

Syllabus

IN THE MATTER OF
HEALTH RAY MANUFACTURING COMPANY, INC.

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

Docket 4408. Complaint, Dec. 7, 1940—Decision, Mar. 13, 1941

Where a corporation engaged in manufacture and in interstate sale and distribution of its so-called "Twin-Arc Health Ray Sun Lamp" for home use by the lay individual as an artificial means of obtaining the ultraviolet rays of natural sunlight, and, as alleged, for the prevention, treatment, and alleviation of various ailments, diseases, and abnormal conditions; in advertisements which it disseminated and caused to be disseminated through the mails, newspapers, and periodicals, and advertising literature, and by other means in commerce, and otherwise—

- (a) Represented, directly and by implication, that its said product was a sun lamp and that the wave lengths of the ultraviolet rays which it emitted were of the same wave lengths as natural midsummer sunlight but with an intensity 15 times greater, and that such device was suitable and safe for home use by the layman for treating various bodily ailments and diseases without the direction, supervision, or advice of a qualified physician; facts being its said lamp, by reason of the nature of the ultraviolet rays emitted therefrom, which were not of the same wave lengths as natural sunlight and did not have the intensity claimed therefor, as above set forth, was not a sun lamp, but was in the category of therapeutic lamps which are not suitable for the same type of uses as are sun lamps, nor for home use for therapeutic purposes without supervision of a trained and skilled operator, because of danger of overexposure and severe burns;
- (b) Represented, as aforesaid, that said device would give benefits to the skin and general health of the user comparable and equivalent to, or greatly exceeding, those given by natural midsummer sunlight, and that use thereof would help build strong bones and teeth, tone up the system, and act as a tonic, increase the activity of many glands, build up bodily resistance and improve general health; facts being it would not give benefits to skin and general health comparable to those given by natural sunlight, since ultraviolet rays emitted therefrom were not, in truth, comparable to the ultraviolet rays of natural sunlight, and it would not accomplish other results claimed;
- (c) Represented, as aforesaid, that it served as a cure, remedy, or competent and adequate treatment for athlete's foot and would kill the responsible germs or spores in the skin affected, and that it was such a cure, remedy, or treatment for acne, pimples, and surface skin eruptions, which it caused to disappear; facts being its therapeutic value was limited to the possible destruction of bacteria when present on the surface of the skin, and it had no value in the treatment of athlete's foot or the other ailments or conditions above set forth, and would not accomplish results claimed for it as aforesaid; and

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(d) Failed to reveal facts material in the light of the representations contained in aforesaid advertisements, and that unsupervised use of its device for therapeutic purposes by persons not trained in operation thereof and not skilled in diagnosis, analysis, and methods of treatment of disease, might result in severe burns and other serious and irreparable injury to health;

With effect of misleading and deceiving a substantial portion of the purchasing public into erroneous and mistaken belief that such false representations were true, and of thereby inducing its purchase of said device:

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. Merle P. Lyon for the Commission.

Mr. Max E. Kaplan, of Suffern, N. Y., 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 Trade Commission, having reason to believe that Health Ray Manufacturing Co., Inc., a corporation, hereinafter referred to as respondent, has violated the provisions of said act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint, stating its charges in that respect as follows:

PARAGRAPH 1. Respondent, Health Ray Manufacturing Co., Inc., as a corporation, organized, existing, and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located on North Elm Street, in the city of Deep River, State of Connecticut. It is now, and for more than 2 years last past has been, engaged in the manufacture and in the sale and distribution in commerce between and among the various States of the United States and in the District of Columbia of a device designated "Twin-Arc Health Ray Sun Lamp." Said device is sold, designed, and intended for home use by the lay individual as an artificial means of obtaining the ultraviolet rays of natural sunlight and for the alleged prevention, treatment, and alleviation of various ailments, diseases and abnormal conditions of the human body.

PAR. 2. Said respondent, being engaged in business as aforesaid, causes and has caused its said product, "Twin-Arc Health Ray Sun Lamp," when sold, to be transported from its factory at Deep River, Conn., to purchasers located in States of the United States other than the State of origin of such shipments and also in the District of Columbia. There is now, and has been during all the times herein

mentioned, a course of trade in the afore-mentioned product sold by the respondent in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business, the respondent has disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said product, by the United States mails, and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has also disseminated and is now disseminating, and has caused and is now causing the dissemination of, false advertisements concerning its said product, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said product in commerce, as commerce is defined in the Federal Trade Commission Act. Among, and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and by other advertising literature, are the following:

* * * 4 minutes with the New Twin-Arc Sun Lamp is equivalent to One Hour of Sunshine.

* * * the revolutionizing new Twin-Arc Health Ray Sun Lamp * * *

Bring "Sunlight" into Your Home! Health Ray has perfected this new, inexpensive Twin-Arc sun lamp so that you can have the beneficial ultraviolet rays more quickly and conveniently! Think of it—with the Twin-Arc you get your ultraviolet rays 15 times faster than in clear summer sunshine! * * *

Frequent exposure to the ultraviolet rays of the sun helps to build strong bones and teeth, tones up the system and increases the activity of many glands. Ultraviolet rays create Vitamin D and are invaluable in the prevention and treatment of rickets. Laboratory tests have shown that they quickly destroy the germs of athlete's foot. * * * Bring "Sunlight" into Your Home! Health Ray has perfected this new, inexpensive Twin-Arc sun lamp so that you can have the beneficial ultraviolet rays more quickly and conveniently! * * * Now, with the Twin-Arc Health Ray Sun Lamp, you can get * * * the same tonic effect in four minutes!

* * * Now—right in your home—you can have the benefits of the same Ultraviolet Rays that you get from summer sunlight * * *

* * * Crops of surface acne pimples often disappear while using the Sun Lamp, * * *

If you have the burning, itching discomfort of Athlete's Foot, take advantage of the ultraviolet rays, which quickly kill the parasites on contact.

* * * With the Twin-Arc Sun Lamp in your home you can build up your own bodily resistance, so that you will not only *look* better but will *feel* better, too!

* * * the Twin-Arc Health Ray Sun Lamp * * * is a valuable aid to health, giving you the same benefits that you get from the ultraviolet rays of

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the sun * * * These vitally important rays * * * are a great help in clearing the skin of temporary crops of surface pimples * * *

PAR. 4. By the use of the above and similar representations not set out herein in its advertising matter as aforesaid, respondent has directly and by implication represented to the general public that its said device, designated as "Twin-Arc Health Ray Sun Lamp," is a sun lamp; that the wave lengths of the ultraviolet rays emitted therefrom are of the same wave lengths and intensity of natural midsummer sunlight; that it is suitable and safe for home use by the lay individual for treating various bodily ailments and diseases without the direction, supervision, or advice of a qualified physician; that it will give benefits to the skin and general health of the person using it comparable and equivalent to or greatly exceeding that given by natural midsummer sunlight; that its use for home treatment will help build strong bones and teeth; that it will tone up the system and act as a tonic; that its use will increase the activity of many glands of the body; that it serves as a cure, remedy, or competent and adequate treatment for athlete's foot and that it will kill the germs or spores causing this condition as they exist in the skin where affected; that it is a cure, remedy, or competent and adequate treatment for acne, pimples, and surface skin eruptions, and causes them to disappear; and that it builds up bodily resistance and improves the general health.

PAR. 5. Ultraviolet rays are measured in angstrom units. The ultraviolet rays emitted from natural sunlight range in wave lengths from 2,800 to 3,150 angstrom units. A lamp which emits ultraviolet rays within this range is properly understood and designated by members of the medical profession generally as a sun lamp. Lamps which emit ultraviolet rays of less than 2,800 angstrom units are considered by the medical profession generally as therapeutic lamps rather than as sun lamps for the reason that the rays emitted therefrom possess bactericidal properties, and are not comparable to the rays emitted by natural sunlight. Such therapeutic lamps are not suitable for the same type of uses as are sun lamps and are not suitable for home use for therapeutic purposes without the supervision of a trained and skilled operator because of the danger of overexposure and severe burns. Respondent's lamp is in the category of therapeutic lamps by reason of its emission of ultraviolet rays of less than 2,800 angstrom units.

Respondent's device will not give benefits to the skin and to the general health of the individual comparable to that given by natural sunlight for the reason that the ultraviolet rays emitted therefrom are not, in turn, comparable to the ultraviolet rays emitted by natural sunlight. The use of this device for home treatment will not help build

strong bones and teeth, tone up the system, act as a tonic or stimulate the activity of the glands of the body. The therapeutic value of respondent's device is limited to the possible destruction of bacteria when present on the surface of the skin and it has no value in the treatment of athlete's foot and will not destroy the germs or spores causing such condition which usually exist in the layers of the skin beneath the surface. It is not a cure, remedy, or competent and adequate treatment for acne, pimples, or other skin eruptions, and does not cause them to disappear. The use of said device does not build up bodily resistance or improve the general health.

PAR. 6. In addition to the false and misleading statements hereinabove set forth, the respondent is also engaged in the dissemination of false advertisements, as aforesaid, in that said advertisements fail to reveal facts material in the light of the representations contained therein and fail to reveal that the unsupervised use of respondent's device for therapeutic purposes by persons not trained in the operation of such device and not skilled in the diagnosis, analysis and methods of treatment of disease may result in severe burns and other serious and irreparable injury to health.

PAR. 7. The use by respondent of the foregoing false, deceptive, and misleading statements, representations, and advertisements, disseminated as aforesaid with respect to the therapeutic value of its said device, Twin-Arc Health Ray Sun Lamp, has had, and now has, the tendency and capacity to, and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true and induces a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase said device.

PAR. 8. The aforesaid acts and practices of the respondent as herein alleged are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

REPORT, FINDINGS AS TO THE FACTS, AND ORDER

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on the 7th day of December 1940, issued and subsequently served its complaint in this proceeding upon said respondent Health Ray Manufacturing Co., Inc., a corporation, charging it with the use of unfair and deceptive acts and practices in commerce in violation of the provisions of said act. On January 17,

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1941, respondent filed its answer in this proceeding. Thereafter a stipulation was entered into whereby it was stipulated and agreed that a statement of facts signed and executed by the respondent's counsel, M. E. Kaplan, and W. T. Kelley, chief counsel for the Federal Trade Commission, subject to the approval of the Commission, may be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, and that the said Commission may proceed upon said statement of facts to make its report stating its findings as to the facts and its conclusion based thereon and enter its order disposing of the proceeding without the presentation of argument or the filing of briefs. In said stipulation respondent expressly waived the filing of a report upon the evidence by a trial examiner. Thereafter this proceeding regularly came on for final hearing before the Commission on said complaint, answer, and stipulation, said stipulation having been approved, accepted, and filed and the Commission having duly considered the same and being now fully advised in the premises finds that this proceeding is in the interest of the public and makes its findings as to the facts and its conclusion drawn therefrom.

FINDINGS AS TO THE FACTS

PARAGRAPH 1. Respondent, Health Ray Manufacturing Co., Inc., is a corporation, organized, existing, and doing business under and by virtue of the laws of the State of New York, with its principal office and place of business located on North Elm Street, in the city of Deep River, State of Connecticut. It is now, and for more than 2 years last past has been engaged in the manufacture and in the sale and distribution in commerce between and among the various States of the United States and in the District of Columbia of a device designated "Twin-Arc Health Ray Sun Lamp." Said device is sold, designed, and intended for home use by the lay individual as an artificial means of obtaining the ultraviolet rays of natural sunlight and for the alleged prevention, treatment, and alleviation of various ailments, diseases, and abnormal conditions of the human body.

PAR. 2. Said respondent, being engaged in business as aforesaid, causes and has caused its said product, "Twin-Arc Health Ray Sun Lamp," when sold, to be transported from its factory at Deep River, Conn., to purchasers located in States of the United States other than the State of origin of such shipments and also in the District of Columbia. There is now, and has been during all the times herein mentioned, a course of trade in the aforementioned product sold by

the respondent in commerce between and among the various States of the United States and in the District of Columbia.

PAR. 3. In the course and conduct of its aforesaid business, the respondent has disseminated and has caused the dissemination of, false advertisements concerning its said product, by the United States mails, and by various other means in commerce, as commerce is defined in the Federal Trade Commission Act; and respondent has also disseminated and has caused the dissemination of, false advertisements concerning its said product, by various means, for the purpose of inducing, and which are likely to induce, directly or indirectly, the purchase of its said product in commerce, as commerce is defined in the Federal Trade Commission Act. Respondent states, however, that at the present time it is disseminating no advertisements whatever, and that magazine advertising was discontinued in March 1940, and advertising by mail was discontinued in the summer of 1940. Among, and typical of, the false, misleading, and deceptive statements and representations contained in said false advertisements, disseminated and caused to be disseminated, as hereinabove set forth, by the United States mails, by advertisements in newspapers and periodicals, and by other advertising literature, are the following:

* * * 4 minutes with the New Twin-Arc Sun Lamp is equivalent to One Hour of Sunshine.

* * * the revolutionizing new Twin-Arc Health Ray Sun Lamp * * *

Bring "Sunlight" into Your Home! Health Ray has perfected this new, inexpensive Twin-Arc sun lamp so that you can have the beneficial ultraviolet rays more quickly and conveniently! Think of it—with the Twin-Arc you get your ultraviolet rays 15 times faster than in clear summer sunshine! * * *

Frequent exposure to the ultraviolet rays of the sun helps to build strong bones and teeth, tones up the system and increases the activity of many glands. Ultraviolet rays create Vitamin D and are invaluable in the prevention and treatment of rickets. Laboratory tests have shown that they quickly destroy the germs of athlete's foot * * * Bring "Sunlight" into your Home! Health Ray has perfected this new, inexpensive Twin-Arc sun lamp so that you can have the beneficial ultraviolet rays more quickly and conveniently! * * * Now, with the Twin-Arc Health Ray Sun Lamp, you can get * * * the same tonic effect in four minutes!

* * * Now—right in your home—you can have the benefits of the same Ultraviolet Rays that you get from summer sunlight * * *

* * * Crops of surface acne pimples often disappear while using the Sun Lamp * * *

If you have the burning, itching discomfort of Athlete's Foot, take advantage of the ultraviolet rays, which quickly kill the parasites on contact.

* * * With the Twin-Arc Sun Lamp in your home you can build up your own bodily resistance, so that you will not only *look* better but will *feel* better, too!

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* * * the Twin-Arc Health Ray Sun Lamp * * * is a valuable aid to health, giving you the same benefits that you get from the ultraviolet rays of the sun * * * These vitally important rays * * * are a great help in clearing the skin of temporary crops of surface pimples * * *

PAR. 4. By the use of the above and similar representations not set-out herein in its advertising matter as aforesaid, respondent has directly and by implication represented to the general public that its said device, designated as "Twin-Arc Health Ray Sun Lamp," is a sun lamp; that the wave lengths of the ultraviolet rays emitted therefrom are of the same wave lengths and have an intensity of 15 times greater than that of natural midsummer sunlight; that it is suitable and safe for home use by the lay individual for treating various bodily ailments and diseases without the direction, supervision, or advice of a qualified physician; that it will give benefits to the skin and general health of the person using it comparable and equivalent to or greatly exceeding that given by natural midsummer sunlight; that its use for home treatment will help build strong bones and teeth; that it will tone up the system and act as a tonic; that its use will increase the activity of many glands of the body; that it serves as a cure, remedy, or competent and adequate treatment for Athlete's Foot and that it will kill the germs or spores causing this condition as they exist in the skin where affected; that it is a cure, remedy, or competent and adequate treatment for acne, pimples, and surface skin eruptions, and causes them to disappear; and that it builds up bodily resistance and improves the general health.

PAR. 5. Ultra violet rays are measured in angstrom units. The ultraviolet rays emitted from natural sunlight range in wave lengths from 2,800 to 3,150 angstrom units. A lamp which emits ultraviolet rays within this range is properly understood and designated by members of the medical profession generally as a sun lamp. Lamps which emit ultraviolet rays of less than 2,800 angstrom units are considered by the medical profession generally as therapeutic lamps rather than as sun lamps for the reason that the rays emitted therefrom possess bactericidal properties and are not comparable to the rays emitted by natural sunlight. Such therapeutic lamps are not suitable for the same type of uses as are sun lamps and are not suitable for home use for therapeutic purposes without the supervision of a trained and skilled operator because of the danger of overexposure and severe burns. Respondent's lamp is in the category of therapeutic lamps by reason of its emission of ultraviolet rays of less than 2,800 angstrom units.

Respondent's device will not give benefits to the skin and to the general health of the individual comparable to that given by natural sunlight for the reason that the ultraviolet rays emitted therefrom are not, in turn, comparable to the ultraviolet rays emitted by natural sunlight. The use of this device for home treatment will not help build strong bones and teeth, tone up the system, act as a tonic, or stimulate the activity of the glands of the body. The therapeutic value of respondent's device is limited to the possible destruction of bacteria when present on the surface of the skin and it has no value in the treatment of Athlete's Foot and will not destroy the germs or spores causing such condition which usually exist in the layers of the skin beneath the surface. It is not a cure, remedy, or competent and adequate treatment for acne, pimples, or other skin eruptions, and does not cause them to disappear. The use of said device does not build up bodily resistance or improve the general health.

PAR. 6. In addition to the false and misleading statements hereinabove set forth, the respondent is also engaged in the dissemination of false advertisements, as aforesaid, in that said advertisements fail to reveal facts material in the light of the representations contained therein and fail to reveal that the unsupervised use of respondent's device for therapeutic purposes by persons not trained in the operation of such device and not skilled in the diagnosis, analysis and methods of treatment of disease may result in severe burns and other serious and irreparable injury to health.

PAR. 7. The use by respondent of the foregoing false, deceptive, and misleading statements, representations, and advertisements, disseminated as aforesaid with respect to the therapeutic value of its said device, Twin-Arc Health Ray Sun Lamp, has had and now has, the tendency and capacity to, and does mislead and deceive a substantial portion of the purchasing public into the erroneous and mistaken belief that such false statements, representations, and advertisements are true and induces a substantial portion of the purchasing public, because of such erroneous and mistaken belief, to purchase said device.

CONCLUSION

The aforesaid acts and practices of the respondent as herein found are all to the prejudice and injury of the public and constitute unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, chief counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That the respondent, Health Ray Manufacturing Co., Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of a device designated "Twin-Arc Health Ray Sun Lamp," or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that said device is a sun lamp; that the ultraviolet rays emitted from such device are comparable to the ultraviolet rays emitted by natural sunlight, or have the same wave lengths or have an intensity equal to or greater than the ultraviolet rays of natural midsummer sunlight; that said device is suitable and safe for home use by the lay individual for the treatment of various bodily ailments and diseases without the direction, supervision or advice of a qualified physician; that said device will give benefits to the skin and general health of the person using it comparable or equivalent to or exceeding that given by natural midsummer sunlight; that the use of such device for home treatment will help build strong bones and teeth, tone up the system, act as a tonic or stimulate the activity of the glands of the body; that use of said device constitutes a cure or remedy for athlete's foot, or is a competent and adequate treatment therefor, or that it will kill the germs or spores causing said condition as they exist in the skin where affected; that the use of such device constitutes a cure, remedy, or competent and adequate treatment for

acne, pimples, and surface skin eruptions, or that its use will cause them to disappear; that its use will build up the bodily resistance or improve the general health of the user; or which advertisement fails to reveal that the unsupervised use of said device by persons not trained in the operation of said device and not skilled in the diagnosis, analysis and methods of treatment of disease may result in severe burns and other serious injury to health.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, which advertisements contain any of the representations prohibited in paragraph 1 hereof, or which fail to reveal facts material in the light of the representations contained therein, or which fail to reveal that the unsupervised use of said device by persons not trained in the operation of said device and not skilled in the diagnosis, analysis and methods of treatment of disease may result in severe burns and other serious injury to health.

It is further ordered, That the respondent shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

IN THE MATTER OF
BEEMAN'S LABORATORY, INC., AND E. A. RUSH, MRS.
J. F. RUSH, AND H. C. ALLEN, INDIVIDUALLY AND AS
OFFICERS THEREOF

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

Docket 4451. Complaint, Jan. 25, 1941—Decision, Mar. 13, 1941

Where a corporation and three individuals, who were its president, vice president and secretary, and director, determined, directed, and administered its business policies and sales activities, or participated in so doing, engaged in interstate sale and distribution of their so-called "BQR" or "BQR Remedy" medicinal preparation; in advertisements which they disseminated and caused to be disseminated in commerce and otherwise through the mails, newspapers, periodicals, radio continuities, and other advertising literature—

Represented, directly and by implication, that said "BQR" preparation possessed value in preventing colds and cold infection, constituted a cure and remedy or competent and effective treatment for colds, and would overcome cold discomforts and the misery of tough colds; facts being "BQR" was nothing more than a laxative with mild analgesic properties, had no curative effect on the underlying factors which cause colds, would not prevent colds, and had no therapeutic value in the treatment of colds in excess of furnishing temporary relief from some of the symptoms often associated therewith by reason of its analgesic properties and of furnishing a laxative action to the bowels, and would not accomplish other results claimed therefor as above set forth;

With effect of misleading and deceiving a substantial portion of the purchasing public into the erroneous and mistaken belief that such false representations of its said product were true, and of inducing thereby its purchase thereof:

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. John W. Carter, Jr.; for the Commission.

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 Trade Commission having reason to believe that Beeman's Laboratory, Inc., a corporation; E. A. Rush, individually and as president of Beeman's Laboratory, Inc.; Mrs. J. F. Rush, individually and as vice president and secretary of Beeman's Laboratory, Inc.; and H.