

## Consumer Reports Quotes Kirby Behre Regarding Hand Sanitizer Company's Battle Against FDA and Makers of Purell

"A Small Hand Sanitizer Maker Says an FDA Action Could Force It to Close"

Consumer Reports

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A *Consumer Reports* story quoted Kirby Behre regarding Miller & Chevalier's defense of hand sanitizer manufacturer Innovative BioDefense (IBD) at trial. The U.S. government sued IBD in order to prevent the company from making certain claims regarding the effectiveness of the company's Zylast products against specific pathogens. At trial, IBD argued that it is being unfairly targeted by the FDA because of pressure from GOJO Industries, makers of Purell. The story reports that, during the trial, Miller & Chevalier forced FDA witnesses to admit that several hand sanitizer manufacturers (including GOJO, as early as 2005) are continuing to claim that their products are effective against specific pathogens without any action by the FDA. "The targeting of defendants was arbitrary," the company said, "and the government had no rational basis for treating defendants differently than its competitors."