



The FDA and FTC recently [issued](#) joint warning letters to seven sellers of products that claimed to treat or prevent "Novel Coronavirus Disease 2019," known as COVID-19.

According to FDA Commissioner Stephen Hahn, "The FDA considers the sale and promotion of fraudulent COVID-19 products to be a threat to the public health." FTC Chairman Joe Simons noted, "There already is a high level of anxiety over the potential spread of coronavirus." The products named in the warning letters included teas, essential oils, tinctures and colloidal silver. Warning letters were sent to the following companies:

- [Vital Silver](#),
- [Quinessence Aromatherapy Ltd.](#),

- [Xephyr, LLC doing business as N-Ergetics](#),
- [GuruNanda, LLC](#),
- [Vivify Holistic Clinic](#),
- [Herbal Amy LLC](#), and
- [The Jim Bakker Show](#).

The companies receiving the warning letters were provided 48 hours to respond with specific actions taken to address the agencies' concerns. According to the FDA's statement, there are currently no vaccines or drugs approved to treat or prevent COVID-19. The FDA and FTC noted that they will "continue to monitor social media, online marketplaces and incoming complaints to help ensure that the companies do not continue to sell fraudulent products under a different company name or on another website." In a February [blog post](#), the FTC warned that scammers were following the COVID-19 headlines and cautioned that "scammers are taking advantage of fears surrounding the Coronavirus." FDA has set up a cross-agency task force to monitor for fraudulent products purporting to treat or prevent COVID-19. The FDA has announced that more than three dozen of such products have been removed from major retailers and online marketplaces. **Takeaways:**

- Marketers should ensure that they have competent and reliable scientific evidence to support any COVID-19-related advertising and labeling claims about their products before such claims are made. Practically speaking, marshalling such evidence may be difficult at this time as much remains unknown about the virus responsible for COVID-19 and effective treatments for the disease.
- Advertising that a product can prevent, mitigate, cure, or treat COVID-19 may result in the product being qualified as an unapproved new drug sold in violation of the Federal Food, Drug, & Cosmetic Act.

## Authors



### [Jason S. Howell](#)

Partner

[JHowell@perkinscoie.com](mailto:JHowell@perkinscoie.com)   [206.359.3134](tel:206.359.3134)



### [Jared H. Bryant](#)

Practice Attorney

[JBryant@perkinscoie.com](mailto:JBryant@perkinscoie.com)   [206.359.3664](tel:206.359.3664)



## **Thomas (Tommy) Tobin**

Counsel

[TTobin@perkinscoie.com](mailto:TTobin@perkinscoie.com) [206.359.3157](tel:206.359.3157)

### **Explore more in**

[Consumer Protection](#)

Blog series

## **Consumer Protection Review**

Consumer Protection Review helps businesses that market and sell to consumers navigate federal and state legal issues related to advertising, privacy, promotions, products liability, government investigations, unfair competition, class actions and general consumer protection. [Subscribe ?](#)

[View the blog](#)