

1970

No Minor Imperfection

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Recommended Citation

Virginia H. Knauer, *No Minor Imperfection*, 49 Neb. L. Rev. 722 (1970)

Available at: <https://digitalcommons.unl.edu/nlr/vol49/iss4/3>

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NO MINOR IMPERFECTION

*Virginia H. Knauer**

An irate consumer recently sent me the following letter he received from an automobile company in answer to his complaint:

Drive your car and enjoy it, while not built to the perfection of a fine watch, or even a Rolls Royce, it's a great car and 99 percent of our customers love it. You will, too, if you learn to overlook minor imperfections.

In this case, the "minor imperfection" happened to be the car engine!

Everyone knows that "minor imperfections" do not cause revolutions, and the consumer revolution we are faced with today is no exception.

The above letter is just one out of two thousand five hundred we receive in my office every month from consumers who are weary of not getting their money's worth, and who are concerned, not with "minor imperfections," but with problems ranging from unsafe products to poor credit practices and outright swindles.

As a result, things are happening. Congress is taking action. There are nearly one hundred fifty consumer bills pending, and plenty more to come, depending on the issues. The Government—at all levels—is taking action. President Nixon outlined a strong administrative and legislative program in his Consumer Message to Congress.

Specifically, the President asked for four legislative measures, and these have now been introduced in Congress. They are the proposed:

1. Consumer Representation Act
2. Consumer Protection Act
3. Product Testing Act
4. Drug Identification Code Act

The Administration's Consumer Representation Act would establish my office as a new permanent, statutory Office of Consumer Affairs, to give every American consumer a permanent voice in the White House.

As it is now, my office exists by Executive Order and could be abolished by any future President. Under the President's proposal, my office would continue to play a leading role in the crusade for consumer justice and would be given added duties and powers.

* Special Assistant to the President for Consumer Affairs.

This same legislative measure would also establish a Consumer Protection Division within the Department of Justice to represent consumers before federal agencies or hearings on complex legal matters. This new division would be aided and supported by the ninety-three United States Attorney Offices and eight hundred United States Attorneys in the country.

The Consumer Protection Act would give the new Consumer Protection Division authority to take action against eleven types of fraud and deception which account for eighty-five percent of all deceptive practices existing in the marketplace, such as "bait and switch" tactics, passing off used goods as new goods, and misrepresenting the existence of price reductions—a widespread advertising gimmick.

In addition, the Consumer Protection Act provides for class action in federal courts. This is a new legal remedy for consumer grievances. Once the Justice Department has won a case under the provisions of the new legislation, consumers would be free to unite in class action suits to recover damages.

Present federal law gives private citizens no standing to sue for fraudulent or deceptive practices, and state laws are often not adequate to their problems. Even if private citizens could sue under federal law, the damage suffered by an individual consumer would not ordinarily be great enough to warrant costly individual lawsuits.

The Product Testing Act would assure the consumer that references to product performance characteristics in advertising or labeling of products would be accurate by insuring that the tests to measure these characteristics are up-to-date.

Private testing laboratories now issue quality endorsements for a wide variety of products, but all of these endorsements are based on adequate standards.

The federal government could provide an excellent service to the consumer if it could evaluate the testing procedures on which these private endorsements are based. If no testing standard existed or if the standard used was found to be inadequate, then the appropriate government agency would be authorized to develop a new one.

The Drug Identification Code Act would require drug manufacturers to print a code number on prescribed drug capsules and containers, so that rapid identification of the drugs would be possible in time of personal emergency.

Some drug manufacturers are already doing this on a voluntary basis. This simple, life-saving device should be required of all drug firms.

But legislation is only part of the answer. More than thirty-five states and a number of cities have established consumer protection bureaus, and industry is paying considerably more attention to consumer education programs and to complaints and services.

The passive policy of the past has been replaced by an active desire to have the consumer and industry go forward together, with both the buyer and the seller enjoying the advantages of a marketplace where the imperfections are considerably more minor than those that exist today.