

EXHIBIT H



Serena Viswanathan
Acting Associate Director
Division of Advertising Practices

United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

July 29, 2020

WARNING LETTER

VIA EMAIL TO customer.care@xlear.com, facebook@xlear.com

Xlear Inc.
723 S Auto Mall Dr
American Fork, UT 84003

Re: Unsubstantiated claims for Coronavirus prevention or treatment

To Whom It May Concern:

This is to advise you that FTC staff reviewed your website at <https://xlear.com/xlear/> on July 24, 2020. We also reviewed your social media website at www.facebook.com/xylitol.experts/ and your YouTube channel at https://www.youtube.com/channel/UCHq_XCdQIFfAf0L-X6dJfg, where you direct consumers to your website, <https://xlear.com/xlear/>, to purchase Xlear Sinus Care nasal sprays. We have determined that you are unlawfully advertising that certain products prevent Coronavirus Disease 2019 (COVID-19).

Some examples of Coronavirus prevention or treatment claims include:

- Your web page <https://xlear.com/xlear/> states:

“XYLITOL SINUS STUDIES

Xylitol and Upper Respiratory Health: 5 Studies You Should Know

READ THE STUDIES” [links to <https://www.dontgetsickclub.com/studies>, which states:]

“USU Study Summary/Synopsis

Virucidal Activity of Xlear Compounds vs SARS-CoV-2 Virus and Rhinovirus-16 -
Jonna B. Westover, Ph.D., Utah State University, Institute for Antiviral Research

Overview:

Xlear Inc.
July 29, 2020
Page 2

At Utah State University's Institute of Antiviral Research, Jonna Westover, Ph.D. and her team performed a study to identify if a xylitol saline solution had any effect on COVID-19.

Results:

The study compared the effect of four different saline solutions with xylitol against chlorhexidine and ethanol, with water as a control. The four different solutions with xylitol were: 1) saline and xylitol alone, 2) saline and xylitol with added essential oils¹, 3) saline and xylitol with essential oils and liquid silver, and 4) saline and xylitol with chlorpheniramine maleate. The results were astounding. Each of the four saline and xylitol solutions significantly reduced the virus to 'an undetectable amount.'

Why is this important?

With government agencies and pharmaceutical companies pumping so much money and energy into finding a solution for COVID-19, this study shows **a simple, safe, and cheap option that could be an effective solution to the pandemic.**"

- In a video titled, "There is a Simpler, Cheaper Way to Deal with COVID-19," posted on the Xlear Inc YouTube channel on July 21, 2020, you state:

Text of video description: "Xlear Inc

While billions of dollars are being spent to find a vaccine for COVID-19, medical professionals and researchers may have found a better way to treat the virus--a simple, natural nasal spray."

Text of video: "We are spending billions on a COVID-19 vaccine but is there a simpler, less expensive way? More and more medical professionals and researchers realize treating COVID-19 through the NOSE is the best option...."

Senior co-author of the UNC Chapel Hill study, Dr. Richard Boucher: 'If the nose is the dominant initial site from which lung infections are seeded, then... *nasal irrigation or antiviral nasal sprays, could be beneficial.*'

90% of viral load is in the nose. If washing hands is so important, shouldn't you... WASH YOUR NOSE? For the best nasal cleanse, choose Xlear Sinus Care [graphic shows bottle of Xlear sprayed into a nose and Coronavirus-type molecules disappearing from inside the nose].

A Utah State University study found that a nasal spray like Xlear reduced the COVID-19 virus to 'an undetectable amount' in 15 minutes.

Xlear Inc.
July 29, 2020
Page 3

Breathe Better. Feel Better with Xlear Sinus Care.”

[https://www.youtube.com/watch?v=qgi_MPvXeNQ]

- “As Coronavirus cases rise in many states, Dr Jones suggests washing your nose with xylitol to subdue COVID-19. ‘Your nasal passages are a primary defense against viruses, especially if they’re working optimally...xylitol-saline washes and hydrates the nasal mucosa to assist the immune system in cleaning out bacteria viruses, and pollutants before they have a chance to infiltrate the lungs.’ - Dr. Jones...


[links to an article titled, “Immune Intelligence in a Time of Coronavirus” at <https://goodmenproject.com/featured-content/immune-intelligence-in-a-time-of-coronavirus/>]

#Xlear #LiveXlear #Covid19 #Coronavirus”

[post dated July 16, 2020 on www.facebook.com/xylitol.experts/]

- “Researchers at the University of North Carolina conducted a major study of the coronavirus infection in human airways. The finding suggest [sic] the virus tends to become established first in the nasal cavity.

Besides washing your hands frequently and avoiding touching your face, you need to wash your nose too!

Check out this  to learn more: <https://unc.live/3fxxEIt> [link to an article titled, “Researchers map how coronavirus infection travels through cells of nasal cavity and respiratory tract”] #Xlear #LiveXlear #Coronavirus #Covid19”

[post dated June 18, 2020 on www.facebook.com/xylitol.experts/]

- “In this craziness surrounding #Covid19, we all know washing our hands and social distancing is a great way to avoid the virus. But it's also extremely important to keep your airways hydrated. Xlear is an awesome product to help. It's [sic] xylitol ingredient can literally help wash away a virus! Let's all do our part to combat this thing and get back to life as we know it. Go get your #Xlear today! - @ross_stripling

#LiveXlear”

[post dated April 14, 2020 on www.facebook.com/xylitol.experts/]

- “Naturopathic Family Health has a couple recommendations to prevent the spread of [#COVID19](https://www.cdc.gov/coronavirus/2019-ncov/index.html). Besides washing your hands frequently and avoid touching your face, they

Xlear Inc.
July 29, 2020
Page 4

recommend using @Xlear to clear your nose passages. The nose is a major entry for respiratory viruses and is important to keep clean! [#LiveXlear](#)”

[post dated March 19, 2020 on www.facebook.com/xylitol.experts/]


It is unlawful under the FTC Act, 15 U.S.C. § 41 *et seq.*, to advertise that a product or service can prevent, treat, or cure human disease unless you possess competent and reliable scientific evidence, including, when appropriate, well-controlled human clinical studies, substantiating that the claims are true at the time they are made. For COVID-19, no such study is currently known to exist for the product identified above. Thus, any coronavirus-related prevention claims regarding such products are not supported by competent and reliable scientific evidence. You must immediately cease making all such claims.

You are also advised to review all other claims for your products and services and immediately cease making claims that are not supported by competent and reliable scientific evidence.

Within 48 hours, please send a message to Richard Cleland, Assistant Director via electronic mail at rcleland@ftc.gov describing the specific actions you have taken to address the FTC’s concerns. If you have any questions regarding compliance with the FTC Act, please contact Richard Cleland at 202-326-3088.

Very truly yours,

SERENA
VISWANATHAN

 Digitally signed by SERENA
VISWANATHAN
Date: 2020.07.29 14:48:17 -04'00'

Serena Viswanathan
Acting Associate Director
Division of Advertising Practices