



March 2, 2026

VIA EMAIL

James Baehr, General Counsel
U.S. Department of Veterans Affairs
810 Vermont Ave., N.W. (005X6F)
Washington, DC 20420
james.baehr@va.gov

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

Dear Mr. Baehr:

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



The company also makes false and misleading statements further suggesting that the VA endorses SunPowerLED products or related PBM therapy. For example, on its homepage, the company states that “Major medical oversight groups and associations like . . . the US Department of Veterans Affairs . . . 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 . . . the US Veteran’s Administration!”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](#):

As you know, 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.⁵ Further, the appearance of the VA logo in SunPowerLED marketing, coupled with endorsement-suggesting statements, risks misleading consumers, particularly veterans.

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 respectfully urges the Department of Veterans Affairs to investigate Kerber USA Inc.’s improper use of the VA 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 38 C.F.R. § 1.9.

² SunPowerLED homepage, sunpowerled.com.

³ SunPowerLED homepage, sunpowerled.com.

⁴ SunPowerLED FAQs, sunpowerled.com/faqs/.

⁵ 38 C.F.R. § 1.9.

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 Centers for Disease Control and Prevention, the Journal of the American Medical Association, and the American Dental Association. TINA.org has notified each of these agencies and organizations as well.