



NATIONAL CENTER ON SEXUAL EXPLOITATION

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February 7, 2018

Joe Magnacca
Chief Executive Officer
Massage Envy
14350 North 87th Street, Suite 200
Scottsdale, AZ 85260

Dear Messrs. Magnacca, Ullman, and Meses. Stiller, Hansen, and
Collins:

We are writing to express our concern regarding Massage Envy's apparent facilitation of sexual exploitation. From Hollywood, Capitol Hill, Silicon Valley and beyond, the #MeToo movement has exposed the wide-spread prevalence of sexual harassment and sexual assault in our society. We are aware that Massage Envy has been, and is being, sued by hundreds of women for failing to take appropriate measures when a massage therapist sexually harasses or assaults a client.¹

The National Center on Sexual Exploitation is a non-partisan and nonprofit organization in Washington DC dedicated to addressing all forms of sexual exploitation. We work to hold corporations accountable for systemic failures in addressing sexual harm. Because of your well publicized failure to stop the sexual harassment occurring at your establishments, we are listing Massage Envy on the Dirty Dozen List—an annual campaign that names 12 leading mainstream facilitators of sexual exploitation.

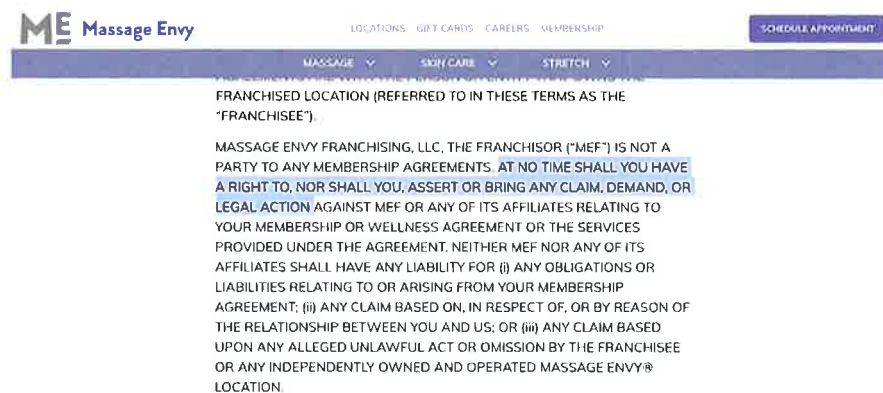
Massage Envy is being added to this List for numerous reasons. For example, among a number of poor policies, the company requires customers, including women, to sign agreements barring them from initiating legal complaints against Massage Envy. Many former employees report being trained to do everything in their power to prevent reports to police departments. Massage Envy fails to require reporting of suspected assaults on their premises to the Massage Therapy Boards. A number of cases against Massage Envy involve prior complaints of sexual assault by customers to management and a complete failure on the part of Massage Envy to act on these complaints. This has allowed known perpetrators to continue preying on unwitting clients.

Massage Envy is the largest massage chain in America, with more than 20,000 therapists and 1,200 locations. Massage Envy has long known about the problem of sexual assaults on their premises yet only recently made any serious policy improvements to curb and deal with these reports. The length of time it took Massage Envy to implement these changes is deplorable.

We ask Massage Envy to implement the following changes:

1. Place signs in each Massage Envy informing customers of their right to stop a massage at any point they feel uncomfortable, and their right to make a police report if they feel a masseuse has committed sexual misconduct or sexually harassed or assaulted them,
2. Publicly committing, and instituting strict internal policies, to report any case of customer discomfort with a masseuse regarding sexual misconduct, harassment, or assault, to the Massage Therapy Board,
3. Create an annual public transparency report in tandem with multiple advocacy organizations, similar to the one being created by Uber, which acknowledges the scope of the problem of sexual misconduct, harassment, and assault in each Massage Envy—and make this report available on the Massage Envy app, and in emails to new clients,
4. Publicly committing to stop forcing customers to wave their right to bring forward claims against Massage Envy, even when those claims are alleged on intentional or negligent wrongdoing on the part of Massage Envy employees.

Currently, Massage Envy has a policy that states: “At No Time Shall You Have A Right To, Nor Shall You, Assert Or Bring Any Claim, Demand, Or Legal Action Against Mef Or Any Of Its Affiliates ... Neither Mef Nor Any Of Its Affiliates Shall Have Any Liability For (I) ... (Iii) Any Claim Based Upon Any Alleged Unlawful Act Or Omission By The Franchisee Or Any Independently Owned And Operated Massage Envy® Location.”ⁱⁱ



We believe this required waiver of rights imposed on clients is egregious and must be reversed.

By comparison, Somatic Massage company includes an allowance for bringing forward claims due to “gross negligence or willful misconduct” of “its owner or employees/contractors.”ⁱⁱⁱ

When people are placing their bodies in the hands of a doctor, a dentist, or a masseuse, they’re putting trust in them. The nature of a massage, where individuals are more vulnerable and trusting than usual – nearly undressed, alone, and expecting relaxation – contributes to immense trauma when that trust is broken by sexual harm.

We are calling on Massage Envy to take its policies a step beyond mere damage control, and a step into actual corporate responsibility regarding sexual exploitation.

We hope Massage Envy will rise to this challenge and dialogue with us to discuss ways by which it can become a corporate leader in the fight for a world free from sexual exploitation. You can contact us at public@ncose.com.

Sincerely,



Patrick Trueman
President & CEO



Dawn Hawkins
Senior Vice President & Executive Director

CC:

Kurt Ullman, Vice President International
Beth Stiller, Chief Commercial Officer
Melanie Hansen, General Counsel
Kathy Collins, Chief Marketing Officer

ⁱ "Fears Loom That Sexual Assault Cases Involving Massage Envy Will Remain Private." *KTVU*, 2018, [www.ktvu.com/news/fears-loom-sexual-assault-cases-involving-massage-envy-will-remain-private.](http://www.ktvu.com/news/fears-loom-sexual-assault-cases-involving-massage-envy-will-remain-private;); "Massage Envy Hit With Another Sexual-Assault Lawsuit." *The Daily Beast*, 30 Oct. 2018, www.thedailybeast.com/massage-envy-hit-with-another-sexual-assault-lawsuit; Quillen, Alanna. "Lawsuit against Massage Envy Filed in PBC." *WPTV*, 30 Aug. 2018, www.wptv.com/news/region-n-palm-beach-county/palm-beach-gardens/massage-envy-therapists-accused-of-sexually-assaulting-clients-in-palm-beach-county.

ⁱⁱ <https://www.massageenvy.com/membership/terms-and-conditions/>. Found January 24, 2019

ⁱⁱⁱ <https://somaticmassagepc.com/wp-content/uploads/2018/10/SMT-Intake-Form-NEW-1.pdf>. Found January 24, 2019.