



Food and Drug Administration
9200 Corporate Boulevard
Rockville MD 20850

JUN 10 1997

Mr. Zudhir Nadkarni
President
BOFA LLC
180 East 2100 South
Salt Lake City, Utah 84115

Re: K971887
Trade Name: Breath Taker
Regulatory Class: Unclassified
Product Code: LCN
Dated: May 20, 1997
Received: May 21, 1997

Dear Mr. Nadkarni:

We have reviewed your Section 510(k) notification of intent to market the device referenced above and we have determined the device is substantially equivalent (for the indications for use stated in the enclosure) to devices marketed in interstate commerce prior to May 28, 1976, the enactment date of the Medical Device Amendments, or to devices that have been reclassified in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (Act). You may, therefore, market the device, subject to the general controls provisions of the Act. The general controls provisions of the Act include requirements for annual registration, listing of devices, good manufacturing practice, labeling, and prohibitions against misbranding and adulteration.

If your device is classified (see above) into either class II (Special Controls) or class III (Premarket Approval), it may be subject to such additional controls. Existing major regulations affecting your device can be found in the Code of Federal Regulations, Title 21, Parts 800 to 895. A substantially equivalent determination assumes compliance with the Good Manufacturing Practice for Medical Devices: General (GMP) regulation (21 CFR Part 820) and that, through periodic GMP inspections, the Food and Drug Administration (FDA) will verify such assumptions. Failure to comply with the GMP regulation may result in regulatory action. In addition, FDA may publish further announcements concerning your device in the Federal Register. Please note: this response to your premarket notification submission does not affect any obligation you might have under sections 531 through 542 of the Act for devices under the Electronic Product Radiation Control provisions, or other Federal laws or regulations.

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This letter will allow you to begin marketing your device as described in your 510(k) premarket notification. The FDA finding of substantial equivalence of your device to a legally marketed predicate device results in a classification for your device and thus, permits your device to proceed to the market.

If you desire specific advice for your device on our labeling regulation (21 CFR Part 801 and additionally 809.10 for in vitro diagnostic devices), please contact the Office of Compliance at (301) 594-4618. Additionally, for questions on the promotion and advertising of your device, please contact the Office of Compliance at (301) 594-4639. Also, please note the regulation entitled, "Misbranding by reference to premarket notification" (21 CFR 807.97). Other general information on your responsibilities under the Act may be obtained from the Division of Small Manufacturers Assistance at its toll-free number (800) 638-2041 or at (301) 443-6597.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Timothy A. Ulatowski".

Timothy A. Ulatowski
Director
Division of Dental, Infection Control
and General Hospital Devices
Office of Device Evaluation
Center for Devices and
Radiological Health

Enclosure

STATEMENT OF INDICATIONS FOR USE

The Breath Taker is intended to be used for the manual removal of bacteria from the human tongue for the purpose of freshening the breath, enhancing taste and improving oral hygiene. It is used by placing the selected scraping edge on the back of the extended tongue then pulling forward with sufficient pressure to scrape the tongue and remove bacteria.

The Breath Taker is intended for over-the-counter use as a personal hygiene tool by men and women of all ages and physical conditions.

(Division Sign-Off) *Pamela Scott for Susan Runner*
Division of **Dental, Infection Control,**
and **General Hospital Devices**
E.O.(k) Number *6971887*