



May 1, 2020

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

Dear Ms. Smith,

We are acknowledging receipt of your letter, dated 30 April 2020, that is questioning claims made on our website and product packaging regarding our product effectiveness.

First of all, let me say that we are in full support of truthful advertising and transparency with all aspects of our business and strive to operate as an "open, honest, ethical and fair" company in all respects, so we take your assertions very seriously. We have been in this business since 2013 and are extremely familiar with all aspects of the products that we sell and give serious consideration to every word we use on our product packaging and marketing claims. That being said, just like all organizations, we are obviously not perfect, but that is our goal. We are certainly willing to work with your organization to resolve this to our mutual satisfaction and your thoughtful consideration of the following would be appreciated.

To address your points, which will necessarily be argumentative, but genuine in their intention, please see below:

1. "...deceptively marketing an alcohol-free hand sanitizing product – specifically, the 24Hour Defense™ Foaming Hand Purifier – as able to “kill the Covid-19 virus,” as well as “99.99% of germs & keep[] them away for up to 24 hrs.”

As of 19 April 2020, we were notified that the key ingredient in our Surface Protectant and Hand Purifier, the organosilane antimicrobial molecule octadecylaminodimethyltrihydroxysilyl propyl ammonium chloride (not BZK) had been successfully tested against SARS CoV-2 virus (Covid-19) at the Doherty Institute in Australia, one of only two labs in the world to test against the actual virus as taken from a human (as opposed to a surrogate virus created in the lab). The test results have indeed shown that this key ingredient in our product is effective in immediately inactivating the virus upon contact. We have received the verbal acknowledgement that the testing was successful for immediate inactivation, but the lab tests are ongoing to determine the extent of the long-term efficacy against the virus. Upon completion we will receive the entire completed lab report.

While scientifically we know this to be fact, in regard to your assertion that our 24-Hour Hand Purifier has not been shown to demonstrate this, we acknowledge that there could be some confusion. The exact product that was tested in the lab against SARS CoV-2 was the surface protectant (BIOPROTECT™) product mixture. The organosilane molecule of this product is exactly the same as in the hand purifier. Additionally, the hand purifier includes BZK and skin conditioners (the BZK increases/not decreases effectiveness against microbes).

While we strongly believe the decision to remove this claim will put more lives at risk (since fewer people will be aware of this benefit), we will remove this claim from our website and marketing materials as it relates to the hand purifier and work to demonstrate scientifically that this is the case. In all sincerity, we

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believe the position taken by your organization, the FDA and CDC is likely a position taken out of “we have never done it this way” instead of investing in understanding the science behind our technology.

2. “[t]ime-specific extended efficacy claims, especially when related to serious disease-related pathogens, may lead to a false sense of security for the general public and result in infrequent hand washing or the substitution of these products for protective gloves and clothing, which are the principal methods for protecting against the spread of disease caused by pathogenic microorganisms.”

Covid-19 claims aside, we have many independent scientific reports that demonstrate that protection with our technology reduces bacteria and viruses on surfaces, textiles and hands over extended periods of time. This is proven and indisputable. We have multiple scientific studies, some independent and some done in-house that we have not published on our website, but will (and regularly do) provide to customers as requested.

Regarding hand washing and surface disinfecting, these four facts are also indisputable:

- a) The washing of a surface or of one’s hands protects the surface **at a single point in time**.
- b) The use of Alcohol Based Hand Sanitizers or disinfectants protects one’s hands or a surface for **a single point in time**.
- c) As soon as the hands or surface is contacted, **it is contaminated again**.
- d) It is **impossible** to wash one’s hands or a surface enough to protect it over an extended period of time.

These items aside, we do still recommend handwashing on our website, but we also recommend additional protection in between hand washings by using our products. If mandated, we are open to including this recommendation on our 24Hr hand purifier product label as well.

Protective gloves, as recommended by the CDC, provide a much stronger false sense of security than using our protective technology. This false sense of security comes from the incorrect thought that gloves pick up less pathogens than skin. In general, harmful pathogens do not enter the human body thru contact with the skin. They typically only enter thru the eyes, nose and mouth. They are easily transmitted by contaminated gloves to any of these three orifices. An unbiased understanding of this necessitates these conclusions. (As an aside...if gloves, masks or clothing were treated with our technology then this transmission mode would be greatly reduced!)

We believe the industry must shift the paradigm from sanitization to protection. Sanitization is necessary...but it is **NOT** sufficient. Lives are at stake and we believe more protection (not less) is needed. Alcohol based hand sanitization and surface disinfecting is simply **NOT** sufficient.

3. FDA Letters regarding Hand Sanitizers – While our 24Hour Hand **Purifier** does provide sanitization properties, we position it as a purifier product that provides long term protection of the hands not short-term sanitization.

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While we stand by this position, we understand there may be politics involved with the various agencies. We are in the process of switching to the BIOPROTECT label which has been approved by the FDA (NDC-7373400117). This is 100% the same chemical mixture, but the label has been limited

to a claim of only 6 hours of protection (based on the need to satisfy the FDA concern of lack of handwashing...not necessarily science). Regardless, this process of rebranding started last week, but we were trying to do this without creating confusion in the market. Our plan was to have this accomplished by Friday May 8, 2020.

4. EV360™ is an antimicrobial surface protectant not a surface disinfectant. Our EV360™ product is not listed on List-N because it is not classified as a disinfectant. We do not market it as a disinfectant and on our website, we recommend cleaning or disinfecting surfaces prior to using the product using products such as Vital Oxide (which is on List-N). Our label states that it is a violation of federal law to use this product otherwise. Our product is classified by and registered with the EPA as a pesticide (EPA Reg. #87583-3-92414), accordingly our product label is approved by the EPA.

This being said, we are in the process of switching from EV360™ to BIOPROTECT Surface Protectant (and BIOPROTECT Hand Sanitizer) which are approved and registered with both the EPA and FDA.

The BIOPROTECT chemical is manufactured by the same manufacturer and is 100% the same chemical that we sell under both of our labels.

5. We have already removed all language pertaining to Covid-19 from our website until this issue is resolved. We feel strongly that the effectiveness of our organosilane molecule against Covid-19 is an important **fact** that our customers need to be made aware of. Based on the need to allow the customers to have ALL of the information on our products and to make their decision based on the available data, we believe that the following statement is completely correct.

"The key ingredient in the Everest Microbial Defense™ system of protection has been proven to clean surfaces, kill the Covid-19 virus and continue to protect surfaces for an extended period of time."

Please advise if you feel that statement is not completely correct.

6. Monday May 4th resolution request – As noted above in item 3 and in light of item 5, we respectfully request an extension of the deadline until Friday May 8th as we work in good faith to have this resolved.

We acknowledge that this is a complicated and heated topic, however, we truly are interested in providing the best solution for the consumer. To that end, we look forward to your thoughtful response.

Respectfully Submitted,


Mark Whaley

Everest Microbial Defense, LLC

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