



February 18, 2026

**VIA EMAIL**

Tom Kerber, CEO  
Kerber USA Inc.  
info@kerberusa.com  
info@SunPowerLED.com  
tkerber7@gmail.com

Re: Notice of Unauthorized Logo Use and False Endorsement Claims

Dear Mr. Kerber:

I write on behalf of Truth in Advertising, Inc. (“TINA.org”)—a nonprofit consumer advocacy organization dedicated to stopping false, deceptive and unfair marketing practices—regarding Kerber USA Inc.’s marketing of SunPowerLED products. We have identified multiple instances in which Kerber USA Inc. uses federal agency and third-party logos, names and references in a misleading manner that is likely to create the false impression of governmental or institutional endorsement. These practices also violate applicable federal laws and agency policies.

**Improper Logo Use and False Endorsement Claims**

The SunPowerLED website displays on its homepage the logos of the American Dental Association (ADA), U.S. Centers for Disease Control and Prevention (CDC), U.S. Department of Veterans Affairs (VA), The Journal of the American Medical Association (JAMA) and U.S. Food and Drug Administration (FDA),<sup>1</sup> creating the false impression that these entities endorse or approve SunPowerLED products.



The FDA logo also appears at the bottom every single webpage.



In addition, Kerber USA Inc. makes misleading statements further suggesting that these entities endorse SunPowerLED products or related photobiomodulation (PBM) therapy. To our knowledge, no such endorsements exist.

### SunPowerLED Homepage

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.

*“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.”*

### SunPowerLED FAQs<sup>2</sup>

**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](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:

*“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!”*

As explained below, the use of these logos and statements is misleading and inconsistent with applicable laws and policies.

### FDA

The FDA's logo policy expressly prohibits the use of FDA logos in private-sector promotional or commercial materials as such use may imply agency endorsement where none exists.<sup>3</sup> Displaying the FDA logo on SunPowerLED webpages violates this policy and risks misleading consumers regarding the level of regulatory involvement.

While Kerber USA Inc. may have registered certain products with the FDA, registration does not constitute agency approval or endorsement. Misrepresentations or misappropriations of the agency's name, position or logo may be subject to civil penalties under 42 U.S.C. § 1320b-10.

## **CDC**

CDC policy 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.<sup>4</sup> 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. As with FDA references, misuse may implicate 42 U.S.C. § 1320b-10.

## **VA**

Federal regulations strictly limit the use of the VA seal to official VA purposes and prohibit unauthorized commercial uses implying endorsement of commercial products or services. *See* 38 C.F.R. § 1.9. The appearance of the VA logo in SunPowerLED marketing, coupled with endorsement-suggesting statements, risks misleading consumers—particularly veterans—and is inconsistent with this regulation.

## **JAMA**

The JAMA name and logo are proprietary marks associated with the American Medical Association (AMA)’s peer-reviewed medical journal<sup>5</sup> and may not be used in commercial advertising without prior written permission.<sup>6</sup> Further, the AMA does not endorse or recommend any commercial products.<sup>7</sup> Unauthorized use of its marks in advertising, as well as implied endorsement claims, falsely suggest an affiliation that does not exist and misleads consumers.

## **ADA**

The ADA logo is a registered trademark of the American Dental Association and may not be used in advertising or promotional materials without authorization.<sup>8</sup> Although Kerber USA Inc. may link to ADA.org, ADA policy expressly prohibits suggesting or implying endorsement absent written permission. Further, ADA endorsements are limited to specific programs, such as the ADA Seal of Acceptance,<sup>9</sup> and, to our knowledge, SunPowerLED devices are not authorized to display ADA branding or claim ADA endorsement.

## **Requested Action**

Kerber USA Inc.’s marketing materials misuse federal agency insignia and third-party trademarks while conveying false and misleading impressions of governmental and institutional endorsement. Such practices constitute deceptive advertising and violate applicable laws and agency policies.

Unless Kerber USA Inc. promptly removes the referenced logos, ceases all statements falsely implying endorsement, and implements corrective measures to prevent future consumer deception, we intend to notify the relevant agencies and organizations of our concerns.

Please note that this letter addresses only Kerber USA Inc.'s misleading references to federal agencies and third parties in connection with SunPowerLED products on its website. Kerber USA Inc. remains responsible for ensuring that all of its marketing practices—across all brands and platforms—comply with applicable advertising and consumer protection laws.

Sincerely,



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

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<sup>1</sup> SunPowerLED, [sunpowerled.com](http://sunpowerled.com).

<sup>2</sup> SunPowerLED FAQs, [sunpowerled.com/faqs/](http://sunpowerled.com/faqs/).

<sup>3</sup> FDA Name and Logo Policy, <https://www.fda.gov/about-fda/website-policies/fda-name-and-logo-policy>.

<sup>4</sup> Centers for Disease Control and Prevention, Use of Agency Materials, <https://www.cdc.gov/other/agencymaterials.html>.

<sup>5</sup> JAMA Terms of Use, <https://jamanetwork.com/pages/terms-of-use>.

<sup>6</sup> See Guidelines for Medical and Health Information Sites on the Internet, <https://jamanetwork.com/journals/jama/fullarticle/192531> (“AMA, JAMA, and *Archives* Journals logos may not appear on commercial Web sites as a logo or in any other form without prior written approval by the individuals responsible for the respective areas within AMA.”); Principles Governing Advertising in Publications of the American Medical Association, [https://jamanetwork.com/DocumentLibrary/Advertising/AMA\\_Advertising\\_Principles\\_Feb2016.pdf](https://jamanetwork.com/DocumentLibrary/Advertising/AMA_Advertising_Principles_Feb2016.pdf) (“AMA, AMNews, and The JAMA Network journals logos may not appear on commercial Web sites as a logo or in any other form without prior written approval by the individuals responsible for the respective areas within AMA”).

<sup>7</sup> AMA PolicyFinder, <https://www.ama-assn.org/form/policy-finder>.

<sup>8</sup> ADA Terms of Use, [https://engage.ada.org/pages/terms\\_and\\_conditions](https://engage.ada.org/pages/terms_and_conditions).

<sup>9</sup> ADA Seal of Acceptance, <https://www.ada.org/resources/research/science/ada-seal-of-acceptance>.