



March 2, 2026

VIA EMAIL

Attention: Allegations of Regulatory Misconduct Branch
Office of Compliance
Center for Devices and Radiological Health
Food and Drug Administration
CDRHDeviceAllegations@fda.hhs.gov

Re: Kerber USA Inc.'s Improper Use of FDA Logo and False Endorsement Claims

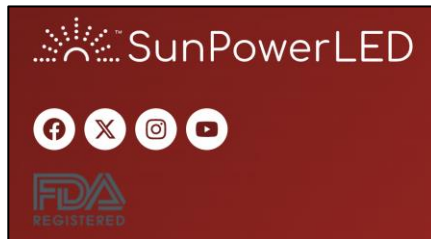
Dear Office of Compliance:

A recent Truth in Advertising, Inc. ("TINA.org") investigation has found that Kerber USA Inc. is improperly and misleadingly using FDA logos in marketing materials promoting its SunPowerLED photobiomodulation (PBM) light devices, in violation of the FDA's Logo Policy.¹ Specifically, the New York-based company displays an FDA logo in its marketing materials, including on its SunPowerLED homepage, as well as at the bottom of every page of the SunPower LED website,² despite the FDA's ban against the use of the logo in private sector materials, sending the false and misleading impression that the FDA "favors or endorses" SunPowerLED products.

FDA Logo Featured on SunPowerLED Homepage



FDA Logo Featured at the bottom of every SunPowerLED Webpage



The company also makes false and misleading statements further suggesting that the FDA endorses SunPowerLED products or related PBM therapy. For example, on its FAQ

webpage, the company states that the type of light therapy provided by SunPowerLED products “is now endorsed by [the] FDA.”³

Does light therapy really work? —

Yes! Light therapy has been used safely in thousands of clinics and is now endorsed by CDC, FDA, and the US Veteran's Administration! Red Light Therapy (RLT), also called Photobiomodulation (PBM), Low-Level Light Therapy (LLLT), and Low-Level Laser Therapy (LLLT), is a scientifically proven therapy method with decades of clinical studies from around the world! (Source: <https://pbmfoundation.org>)

To see research articles related to various topics, please see: <https://pbmfoundation.org/areas-of-pbm-study>

To search through the PBM Database, see: https://substack.com/profile/145776567-tom-kerber/note/c-15929792?utm_source=notes-share-action.

To watch videos of testimonials of customers who achieved positive results using our products [visit](#):

Kerber USA Inc.’s unauthorized use of the FDA logo, coupled with its false endorsement claims, misleads consumers and undermines the integrity of the FDA’s name and authority. Kerber USA Inc.’s conduct may also violate 42 U.S. Code § 1320b-10, which prohibits the use of federal agency names, emblems or symbols in a manner that falsely suggests government approval or endorsement of products or services.

Please note that TINA.org notified Kerber USA Inc. of this problematic marketing by sending the company a letter via email on February 18, 2026 in which we urged the company to remove the unauthorized logos and statements from its marketing materials.⁴ To date, however, the company has not made any material changes to its website.

Accordingly, TINA.org respectfully urges the FDA to investigate Kerber USA Inc.’s improper use of the FDA logo and false endorsement claims and to take appropriate enforcement action.

Please do not hesitate to contact us should you have any questions.

Sincerely,

Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

Bonnie Patten, Esq.
Executive Director
Truth in Advertising, Inc.

Cc via email: Tom Kerber, CEO, Kerber USA Inc.

¹ FDA Name and Logo Policy, <https://www.fda.gov/about-fda/website-policies/fda-name-and-logo-policy>.

² SunPowerLED homepage, sunpowerled.com.

³ SunPowerLED FAQs, sunpowerled.com/faqs/.

⁴ TINA.org's Feb. 18, 2026 letter to Kerber USA Inc., available at https://truthinadvertising.org/wp-content/uploads/2026/02/2_18_26-TINA-letter-to-Kerber-USA-re-SunPowerLED-marketing.pdf. Of note, the company is also improperly using logos belonging to, and making false and misleading statements regarding, other agencies and organizations, including the Centers for Disease Control and Prevention, the U.S. Department of Veterans Affairs, the Journal of the American Medical Association, and the American Dental Association. TINA.org has notified each of these agencies and organizations as well.