

## CONNECTICUT

Francis M. Gersz

First of all, I want to bring to you the greetings of His Excellency, John L. Dempsey, Governor of the State of Connecticut!

And, may I also extend to you the greetings and best wishes of my colleague the commissioner of the Department of Consumer Protection, the Honorable Attilio R. Frassinelli!

Unfortunately, Commissioner Frassinelli could not be with us today because of a previous commitment.

I know that he has always enjoyed the privilege of addressing this dedicated group on the make-up, translation, progress and problems of our Department of Consumer Protection.

Fortunately for me, today this privilege is mine! And I shall do my best to illuminate you concerning these afore-mentioned categories.

In the recent past you have been advised of the construction and inception of our new department and of the mechanics involved in the application of its respective services.

I should like to observe at this point that without doubt, and I do not say this in a spirit of self-praise, that our consumer protection endeavor is rapidly becoming the most popular department in the state of Connecticut. It has been brought to our attention by the press and by many of its reporters that outside of national emergencies and space travel, consumer protection news items are creating the most interest among the reading public! As a matter of fact, consumer protection is at the present time President John Kennedy's foremost thought!

To pursue the interest of consumer protection the commissioner and myself are receiving a vast amount of personal mail daily from the people of our state and from many other states and countries.

We are naturally flattered when we receive letters not only from other states but from neighboring countries asking for information regarding the workings of our department so that they may inaugurate similar programs in their communities.

Also the commissioner and myself are being deluged by many requests for speaking engagements on the administration of our Consumer Protection Department.

We attempt to accept and welcome all speaking engagements. We feel that the people want to know and they want to be protected. We find that not only do we inform the people at these gatherings but we also pick up a lot of helpful information and suggestions. That

is one reason that at this point I would like to note that the commissioner and myself are particularly chagrined that Governor John Dempsey's proposal to establish a consumer advisory council, which would have assisted us in the settings up of standards, for acceptable drugs and foods, was opposed and defeated.

But it is our hope that the opponents of this bill have since then realized the error of their decision, and that a consumer advisory council will soon be a reality in Connecticut.

We in Connecticut are proud of the recent developments on the federal level wherein President Kennedy has gone before congress to impress on them the need for consumer protection and a consumer advisory council. We feel that we again have led the way.

Since last year's report by my commissioner to this group, our department has been given more areas of responsibility in our field of consumer protection.

These responsibilities, of course, were crystalized as laws promulgated by our general assembly, and also regulations which have been promulgated by our department.

It is concerning these new laws, regulations and responsibilities which I will now speak about:

#### FRAUDULENT & MISLEADING ADVERTISING

In the area of "Truth in Advertising" as we call it "Fraudulent & Misleading Advertising" we are ironically making use of some of the state's advertising media to help clean up misleading "Gimmick" advertising designed to lure the public into business establishments.

We are not adverse to using publicity as a weapon. We have made it understood to businesses that we will make available to the press, the names of the firms brought before us for violating the law. Our office is never closed to the press, we have an open news policy. This policy of giving data to the press is very effective. The violators are much more fearful of bad publicity than of any legal penalties that can be imposed on them.

For instance, an automobile firm in one of our largest cities, which does a heavy amount of advertising, recently found intself in the news columms for "Misleading Advertising." This dealer had advertised that a purchaser could save up to \$1,000 in purchasing a new station wagon. After going over the dealer's records as to his factory price, it was evident that it was impossible to save that amount, since the dealer's profit margin was far below that figure.

The dealer was brought in for a hearing to explain his claim of "savings." He naturally could not and had to admit to the intended

hoax. This story was given to the press, which reported the case. Radio and television also covered under the law, also carried the account of this hearing.

A leading department store advertised television sets at a fantastic low price, but in the corner of the ad, in very small type, was a note saying "U.H.F. unit extra." On a complaint we sent out one of our inspectors to investigate this ad and he found that he could not purchase a T.V. set with the U.H.F. unit, because it was already a part of the set. When the price of the unit was added to the set, there was no saving at all. The dealer was brought in for a hearing and as most all others, admitted that it was a gimmick to bring in the people. Another cute way of bringing in the customer is to advertise an article at a low price and when a person would go in to make a purchase, he would be informed that the item has been sold out. They are then shown a higher priced item in the same line. The state now requires that when there are limited quantities of the item, the advertisement should list the number.

Newspapers, radio, television and advertising agencies seem generally happy over the new law because it now gives them a good reason for refusing or correcting advertising which seems dubious.

#### VENDING MACHINES

Our department has been watching the tremendous growth of coin operated vending machines. Especially those dispensing food products of a readily perishable nature. Therefore, the sale of these foods and beverages to the consuming public by means of coin operated vending machines has led to new problems in food protection that are not found in conventional food service operations. Therefore, due to the public health hazards significance of these problems, the Department of Consumer Protection in conjunction with industry and other health authorities, began to take a good look at this problem.

At the 1961 session of our general assembly, Public Act #579 "The Licensing & Regulating of Food Vending Operators & their Machines," was enacted into law with jurisdiction of enforcement being placed in the Department of Consumer Protection.

The provisions of the act are pointed toward giving consumers the utmost in protection and seeing to it that the machines contain only foods that are edible and wholesome, free from pathogenic micro-organisms, unadulterated and, if in package form, labeled truthfully, and in compliance with the Connecticut Uniform Food, Drug & Cosmetic Act. The act also provides that all foods, beverages and ingredients sold in vending machines shall be obtained from sources which comply with state and federal laws & regulations.

The department has assigned a field force of inspectors to make inspections of all commissaries, vehicles used in transporting food, and vending machines that are in operation. The experience in approximately six months' period since the licensing went into effect, has been that it is a great big undertaking but is proceeding smoothly.

The commissioner may revoke or suspend any license issued under the provisions of this act for any violation of its provisions or regulations, violations of any applicable municipal health ordinance or state or federal law or regulations. Whenever the commissioner finds any unsanitary condition or any other condition which, in his opinion, constitutes a substantial health hazard involved in the preparations, transportation of any food or beverage or in the use of any vending machine, he may require that the use of such facility or machine be discontinued.

There are a few problems that arise such as in the past month, we were questioned about licensing ice vending machines. Their contention being that ice was not a food. Upon a request by me to our attorney general for a legal opinion, he stated that ice cubes are defined as a food -- when it is an edible substance, beverage or ingredient used in whole or in part for human consumption. Thus, when ice cubes are added to beverages for instance, they melt to such an extent that they return to the original watery form -- and as such, they are at least in part "Consumed" --and since they are held to be used -- or intended to be used -- as an ingredient in whole or in part for human consumption -- they play a part in the composition of the drink. And for this reason, ice plants come under the sanitary control of the act as do any ice making machines used for this purpose.

ITINERANT VENDORS  
P. A. No. 265

The itinerant vendor law provides that any person conducting a sale held forth under the designation of "Going Out of Business" "Selling Out" "Liquidation" "Loss of Lease" "Forced to Vacate" or any other statement of like meaning, must comply with the following procedure:

Application to be filled with the Department of Consumer Protection with which a complete, accurate inventory of goods, wares and merchandise on hand at the place whereat the sale is to be conducted, with the inventory sworn to, a \$500. "Special Deposit" must be submitted. This special deposit is returned 60 days subsequent to the surrender and cancellation of the license, provided that all claims authorized by statute against it have been satisfied, such as, town or city licenses where required and all claims against the tax department.

The realm of consumer protection that the law falls into is that it prevents fraudulent, illegitimate "Going Out of Business" sales. It prevents "Fly by Night" individuals from moving into a city or town, setting up on a temporary basis, advertising "Going Out of Business" "Closing Out Sale" which in fact is not true.

In many cases these illegitimate close-outs would continue to bring in merchandise to replenish inventories to continue the sale on a long basis. In all cases the merchandise offered for sale would not be "Bargains" as indicated. Under the statute, only merchandise that is recorded on the sworn inventory that is submitted with the application can be offered for sale. At the time of application the applicant must indicate from what period to what period the sale is to run.

The enforcement of this law by our department has been going on in a very satisfactory manner.

#### FROZEN FOODS REGULATIONS

A few years ago, Connecticut, realizing the many abuses that frozen foods were being subjected to and likewise realizing the tremendous increase in the production and distribution of frozen foods, felt that legislative action was necessary if the interests of the consuming public were to be properly protected. With this as a background, our department presented a bill before the general assembly, which essentially provided that the commissioner was authorized to promulgate regulations dealing with the manufacture, storing, transporting and sale of frozen foods, including sanitary control measures and temperature controls.

Shortly after the passage of this act, Connecticut was besieged from all sides by industry at all levels, inquiring as to what type of regulations Connecticut was about to invoke. They asked us to be patient and not hastily write regulations as it was obvious to them that, should one state start writing regulations, many other states would copy the same type of regulations.

Connecticut readily yielded to this request and inasmuch as we have been closely associated with the Association of Food & Drug Officials of the United States for many years, we took the matter up with them and requested that this be a national project.

The Association of Food & Drug Officials of the United States was very happy to participate in this national project and at the same time the National Frozen Food Packers Association signified their willingness to work with us.

Subsequently many meetings were held and the many ideas were consolidated into what is now known as the A.F.D.O.U.S. Frozen Food Code.

This code essentially provides for the sanitary control in frozen food manufacturing plants, the proper processing and labeling of frozen foods, as well as the quality of the raw ingredients used in the various formulas. The temperature controls for frozen foods are set at zero degrees temperature or lower, beginning at the manufacturing plant and carrying through ware-housing transportation and the retailing of said frozen foods. The code also covers numerous specifications for the design and construction of warehouses, transportation vehicles and retail display cases.

Thus, the essential provisions of the A.F.D.O.U.S. Code is to provide frozen foods to the consuming public which have been processed under stringest sanitary conditions, which food has been held at zero temperatures and thus retained its normal flavor, texture and nutritional values and which is properly labeled for what it actually is.

These regulations, after a public hearing, have been adopted by the commissioner of the Department of Consumer Protection, have been approved by our Attorney General and will be published in the Conn. Law Journal within the next week or so and the day that the regulations are printed in the journal, they will be effective in Connecticut.

We believe our State of Connecticut is the first state in the union to adopt the so-called A.F.D.O.U.S. Code.

We sincerely believe that these new frozen food regulations will provide adequate protection to the consumer public, something which is long over-due.

#### FROZEN DESSERTS REGULATIONS

We, as the State Department of Consumer Protection, realized that the federal standards of identity for the various classes of frozen desserts, which were adopted in 1961, were not particularly objectionable as far as they went. We were, however, aware of the fact that the federal standards did not take into consideration any standards for the various classes of frozen desserts mixes that freeley entered into interstate and intrastate commerce, and thus played a major role in the frozen dessert industry. Likewise, the newly adopted standards did not make any provisions for bacteriological standards, which had been a part of state regulatory work in nearly every state in the union for many, many years.

With this situation at hand, we in Connecticut had our laws changed to give us authority to promulgate the necessary standards, and at the same time we spearheaded a drive for uniformity in the New England States and in the Tri-County States, comprising of New York, New Jersey and Pennsylvania.

On September 27th of 1961, a public hearing was held in Connecticut for the purpose of presenting tentative standards and regulations for frozen desserts and frozen dessert mixes. Under date of October 17, 1961, these standards were presented to the Attorney General of Connecticut who officially passed on the same, under date of October 29, 1961.

In addition to the foregoing standards, our frozen desserts regulations were amended to more closely bring them in line with present day operations, and one of the principle changes was to make provisions for more sanitary operation of mobile frozen dessert units, and likewise making requirements that mobile units must have a depot from which they operate daily, and in which they store their paper goods, their mixes, wash their equipment and properly dispose of their waste paper.

These new standards and regulations are in full effect as of today and we are encountering very little difficulty in its enforcement.

#### PHARMACY COMMISSION DIVISION

Our pharmacy commission division which is composed of five commissioners who are gubernatorial appointments, for a five year tenure of office, and who must be licensed pharmacists of our state. For a minimum of ten years, a chief inspector, a senior inspector, and two pharmacy inspectors, and a stenographic force of two women, and an executive secretary, are charged with the duty of enforcing the laws which govern the licensing of pharmacists, pharmacies, and patent medicine stores.

It is to be noted that this year this division licensed a total of 911 registered pharmacies, 2,966 licensed pharmacists, and licensed a total of 3,767 patent medicine stores.

Our pharmacy commission division is charged with the duty of enforcing all the laws, rules and regulations of the Pharmacy Act, and also controls the professional conduct of the licensed pharmacists. The commission has the right to suspend or revoke an individual's license to practice pharmacy and the right of a premise to operate as a licensed pharmacy or as a licensed retail patent medicine premise.

In the spirit of a progress report I might observe that effective October 1, 1961 we have a sixteen-point law concerning a pharmacy code of ethics. This code of ethics spells out in detail the professional conduct of both the licensed pharmacist and the licensed pharmacy as far as the public health and safety of the consuming public is concerned. If anyone in this audience is interested, I shall be glad to see to it that a copy of our pharmacy code of ethics law is mailed to you.

In the field of pharmacy changes we have recently repealed and amended existing regulations and have added six new regulations. One of these regulations prescribes the physical make-up of a registered pharmacy as it would be constructed as part of a large discount center which in retail trade we see more and more of these establishments. And it reads as follows!

CERTAIN SECURITY SAFEGUARDS IN THE CONSTRUCTION  
AND PHYSICAL SET-UP OF PHARMACIES

After April 1, 1962, in any building, store, firm or place of business not devoted primarily to the operation of a licensed pharmacy, the licensed pharmacy shall be completely separated from any other enterprises within the building, store, firm or place of business by partitions approved by the pharmacy commission and the entire licensed pharmacy shall be arranged or constructed so that the public will not have illegal access to any of the drugs, medicines and proprietary medicinal compounds. Said licensed pharmacy shall be constructed so that it may be locked to prevent unauthorized persons from entering during the absence of the registered pharmacist.

Also of interest to this group is our new pharmacy regulation law concerning the sale of patent medicines and drugs in vending machines. And it reads as follows:

SALE OF PATENT OR PROPRIETARY MEDICINAL  
COMPOUNDS IN VENDING MACHINES

No patent or proprietary medicinal compounds, preparations or units put up in sealed or unsealed containers, labeled and accompanied with directions for use with the name and address of the manufacturer or distributor thereof, shall be sold or offered or exposed for sale or dispensed by any means in any type of vending machines.

Lastly, for interest particularly to a consumer group is our regulation concerning substitution on prescriptions, and that reads as follows:

SUBSTITUTION OF DRUGS IN PRESCRIPTIONS PROHIBITED

Substitution shall mean the dispensing of a different drug, biological, medicinal substance, device or brand of same in place of the drug, biological, medicinal substance, device or brand of same prescribed without the express permission of the prescribing practitioner.

To conclude my remarks on our pharmacy division activity I should like to observe that any one in the audience who is particularly interested in our pharmaceutical realm, I shall be very glad to continue to explain to him or her the functioning of this division at length after this formal presentation!

WEIGHTS & MEASURES

In the division of weights & measures we have been confronted with a new concept of heating homes with oil and liquified petroleum gas. It's an underground fuel distribution system for homes, through a recently developed "slow flow" meter. The system operates through the use of a large sub-surface centralized storage tank from which fuel is fed by mains running under the streets to individual homes. The individual home owner is charged for the fuel as he uses it at a price not to exceed the current market price. Individual storage tanks are eliminated as are individual deliveries. The responsibility of checking and approving the slow meter is ours so that the consumer will feel confident that he is getting a fair shake for his money.

DECEPTIVE PACKAGING

Long before Senator Hart's sub-committee began investigating packaging and labeling practices, Connecticut was taking regulatory action against packages that were found misbranded, due to their being so formed, filled or made to be misleading. It can be said that we in Connecticut have made numerous seizures of deceptively packaged food that were being shipped indiscriminately in intra-state commerce.

It could be said that standardization of packaging and labeling procedures in some manner is long overdue and would be a step in the right direction. Certainly it would be desired by the consuming public.

That is why our department was very happy and proud to have helped prepare some material used for an exhibit by Prof. Morse, Head of the Department of Economics at the Connecticut College for Women in New London, Conn., when she appeared before Senator Hart's committee in Washington to testify on deceptive packaging. I was very impressed with her slogan "The Bigger the Box, the Bigger the Hoax." Which reminds me of an item I read in the Reader's Digest about a detergent company which is putting out their product in four sizes -- large, economy, jumbo and full.

Now ladies and gentlemen!

Many more areas of protection are being discussed for our department. One of these is the field of hearing aids. We have been approached recently by a group interested in legislation that will qualify people who can advise and sell hearing aid apparatus. They feel that too many people (who are hard of hearing) are duped by untrained and irresponsible people whose only interest lies in the money that they make and not the welfare of the people.

As a final thought and of special note I want to say that labor has shown a great deal of interest in the work of our department. The Connecticut State Labor Council, at their state convention this year, brought out many complimentary remarks about the Department of Consumer Protection and passed a resolution encouraging its members to participate actively in helping with recommendations that may make the department more effective and responsive to consumer needs.

In conclusion may I express the hope that I have brought to you a clear picture of the progress in Connecticut of our Department of Consumer Protection. We feel that we are doing our part in consumer representation on a state level and we are happy to be part of this dedicated group.

As for myself I wish to say to you that I feel highly honored to have had the privilege of addressing you this evening and I hope that one day I may be able to enjoy this status again. The pleasure will again be mine! Thank you!