

Complaint

IN THE MATTER OF
MIDLAND LABORATORIES

COMPLAINT, FINDINGS AND ORDER IN REGARD TO THE ALLEGED VIOLATION
OF SECTION 5 OF AN ACT OF CONGRESS APPROVED SEPT. 26, 1914

Docket 5676. Complaint, July 7, 1949—Decision, Dec. 27, 1949

Where a corporation engaged in the interstate sale and distribution of two food insecticides which it designated as "Mill-O-Cide" and "Mill-O-Cide Concentrate"; through statements in leaflets, pamphlets, and circular letters, directly and by inference—

- (a) Represented falsely that pyrethrum, contained in said concentrate, is the only insecticide safe for use around food products; the facts being that, granted proper precautions, insecticides other than those containing said substance are safe; and other active insecticidal ingredients were also contained therein;
- (b) Represented that their said "Mill-O-Cide," when used as directed, would kill food insects in all stages of insect life; and facts being that when applied, as recommended, by spraying, it would kill only those insects, insect eggs and larvae with which it came in contact;
- (c) Represented that the toxic and repellent effects of said product would remain several hours after spraying; the facts being that no particular time after spraying could be fixed within which invading insects would be killed or repelled, since effect on insects invading a storeroom or warehouse after spraying depends on variable factors, including equipment used and density of the mist created;
- (d) Represented that said preparation was not toxic or poisonous to humans or warm-blooded animals; the facts being that while, when used as directed, it was not so, it did contain ingredients which were thus toxic;
- (e) Represented that said preparation created no fire hazard; when in fact it did constitute a fire hazard unless used as directed; and
- (f) Represented that it would not taint or leave an odor on food products; when in fact if sprayed directly on food or bakery products it would impart an odor or taste thereto;

With tendency and capacity to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that such representations were true, and thereby cause its purchase of substantial quantities of said preparations:

Held, That such acts and practices, under the circumstances set forth, were all to the prejudice and injury of the public and constituted unfair and deceptive acts and practices in commerce.

Mr. Joseph Callaway for the Commission.

O'Connor, Thomas & O'Connor, of Dubuque, Iowa, for respondent.

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and by virtue of the authority vested in it by said Act, the Federal

