH)" <Diane.Foley@hhs.gov> wrote:

Hi Bernie - I am getting on a plane right now but should be available at 1pm PT if that works for you. Please let me know an appropriate number to call.

I look forward to talking with you.

Lancey, Brandon (OS/ASPA)

From: Foley, Diane (HHS/OASH)
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Get Outlook for iOS

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Diane Foley MD, FAAP
Deputy Assistant Secretary
Office of Population Affairs
Office of the Assistant Secretary for Health/HHS
Phone: 240-453-2888 (o)
(b)(6) (c)

On: 04 April 2019 11:20,
"Berni Neal" (b)(6) @nealfamilyfoundation.com> wrote:

Warm greetings Diane,

My name is Berni Neal and I am the current advisory board chair for Obria group.

Do you have availability today to speak regarding the grant?

Berni Neal
(b)(6)

Berni Neal
(b)(6)