

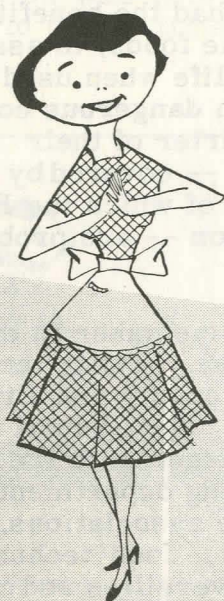
1958

EC58-1129 Watchdogs for Mrs. Consumer

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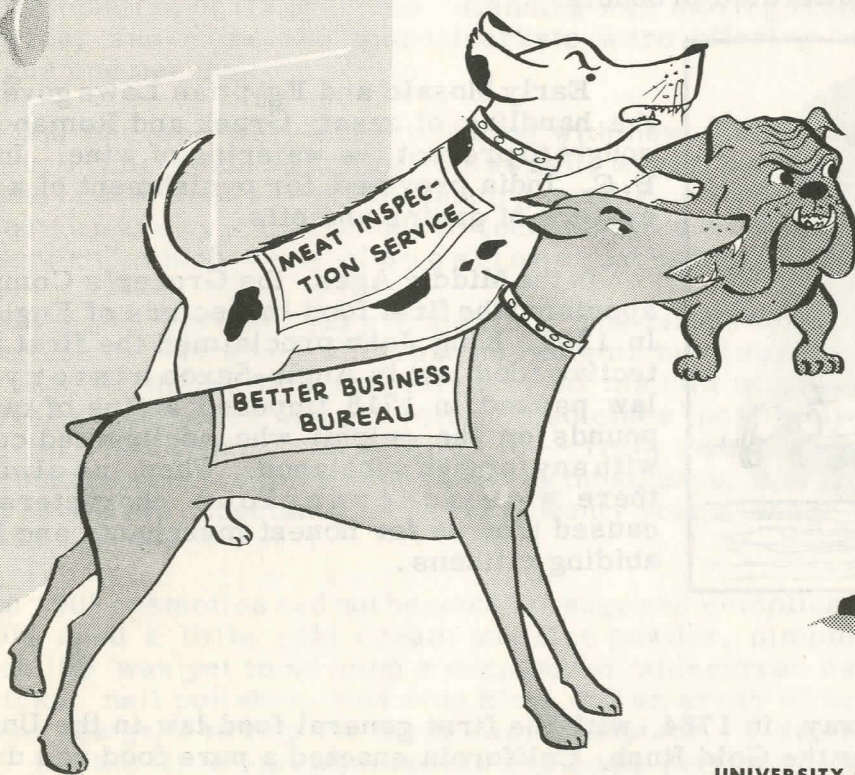
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WATCHDOGS

for
Mrs. Consumer



EXTENSION SERVICE
UNIVERSITY OF NEBRASKA COLLEGE OF AGRICULTURE
AND U.S. DEPARTMENT OF AGRICULTURE
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W.V. LAMBERT, DIRECTOR

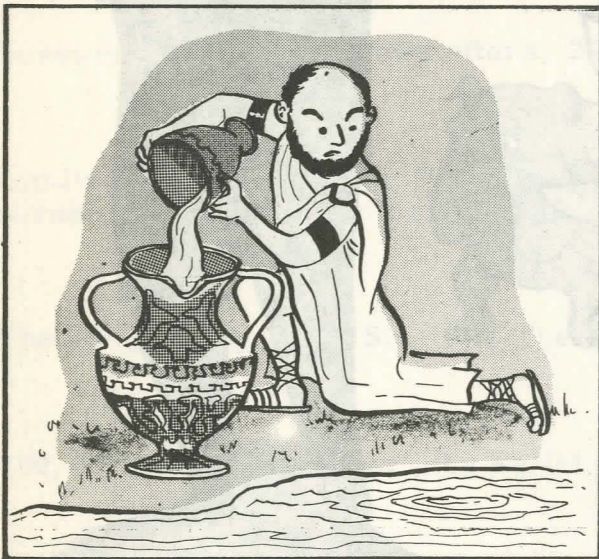
WATCHDOGS for Mrs. Consumer

For more than a half century the American consumer has had the benefit of a full time legal watchdog to protect her from unsafe, unwholesome foods; to assure her that the drugs offered for sale will not be injurious to health and life when used as prescribed and are up to standards of potency; to safeguard her from dangerous cosmetics and therapeutic devices. On the average, consumers spend a quarter of their incomes for products -- foods, drugs, medical devices and cosmetics -- covered by Federal and State food and drug legislation. These food and drug laws -- of which the Food and Drug Act and the Meat Inspection Act of 1906 were the foundation -- are probably the most important consumer protection laws of the nation.

In addition to the Food and Drug Administration every homemaker in the United States really has thousands of watchdogs to guard her kitchen. These include the Federal Trade Commission, state and local food inspectors, county and city weight sealers, Better Business Bureaus in over eighty communities. The Council on Food and Nutrition of the American Medical Association also gives protection to the kitchen, along with scientists and technicians in the research and testing departments of 200 large food manufacturers and distributors and in the 250 trade associations. There are probably another thousand among the home economists, food technologists, biochemists and bacteriologists who work on food research in universities and colleges. All these help to protect the consumer against contaminated, adulterated and injurious foods and drugs. These also chase away the robbers who try economic cheats through mislabelling, misleading advertising and deceptive packaging.

Food Laws in Early Days

Although the housewife of ancient times had nothing to compare with the amazing variety of foods and drugs on the market today, she was protected to some extent from certain unwholesome or adulterated products.



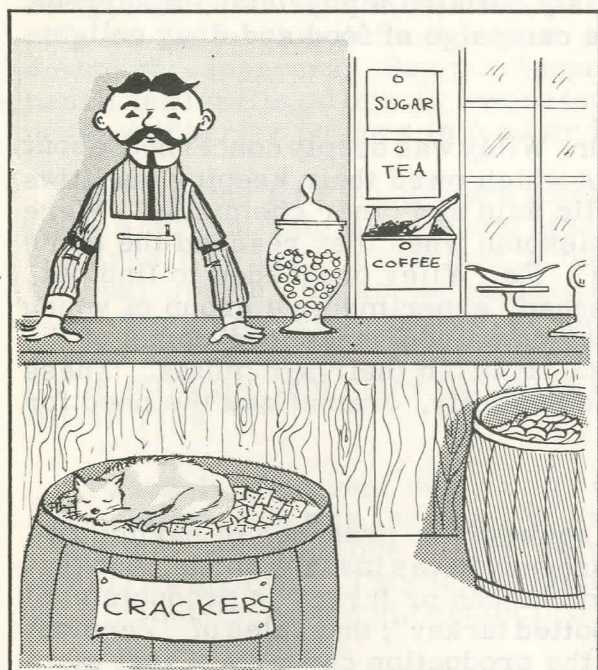
Early Mosaic and Egyptian Laws governed the handling of meat; Greek and Roman laws sought to prevent the watering of wine. In 200 B.C. India provided for punishment of adulterators of grains and oils.

In the Middle Ages, the Grocer's Company appointed the first food inspectors of England. In 1202, King John proclaimed the first protective food law in Anglo-Saxon history. A law passed in 1718 imposed a fine of twenty pounds on the culprit who adulterated coffee with any foreign substance. Then, as always, there were unscrupulous characters who caused trouble for honest merchants and law-abiding citizens.

Food Laws in U. S.

Massachusetts led the way, in 1784, with the first general food law in the United States. In 1850, a year after the Gold Rush, California enacted a pure food and drink law. By 1900 most of the states had similar laws -- but the laws were not uniform. Foods that were "pure" in one state might be banned by another.

This situation became more and more intolerable for the food industry, and finally, with other responsible citizens, food manufacturers urged the passage of protective Federal legislation which, in interstate commerce, would be the same for all states. The nation was coming closer and closer to a food law that was to prove the best in the world for its time.



Progress and Problems

Many a housewife of early days spent long, tedious hours curing meats for winter meals, stored potatoes in the cellar, spreading supplies of apples to dry in the sun, packing eggs in waterglass, putting cucumbers in brine. Purchased foods were supplied by the neighborhood storekeepers, who scooped coffee, tea and sugar out of bins, and crackers out of an uncovered barrel.

Although vitamins were unheard of, the housewife noticed that her family always perked up in the spring, when she could add fresh greens to their meat and potatoe meals. But she grew them or bought them from local sources, so she wasn't too worried about sanitary handling.

Even before 1900 the food industry was making great progress in the preservation and distribution of its products. Canning was moving from the home kitchen to large factories, and more and more markets were offering canned corn, tomatoes, asparagus and peaches.

Food packers were experimenting with new chemical preservatives. They found that such time-honored ingredients as salt, sugar and vinegar are not the only chemicals they could use to improve keeping quality, color, and flavor of perishable foods. Unfortunately, limitations of technology resulted in the use of certain "chemical antiseptics" which were of questionable safety. Some were actually poisonous.

Remedies were not very scientific. The family doctor could usually mix a medicine at the patient's bedside from ingredients he always carried in the familiar black bag. Or, if the patient preferred to do his own medicating, as many did, he could visit the corner store and get bottled medicines "positively guaranteed" to cure everything that ailed man, woman or child -- from measles and whooping cough to cancer and consumption. Life was simpler in those days, and it was shorter. Babies born today have a life expectancy more than twenty years longer than babies who were born in 1900.

In 1906 cosmetics had not become the huge and complicated business they are today. People used a little cold cream and rice powder, simple toilet water and perfume. Social life was yet to develop a demand for widespread use of compacts, ointments, lipsticks, nail polishes, make-up kits, and an array of scents with exotic names and aromas designed to trip the most wary consumer. Who couldn't have a certain sympathy for the little girl who went to buy some perfume, and after looking at the many labels on the bottles -- My Sin, Temptation, Intoxication -- finally asked the clerk, "Don't you have something for beginners?"

Enter Dr. Wiley

State chemists were among the first to advocate a Federal Food and Drug Law. They found a fighting champion in 1883 when Indiana's State chemist, Dr. Harvey W. Wiley was appointed Chief Chemist of the United States Department of Agriculture.

Dr. Wiley was not only an outstanding scientist, but also a physician, a surgeon and a born crusader. The beneficial effects of his campaign of food and drug enlightenment are still felt everywhere today.



As Chief Chemist, Dr. Wiley was deeply concerned about certain commercial foods which owed their keeping qualities to formaldehyde, salicylic acid and other chemicals. Were these foods safe and wholesome when they reached the home kitchen and dining table? Dr. Wiley proceeded to find out. In his famous "poison squad" experiments a group of young volunteers ate foods that contained measured doses of the suspected chemicals and reported their symptoms. These experiments, given wide publicity, dramatized the need for Federal control.

Dr. Wiley not only showed the presence of harmful amounts of unwholesome preservatives in many foods, but that there was sometimes no chicken or turkey in products sold as "potted chicken" or "potted turkey"; that sales of "Vermont maple syrup" exceeded the production capacity of that state by about ten times; that doctors were prescribing drugs of uncertain purity and quality; and that scores of patent medicines containing harmful amounts of alcohol, opium and cocaine were being freely marketed as "pain killers", "female trouble" remedies, tonics, headache powders and cancer cures.

Dr. Wiley took his message to the public. He became a popular speaker before women's clubs and other organized groups. Reporters began to write front-page stories, which aroused consumers to the danger to their own health in the impure foods of the day.

Women's organizations were particularly helpful in telling the public why "there ought to be a law". In 1905 a chapter in Upton Sinclair's The Jungle aroused the public with its graphic expose of revolting conditions in the Chicago stockyards and packing houses.

Finally, after leading the drive to arouse the public and Congress to the dangers of impure drugs, patent medicines, and filthy and poisoned foods, Dr. Wiley saw his efforts rewarded when Congress responded to the public will. On June 30, 1906, President Theodore Roosevelt signed the Federal Food and Drug Act, and the Meat Inspection Act into law. Both laws went to the Department of Agriculture for enforcement by the Bureaus -- the Food and Drug Act to the Bureau of Chemistry, and the Meat Inspection Act to the Bureau of Animal Industry.

But New and More Legislation Was Needed

The "Pure Food and Drug Law", as it was popularly known, went into effect in 1907. During that year laboratories were set up over the country, inspectors were appointed to collect samples of food and drugs, and new methods of testing them were devised. But in a few years, the 1906 law was lagging behind the growth and progress of in-

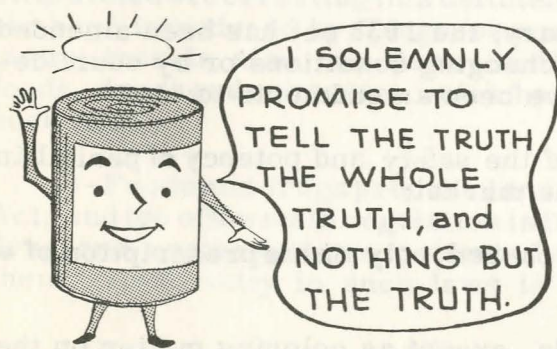
dustry. There were important discoveries in medicine and nutrition. . . . remarkable advances in production of crops and livestock. . . . and there were many changes in the manufacture, processing, and distribution of foods and drugs. Homemakers found they needed more precise information about ingredients than the law required. Even industry saw the need for official standards for such everyday foods as canned fruits and vegetables; new standards for inspection for factories, packing plants, and warehouses. Furthermore there were some very large loopholes in the law. One was the lack of control of cosmetics and mechanical treatment devices. Although some of the products then on the market did more harm to the pocketbook than to the person, others were downright dangerous. Sanitary inspection of food establishments was not compulsory; penalties for illegal practice were too light to be effective; and there were few, if any, bans on inherent poisons in food or in the added ones.

Some of the deficiencies were pointed out by the Bureau of Chemistry soon after the 1906 Act went into effect, and others from year to year as conditions developed that required greater consumer protection. Consumer groups particularly the large national women's organizations, took up the fight as they had done for the first national law. The going was hard, however, because the newspapers and periodicals did nothing to support any change. By 1933 they had aroused public thinking. A five year struggle for a stronger and more inclusive law finally culminated in passage of the Copeland Bill in 1938.

Probably the event that occurred in 1937 that had the most to do with cinching a new law in 1938 was the death of one hundred and five persons from poisoning by an "Elixir of Sulfanilamide". The weird mixture was marketed without the manufacturer testing its toxicity. This helped to end years of debate by bitter opposition from many drug manufacturers and certain processors' opposition, and it ended the indifference of many newspapers.

The Food, Drug and Cosmetic Act

Under the seizure provision of the 1938 law, any food, drug, therapeutic device, or cosmetic that is impure, dangerous, or misbranded can be seized and condemned. Furthermore, the law gives the Food and Drug Administration authority to establish reasonable "definitions and standards of identity" for foods, to make factory inspections, and to prohibit the marketing of foods produced under unsatisfactory conditions. Containers which might make foods injurious to health, and the use of certain kinds of coloring matter are banned. However, the law does not require manufacturers or processors to supply prior proof of the safety of a chemical before using it in foods. As originally enacted the new statute was to become effective on June 25, 1939. By amendment this date was extended several times for certain parts of the law. It became fully in force on July 1, 1940. Meanwhile the FDA was transferred from the Department of Agriculture to the Federal Security Agency. In 1953 this Agency became the Department of Health, Education and Welfare.



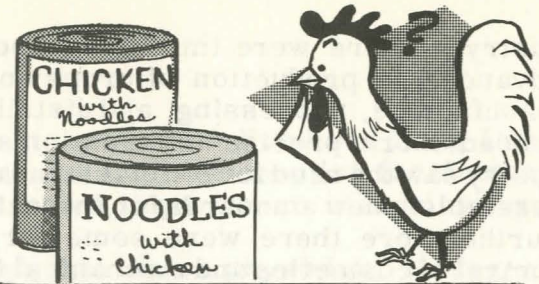
What the Food Label Tells

The label on foods, drugs and cosmetics is very important. The Act requires that labels or inserts in the package give information which helps consumers to buy and use the product with safety and satisfaction. The label must

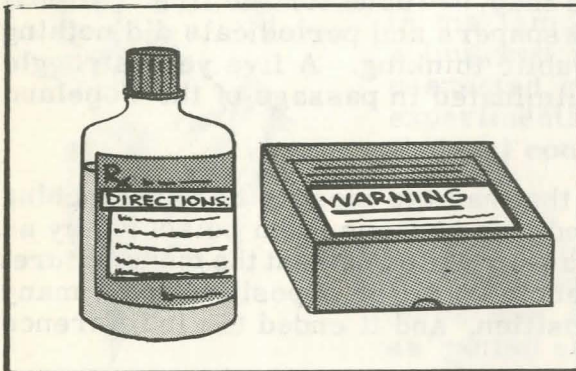
tell consumers what they are buying and exactly how much (net contents), and the name and address of the manufacturer, packer or distributor.

It must tell the truth -- in plain sight and in plain words. Olive oil, for example must not contain any other oil. Black pepper must be pure black pepper. Imitations of any kind must be so worded; and for a processed food for which no "definition and standard of identity" has been established, the label must show the common names of all the ingredients in it in

the order of their predominance. Official standards are established for such foods as bread, canned fruits and vegetables, mayonnaise, tomato catsup, jams, jellies and preserves. Setting a certain standard is no quick or easy job. The record of hearings dealing with bread standards covered 17, 000 pages!



The label must also disclose the use of artificial coloring, except for that in butter, cheese, and ice cream. Labels of foods enriched with vitamins must state the vitamin and mineral content.



Drug and Cosmetic Labels

Drug labels are required to state for what purposes the medicine is recommended, how much to take, how often, for how long, whether or not the medicine is recommended for children as well as for adults, and when it is NOT to be taken.

Drugs sold only on a doctor's prescription need not be labeled with the same kind of information required on drugs which consumers may buy and use on their own. For prescription drugs, the doctor and the pharmacist are the safeguards.

For cosmetics, the label is not required to list the ingredients, but the law insists that the cosmetic label must not be false or misleading. Even the containers of cosmetics must be made of safe materials. Thermometers, heating pads, sun lamps, and other therapeutic devices used in the home are likewise to be carefully labeled.

Keeping the Law Up-To-Date

Probably no law can keep abreast of today's swift changes in foods and drugs. Scientists are indeed giving us better foods than ever before -- and a longer lifetime in which to enjoy them. But new foods and medicines present difficult problems for industry and government, and particularly for those charged with enforcing food and drug laws.

While its complete revision has not been necessary, the 1938 act has been amended a number of times as weaknesses are revealed by changing conditions or by court decisions. Some of the more important changes have been amendments to:

Require government testing and certification of the safety and potency of penicillin and other antibiotics before they are put on the market;

Define the kinds of drugs which may be purchased only on the prescription of a licensed practitioner;

Prohibit the use of certain coal tar dyes in foods, except as coloring matter on the "inedible" surfaces of foods, such as skins of oranges sold as fresh fruit;

Require that foods that do not meet the minimum "standards of identity", but that are clean and wholesome, be labelled "substandard". Also "standards of fill" of the container set the minimum quantity that may be put in the container without special slack fill labelling.

Require, under the 1954 Miller Amendment, that chemicals be pre-tested to insure safe limits of the amount left on fresh fruits and vegetables as the result of spraying and dusting during production.

Require inspection of poultry that crosses state lines -- the kind of inspection that all red meat has. (This law becomes effective January 1, 1959, but a processor may have the inspection before that time if he applies for it.)

Loopholes to Plug

Our present Food, Drug and Cosmetic Law is probably the best in the world, but it still has several weaknesses. These are some of the weaknesses:

---The provision to insure safety of a new drug is based largely on the drug company's experimental and clinical data which they file with their application to market the product. Such tests would tend to show the most favorable aspects of the drug's effects and tend to hide serious toxic and other side effects.

---A drug or cosmetic is considered to be adulterated if it was produced under unsanitary conditions, contains unsanitary ingredients, or is colored with an uncertified coal-tar-coloring. But the new drugs are not subject to the same standards of purity and quality set up in the U.S. Pharmacopoeia and the National Formulary for established drugs. Four bills are before Congress now, proposing to regulate the manufacture and distribution of habit forming barbiturate and amphetamine drugs. In three other bills it is proposed that all cosmetic ingredients be pretested for safety.

---False, misleading and exaggerated claims are outside the scope of the Food and Drug Administration's control and are inadequately curbed.



---The original Act of 1906 does not, nor does the present Food and Drug Administration's Act of 1938, require a manufacturer to establish the safety of a chemical before he adds it to food. Firms that are careless or irresponsible can add new substances to foods without any testing at all. New drugs must be shown to be safe before they are sold. This same requirement is essentially what is now proposed for chemical food additives. Congress has had this problem under consideration since 1950 and eleven bills aimed at correcting this deficiency in the law are now pending. One of these bills has been introduced by Congressman A. L. Miller of Nebraska. Color additives are giving trouble also, so there is also a bill to prohibit the use of color additives in foods, drugs and cosmetics which have not been determined suitable and harmless for such use.

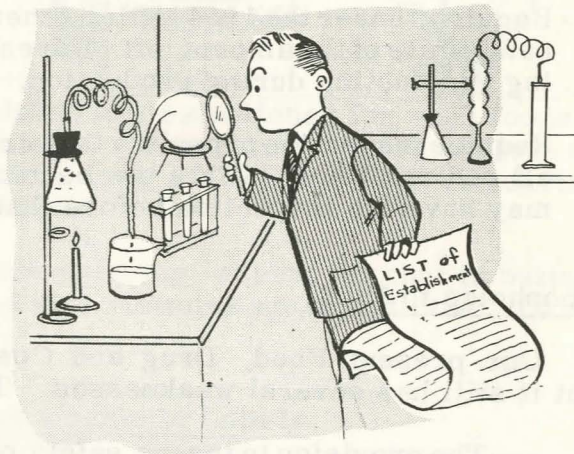
---Foods and drugs produced and sold within a state are not subject to the Federal Act, and too often state regulation is inadequate. Twenty-six states have adopted food, drug and cosmetic laws patterned after the Federal law, but Nebraska is not one of them. Uniformity in such laws is advantageous to consumers and industry alike.

---Labels on many such commonly used poisonous products as dry cleaning fluids, paint, paint removers, shoe polish, and metal polishes, and household cleaners carry

neither a warning nor a listing of ingredients. There are three bills pending before the 85th Congress to regulate the interstate distribution and sale of packages of hazardous substances intended for household use.

It's A Big Job

To aggravate the inadequacies of the law itself, the Food and Drug Administration is handicapped for lack of personnel and of money to carry out its responsibility and enforce the law when they do find violations.



Congress has given the Food and Drug Administration the almost impossible task of regulating all intrastate sale of food and drugs shipped across state lines; the sale of colored oleomargarine in hotels and restaurants, drugstore sales of prescription drugs; domestic production of insulin, coal-tar colors, and five anti-biotic drugs; and of inspecting seafood establishments. The Food and Drug Administration can afford no more than 250 inspectors, and the agency is responsible for checking on 100,000 establishments. Only about one-tenth of one per cent of the products that come under the law can be inspected by so small a force of inspectors. Inspectors can visit about 11,000 establishments a year so it would take about nine years to complete their inspection of the establishments that are in existence now.

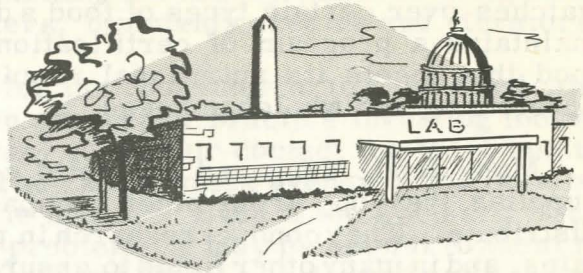
Of necessity, inspection must be obtained by spot checking. A project system is used so that when some problem arises in a particular field that field is given a lot of attention. Then when there is sufficient improvement, their efforts are focused on something else. Considering the lack of manpower, this enforcement system probably has been more efficient and economical than would be expected, costing about three and one-fourth cents for each of our 160,000,000 people. It has been most fortunate that the great majority of American industry has been willing to cooperate with both the letter and the spirit of the law. But when we remember that American industry is very large -- so vast that even the small, dishonest minority is a big problem for an organization the size of FDA.

There are more and more establishments being added and some of the Food and Drug Administration problems of today are even more trouble than those of over a half century ago. For example, the frozen food industry, with an excellent record to date, has launched a rapidly expanding program of production of prepackaged frozen foods that poses new dangers.

Also, we import far greater quantities of both food and drugs than we used to and the Food and Drug Administration does not have manpower enough to inspect these adequately. Medical quackery appears to be growing and the use of stimulating drugs to pep us up, tranquilizers to soothe us, and hypnotics to make us sleep, is rising. In the event of atomic attack the Food and Drug Administration is responsible for determining the safety of foods and drugs exposed to dangerous radiation. Food and Drug Administration inspectors routinely follow up in disaster areas to prevent salvage of goods which may be dangerous to health.

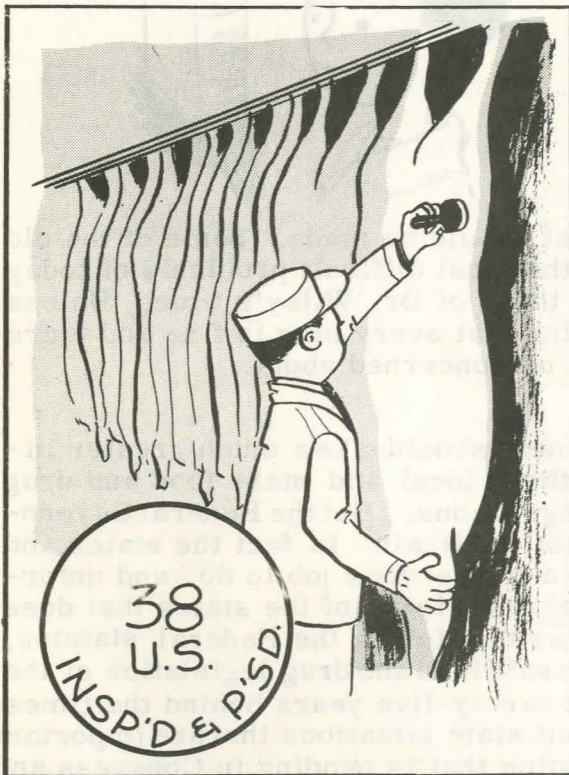
Citizens Advisory Committee

Complete inspection of all foods, drugs, and cosmetics is unnecessary, and its cost would be prohibitive, but the question of HOW MUCH enforcement is necessary and desirable is a very difficult one to answer. To help get the answer, former Secretary Hobby (Jan. 1955) appointed an advisory committee of distinguished citizens to make a careful survey of the



Food and Drug Administration and its needs. Representatives of government, industry, labor, education, law and consumer groups were members of this Citizens Advisory Committee.

Their report recommends a three-to four-fold expansion of the organization and facilities of the Food and Drug Administration, to be accomplished in five to ten years. An organization such as the Food and Drug Administration cannot be expanded overnight. It will take years and sufficient continuing appropriations from Congress to implement their proposals for increased appropriations, increased personnel, much needed equipment, and a modern building.



Cooperating Watchdogs

Some of the work of protecting the kitchen which is left undone by the Food and Drug Administration and state legislation is carried out by other agencies.

The Meat Inspection Service of the Bureau of Animal Industry in the Department of Agriculture has complemented the Food and Drug Administration since its beginning. It inspects around 80% of all cattle, calves, sheep and swine slaughtered commercially. Inspectors label all fit meat with "US Inspected and Passed" stamp. They order all unsatisfactory meat to be destroyed. They see that cleanliness is maintained and that no harmful preservatives or other deleterious ingredients are used in meat or meat products. They insure the accuracy of informative grade labeling.

The Federal Trade Commission watches to see that the advertising of food, cooking utensils, and kitchen equipment and supplies as well as other kinds of consumers goods that come into interstate commerce is truthful and

not misleading. They too have a gigantic job and often it takes a year or two to trap and get rid of false claims made in advertising. In 1951, it examined 14,046 pages of advertising in mail order catalogs; 323,120 periodicals and newspapers; 344,522 radio continuities; and 31,174 television continuities. Where advertising is false or misleading and where the producer fails to agree to remedy the defect, the case is referred to the courts and a cease and desist order issued.

Constitutional limitations prevent the Commission from controlling the advertising and labeling of products used only within the state, but the Better Business Bureaus in over eighty cities are able to eliminate a large amount of intra-state deception through education and pressure.

The Council on Food of the American Medical Association also watches over certain types of food advertising and labeling. It maintains a program of certification for infants' foods and dietary food that meets its nutritional requirements and its standards for advertising and wholesomeness.

Many food, drug and cosmetic companies make checks for quality and purity of supplies they buy from other companies and of the products which they themselves distribute. They conduct research in packaging, dehydration, freezing, loss of vitamins, and in many other fields to assure the consumer a wholesome, pure and acceptable product.

Industries enlist the services of many biological and physical scientists who belong to regular company staffs or work in research laboratories of trade associations; then there are private organizations, universities and colleges. A major part of the basic food research is initiated by colleges and universities and later applied by scientists in industry. The interest of the Agriculture Experiment Stations in the utilization of farm products partly accounts for the extensive contribution of the state land-grant colleges to a variety of food and drug research.

The Watchdogs Need Your Help

What can consumers do to benefit from the protection which protective law seeks to provide? What can they do to help themselves and to assist in this job of consumer protection?

First, they can take a continuing interest in this type of activity; find out more about it and determine whether or not there are any changes that should be made. Some of the old fashioned cheats and swindles are still around, but the most difficult problems of today are not nearly so easy to see and to understand as those of Dr. Wiley's time. Unless consumers study these things they are likely to think that everything is fine and there is nothing for them as citizens to be interested in or concerned about.



Consumers should take a much greater interest in their local and state food and drug laws and regulations. But the Federal Government cannot do it all. In fact the states and cities have a tremendous job to do, and unfortunately Nebraska is one of the states that does not have laws that follow the Federal statutes. It has been said food and drug legislation of the

states, for the nation as a whole, is in general twenty-five years behind the times. Let your State legislators know what you think about state situations that are important for consumer welfare. Find out about the legislation that is pending in Congress and let your legislators in Washington know how you feel about the proposals. It would help, too, if consumers expressed their indignation to the companies themselves who do not work within the law.

Consumers should beware of medicines suggested for treatment of serious diseases by people who are not licensed to practice medicine. Beware of medicines that are recommended for conditions not mentioned on the label. Many fake medicines and treatments for cancer are still flourishing despite FDA's effort to suppress them. Elixirs that "cure" ailments that should be treated only by a bonified physician often are only a cough syrup; some treatments for cancer cost as much as \$400 and \$500. and the delay may cost the life of the person who wastes his time on them when he

needs an operation. People who suffer from arthritis, rheumatism and over-weight are often easily exploited by peddlars of pills, waters, ointments, creams and vibrators.

Probably one of the greatest aids, would be for the consumer to tell the Food and Drug Administration when he hears about some product or practice involving foods, drugs, or cosmetics which seem to be contrary to law; or contact the local health authorities or the Better Business Bureau. They know which agency of the State or Federal Government would be interested in the matter. Even if the Food and Drug Administration does not have jurisdiction in the problem, it may be helpful to them to know about it. The only address needed is Food and Drug Administration, Washington, D.C.

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