



March 2, 2026

VIA EMAIL

U.S. Department of Health & Human Services
Office of the Inspector General
Public Affairs
Public.Affairs@oig.hhs.gov

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

Dear OIG Public Affairs Office:

A recent Truth in Advertising, Inc. (“TINA.org”) investigation has found that Kerber USA Inc. is improperly and misleadingly using the Centers for Disease Control logo in marketing materials promoting its SunPowerLED photobiomodulation (PBM) light devices, in violation of CDC policy.¹ Specifically, the New York-based company displays a CDC logo in its marketing materials, including on its SunPowerLED homepage as show below,² sending the false and misleading impression that the CDC favors or endorses SunPowerLED products.



The company also makes false and misleading statements further suggesting that the CDC endorses SunPowerLED products or related PBM therapy. For example, on its homepage, the company states that “Major medical oversight groups and associations like . . . the Centers for Disease Control (CDC) . . . are now endorsing the use of PBM therapy.”³

The Advances in Photobiomodulation Are Exciting and Rapidly Progressing!

Major medical oversight groups and associations like the American Dental Association (ADA), the Centers for Disease Control (CDC), the Journal of the American Medical Association (JAMA), and the US Department of Veterans Affairs (VA) are now endorsing the use of PBM therapy.

And on its FAQ webpage, the company states that the type of light therapy provided by SunPowerLED products “is now endorsed by CDC.”⁴

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 (LLLTL), 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:

These representations are false and misleading. Further, as you know, CDC policy expressly prohibits (1) the use of CDC logos or marks without express written permission and (2) any use suggesting endorsement of non-CDC companies, products, or services.⁵ CDC guidance makes clear that its logos signify official agency materials and “should never be used to promote or suggest endorsement” of outside entities. Authorized references require a clear disclaimer stating that no endorsement is implied. Kerber USA Inc.’s marketing contains no such disclaimer and instead deceptively conveys an impression of CDC approval.

By falsely implying CDC endorsement and misusing a federal agency logo in commercial marketing, 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.⁶ To date, however, the company has not made any material changes to its website.

Accordingly, TINA.org urges the Department of Health and Human Services and the CDC to investigate Kerber USA Inc.’s improper use of the CDC logo and false endorsement claims and to take appropriate 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 Centers for Disease Control and Prevention, Use of Agency Materials, <https://www.cdc.gov/other/agencymaterials.html>.

² SunPowerLED homepage, sunpowerled.com.

³ SunPowerLED homepage, sunpowerled.com.

⁴ SunPowerLED FAQs, sunpowerled.com/faqs/.

⁵ Centers for Disease Control and Prevention, Use of Agency Materials, <https://www.cdc.gov/other/agencymaterials.html>.

⁶ 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 U.S. Food and Drug Administration, 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.