OCA consumer register

A supplement to Consumer News

Vol. 6, No. 3, Feb. 1, 1976

Register results

The following actions have been taken by Federal agencies. They have all been previously summarized in CONSUMER REGISTER as proposals. The extent of consumer comment is reported when such information is available.

• Beginning Jan. 1, 1978, **Food & Drug Administration** (FDA) will require a uniform procedure for listing food ingredients on labels. Manufacturers may change labels immediately to comply with the regulations, but after Jan. 1, 1978, their labels must comply. One part of the regulations requires that fats & oils in food products be identified by source on all food labels—such as "cottonseed oil" instead of just "vegetable oil." FDA says ". . .consumers will be able to select foods containing the fats & oils they wish to consume for health & religious reasons & personal preference." Another part of the regulations permits certain ingredients to be identified by class names—such as "concentrated milk" & "dry whole milk." They can be called "milk," for example, as long as the milk products do not have other ingredients added. Details—*Federal Register:* Jan. 6, page 1156; June 14, 1974, page 20885. CONSUMER REGISTER: Aug. 1 & 15, 1974.

• Beginning July 19, **Consumer Product Safety Commission** (CPSC) will require that all swimming pool slides conform to a mandatory safety standard. CPSC received 24 written comments & 7 oral comments on the proposed standards. This is the first standard issued by CPSC under the Consumer Product Safety Act. Details—*Federal Register:* Jan. 19, page 2742; Sept. 15, 1975, page 42562. CONSUMER REGISTER: Oct. 15, 1975; March 1, 1975; July 15, 1974.

• **Agriculture Dept.** has established a standard of composition for Italian sausage. The standard, which becomes effective Dec. 31, resulted from a petition from a sausage packer asking for approval of a label that described his product as Italian Sausage. Agriculture received 73 comments on the proposal, the majority from individuals. Nearly all comments indicated that "Italian Sausage" is a distinctive product generally recognized by consumers & that a standard of identity should be adopted. Details—*Federal Register:* Jan. 19, page 2629; July 14, 1972, page 13803. CONSUMER REGISTER: Aug. 15, 1972.

Red #2

Federal Register for Jan. 28 was scheduled to publish **Food & Drug Administration's** (FDA) ban on the use of the food dye called "Red No. 2" because the dye's safety had not been proven. If published, the ban would have taken effect immediately although FDA decided not to recall existing products containing the additive.

However, on Jan. 28, Judge Aubrey Robinson of the **U.S. District Court for the District of Columbia** issued a temporary restraining order preventing the ban from going into effect for 10 days. Then a hearing will be held. (Those who asked for the court order are: Certified Color Manufacturers Association of Washington; Warner-Jenkinson Co. of St. Louis; H. Kohnstamm & Co. of New York & Monarch Nugrape of Doraville, GA.)

Directional signs

Federal Highway Administration (FHWA) is asking for comments by Feb. 9 on a study concerning the adequacy of existing directional & informational signs along Interstate & Federal highways that advertise privately owned natural wonders, scenic & historical sights.

Since national standards for such signs were issued to implement the Highway Beautification Act of 1965, environmentalists & commercial interests have argued about them. Some (commerical interests) believe the standards are too restrictive & others (environmentalists) believe they are too generous. Signs must be a certain size, a certain distance from the highway & appear a limited number of times on a given stretch of road.

FHWA & **National Bureau of Standards** (NBS) have cooperated in an investigation to study the effectiveness of the signs that have been erected. Copies of the study are available by writing to the Office of Chief Counsel, Federal Highway Administration, Washington, DC 20590.

Details—*Federal Register:* Dec. 16, 1975, page 58312. Send comments to Federal Highway Administration, Transportation Dept., Washington, DC 20590. Identify comments by "Docket No. 75–9."

DES

Food & Drug Administration (FDA) is proposing to ban the use of the rapid growth hormone diethylstilbestrol (DES) in cattle & sheep. Manufacturers of DES have until Feb. 11 to request a hearing on the ban. This proposal is not open to consumer comment. If no request is received, FDA will move to withdraw the drug. But if a hearing is held, the public will be invited.

In January 1973, FDA banned the use of DES in animal feeds because the hormone caused cancer in animal laboratory tests. In April 1973, FDA banned DES hormone implants into an animal's ear when new sensitive instruments detected small amounts of DES residue in beef livers. In January 1974, the **U.S. Court of Appeals for the District of Columbia** decided that FDA's actions were illegal because the agency had not given manufacturers of DES adequate opportunity for a hearing. As a result, for all practical purposes, DES has not been banned since it was approved in 1954—although its use is regulated.

FDA has considered the inflation impact on the proposed action & has found a "major inflation impact." Conclusions follow:

• There are no satisfactory alternatives to FDA's proposal that are consistent with the law.

• Costs to feed lot producers of cattle are estimated to increase by $156 million during the first year following a DES ban.

• Retail prices of beef are estimated to go up by 2 cents per 453 grams (a pound)—meaning a consumer's cost for beef—at current levels of consumption—would increase $2 to $3 a year.

• Ban would not cause major inflation impact as far as competition, productivity, supply of materials or use of energy are concerned.

• Benefits from implementing proposed action would be elimination of cancer risk resulting from DES in animals used for human consumption.

Details—*Federal Register:* Jan. 12, page 1804.

NOTE: Because of its cancer-causing potential, FDA requires special warning labels on certain DES drugs used to correct estrogen deficiencies & as an emergency "morning after" contraceptive. Details may be found in CONSUMER REGISTER: Sept. 15, 1975; March 1, 1975 & Oct. 15, 1973.

X-rays

Food & Drug Administration (FDA) is planning to develop proposed guidelines that would minimize unnecessary radiation exposure to women of childbearing age. Feb. 13 is deadline for comments or suggestions on questions such as:

- Should nonemergency x-rays be taken of the abdomen of women of childbearing age only during the early part of the menstrual cycle?
- Is it feasible to take fewer x-rays or use different techniques when pregnant women are x-rayed? If so, would there be an unacceptable loss of diagnostic information?
- Could fetal shielding be used in some cases during x-rays without an unacceptable loss of diagnostic information?

Details—*Federal Register:* Dec. 15, 1975, page 58151. CONSUMER REGISTER: Oct. 15, 1975. Send comments to Division of Compliance, Bureau of Radiological Health (HFX–440), 5600 Fishers Lane, Rockville, MD 20852.

Beef grades

On Feb. 23, **Agriculture Dept.'s** new beef grading standards will go into effect, about 10 months after the previously scheduled effective date. (Legal problems delayed their enactment.)

The new standards will require that beef be graded for yield as well as quality. In addition, (1) shape of the animal's carcass will no longer be a factor in grading; & (2) slight reductions in marbling requirements (flecks of fat within the lean) will result in a slightly leaner beef qualifying for U.S. Prime & Choice.

Federal grading on beef is a voluntary program. Industry can offer beef for sale without being graded.

Details—*Federal Register:* Jan 16, page 2371; March 12, 1975, page 11535; Sept. 11, 1974, page 32743. CONSUMER REGISTER: March 15, 1975; Nov. 15, 1974.

Sleep aids

March 8 is deadline for comments on a report by an independent panel of scientists who reviewed for **Food & Drug Administration** (FDA) the ingredients in over-the-counter (OTC) daytime sedatives, nighttime sleep-aids & stimulants. This report is the fourth study FDA has reveiwed so far as part of the agency's review of all OTC drugs. The other 3 are antacids, antimicrobial (bacteria-killing) agents & laxatives.

Highlights of the report are:

- In the stimulant category, caffeine was the only ingredient the panel considered fully safe & effective. The recommended dose was about the same as the amount of caffeine found in a strong cup of coffee or tea.
- In the nighttime sleep-aid category, 6 antihistamines that are used need more study to see if they are suitable for persons "who need occasional aid in falling asleep."
- One prescription antihistamine—diphenhydramine—could be sold without a prescription if further studies show it is safe & effective. (This is the drug in Sominex II that FDA recalled late last year [CONSUMER NEWS; Dec. 15, 1975].)
- Other sedative ingredients used in nighttime sleep-aids, such as bromides & scopalamine, are unsafe because the effective dose differs little from the poisonous dose.
- In the daytime sedative category, 3 antihistamines need to be studied more. Other ingredients, including bromides & scopalamine, cause drowziness without calming the user.
- Most current labeling claims for these daytime sedatives should be prohibited. These claims include "calming down & relaxing," "gently soothe away the tension" & "nervous irritability."
- Claims for nighttime sleep-aids should be limited to statements such as "helps fall asleep" & "for relief of occasional sleeplessness."

Details—*Federal Register:* Dec. 8, 1975, page 57292. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Used cars

March 23 is deadline for comments on **Federal Trade Commission's** (FTC) proposal to require used car dealers to disclose information about the used cars they are trying to sell [CONSUMER NEWS: Jan. 15 for background & details on what the disclosure statement should contain].

Before a rule on used cars is adopted, FTC is interested in getting answers from consumers & others to questions that accompanied the proposed rule. Some of the questions are:

- Do used car dealers usually know who prior owners are—& how the car was used before the dealer bought it—such as: Was it used as a taxi? If so, do the dealers usually disclose this fact to the prospective buyer?
- If the dealer works on the used car before it is offered for resale, should the new buyer be told about this?
- To what extent are used car buyers presently misinformed by the terms of any warranty or service contract that accompanies the sale of the used car?
- Do dealers usually tell potential buyers about used car defects?
- Should prospective buyer be given a chance to get the used car inspected by the mechanic of his choice before he buys it? Would small dealers suffer if consumers had an opportunity for pre-purchase inspection? Do used car dealers presently discourage pre-purchase inspection by a buyer's mechanic?
- What would be the economic effect of the proposed rule on consumers & small business?

Details—*Federal Register:* Jan. 6, 1976, page 1089. CONSUMER NEWS: Jan. 15. Send comments to Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, DC 20580. Identify comments as "Used Motor Vehicle Comment."

Mortgage assistance

Housing & Urban Development Dept. (HUD) has issued final regulations to help low income consumers buy new or rehabilitated single-family houses & condominium units through mortgage subsidies. Regulations became effective Jan. 5 & were described in Nov. 1, 1975, issue of CONSUMER NEWS.

Details—*Federal Register:* Jan. 6, page 1168; Nov. 7, 1975, page 52216. CONSUMER NEWS: Nov. 1, 1975.

This listing, prepared by Marion Q. Ciaccio, is intended only as summary coverage of selected *Federal Register* items deemed of particular interest to consumers, & it does not affect the legal status or effect of any document required or authorized to be published pursuant to Section 5 of Federal Register Act as amended, 44 U.S.C. 1505. *Federal Register* is published Monday through Friday (except Federal Government holidays) by **Office of the Federal Register, National Archives & Records Service, General Services Administration.** Subscription is $5 a month or $50 a year & may be ordered from **Superintendent of Documents, Government Printing Office,** Washington, DC 20402. Superintendent also sells copies of *Federal Register* for 75¢ each. Free copies of *Federal Register* may be available in libraries.

For you

These forms are for you to use, if you wish, in commenting on any Federal Agency proposal summarized in CONSUMER REGISTER. Of course, if you cannot get your comments on the front & back of a form, feel free to continue your comments on additional paper.

Send comment forms to addresses listed in the summaries.

CONSUMER NEWS is publishing these forms in cooperation with **Food & Drug Administration** (FDA).

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

by (name of agency) _____

published in *Federal Register* on (date) _____ on (page) _____

_____

_____

_____

_____

_____

_____

_____

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

(over)

Rate Register

Phones

• On Jan. 19, **Federal Communications Commission** (FCC) allowed American Telephone & Telegraph Co. (AT&T) to increase its interstate phone rates (lease lines, Wats lines & long distance) by $225 million a year.

AT&T last increased its long distance rates in early March 1975 [RATE REGISTER: Feb. 1 & March 15, 1975].

No effective date for the increases has been set because AT&T has not yet filed specific rate schedules. These rates would earn a 9.5% rate of return, but FCC said "the company may subsequently increase its earnings to as high as 10%, provided this were achieved through increased efficiency & productivity & not through tariff changes."

Freight

• On Jan. 19, all but one (Southern Pacific) of the nation's main railroads asked **Interstate Commerce Commission** (ICC) to approve a 7% increase in freight rates beginning Feb. 18. The railroads say the increases would average only 4.7% because certain products are either not included in the increases at all or are included only in some areas. The products are tobacco products, liquor, cars & steel products.

The railroads said increases were necessary because of higher labor, fuel & materials costs.

Trains

• Beginning Feb. 15, Amtrak (National Railroad Passenger Corp.) will offer its Northeast Corridor passengers new excursion fares between most city pairs located between Boston & Washington. Rates, which will be 25% lower than regular coach fares, will be good for travel any day except

(Continued next page)

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

by (name of agency) _____

published in *Federal Register* on (date) _____ on (page) _____

_____

_____

_____

_____

_____

_____

_____

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

(over)

Clip this form, fill in blanks, write your comments & mail to agency noted in CONSUMER REGISTER item.

This is my opinion on (title of item in CONSUMER REGISTER) _____

by (name of agency) _____

published in *Federal Register* on (date) _____ on (page) _____

_____

_____

_____

_____

_____

_____

_____

Name _____ Date _____

Street _____

City _____ State _____ Zip _____

(over)

Rate Register

(continued)

between noon & 6 p.m. on Fridays & Sundays & must be used within 30 days after tickets are bought. Tickets may be used for coach travel on Amtrack's Amfleet & conventional trains, but not on Metroliners.

Mortgages

• **Housing & Urban Development Dept.** (HUD) has adopted a new policy for setting different maximum allowable interest rates for HUD/FHA-insured single-family (one to 4 units) & multi-family (5 or more units) mortgage loans.

Beginning Jan. 5, single-family mortgage loans will be lowered to 8.75% (from 9%). Rates for multi-family homes remain at 9%.

This is the first time HUD has had a "split rate" system, but HUD says split rates are appropriate because interest rates on single-family loans have declined recently, but interest rates on multi-family loans have not.

On a $30,000 mortgage over 30 years, the monthly payment is decreasing $5.40 as a result of the .25% reduction.

Veterans Administration, which insures GI loans for single-family homes only, has also adopted the 8.75% maximum interest rate, effective Jan. 5.

Planes

• **Civil Aeronautics board** (CAB) has rejected World Airways' proposal [RATE REGISTER: April 15, 1975] to provide regularly scheduled air service between the east & west coasts for $89 (plus tax & security surcharge). World Airways is a charter carrier, & CAB says it does not have authority to let a charter carrier provide regularly scheduled service.

• Eastern Airlines has asked **Civil Aeronautics Board** (CAB) for a temporary one-year subsidy of $120.6 million to cover the period from Feb. 1 to Jan. 31, 1977.

• United Airlines says it plans to ask **Civil Aeronautics Board** (CAB) for a 2% fare increase on all its routes in the contiguous 48 states beginning March 31. This increase would be in addition to UAL's request for a 1% increase in domestic air fares beginning Feb. 1. At the CONSUMER NEWS deadline, CAB had not acted on this proposal—or the other requests by other airlines for a 1% increase.