



**FDA U.S. FOOD & DRUG
ADMINISTRATION**



WARNING LETTER

Date: May 24, 2021

TO: beautynspa@aol.com – Beauty & Spa Concepts, Inc. d.b.a. Beenefits
10765 Southwest 108th Ave. #308
Miami, FL 33176

RE: Unapproved and Misbranded Products Related to Coronavirus Disease 2019 (COVID-19)

This is to advise you that the United States Food and Drug Administration (FDA) and the Federal Trade Commission (FTC) reviewed your website at the Internet address www.beenefits.com on January 8, 2021 and May 5, 2021, respectively. We also reviewed your social media website at www.instagram.com/beenefits/, where you direct consumers to your website, <https://www.beenefits.com>, to purchase your products. The FDA has observed that your website offers the product Brazilian Propolis Extract for sale in the United States and that this product is intended to mitigate, prevent, treat, diagnose, or cure COVID-19¹ in people. Based on our review, this product is an unapproved new drug sold in violation of section 505(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), 21 U.S.C. § 355(a). Furthermore, the product is a misbranded drug under section 502 of the FD&C Act, 21 U.S.C. § 352. The introduction or delivery for introduction of this product into interstate commerce is prohibited under sections 301(a) and (d) of the FD&C Act, 21 U.S.C. § 331(a) and (d).

There is currently a global outbreak of respiratory disease caused by a novel coronavirus that has been named “severe acute respiratory syndrome coronavirus 2” (SARS-CoV-2). The disease caused by the virus has been named “Coronavirus Disease 2019” (COVID-19). On January 31, 2020, the Department of Health and Human Services (HHS) issued a declaration of a public health emergency related to COVID-19 and mobilized the Operating Divisions of HHS.² In addition, on March 13, 2020, there was a Presidential declaration of a national emergency in response to COVID-19.³ Therefore, FDA is taking urgent measures to protect consumers from certain products that, without approval or authorization by FDA, claim to mitigate, prevent, treat, diagnose, or cure COVID-19 in people. As described below, you sell a product that is intended to mitigate, prevent, treat, diagnose, or cure COVID-19 in people. We request that you take immediate action to cease the sale of any unapproved and unauthorized products for

¹ As explained in the next paragraph, there is currently an outbreak of a respiratory disease named “Coronavirus Disease 2019” (COVID-19).

² Secretary of Health and Human Services, Determination that a Public Health Emergency Exists (originally issued Jan. 31, 2020, and subsequently renewed), *available at* <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>.

³ Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak (Mar. 13, 2020), *available at* <https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>.

the mitigation, prevention, treatment, diagnosis, or cure of COVID-19.

Some examples of the claims on your website that establish the intended use of your product and misleadingly represent it as safe and/or effective for the treatment or prevention of COVID-19 include:

- “The pharmacist from Publix that you went to see sent my tech a picture of the propolis saying that the Propolis is his coronavirus cure. That he is putting it on everything like hot sauce.” [from a screenshot of a customer text in a July 27, 2020 post to your Instagram account at <https://www.instagram.com/beenefits/>; the screenshot of this text also appears on your homepage at www.beenefits.com/home/.
- On your homepage, www.beenefits.com/home/, you represent your Brazilian Propolis Extract for prevention and/or treatment of COVID-19 with a link labeled “COVID-19” that appears in close proximity to text touting the quality of your Brazilian Propolis Extract and claiming that it has medicinal properties. The text is also accompanied by an image of your product. Below the “COVID-19” link is the prominent heading “SHOP” over a second image of your product, captioned “Sale!” in red and accompanied by an “Add to cart” link that allows customers to place an order for Brazilian Propolis Extract directly from your homepage. The “COVID-19” link directs users to a journal article suggesting the use of bee propolis to reduce the risk and impact of COVID-19 infection and as an adjunct to COVID-19 treatment.
- “[You] have the very best and most concentrated preparation! Thank you for that! This has kept me safe from the coronavirus” [from a screenshot of a customer text in a July 27, 2020 post to your Instagram account at <https://www.instagram.com/beenefits/>]. Next to this post are your user name and brand name “beenefits” and the caption “covid-19,” accompanied with the hashtags “#coronavirus #covid19.”
- “Beenefits@ propolis extract is anti-viral, anti-bacterial, anti-inflammatory ...” [from your webpage www.beenefits.com/benefits].

You should take immediate action to address the violations cited in this letter. This letter is not meant to be an all-inclusive list of violations that exist in connection with your products or operations. It is your responsibility to ensure that the products you sell are in compliance with the FD&C Act and FDA's implementing regulations. We advise you to review your websites, product labels, and other labeling and promotional materials to ensure that you are not misleadingly representing your products as safe and effective for a COVID-19-related use for which they have not been approved by FDA and that you do not make claims that misbrand the products in violation of the FD&C Act. **Within 48 hours, please send an email to COVID-19-Task-Force-CESAN@fda.hhs.gov** describing the specific steps you have taken to address these violations. Include an explanation of each step being taken to prevent the recurrence of any violations, as well as copies of related documentation. Failure to adequately correct any violations may result in legal action, including, without limitation, seizure and injunction.

FDA is advising consumers not to purchase or use certain products that have not been approved, cleared, or authorized by FDA and that are being misleadingly represented as safe and/or effective for the treatment or prevention of COVID-19. Your firm will be added to a published list on FDA's website of firms and websites that have received warning letters from FDA concerning the sale or distribution of COVID-19 related products in violation of the FD&C Act. This list can be found at <http://www.fda.gov/consumers/health-fraud-scams/fraudulent-coronavirus-disease-covid-19-products>. Once you have taken actions to address the sale of your unapproved and unauthorized product for the mitigation, prevention, treatment, diagnosis, or cure of COVID-19, and any appropriate corrective actions have been confirmed by the FDA, the published list will be updated to indicate that your firm has taken such corrective actions.

This letter notifies you of our concerns and provides you with an opportunity to address them. If you cannot take action to address this matter completely within 48 hours, state the reason for the delay and the time within which you will do so. If you believe that your product is not in violation of the FD&C Act, include your reasoning and any supporting information for our consideration.

If you are not located in the United States, please note that products that appear to be misbranded or unapproved new drugs may be detained or refused admission if they are offered for importation into the United States. We may advise the appropriate regulatory officials in the country from which you operate that FDA considers your product referenced above to be an unapproved and misbranded product that cannot be legally sold to consumers in the United States.

Please direct any inquiries to FDA at COVID-19-Task-Force-CFSAN@fda.hhs.gov.


In addition, it is unlawful under the FTC Act, 15 U.S.C. 41 et seq., to advertise that a product 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 or treatment claims regarding such product are not supported by competent and reliable scientific evidence. You must immediately cease making all such claims. Violations of the FTC Act may result in legal action seeking a Federal District Court injunction. In addition, pursuant to the COVID-19 Consumer Protection Act, Section 1401, Division FF, of the Consolidated Appropriations Act, 2021, P.L. 116-260, marketers who make deceptive claims about the treatment, cure, prevention, or mitigation of COVID-19 are subject to a civil penalty of up to \$43,792 per violation and may be required to pay refunds to consumers or provide other relief pursuant to Section 19(b) of the FTC Act, 15 U.S.C. § 57b(b). Within 48 hours, please send an email to Richard Cleland, Assistant Director of the FTC's Division of Advertising Practices, 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 Mr. Cleland at 202-326-3088.

Sincerely,

Michael W. Roosevelt
Acting Director
Office of Compliance
Center for Food Safety
and Applied Nutrition
Food and Drug Administration

Sincerely,

SERENA
VISWANATHAN

 Digitally signed by
SERENA VISWANATHAN
Date: 2021.05.19
08:16:28 -04'00'

Serena Viswanathan
Associate Director
Division of Advertising Practices
Federal Trade Commission