

FDA'S CONSUMER CONSULTANT PROGRAM

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When Dr. Ray Price offered me the privilege of speaking to you tonight, I quickly recognized the challenge before me. First of all, I have been preceded at this lectern, both last year and at your meeting in Washington in '59, by two spokesmen much more qualified than I to discuss FDA and its many programsnamely, Commissioner Geo. P. Larrick and Deputy Commissioner John L. Harvey. Additionally, when I first learned of your organization some time ago, I was told on good authority that CCI was comprised of the "best informed consumer representatives in America today."

However, despite the vast experience represented here this evening, I come before you to discuss something that perhaps even you do not know about FDA...the Agency you all know so well...and that is FDA's Consumer Consultant Program.

I sincerely doubt if many of you know that today...yes, at this present time...there are women located throughout the Food and Drug Administration's eighteen Field Districts who are working for us not in administrative jobs...not in the laboratories...not out in the field as inspectors...but rather, as part-time Consultants for the Food and Drug Administration. These highly qualified women...carefully chosen for their professional background...are adding a very real contribution to the Food and Drug Administration's work, and are supporting the enforcement of food, drug, and cosmetic laws by working directly with the public. In talking about drugs, cosmetics and food, they are giving the consuming public "food for thought," we believe...and they are finding that the public is vitally interested in...in fact, hungry for...information about foods...their facts, fallacies, and fads, about drugs and devices, cosmetics and caustics, the laws behind the label, pills and packaging. But before I tell you more about the Consumer Consultant Program I would like to go back a few years.

While Mr. Charles W. Crawford was Commissioner of the Food and Drug Administration he became deeply convinced that there was a very great need for the Food and Drug Administration to know better what the public was thinking about the protections it enjoyed...how well acquainted it was with the Food and Drug Administration's work...its regulatory program...its laws...its jurisdictions. He fully realized that the public was, in many areas, grossly uninformed...in the protections offered them, their families ...their health and their pocketbook! Because they were uninformed, the public seemed to be apathetic, or disinterested. But Mr. Crawford believed that there was tremendous latent interest which would spring to life if people knew about our problems and our programs. He realized that public interest and sentiment, properly expressed, could serve to guide FDA in the administration of the law, and in requesting new legislation when needed. Archibald MacLeish once said... and I believe these words, paraphrased a bit, express very well this wise conviction of Commissioner Crawford's... "We have learned all the answers;

it's the questions that we do not know. We are not wise." If I may, I'll use that quote to read this way... "FDA has learned most of the answers; it's the questions that we do not know."

At any rate, Mr. Crawford's sincere belief that the consumer's opinion could be of great help to FDA in guiding its programs along the way, resulted in today's Consumer Consultant Program.

Fortunately, this Program has continued since its inception in 1953 because today Commissioner Larrick believes as deeply in the "power" of the consumer and his interest as did Mr. Crawford. In fact, only recently Commissioner Larrick stated that consumer interest is at a new peak and has undergone a resurgence not seen since the early '30's and the Depression years. This feeling is clearly justified as one looks back on 1959...then through '60...and now into 1961...a year which promises to be a decisive year for the consumer.

Commissioner Larrick is right...as all of us in this room recognize... Consumer interest is at its most vigorous in years. We must only look around to see that in this period of greatest productivity in history, thanks to advanced technology and countless new marketing frontiers, consumer awareness is on the increase. Part of this new alertness or arousal, if you will, may come as a result of the Blatnik Hearings in '58...the exposures of fraud and deceit which came out of the television industry in '59...and Senator Kefauver's recent hearings on monopolies, and price maneuverings.

Recognizing this new acuity on the part of the public, and the need for meeting its challenge, former Attorney General William Rogers called and presided at a Consumer Conference, held in Washington last March, and attended by Attorneys General from all over the U.S. Since then, market place frauds and deceptions have undergone further scrutiny at similar meetings called by several State Attorneys General. These were held locally to include community, county and State representatives of law enforcement agencies, consumer-type organizations and related business and industry. The most recent of these conferences was held in Lansing, Michigan, in September and one which I was most privileged to attend.

The AFL-CIO has an energetic and ever-growing consumer-interest movement which holds weekly meetings for its members and publishes market bulletins, health capsules, "Best Buy" advice and self-protection pointers.

Interestingly, the American Medical Association announced last October that it was launching a "Comprehensive study and action program" to guide the consumer in spending his health care dollars more wisely. And the Better Business Bureau tells us that its consumer query response has doubled in recent months.

FDA's Bureau of Program Planning and Appraisal was gratified when recently the representative of another Federal Department sought advice on how to set up a comparable Consultant Program within one of its own branches. Though it, too, has been engrossed in consumer protection through the year, it now realizes...in watching the progress of FDA's Consumer Consultant Program...that the consumer can perhaps render assistance to them in furthering their programs, also.

Former Federal Trade Commissioner, Earl W. Kintner, more closely related that agency's program to the consumer when assuming office two years ago. He stated at the mentioned Lansing, Michigan, Conference that in the past year, FTC had intensified its monitoring of labeling and identification, of false claims and misrepresentations including those made in direct mailing, and of all illegal practices foisted on the unsuspecting consumer.

We all know that there are Senate resolutions pending, one of which provides for a Select Senate Committee on Consumers...this bill having been sponsored by Senator Javits of New York, and one sponsored by Senator KeFauver which would provide for a new Department of Consumers.

Even current book sales reflect a new consumer interest...or more accurately, a new interest in the consumer. Some of these books are good...some are poor. But we'll hope that through exposure their readers become more perceptive consumers or, at the least, intelligent skeptics!!

Vance Packard, in his recently published book, ...The Wastemakers... coins the word "Consumerism" and while the author is largely preoccupied with the problems of over-commercialism, misleading advertising, and the Madison Avenue mores which are reflected in today's buying habits, perhaps we should at least be grateful to Mr. Packard for this word. For though there is much of interest to the reader...and indeed, the book is, thought provoking, ! ... I personally have much more faith in the intelligence of today's consumer, and the power of today's consumer, than does Mr. Packard. And, I should add, so do all of us in this room for is not the CCI itself founded on the very premise of public service and public protection? And, too, has not the Food and Drug Administration dedicated its entire effort to protection of the consumer throughout its 54 year history?

Yes, FDA through the years has acquitted itself well. Though a low-budgeted, under-staffed agency, it has relentlessly sought a record of excellence in this field of public service. We can, indeed, hold our heads high. But does the average consumer know this? We think not. But neither do we think that consumers know of the perplexing problems still facing us; nor do they realize how valuable it would be to have their reaction to some of the situations on which we must make decisions. Through speaking engagements before community groups, appearing on radio and television interview shows, putting together and manning FDA exhibits

and conducting consumer survey work, these women create a two-way flow of information between FDA and the consumer. They explain, on one hand, the Food and Drug Administration's regulatory programs, and jurisdictions and, on the other hand, by tapping consumer opinion, they determine the reactions and attitudes of the American public toward the food, drug, and cosmetic products which come under FDA's jurisdictional purview. In this way the consumers have a better understanding and appreciation of the protection offered them and, at the same time, their response is helpful to the Food and Drug Administration in planning and conducting its regulatory programs, today and in the future.

We have had a sampling of public opinion in recent months which illustrates the potential of this largely untapped reservoir of consumer opinion in giving us administrative guidance.

For example, we have received literally thousands of letters on the subject of the chemicals used in the growing and processing of foods. Many of these have shown some misunderstanding of the problems confronting us. However, they were overwhelmingly in agreement on the proposition that our programs must assure the safety of the hundreds of chemicals being added to our foods.

We had another interesting reaction on an industry proposal for amendment of the standards for jams and jellies to allow the use of certain liqueurs and rum as flavoring agents. Hundreds of individuals and organizations wrote us in opposition to this proposal. The amendment never came to pass!!

Then, of course, we have received a tremendous volume of inquiries about the lipstick-color situation. These leave no doubt but that most women want their lipsticks--but also that they want the Government to do whatever has to be done to make them safe.

This then is the type of information which our Consumer Consultant Program is obtaining from consumers for the Food and Drug Administration. I am in the Bureau of Program Planning and Appraisal, which would like to compile this information and use it in the planning and as a part of the "appraisal" of the effectiveness of our regulatory programs; and we would like to build it right into new programs so they will give better consumer protection.

One of the chief obstacles in doing this heretofore has been our concern that the consumer views we were getting were not sound. We have been afraid that the consumer did not really understand our problems or his own problems, and that we were getting ill-considered or non-representative views. However, through the Consumer Consultants, we have a mechanism for explaining these problems to consumers, for thorough discussion of them, and for stimulating the expression of truly authoritative consumer opinion, and response to the Food and Drug Administration. They

are telling an accurate story about additives, giving a positive explanation of pesticides, they clarify the public's bewilderment regarding supplements and they give instructions on the value of reading the label. They tell the "fair story," not the SCARE story! With this positive approach, then, FDA is receiving a positive response.

One of the most obvious areas for undertaking this program is that of food standards work. We have recently tried to encourage more consumer participation in food standards making, by setting up a special consumer mailing list for proposed changes in food standards, or proposed new standards. And we have tried to explain to these consumers, in releases geared to consumer-level understanding, just what was involved. But the written word is often not enough. We must meet with consumers, and talk about these things. Only then can we be sure that we know what consumers expect in a standardized food; or whether they would be deceived by a particular label statement; or whether a label is truly informative, as the law requires.

Another obvious program area is that of labeling of foods. We sometimes lose lawsuits--but more often hesitate to bring them--because we are not sure what some particular labeling means to consumers.

And the same applies to labeling of vitamins and drugs. How many consumers know how to read a vitamin label intelligently? How many understand the key phrase "minimum daily requirement"? Are the wordings of directions for use and warnings on drugs understandable to the anxious mother of a sick child?

Consumers are giving us many valuable suggestions on these and countless other matters.

The Consumer Consultants provide us channels for contacting consumers, for explaining the technical aspects of a problem, and then for "brain-storming" ideas for improved consumer protection.

So it is that the activities of our Consumer Consultant Program have been stepped-up in recent months. In fact, where we had only thirteen Consultants at the time of my appointment, we now have eighteen. This means that each of FDA's Field Districts has at least one Consultant and soon we hope to have two in each District.

Interestingly, Commissioner Larrick's interest in the consumer, from a Federal level, is shared by several Governors throughout the United States. New York was then the first State to set up a Consumer Counsel, which was inaugurated by Averill Harriman who was then Governor and directed by Dr. Persia Campbell. That was in 1955, and since then the idea has rapidly spread to other States. In June 1959 Abraham Ribicoff then Governor of Connecticut and now our Secretary of Health, Education, and Welfare, created the first Department of Consumer Protection in the United States. The Commissioner of that Department shares the platform

with me tonight. Then in October of '59 Mrs. Helen Ewing Nelson became the first Consumer Counsel for California; Massachusetts has just created an identical department and Minnesota has a similar recommendation now under study by the State legislature. This is true also in the States of Pennsylvania and Michigan.

So you see, consumer recognition is on the upsurge. And well it should be. Public opinion molds the law -- both in its enactment and in its enforcement...and public opinion is what we seek!