



July 10, 2019

**VIA EMAIL AND OVERNIGHT MAIL**

Attention: Allegations of Regulatory Misconduct Branch  
Office of Compliance  
Center for Devices and Radiological Health  
Food and Drug Administration  
WO Bldg. 66 RM 3523  
10903 New Hampshire Ave  
Silver Spring, MD 20993  
CDRHDeviceAllegations@fda.hhs.gov

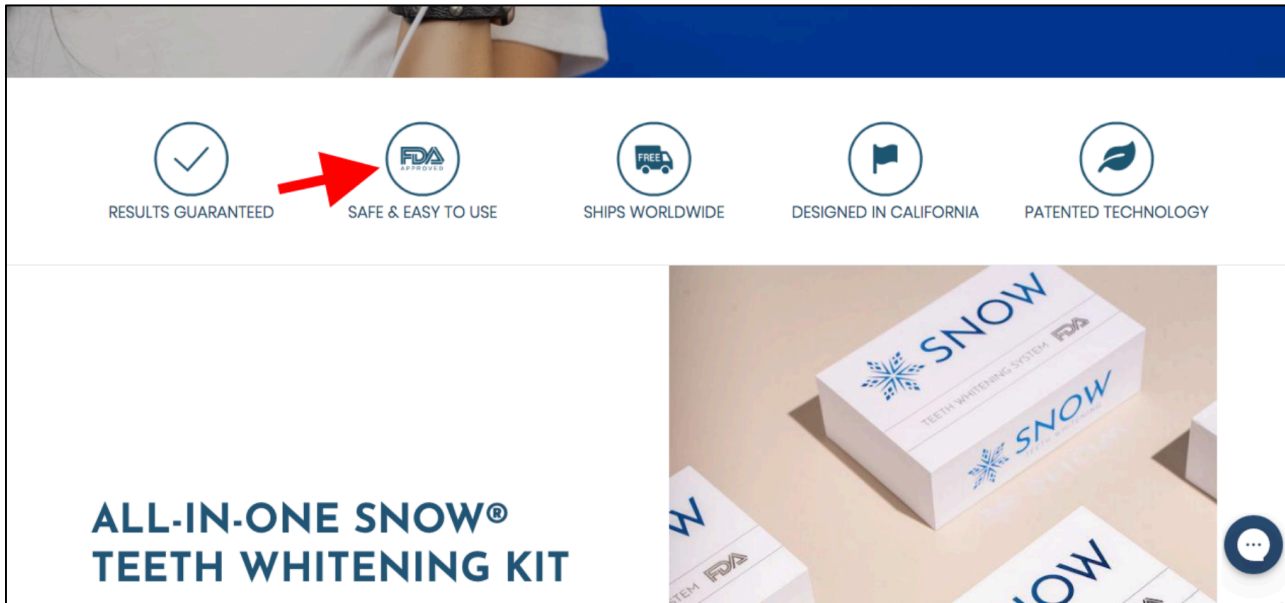
Re: Snow Teeth Whitening's Improper Use of FDA logo

Dear Sir or Madam:

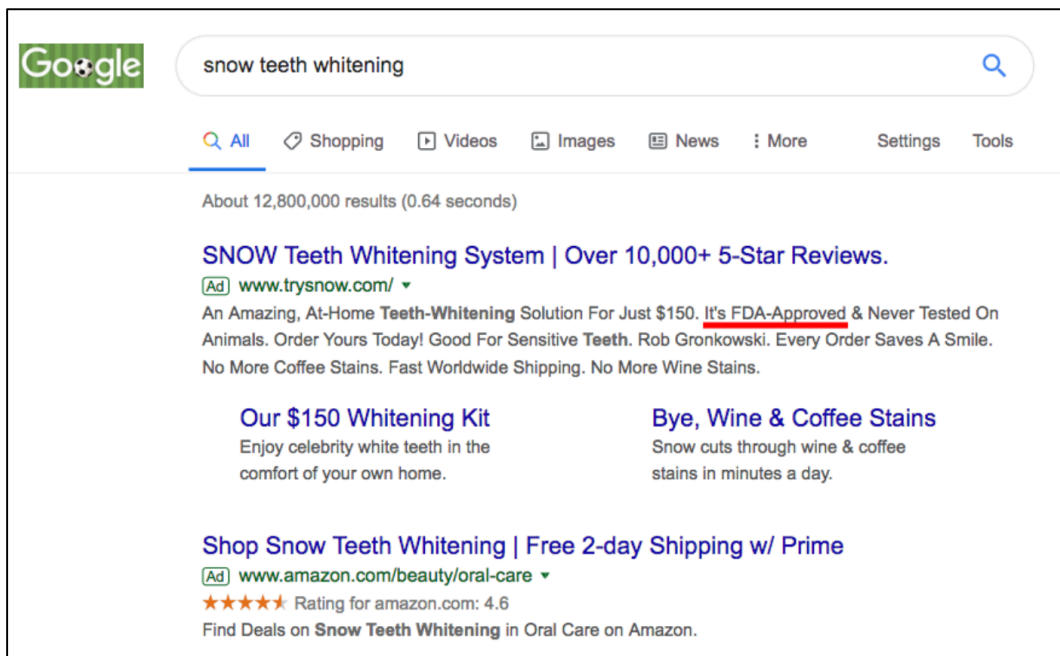
We write on behalf of Truth in Advertising, Inc. ("TINA.org") to inform you of Snow Teeth Whitening's improper use of an FDA logo in violation of the FDA's Logo Policy.<sup>1</sup> Specifically, the Arizona-based dental cosmetics company<sup>2</sup> prominently features an FDA logo in its marketing materials, including its product packaging, website, and social media platforms<sup>3</sup> despite the FDA's ban against the use of the logo in private sector materials, sending the false and misleading message that the FDA "favors or endorses" Snow Teeth Whitening products.<sup>4</sup>



In addition, the company falsely claims its teeth whitening products are FDA-approved.<sup>6</sup>



<https://www.trysnow.com/>



Accordingly, TINA.org urges the FDA to commence an investigation into Snow Teeth Whitening's improper use of its FDA logo and take appropriate enforcement action. If you have any questions, please do not hesitate to contact us.

Sincerely,



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



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

Cc: Snow Teeth Whitening

<sup>1</sup> <https://www.fda.gov/about-fda/website-policies/fda-logo-policy>.

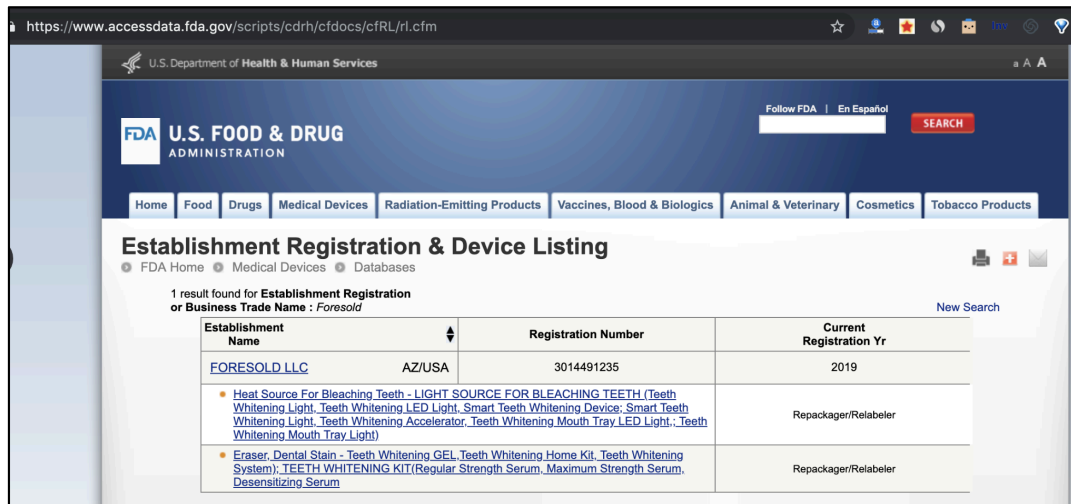
<sup>2</sup> The company also goes by the names Snow Whitening, Inc., Snow Bio Labs, and Snow® and is owned by Foresold LLC, also an Arizona company.

<sup>3</sup> <https://www.trysnow.com>; <https://www.instagram.com/snowteethwhitening/>;  
<https://www.facebook.com/snowteethwhitening/>; <https://twitter.com/snowteethwhiten?lang=en>.

<sup>4</sup> TINA.org contacted Snow Teeth Whitening regarding this issue on July 2, 2019 in connection with a TINA.org article, “What’s the FDA’s Logo Doing on the Snow Teeth Whitening Kit?”, <https://www.truthinadvertising.org/snow-teeth-whitening-fda-logo/>.

In response, Snow informed TINA.org that:

We are registered and approved on the FDA website. You can see below is the screenshot of our holding company, Foresold, LLC owns these certifications.



We work with a large consulting firm that has connections across large retailers and regulation agencies -- they did clear us to use the FDA logo. Going into 2020, however, you will not see any FDA logo on our packaging as we are ending our contract with this firm.

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We cannot comment further without going into a complete Non-Disclosure.

<sup>5</sup> <https://www.instagram.com/p/ByGyn6Lp9rZ/>.

<sup>6</sup> In a July 5, 2019 email from A. Hunt at the FDA to J. Bagley at TINA.org, the FDA stated that the Snow Teeth Whitening products are Class I, 510(k) exempt from premarket notification.