A LOOK AT CONSUMER INDEPENDENCE
THROUGH CONSUMER RIGHTS
Consumer Education and Protection

Betty Gaile Hickey
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Advisor: Dr. Audrey M. Finn
Home Economics Department

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Recommendation

I recommend this thesis for acceptance by the Honors Program of Ball State University for graduation with honors.

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Dr. Audrey M. Finn, Thesis Advisor  
Department of Home Economics
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INTRODUCTION

In times past life was simple and what a man needed, he himself provided. If it were food, clothing or shelter, he caught it, shot it, raised it, skinned it or built it. A man and his family consumed what they had produced and manufactured. But time relentlessly marches on and the man of yesteryear who lived the simple life would be thrown into a state of constant confusion were he to come upon the complicated scene in which today's man lives -- a scene created by the swift advancement of technology which has, in a sense, become the producer and manufacturer with only the role of consumer left to the individual.

Who is a consumer?

As our simple man looks around this complicated scene and sees his fellow beings racing from place to place like busy ants, he may well ask "Who are the consumers?" The answers that come back to him will be varied and many. Mrs. Homemaker and her factory-worker husband will each say, "I am a consumer." Mr. Businessman will say, "My customers are the consumers." The economist will answer, "The consumer is an important factor in the economy." (17:14) A manufacturer or distributor will affirm that he is a consumer. (6:1) From the scientist or technician comes, "The consumer is the beneficiary of our discoveries and experiments." An advertising agent may say, "Consumers are the unorganized
masses we try to influence with our persuasion." These answers are all different interpretations of a basic concept. Today's concept of a consumer is anyone who ultimately obtains, but did not produce, goods or services to satisfy his needs and wants. The true answer then would indicate that regardless of individual, professional, business or social roles in which a person finds himself, each has the role of consumer. The role of consumer, according to this concept, has existed in varying degrees for hundreds of years.

Background of consumer problems and solutions.

Living the role of consumer is no easy task, for problems seem to be the ever present link between the buyer and seller of goods and services. A classic example of this can be seen in the children's story "The Emperor's New Clothes." Our consumer emperor obviously had problems getting quality goods from the weavers whom he hired to make his robes. The point here is that the sellers took advantage of the buyer, a situation that remains in various forms today. The problem, of course, is that the emperor wanted to believe in the honesty of the merchants, as do all consumers, but when it became apparent that deceit was endangering health and safety, action had to be taken. The emperor, here the consumer, took matters into his own hands and punished the offenders which provides the moral of the story for the children. In actuality, it is more difficult for the individual consumer to obtain retribution or protection from a dishonest merchant. This type of action takes a more concentrated group effort, an activity the consumer has been slow in organizing.
The first decade of this twentieth century saw the first real results of group effort on behalf of consumer protection and safety. From the beginnings of our government, history books record the many forms of legislation enacted for the protection of the land, the protection of the businessman, big and small, and for the betterment and balance of the economy, but it took 130 years for consumer protection legislation to be enacted.

Crusades for consumer protection by law were carried on by individuals and small groups in the years just before and after the turn of the century. The objective of this activity was to eliminate the wide use of undesirable adulterants and preservatives used in the emerging food packing industries, as well as improve the existing unsanitary conditions there. Along this same line were campaigns against fraudulent and misleading claims of patent medicine. "The years immediately preceding the passage of the act were marked by great agitation for consumer protection. It was, in fact, dubbed an era of 'muckraking' in which the press took up cudgels strongly for the consumer." (17:6) One of the main targets was the meat-packing industry, and they objected to any proposal of regulation quite strongly. "They could not, however, withstand the force of public indignation aroused by Upton Sinclair's shocking novel of Chicago's meat-packing industry, The Jungle, published in 1906." (7:656) Within a few months, the first federal meat inspection law was passed. By the end of 1906, the Pure Food and Drugs Act became law.

Admittedly these two pieces of legislation did not entirely do away with all the undesirable practices in the food and drug industries, but they did open
the door to more stringent laws in later years. By passing these two acts the federal government acknowledged its responsibility to protect the health and safety of its consumer citizens.

Consumer education.

One of the necessary ingredients in the early consumer protection movement was education of the masses. This chore was accomplished most effectively by the press through its searing exposés of the offending industries. Once educated and informed, the masses moved to demand and get the protection they needed. This points up the value of educating the consumer to bring about his awareness of a situation. The value of education takes on a greater importance today when the consumer is surrounded by a myriad of items, all asking to be consumed. Governmental agencies at all levels, as well as business and private groups organized for the purpose of informing and educating the consumer, are a by-product of this age of abundance. When confronted with such an array of goods as is available today, the conscientious consumer knows he needs more knowledge to make wise decisions, and that information can be as near as his telephone, mailbox or local newsstand.

When one is told it is raining, he will don a raincoat before going out, so it is that education and protection go hand in hand. But, suppose it is dark and one is not told it is raining. He steps out into the cloudburst and returns drenched, demanding that something be done for his protection, such as being told of the existing condition or the installation of a light so that he may see the situation
and protect himself accordingly. Once again protection follows close on the heels of education. In the case of consumers, like a small child, protection is often necessary long before education can be accomplished. Because of the many new scientific discoveries and scientific processes in use today, the consumer would not know how to use, much less understand, much of the technical information available about the products he uses. For this reason he needs protection in the form of national standards and acceptable qualities, usually policed by representatives and agencies of the federal government as well as by applicable laws.

Then, too, because of lack of education or understanding, many a naïve consumer needs protection from that sector of merchants who would use any means of separating the worker from his hard earned money. Governmental as well as business groups are well aware of the consumer's need for protection in this area and have put into force some of the necessary laws or volunteer policies. A strong, loud, publicized, individual complaint can at times bring about suitable action.

Consumer protection.

Even before the beginning of this twentieth century, there were those individuals who recognized some of the problems facing the consumer. Also recognized was the need for some sort of organization to work on the behalf of the consumer. The first such group was gathered for the purpose of obtaining better working conditions for the laboring force. But, with the passage of time, the need for safe products, honest service and more recently, lower prices have become the forces behind consumer group organization. In the past it was found that federal and state laws were the most effective and dependable means of obtaining
protection for the consumer. Mass education and public awareness were, and still are, accomplished by the press in the form of newspaper and magazine articles and books. Once the consumer becomes aware of what is going on around him, he presses for legislative action, on both federal and state levels, to control or protect him from detrimental business practices.

A thorough revision of the early Pure Food and Drugs Act, closing many of the loopholes, came in 1938 as the new Food, Drug and Cosmetic Act. Another piece of legislation aimed at control of false or misleading advertising was the Wheeler-Lea Act which gave the policing job to the Federal Trade Commission. Other commissions and agencies have been instituted to administer and enforce the provisions of consumer related Federal laws which, by nature, regulate only interstate commerce. Most states now have consumer related laws patterned after the federal acts, which regulate intra-state commerce. Some local communities also have ordinances which exert a certain amount of control over consumer related business activity.

Results of consumer awareness.

The trend in legislation today leans more toward requiring practices that will help the consumer choose how to spend his money wisely, than the outright protection sought in the beginning. Many business interests have swung from the "Buyer Beware" policy more toward "The Consumer is King" attitude and have established various types of education and buying aid programs. The greatest factor bringing about this change is the enormous number of products
on the market today. Campaigns to help the consumer discern the quality of an individual product from among many of the same type are in progress today.

Legislation most recently enacted concerning 'truth in lending' and 'truth in packaging' are examples of required practices that give the consumer information so he can make educated decisions. One state has surged ahead and passed a unit pricing law aimed at helping the supermarket shopper decide which package gives the most quantity for the least amount of money.

The consumer has found his voice and is learning how to use it to his advantage. Consumers have obtained protection along with education and have made their importance felt at all levels of our economy. Like our own United States, consumers are working toward a form of independence, undergirded by a "declaration of rights" set forth by the late President Kennedy in March of 1962 and reinforced by President Nixon's "buyer's rights" in October of 1969.
CONSUMER RIGHTS

The concept of consumer rights was first made an important issue by the late President Kennedy in a message to Congress on March 15, 1962. With this message history was made, a precedent was set, as J. F. K. was the first president to send a message specifically devoted to the American consumer and his state of affairs. In this message he set forth what he called a "declaration of rights" for consumers in a free society. (18:20) President Johnson, during his term in office, picked up the theme and in his consumer message he called for certain "truth" legislation in a primary attempt to secure the rights set forth by his predecessor. On October 30, 1969, President Nixon sent his Consumer message to Congress; a message once again on consumer rights and protection. In this message he commented on the development of American Consumerism and restated consumer rights calling them "buyer's rights" and presenting them as a "Buyer's Bill of Rights." (31:1) Following are listed President Kennedy's "Declaration of Rights" and President Nixon's restated "Buyer's Bill of Rights" which are now accepted as Consumer Rights.

Declaration of Rights

1. The right to safety - to be protected against the marketing of goods that are hazardous to health or life.

2. The right to be informed - to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labeling, and other practices, and to be given the facts needed to make informed choices.
3. The right to choose - to be assured, wherever possible, access to a variety of products and services at competitive prices. And in those industries in which competition is not workable and government regulation is substituted, there should be assurance of satisfactory quality and service at fair prices.

4. The right to be heard - to be assured that consumer interests will receive full and sympathetic consideration in the formulation of government policy, and fair expeditious treatment in its administrative tribunals.

(House of Representatives Document #364, 87th Congress, 2d session.)

Buyer’s Bill of Rights

1. I believe that the buyer in America today has the right to make an intelligent choice among products and services.

2. The buyer has the right to accurate information on which to make his free choice.

3. The buyer has the right to expect that his health and safety are taken into account by those who seek his patronage.

4. The buyer has the right to register his dissatisfaction, and have his complaint heard and weighed, when his interests are badly served.

(House of Representatives Document #91-188, 91st Congress, 1st session)

The procuring and exercising of these Consumer Rights are the framework for discussion in this paper.
CONSUMER EDUCATION

Consumer education is an absolute necessity for consumer independence in this age of product and service abundance. When the United States was a very young nation, the leaders knew that education for its citizens was an essential need. The resulting free public school system was instituted so that a young person would have acquired a certain amount of basic learning so that when the time came for him to vote, he would be knowledgable enough to make wise choices at the polls. By so doing, this democratic form of government would be continued. This same theory hold true for the consumer. A free public marketplace education should provide enough information for the consumer to make wise product choices at the supermarket. So, we say again, consumer education is an absolute necessity; for educated consumers can be independent consumers. This, then, is a Consumer Right; the right to be informed, to have accurate information. Upon attainment of this right, the consumer can then assert his right of choice since education will enable him to choose intelligently from among the products available.

This education is not required, it is not forced on anyone, but as one author puts it "The consumer, if he wishes to protect his health, his pocketbook, his pride, and his energy, must educate himself." (4:8) As it true with most other types of education, consumer education starts in the home. Mrs. Homemaker is well aware of her need to protect those facets of family life just mentioned, particularly when she does her supermarket shopping. By the quality of food she
chooses, Mrs. Homemaker protects her family's health. By being frugal and objective in the grocery, she conserves the contents of the family pocketbook. Her pride is given a boost when she feels she has gotten a bargain and her energy is protected when she saves it by not having to spend hours in choosing quality foods, figuring the cents saved on a bargain or running from store to store for the lowest prices. Education is therefore necessary for protection.

Consumer self-education takes many forms. One form of education is the trial and error method. When there were only two or three brands of peaches or peas on the grocer's shelf from which to choose, this method worked fine. But, as the number of different brands and different items grew, the trial and error method of self-education became out-moded as well as costly.

The supermarkets today can boast of some 8,000 items on their shelves, with nearly that many different ways of packaging and labeling them. Under these circumstances, on one person can, by herself, study each product to obtain information on which to base a buying decision. If this is true for the supermarket, it is also true for the rest of the business community. Products and services are so numerous and plentiful that Mrs. Homemaker must turn to outside sources for information and education if she is to get the most in quality and quantity for money spent.

What outside sources can Mrs. Homemaker consult to increase her fund of knowledge? Close at hand is her newspaper, television set or radio, and also her favorite magazine. In print and over the air-ways come advertisements and commercials by the hundreds giving out all kinds of "free" information on the products available for her to purchase.
Sources of Information

At this point it must be acknowledged that the advertising business as such has come under much attack from government and citizens alike for the tactics they employ. As stated by Bishop and Hubbard in their book *Let The Seller Beware*, "it is next to impossible to fix the precise time when advertising ceased to be a means of spreading real detail about products and become a force of persuasion." (2:109) An example of some practices widely used in advertising which the consumer should be aware of is mentioned by Sidney Margoluis. "Mass TV promotion also has fostered a new kind of half-truthful advertising--advertising by omission... it omits certain pertinent facts." (11:17) This type of commercial is within the law as the facts that are given are truthful. Margoluis concludes "Advertising is not likely to become any more informative under present circumstances for at least one compelling reason--the similarity of many competing products." (11:21) As persuasive and deceptive as advertising may be, there is some information and education to be gained from it.

From advertising alone, Mrs. Homemaker is informed of the new products as they come on the market. Some of the basic information tells whether it is a new cereal, laundry product, snack food or quick fix dinner. She has learned where in the supermarket to look, the dairy case, the frozen food aisle or with the canned and boxed items on the shelf. If the product advertised is not new but a change in the existing item, such as a brand of aluminum foil now quilted or just a change in the style or size of the package, this is helpful information. As for printed advertisements, the most common reoccurring ones are the weekly supermarket ads. These are probably the most informative since Mrs. Homemaker
can tell what items are featured that week and how much they cost before she leaves her house. This type of advertising perhaps seems elementary, but for too many shoppers, this is about all the information they care to get. This much at least gives some basis on which to exercise their Consumer Right of choice.

The local newspaper as well as many regional and national magazines have regular columns or occasional articles providing information on the nutritive quality of certain foods. Often these articles tell the best time of year to look for sales in the frozen foods and canned foods departments as well as seasonal "best buys" in the meat and produce departments.

Another method by which information for education can be obtained is through private testing organizations. Although individual companies maintain their own testing laboratories, the information they provide is naturally biased. The Consumers Union and Consumer Research are two consumer financed organizations which test national brand products and rate their reliability according to the test results. Those results are published monthly and the consumer can usually buy a copy at the newsstand. The more widely distributed "Consumers Reports" is published by Consumers Union. By putting forth a little effort, the consumer has available information that is useful for comparison of products before purchase.

Certain departments of the federal government make available all kinds of information merely on request or for a nominal fee. The Department of Agriculture through its Institute of Home Economics provides a major portion of educational and informational literature concerning foods, their grading, when to buy and how to prepare. The Food and Drug Administration as well as the
Federal Trade Commission also have available on request a certain amount of information on food packaging and labeling, along with other types of product information. With the number and types of supermarket products growing each day, Mrs. Homemaker will have to consult many varied sources of information if she wishes to exert her right to be informed and become an educated, independent consumer.

Consumer problems stemming from lack of knowledge.

Bishop and Hubbard explain that "consumerism" was first a term applied to Ralph Nader's crusade for consumer protection and the activities of others toward obtaining this type of legislation. (2:xi) At this time "consumerism" is a broader term and has a connotation of consumer revolt against the time honored practices of the marketplace. Education has served as nourishment for this revolt but self-education in the "art of consumerism" does not take place rapidly.

Like social custom or personal habits which are slow in changing, an attitude of consumerism is slow in building. Many consumers of the 60's and 70's still have consumer attitudes much like those of the 20's and 30's. Not that citizens are unaware of their expanding role of consumer, in fact most are delighted with it, but their attitudes toward merchant honesty and merchandise quality have been handed down from generation to generation like a heritage. These cherished attitudes are gradually being replaced by the "art of consumerism," as education brings the realization that quality and reliability in the marketplace are deteriorating.
"Ignorance is bliss" as the saying goes, therefore, as the consumer is educated his blissful state is disrupted. From one point of view this could be considered progress and progress brings change. Problems are a natural result of change, or a lack of it, both of which are seen in the life of the American consumer. Modern technology has quickly changed products, but consumer buying attitudes have not changed as fast. Although she is trying, lack of information and education or misinterpretation of available information has brought many problems to the consumer as she begins to exercise her right of choice.

Last week Mrs. Homemaker launched her marketing trip, confident she had armed herself with sufficient information to guide her choice of products. Pushing her cart cheerfully down the aisles, determined not to be persuaded by the brightly colored containers, she stops to inspect a package of steak. Now she can see only one side of the meat but it looks good, not too much fat and a relatively small bone, so she calculates this is an economical purchase. Into the basket goes the steak and off goes Mrs. Homemaker to the canned goods aisle. Here the sliced peaches are inspected. The can says 5 to 6 servings and the picture on the label shows four or five slices in a dish. This apparently serves her purpose as it, too, gets a ride in the cart. Up and down each aisle, reading, inspecting and calculating, Mrs. Homemaker shops, feeling very smug about finally being able to choose objectively. Using her education and scrutinizing each item has taken more time than she allotted so now she must hurry. In her haste she grabs a box of cookies for the children, same brand and same size box as usual, and scurries to the checkout.
She has been so careful, surely she has gotten her money's worth, or has she? What happens when she gets home and begins to use those carefully chosen items? That box of cookies for instance, same reliable box and brand as always. Mrs. Homemaker's sharp eye noted that the price was the same as it was rung up so there was no need to inspect the box, besides she had been rushed. When she takes it off her shelf she will surely see that this box now gives her only 14 oz. instead of the full pound she used to get. If she takes the time to look closely at the box, maybe she will think twice before buying it again.

Those peaches for dessert; five to six servings and the picture showed at least four slices in the dish. When opened, she found the can contained only enough for three slices in five dishes or two and a half slices in six. That's not exactly what Mrs. Homemaker had interpreted the information on the can to mean. The prepackaged steak she bought was fresh and had a delicious flavor, but she had not counted on that bone being twice as large on the side she could not see. She was a bit unhappy to have to serve those smaller portions. This week she may decide to pick a cut of meat not already packaged so she can see both sides before she buys.

Mrs. Homemaker really tried to get her money's worth but she did not know about the size of the bone in the steak. Either the information on the can of peaches was misrepresented or she misinterpreted it. Did this can infringe on her right to be informed? All the proper information was on that box of cookies but she failed to read it. Not exercising ones rights can be costly.

Experiences like this change attitudes, and slowly but steadily feed the
strengthening consumer revolt. Tomorrow Mrs. Homemaker may likely begin to practice the "art of consumerism." Experiences like this also point out the need to more fully exercise all of one's Consumer Rights.

New Thoughts on Consumer Education

Up to this point our discussion has been focused on a "marketplace education" for the consumer with emphasis on the area of supermarket shopping. But, since our way of life has changed from the small society of the producer family to the larger consumer community, methods of education are also changing to meet the needs of the individuals who are part of this community.

Teaching community members how to spend their money wisely to obtain the essentials of life is but one phase of consumer education. Concentration on this phase of community life may have given the impression that one is a consumer only when he makes an outright purchase of goods or services, an attitude held since the barter system gave way to the monetary system. A quick survey of community living will show that this attitude is as out-dated as the barter system. Today's consumer enjoys many goods and services for which he does not directly pay. Under these circumstances, consumer education should prepare an individual for total consumer community living in all its phases. Teaching consumer rights, responsibilities, and roles in society are necessary phases of consumer education, as well as teaching how to spend the money earned.

An important step in education is review. With review comes evaluation. In reviewing consumer education, much emphasis has been placed on the adult
consumer and adult forms of education. But, the role of consumer is not limited to "Adults only." One needs only to watch Saturday morning television, wander through the toy or record section of the local department store or check the size of the customers at the candy shelf of the neighborhood grocery to see that the role of consumer is being assumed at a progressively younger age.

One college textbook explains "A growing factor in the American economy is the influence of the teen-age consumer, both as earner and spender," and goes on to say, "Their consumer role is a new aspect of their behavior as social beings." (14:250) We can not rationally say that consuming begins with the teen years for it starts at yet an earlier age. The toddler who rides the grocery cart seat is learning her role as she reaches for that special box of cereal, or pulls into the cart a sack of potato chips or a bag of cookies while mother is choosing another item. If the role of consumer is being assumed at an early age, then education for that role will have to begin early. This situation was acknowledged in the not too distant past but only now is beginning to be widely endorsed. This surge to educate youth for their role as consumer is not a totally new concept. At least one Consumer textbook for high school level, published in 1943, admonishes its readers not to "sit back and let information come to them as best it may," but to "make it their business to learn all they can about getting the most for their money." (6:6) In 1971, this is still sound advice, but not quite appropriate for the seven-year-old who goes to the neighborhood grocery for her mother and is allowed to spend the few pennies change as reward for the errand.

Upon evaluation of present levels of consumer training, by education experts, it was concluded that consumer education in its simplest form could
be incorporated into the public school curriculum. Since this approach is so new, the U. S. Government seemed the agency most able to gather the experts and eventually categorize and print their suggestions. In November, 1970, the booklet, Suggested Guidelines for Consumer Education - kindergarten through twelfth grade was published, with the President's Committee on Consumer Interests, Virginia Knauer, chairman, as author-editor. In the foreword of this booklet, Mrs. Knauer sets the tone as she says,

A vital part of the reform we all seek must be the inclusion of Consumer Education at every level of the educational process. Every effort should be made to help our young citizens become alert, responsive, and responsible consumers.

The information in this booklet is aimed at educators of all levels from the Superintendent of Schools to the kindergarten teacher. Its purpose is stated in its title, to suggest guidelines that will help curriculum planners integrate consumer education into their individual educational system. General education is a broad, ever-growing, on-going activity and by today's standards so is consumer education. As has been noted previously, no one person can know all there is to know about each and every product available for consumption and consumer education in the school system is not designed for these purposes.

The purposes of consumer education are to help each student evolve his own value system, develop a sound decision-making procedure based upon his values, evaluate alternatives in the marketplace and get the best buys for his money, understand his rights and responsibilities as a consumer in our society, and fulfill his role in directing a free enterprise system. (33:2)

The guideline suggestions in this booklet are not based on discussion of economic theory; after all, what five-year-old can understand economics,
much less comprehend abstract theory. These suggestions are based on actual everyday consumer problems in which the students are involved. An example of how children in grades K - 3 might be introduced to a suggested "sharing cost" lesson in the "Consumer As A Member of Society" area, is planning a trip to the fire station. This is a natural activity for children in these grades for in their eyes nothing could be more exciting than to ride a shiny red fire truck and push the siren button. Asking questions about the equipment on the truck will not have to be prompted but when consumer education is the underlying purpose for the visit, the teacher will "Encourage them to consider questions such as:"

'isn't it expensive to send a fire truck out on a false alarm?' and 'Who pays the firemen?' Gradually, [she will] develop the idea that everyone pays for this service." (33:25)

In this same area, grades 4 - 6 could be directed in activities which help them see what other community services are provided by taxes paid. Grades 7 - 9 can be directed toward seeing how they themselves pay taxes and grades 10 - 12 can have the opportunity of discussing tax forms and why there may be a need to increase taxes. (33:25) Three other content areas are outlined; The Consumer as an Individual, The Consumer's Alternatives in the Marketplace and The Consumer's Rights and Responsibilities.

These are only initial guidelines. Which guidelines to use, how to work up a curriculum and at which level to inaugurate such a program are decisions left to the individual state educational systems. Deciding who should teach consumer education was a decision not left to the states. The U. S. Congress, in 1968, passed an "Amendment" to its "Vocational Educational Act of 1963" which included a section that mentioned consumers for the first time and gave
consumer education responsibility to the Home Economist. For a number of years, the Institute of Home Economics in the U. S. Department of Agriculture has been providing small amounts of educational information for consumers, but the area range has been very narrow. This information has been available on direct request or from each state's Land Grant College through its County Extension Agents. With the passage of the 1968 "Vocational Education Amendment," consumer education could now come through the Home Economist in the public schools.

At this writing, little information is available on how each state plans to use these Consumer Education Guidelines, although Indiana seems to have taken a giant step forward in this area. Vocational Home Economics personnel in the Indiana State Department of Public Instruction worked with an advisory committee along with a number of workshop groups on this special curriculum project. The 1968 authorization brought a large number of professional educators - both men and women, interested civic groups and individuals together to spend uncounted hours in study, research and conference. The product of this great undertaking was a "Consumer Education 'Box'" prepared for ninth grade level, containing material for a one-semester class in consumer buying. In the Fall of 1970, this pilot program was instituted in 22 schools scattered over the state of Indiana. Both boys and girls found themselves studying Consumer Education, and receiving one credit for participating in this special class under the direction of the Home Economics teacher. Results of this pilot program were so gratifying that work on the special curriculum project continued and a full-fledged program was developed. The Fall semester of the 1971-1972 school year will find all
ninth grade home economics students taking a Consumer Education Foundations class in which they will have lessons dealing with the decisions a consumer must make in her everyday experiences.

The concept of this course is still so new that Indiana Home Economics teachers will not have all materials needed on which to plan their lessons until the middle of August, 1971. Indications are that the material will include various levels of most lessons, adaptable to each class situation and yet allowing the flexibility important to creative teaching. The introductory unit, titled, "Youth as Consumers" reminds the teacher "The demands on youth made by society mandate that educational experiences must be efficient and effective. Learning must be designed so that it can be transferred to as many situations as possible with optimum use of instructional time." In a further explanation of the course it states, "This semester course dealing with the foundations of consumer education is introduced at the entry level of the high school consumer and homemaking education program. It is designed to serve as a core or as a foundation from which learning can be transferred to other subjects--and to life itself." (From Working Papers of Indiana Home Economics Conceptual Framework for Consumer Education Foundations.)

Many states are watching closely for they are eager to follow the pattern set by Indiana in formulating a workable consumer education curriculum. Full scale public school consumer education will soon be replacing 'public market-place education' and the consumers of tomorrow will be well on their way to the consumer independence implied in the Consumer "Bill of Rights."
CONSUMER PROTECTION

The Right to Safety and Information

As stated earlier, consumer education and protection go hand in hand, working together. The hand of education positions a lamp of knowledge near an open book of information, lighting the pathway to consumer independence. Meanwhile the hand of protection, clutching a quarterstaff of laws and regulations, in order to assure the right to safety, attempts to restrain the crafty and deceitful merchant who would take advantage of the slowly learning consumer. But, the technology of today has become a forest in which the predator may be concealed, so protection is needed before education can be accomplished. The hand of protection must then take its staff and search the forest, pinioning the bird and shackling the beast so they may not easily harm the peacefully unaware consumer, again insuring his right to safety.

Situations in which protection is needed.

In an interview with this writer on April 12, 1971, Congressman David Dennis, Republican from Indiana, stated, "No amount of legislation can fully protect an individual, for if a person is bent on spending his money unwisely he will do so regardless of laws existing to protect him." Legislative protection is not all-powerful for there are loop-holes in every law. The great number of
laws along with their technical wording prohibit the consumer from having little more than a scanty knowledge of the protection available to him. This lack of knowledge on the part of the consumer concerning acceptable versus dishonest business practices, actual product content or performance, as well as existing legal protection spawns and generates innumerable situations in which at least some degree of protection is needed.

Problems from lack of knowledge.

Dr. Harvey W. Wiley, a crusader for consumer protection at the turn of the century and "hero of the Pure Food and Drug Act," found his "chief obstacles were ignorance, indifference, and industry." (2:30) In the decade prior to the consumer protection legislation of 1906, citizens were buying and consuming meat preserved with formaldehyde and processed green vegetables treated with copper sulphate. They were also experiencing a slightly higher rate of kidney trouble, but "Kidney trouble was passed off as one of the risks of living; no one sensed that the job of purging the daily doses of preservatives might be overtaxing the organs." (2:29) Thus industry's desire for profit, but more importantly, consumer ills stemming from ignorance of product content brought about a situation that called for and received a certain degree of consumer protection.

Doctor Wiley's obstacles are still with us today. Gerald Leinwand, editor of The Consumer, a volume from the series Problems of American Society, describes the situation quite well when he says,
If it is true that knowledge is power, then 'King Consumer' is powerless indeed. For the most part, the consumer is ignorant of how things are made and of what to look for when he shops. (9:21)

Today's consumer may best be described as bewildered. He has before him a vast array of goods and services from which to choose, but he is almost powerless to choose wisely. He probably has too many decisions to make and so cannot spend too long on each. His wants are many . . . . These are some of the problems of the consumer. (9:24)

Misrepresentation or Misinterpretation?

Consumer problems and protection needs are compounded by deliberate, or on occasion, unintentional misrepresentation by the seller. Stacks of books, pamphlets, and articles have been written and published for the purpose of calling the consumer's attention to the schemes and traps perpetrated by seller's or promoter's deliberate misrepresentation. Beyond the supermarket, these schemes include "Bait and Switch" advertising, itinerate door-to-door salesmen, installment contracts with hidden costs, and outrageously high credit interest rates which are never truthfully quoted, to name a few. The interest rate situation has been largely brought under control by the Truth-in-Lending Law and Uniform Credit Codes. Within the supermarket, misrepresentation is much more subtle.

Pricing, packaging and grading are areas where misrepresentation (or perhaps the merchant would prefer to call it misinterpretation on the part of the customer) frequently occurs. A display of canned goods marked "Special Sale - 4 for $1.00" when the everyday price of the item has been 25c per can. Logic will tell Mrs. Homemaker that this is no "Special Sale." Or, again an
item which regularly sold for 19c each is tagged, "Stock Up At This Low Price of 2 for 39c." Another favorite pricing practice in the supermarket is to raise the regular price of an item by three to seven cents for several consecutive weeks and then print a store coupon giving three to seven cents off on the purchase of that same item.

Close on the heels of misrepresented pricing is 'slightly' deceptive packaging. One scheme was encountered earlier when Mrs. Homemaker bought her box of cookies. The weight of the contents had been reduced but the size of the box remained unchanged. Another practice along this line occurs when several different manufacturers of the same product use the same size box but the net content weight of each is slightly different. The price in this case may or may not vary by one to two cents. Mrs. Homemaker has been so thoroughly conditioned to believe that alike items in identical size boxes contain identical amounts that she doesn't bother to read the information printed on the label. Another cute little practice is that of printing "Large," "Economy," "Family," "Jumbo" or "Giant" size in big, bold letters on the front of the container while the actual net content is printed in small figures near the bottom of the back of the container. Mrs. Homemaker has no way of judging which is truly the largest or most economical size, for the price range is seldom correlated to the container size change.

Comparing grades of both fresh and processed foods is also a difficult task for poor Mrs. Homemaker. Many chain stores label their own brands and give them a grade according to their own standards. Mrs. Homemaker has no way of knowing how close the "Happy Valley" brand, Grade "A" compares with
the U.S.D.A. grading of the same product. The United States Department of Agriculture itself is none too clear on its system of grading food products. For example, first grade apples are "U.S. Extra Fancy," first grade peaches are "U.S. Fancy," while first grade watermelons are "U.S. No. 1." (3:210) This mixed up system of grading is enough to confuse even the most sophisticated consumer. One hesitates to consider how it might be interpreted by a poorly educated consumer shopping in a ghetto market.

Training herself to read each and every label closely is at best time consuming, but it does afford Mrs. Homemaker some amount of protection. Complaining to the supermarket manager may help some in the multiple pricing deal, but, complaining to him about the 'slightly' deceptive packaging practices would be like blaming the newspaper delivery boy for all the unpleasant news in the paper. The newsboy only delivers the paper, he doesn't decide what's printed in it. So with the supermarket manager, he only stocks the item on his shelf, he has no part in deciding how it is packaged. Mrs. Homemaker-Consumer will have to exercise one of those cherished consumer rights and make herself heard. She will have to complain loud and long and to the right people. Even then changes and sufficient regulation or protection will be slow in appearing.

The book, Thumb On The Scale by A. Q. Mowbray so aptly relates how difficult those obstacles of ignorance, indifference, and especially industry are to overcome, as he tells of the problems encountered in getting a "truth-in-packaging" bill passed by Congress. Each step may be small but it is one more step toward achieving consumer protection and independence and procuring full consumer rights.
Problems of Lower Socioeconomic Consumers.

Shopping in a ghetto grocery store is a world unknown to the upper-middle class, suburban homemaker who buys her food supplies in the shiny, new chain supermarket at the shopping center. If Mrs. Suburban Homemaker feels she is not getting a good buy on some items at that new supermarket, she just drives her station wagon over to another little shopping center. The independent supermarket there has had a few specials she wants to pick up anyway. This type of shopping is almost unknown in the depressed areas of New York, Detroit, Chicago, or Los Angeles.

"There are very few supermarkets in the urban ghettos... [and] unlike suburban shoppers, who have a choice of five or six supermarkets within easy reach, ghetto residents are lucky if they can find one." (3:119) These residents are also seldom able to travel by foot or public conveyance to where the large supermarkets are located. Most of their shopping is done in small neighborhood groceries known as "mom and pop" stores. Since the volume of business is smaller, these stores cannot buy in quantity so their prices must be proportionately higher. Added on to this is their higher operating cost because of their location. These conditions mean that ghetto food prices are from 2-1/2 per cent to as much as 27 per cent higher than the supermarkets in other parts of the city. (3:120)

The next problem is the variety and size of products available to the ghetto consumer. Stores are small so the variety of brands are limited, usually a national advertised brand and one or two little known brands. Another practice peculiar to low income neighborhood stores is that of stocking "only the very
small or the very large sizes of common items." (9:111) One such store in Trenton, N. J. had bacon available only in half-pound packages but the price was the same as that charged for pound packages elsewhere. (9:110) Other retailing practices include pricing regularly bought items or those bought in quantity, such as peanut butter, spaghetti or pork and beans, two to five cents higher than would be expected. (9:115) Then, too, an extra penny may be added to the price of all items to cover the shoplifting that takes place. This side of the card looks very depressing and one might think that the store merchant is fully responsible for the problems of the ghetto shopper, but let's take a look at the other side of the card; the habits and practices of the shoppers themselves.

In the big city slums ethnic loyalty is strong and Mexicans or Puerto Ricans patronize certain stores simply because Spanish is spoken there. If the shopper is poorly educated (many of them are) and does not read well or if she does not understand English, she just doesn't bother to read the labels to see if she is getting a good buy. These area residents buy food one meal at a time as income permits or "splurge twice a month when the relief checks come." (3:121) They buy nationally advertised brands rather than the lower priced, but less well known brands. Frequently children do the shopping while their mothers work and a child is less aware of price and quality differences. For one reason or another the ghetto consumer has become a 'captive market' for the ghetto merchant.

While it may be true that depressed area residents are "ineffective shoppers because of their limited education and unfamiliarity with practices like comparison shopping," (9:117) they are the ones who are least able to afford the
higher prices. They are the poor and the elderly, they are the uneducated and unemployed. Attitudes toward the plight of the poor will have to change for "Poor citizens in general will continue to be handicapped in the marketplace until they are provided with the income and education to enable them to change their shopping habits." (3:127) Adequate protection for this group's meager finances can not easily be legislated. It would seem that the best protection for the ghetto consumer would be consumer education including a 'crash course' in learning how to shop wisely and economically. Thus armed, the ghetto homemaker can better fight the war on poverty.

Legal Protection.

Although it is agreed that consumer education accompanied by use of acquired knowledge is one of the best forms of protection, this form is not equally available to all classes of consumers. It has also been established that legal action must be taken to assure protection of consumer health, safety and finances. What then has government, at Federal and State levels, done to protect the consumer?

Consumer Protection Laws and Their Results.

Within the first half of this century, 50 years, only six pieces of Federal legislation were enacted related to protecting and informing the consumer. Of these six, only three were actually consumer inspired; the Pure Food and Drugs Act of 1906, as well as its up-dated revision in the Federal Food, Drug,
and Cosmetic Act of 1938, and the Meat Inspection Act of 1907. The remaining three acts give the surface impression of being for the benefit of the consumer but they were primarily for the benefit of the businessman. The activity of the Federal Trade Commission, set up in 1914, is to police methods of competition in interstate commerce, decide which ones are "unfair," prohibit their use, and to institute proceedings against offenders if it would be for public interest. The public, of course, is composed of both businessmen and consumers. The provisions of the Federal Trade Commission were amended in 1938 by the Wheeler-Lea Act to include "false advertising." False advertising just might give one product an advantage over another with a sideline of deceiving the consumer. Although the Wool Products Labeling Act of 1939 did provide the consumer with more truthful information, it also served to protect the wool industry against advantageous, deceptive practices of those within and related to the industry. (30)

In the decade following the mid-century point, both industry and the consumer began to be more aware of the protection possible through Federal legislation. Poultry was added to the list of U.S. inspected meats, and the fur and textile products industries followed the lead of the wool industry in obtaining truthful labeling and identification laws. The interest of the consumer was truly served in the Flammable Fabrics Act of 1953, which prohibited manufacture or sale of dangerously flammable wearing apparel. With the first regulation on car dealers in 1958, five consumer related laws came into being during the 50's, making a grand total of eleven Federal acts in 60 years. (30)
The dawning of the decade of the 60's saw consumer revolt on the rise and a growing demand by the unorganized masses for true consumer-minded legal protection. Because of differences in governmental structure and needs of a state, the consumer had no uniform degree of protection from state to state. This is still true for some areas of business activity, as Federal law governs only interstate commerce. Realizing the need for consumer protection in both inter-state and intrastate products, the Federal government began requiring each state to bring its meat and poultry inspection standards up to that set by Federal law, or have Federal inspection imposed upon them. Indiana also has regulations concerning the wholesomeness and inspection of eggs, milk and milk products.\(^{(35)}\) Since these items along with meat stay mainly within a state, it might be expected that other states have requirements similar or comparable to those of Indiana. Most other food products are so widely distributed that they meet the Federal regulation standards and little if any state legislation is required.

Legislative activity became quite intense during the period of the 60's, giving birth to at least thirteen Federal protection and information acts; more than had been established in the preceding six decades. Most of these new laws were designed for specific consumer protection. Industry, regardless of its protest, was now being required to consider the safety of the consumer. Labels had to indicate the dangers associated with the use of a product, precautions that should be taken and actions necessary if the product was misused. Safety in children's toys became a requirement and a National Commission on Product Safety was created to see if the regulations now in effect are adequate enough to "protect
consumers from unreasonable risk of injuries." (30:12) Presently the American consumer enjoys a good degree of protection in areas where only the State or Federal government is in a position to protect them.

The need for laws requiring tangible objects to be safe or labels on these objects to give specific kinds of information can be logically understood by producer and consumer alike. This is protection in an area where the buyer has no way of knowing what protection he needs before he buys. What about protection after the purchase? President Nixon in his Consumer Message to Congress on October 30, 1969, said, "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, the damage suffered by any one consumer would not ordinarily be great enough to warrant costly, individual litigation. One would probably not go through a lengthy court proceeding, for example, merely to recover the cost of a household appliance." (31:4) The President called for a bill which would allow a group of individuals to bring suit against a company for damages suffered in what is considered "class action."

Such a bill titled Consumer Protection Act – S. 3201, was introduced in the Senate on December 3, 1969, but as of October 5, 1970, no vote had yet been taken. (34:12) The State of Indiana included 'class action' provisions in its "Deceptive Consumer Sales Act – Senate Bill 252" on January 21, 1971, during its biennial legislative session, but it has not yet gone into effect.

In December, 1969, the Washington lawmakers received a bill which would establish a Consumer Protection Agency. The purpose of this agency would
be "to provide that State consumer protection plans contain safeguards to insure that the agency designated will effectively represent the consumer. To declare congressional intent to preserve the right of consumers and consumer groups to participate in Federal agency and court proceedings." (34:9) A year after its introduction, no positive action had been taken. These laws would provide some measure of power to and for the consumer but congressional action is painfully slow. One could not even guess when or if such provisions will become legal.

The laws and proposals discussed here are but a few of the major efforts made for consumer protection. There are still hundreds more which are sections of, or amendments to, well established laws. How can Mrs. Homemaker-Consumer know if she is protected in each transaction she makes or each product she acquires? Knowing all the protection provisions is like counting all the stars in the heavens, it can't be done. What Mrs. Homemaker can do is to read her newspaper. Reports, in language she can understand, of the new consumer laws and what they mean usually appear periodically in the daily paper. These along with magazine articles and news items concerning violation of such laws should keep her reasonably informed.

As long as Mrs. Homemaker is satisfied with her shopping trips and has her small problems solved by conference with the merchant, she has no occasion to believe that legal infractions have taken place. BUT, as soon as any one of her Consumer Rights have been grossly violated or if she senses something is amiss in a certain transaction she should contact the proper authorities. "Undoubtedly the consumer's greatest frustration is his inability to cope with a situation that
requires some protective action. He does not know where to turn or what to do."

(4:91) Assuming that Mrs. Homemaker has failed to receive satisfaction in her conference with the merchant, she can then write to her County Prosecutor.

If action is necessary beyond that level, she can write to the office of her State Attorney General. This office will then be able to advise her of what legal protection is available and how to make use of it.
RECENT DEVELOPMENTS STEMMING FROM
CONSUMER AWARENESS AND EDUCATION

Governmental Departments for Consumer Affairs.

While we have been referring to the problems of Mrs. Homemaker-Consumer, she is by no means alone in her daily encounters. Consumers are everywhere; they fill the towns and cities, the highways and beaches, the parks and the lakes; they are scattered on farms and gathered on boats in the bay; they live in trailers, cabins, cellars, mansions and in high-rise apartments; in other words, our great nation is made up of consumers. Each consumer has his own particular problem relevant to his own situation in life and needs someone nearby to help him solve that problem. Because of this, many States and most big cities, which frequently have the population of a small state, have established some type of agency for handling consumer affairs. These departments do all sorts of things from taking complaints and distributing educational literature to recommending legislative action and enforcing present regulations. Consumer Affairs offices are the result of a Giant awakening and they must always be alert to the movements and needs of this restless Giant. At times the U.S. Government leads the way in a movement, but at other times it loses pace and falls far behind and must be content with bringing up the rear. This, unfortunately, is its position with respect to an office of Consumer Affairs.
Each year more consumers are becoming aware of their consumer rights and are bombarding various Washington offices with complaints and requests for information. As it is with bureaucracy, much work is duplicated causing efficiency to fall far below standard. For this reason, President Nixon requested the creation by statute of an Office of Consumer Affairs. This office would coordinate the consumer related work of all the other U.S. Government Departments as well as receive consumer complaints and distribute consumer information. Although several bills to establish this office have been introduced in both Houses of the U.S. Congress, none has as yet been approved. Presently the President's Committee on Consumer Interests headed by Special Assistant to the President for Consumer Affairs, Virginia Knauer, does what it can to represent the consumer in government agencies and distribute various kinds of consumer information on request. This 'high level' type of consumer related work does not go on "where Mrs. Homemaker lives."

Closer to the home of Mrs. Homemaker is New York City, that sprawling, metropolitan area which has recently expressed desires to become an independent state. For a number of years New York City has had established within its Department of Markets a Bureau of Consumers' Service and Research. (4:71) This bureau receives complaints and administers various consumer protection laws passed by the City Council. "In California, Governor Ronald Reagan is backing a bill that would enable the state's 58 counties to have their own offices of consumer affairs." (21:51) Here in Indiana, the office of Consumer Affairs has been established in the state's Department of Commerce. This office sponsors a state-wide system of voluntary Consumer Advisory Councils.
Organization of Non-governmental Groups

The above mentioned Indiana Consumer Advisory Council was organized in the Summer of 1970. According to information distributed by the Indiana Office of Consumer Affairs, the goals of this Council are:

- to establish state and local councils for the purpose of consumer communication.
- to survey major consumer laws in Indiana today.
- to collect information from Indiana citizens on buying and selling practices, both before and after purchase.
- to provide written information to help consumers become more aware of these buying and selling practices. (36)

The purpose of this council will be to inform consumers of Indiana laws available for their protection and to notify consumers of Indiana agencies which can help them with their problems. It is hoped that volunteer councils can be established in each county, thereby bringing needed information and help practically to the consumer's doorstep. These County Councils would be composed of both business representatives and qualified consumers. The group would act as intermediary between a complaining consumer and the offending merchant. When certain business practices were found to be unlawful, the situation would be referred to the County Prosecutor or the Indiana Office of Attorney General for proper action. (36) Such a method of consumer protection, problem solving and education would bring about a better mutual understanding between buyer and seller. A better understanding would promote more confidence and eventually terminate the need for extensive regulatory legislation. This Consumer Advisory Council system, although it has not yet attained state-wide distribution, can be one more step
in the process of organizing and uniting the consumer masses. Through such organi-
zations the consumer's right to information and right to be heard can be obtained,
with the effects of such a group long lasting.

Some other groups quickly organized with a specific narrow goal and
disbanded when the goal is obtained have effects which are short-lived but still
point up the need for consumer organization. A glaring example of such sporadic
organization is the "housewives' boycott" in 1966. Neighborhood homemakers
got together in loosely organized groups and with their children picketed the
local supermarket chains in hopes of getting lower food prices. This action was
spread from coast to coast but there was no national coordination. After a few
weeks, the furor died out and the supermarkets returned to "business as usual." (3:1-8)
By this spur of the moment action, Mrs. Homemaker found that group pressure
can achieve results even if only for a very short time. Although many women
were disillusioned by the experience, many others found that well organized
groups can exert enough pressure to bring about a more permanent change. These
less disillusioned women found an established consumer group and channelled
their consumer movement energies through it. While most of these picketing
groups disbanded, at least one did not. "The Virginia Consumers Council, which
started as a boycott group, is now statewide and claims to represent 70,000 people." (3:12)
Even if there is no victory for either side, skirmishes such as these continue
to strengthen the drive for consumer independence and acquisition of consumer
rights for all.
Local Councils.

In the ongoing drive to preserve the free enterprise system by keeping both merchant and consumer in amiable contact with one another, some cities have their own consumer councils. La Porte, Indiana is such a city and information on this city's attempt to solve its consumer problems was obtained through personal correspondence of this writer. In a March 31, 1971 reply to this writer's inquiry, Mr. James G. Locke, Executive Vice President of the La Porte Chamber of Commerce explained, "For some years the Chamber office had been serving as a kind of 'mini Better Business Bureau,' but the increasing number of complaints and inquiries were making a severe drain on the Chamber's staff." Recognizing the need for better business-consumer relations, a series of exploratory meetings were held. On the basis of ideas expressed at these meetings, Mr. Locke along with Mr. D.E. Herrit, General Manager of the Whirlpool Plant in La Porte, worked out the organizational structure of the first "Consumer Complaint Panel." The name of the group was later changed to "Business-Consumer Relations Panel" by its members which include, "the chairman, an industrial representative, a retail representative, a business woman, and a lady consumer." At their monthly meetings they review written complaints sent to the Chamber office and then follow one or all of the following courses:

"a. a letter is directed to the business involved.
b. a personal contact is made with the consumer.
c. a personal contact is made with the business."

Mr. Locke states, "Naturally not all complaints are justified, and not all are settled. But the Panel has had a good percentage of success." He concludes,
"Although the Panel has been functioning for a very short time, and we have had some problems with manpower, we feel that the long-run possibilities are outstanding." (41)

A similar program is being organized in Muncie, Indiana, again through the Chamber of Commerce. In a talk to a college level Consumer Buying class on the Ball State University campus on March 26, 1971, Mrs. Jane Warden from Muncie's Chamber of Commerce, Department of Consumer Relations, explained the workings of her Consumer Department. She explained that consumer complaints must be written, preferably on a form the department has prepared, but use of the form is not required. A copy of the written complaint along with a letter from the Chamber is sent to the business indicated. The Chamber letter urges business cooperation and asks for its side of the situation. Mrs. Warden said that, "Many times the business is not aware of a consumer's complaint" and that "complaints are usually just a case of misunderstanding." Mrs. Warden explained that her department has no legal power so "if a business refuses to make adjustment on a complaint, the Chamber will refer the consumer to an attorney." Since records of complaints entered and actions taken are kept by the Chamber, it can apply some pressure by informing the business that adverse behavior on the part of the business will become part of the Chamber's record. Mrs. Warden, too, reported a good percentage of success in straightening out the cases of 'misunderstanding between buyer and seller. (42)

Slowly, like a lumbering turtle, the buyers of this nation are becoming more aware of their position and rights as consumers. Business, industry and
government are being made to realize that the consumer is rising to the surface. The time will come when buyer and seller will be on equal footing and the marketplace will be comparatively honest again.


The governmental system on which this country is built is one of representative democracy. We as citizens elect an individual to represent our views and interests in the lawmaking bodies and to provide for the operation of the Federal government in the best interest of all the people. Ironically we make selection of these official representatives a contest between two supposedly opposing sides, like a tug-of-war. An elected representative must first, then, be a politician, and serve the interests of those who support his party if he is to be elected at all. If the duly elected Congressman hopes to retain his job, come next election, he will continue to remember the interests of his influential supporters. For this reason, many Congressmen have been 'walking on eggs' when considering consumer legislation. If his vote on a certain bill swayed to the consumer side, he might be in danger of losing the re-election support of business and industry. On the other hand, if his lot is cast in favor of business or industry, all those 'little people' in the home district might decide someone else would represent them better. Thus, a lawmaker looked long and hard at a situation, seeking a way to best serve the interests of all his constituents hoping to offend none of them. More often the result has been "fence straddling" legislation rather than a bill possessing sharp teeth for consumer protection. With the arrival of consumer
advocates like Ralph Nader, the situation and attitudes began to change.

Those who press for reform through consumer protection "attack an industry's shortcomings, not industry itself. . . . The battle is not ideological at all; it is practical. . . . The new breed of consumer advocate, . . . usually offers remedies that are constructive, and do no violence to industry." (2:12) With this in mind, the Congressman occasionally goes out on a limb and casts his vote for the consumer in direct opposition to the desires of his business and industry supporters. Much to his surprise, the results of such a move have not been as disastrous as he thought. Because of this renewed confidence,

Politicians are now actively aiding the cause of the consumer, and often leading it. In Congress, legislators have discovered that the political danger of opposing industry and espousing consumer causes has been greatly exaggerated. Consumer causes win some votes and lose some. One leading senator's home-state polls show that his activities in the field play a minor role in making up his constituents' minds. The issue is politically neutral enough for legislators to exercise their own feelings without risking their careers. Thus many legislators are taking advantage of the rare opportunity to act purely on principle. (2:13)

Senator Magnuson sums up this bi-partisan attitude when he says, "We cannot continue to ignore what, even if no one were protesting, we can see and judge as deplorable offences to morality. . . . Responsibility to the injured in society can be denied out of ignorance. But once innocence is dispelled, responsibility is incumbent upon every knowing man, and most certainly upon those in government and business who are in positions of trust. . . ." (10:62) As much as a congressman tries to be guided by his convictions, there are those who can, and do, exert enough pressure to over-ride those convictions.
Industry Opposes "Fair Packaging and Labeling."

"Meanwhile, back at the supermarket," Mrs. Homemaker fights against persuasive, slack-filled packages and uniquely shaped containers holding fractional amounts in her never-ending battle against an empty pocketbook. 'Back in the olden days' life in 'Peaceful Valley' was simple and the friendly storekeeper did the 'selling' of the products. But technology came on the scene and life has not been the same since. Today, the package surrounding the product has become the 'silent salesman.' Mr. Mowbray relates the apt description of the situation given by Ronald L. Hileman, vice-president of Jewel Tea Company:

In self-service retailing, the package becomes the silent salesman—although some packages are not exactly silent. . . Once on the shelf, the package must attract the customer's attention: it must say, "Here I am; buy me." (13:11)

A good salesman is aggressive and tends to stretch the truth a bit so he must be controlled enough to keep him just inside the bounds of truthfulness. Now if the package has become the salesman, it, too, will have to be controlled to keep it on this side of truth concerning its contents. Most of the time a buyer has enough intuition to see through the flowery phrases of an aggressive salesman. But the persuasiveness of the package is so subtle that for the most part buyers are completely fooled and become victims of a multi-million dollar competitive deception. When the victim realizes his plight, he complains and the volume of his complaints eventually brought about Congressional work toward a "Fair Packaging and Labeling Act."
The food and packaging industries knew they had a fight on their hands if they were to preserve the status of their 'little salesmen' particularly when logic was on the side of the consumer. So, when Philip A. Hart, Senator from Michigan, "on January 21, 1963, . . . introduced in the Senate what came to be known as the truth-in-packaging bill," (13:23) the encounter began. For nearly four years the battle dragged on, so that by October, 1966 when a "Fair Packaging and Labeling Act" became law it was drained of strength and much weaker, from the battle it had undergone, than when it first entered the conflict. Why was it that such a noble cause would come out the actual, but not the apparent, loser?

Industry, in its distorted view of free enterprise, felt government was intruding into its privacy. In an effort to fend off this intrusion, the food industry leaned heavily on all the areas it controlled and some it did not. The packaging industry, which depends on the food industry for a good bit of its livelihood, was called upon to marshal its forces. The 'free' press, too, was deployed, since thousands of dollars in advertising contribute heavily to its income.

In the beginning of this conflict the consumer seemed to be advancing rapidly with much encouragement from the press, which took industry by surprise. At the first sign of a lull in the battle, the industry regrouped and began its pressure application. The press was visited by the 'side door' and received the word, withdrawn advertising just might affect the publisher's operating budget. It was pointed out that favorable stories might be better than constant criticism. "It would be good business for both the magazine and the food merchant, . . . for 'as the readers turn the pages and come across an interesting article, they will
react more favorable to the advertisement and be more inclined to purchase the product."
(13:151) In the months following this subtle suggestion, there appeared in various weekly and monthly magazines a number of articles on food, which undoubtedly brought about a more favorable public attitude towards the food industry. (13:1520)

Many other interesting little confrontations are related in The Thumb On The Scale, for those who wish to delve further. As the 'packaging bill' was made law, Mr. Mowbray observed, "The food and packaging industries, which had fought the bill with every ounce of their $100-billion muscle, could breathe easily once again." (13:25)

There are supporters on both sides of the line between consumer and business that endorse voluntary control within an industry. This of course would be the best method of keeping legislative regulation out. But, under a voluntary situation, there will always be those who choose not to participate. As long as this case exists, voluntary controls will not serve the purpose. To assure all members of an industry equal advantage, legal controls must be imposed upon them.

The position of industry is not all villainous. The consumer receives a number of benefits from industry's competition. Products are constantly improved. When the product can not be improved upon, the package is redesigned for quicker opening, easier closing or economical storage. New and different products continue to be available meeting the everchanging needs of the consumer. Of course there are the jobs an industry creates as well as the community contri-
butions it makes. Perhaps it would be well for both consumer and industry to remember that "one's freedom ends where the other's nose begins."

Other Consumer Related Laws and Practices Tried or Established.

A point discussed but not pursued during the hearings on the truth-in-packaging bill was that of unit pricing. Supplying the unit price of a product would be pursuant to providing the consumer with more detailed and pertinent information on which she could then base a choice.

Unit pricing may be defined as: A system of pricing items by unit of measure such as pound, quart, or square foot in addition to providing the price per package, can or bottle. Milk, meat and produce are customarily sold in this manner so unit pricing would affect only those items which are packaged in various fractional units of measure at the factory.

Having the unit price of an item marked on the container or posted on the shelf would allow the shopper to make price-quantity comparisons almost instantly. When one is trying to get the largest amount of a product for the least amount of money, the unit pricing system would be an invaluable aid.

Bess Myerson Grant, employed by New York City as its Commissioner of Consumer Affairs, held a series of investigative meetings in 1969 on the subject of unit pricing. She then issued a set of regulations aimed at requiring food stores to post unit prices on certain food and household items. These regulations were to go into effect early in 1970, but the supermarket operators took the matter to court and eventually got the New York State Supreme Court to rule in their
favor. Although New York City's unit pricing regulations were nullified, the New York State Food Merchants have indicated they would help in drafting a statewide unit pricing law.

On the national scale, several bills have introduced in Congress proposing an amendment to the "Fair Packaging and Labeling Act" that would require nation-wide unit pricing in the supermarket. The exact content of those proposals has not been learned. They have been referred to committee and no further action has been taken.

Massachusetts is the first state in the nation to have passed a unit pricing law. This law was to become effective January 1, 1971. After the effective date, hearings will begin to determine which items will have to be unit priced. When this has been decided, the supermarkets will have to post the cost per pound or pint as well as the cost per package of the items indicated. The Massachusetts bill also sets fines for violation; $10 to $50 for a first offence and $25 to $100 for each subsequent violation. The law also exempts a one-owner grocery from compliance with unit pricing. (37)

Experimental unit pricing has been carried out by as many as 35 different supermarket chains scattered across the country. Connected with the convenience unit pricing would give the customer is the supermarket's cost of providing it. Food stores experimenting and results of their experiments have been published in several business magazines and trade journals.

The Jewel Food Stores out of Chicago installed unit pricing in its 258 outlets during March, 1970. They estimated the cost to be about $1,000 a store.
This included special price tags, labor and maintenance but not the cost of extra advertising, computer use or educational programs. These stores are located in lower-, middle-, and upper-income areas so their results would reflect all ranges of shoppers. According to Jewel's in-the-store surveys, about 30% of the shoppers regularly used the unit pricing but only about 5% changed their regular buying habits because of unit pricing. Since the low-income shopper has the most to gain from unit price information, one would assume a higher percentage of these shoppers would use the system. The reverse was found to be true. The lower income shopper used the system very little but the better educated, middle and higher income shopper used the system more extensively. (27:80-81)

Results of a similar experiment by the Safeway Stores, Inc. in four specially chosen stores in Washington, D.C. were much the same. In the Washington project, two stores in the middle-class suburbs were used and two stores in the ghetto areas were used. One store in each area had unit prices posted and one in each area supplied its customers with hand calculators so they could compute the unit price themselves. The ghetto store shoppers indicated they were not interested in unit pricing by either method but those suburban shoppers registered much more enthusiasm over the experiment. (21:51)

The Brenner Tea Company out of Burlington, Iowa, with 23 stores in Iowa, Illinois and Missouri, conducted a unit pricing experiment using "Tru-Price" labels throughout the store. Examples cited here show a 16-1/2 oz. jar of applesauce marked 20c would actually cost 19c a pound while in another brand, an 8-1/2 oz. jar of applesauce marked 16c would actually cost 30c.
a pound. [this author questions the validity of the above reported calculations]

This Tru-Price system was made feasible by the use of an IBM computer. The President of the Brenner chain indicates he is most pleased with the operational end of this unit pricing system but reports shopper attitudes were much the same as those in the Safeway and Jewel experiments. (25:23)

According to the various reports of unit pricing experiments, most supermarket shoppers are in favor of the system even though they do not use it regularly. The most surprising result was the failure of the low-income shopper to utilize the information at hand to get the most for her money. The consensus among food managers is that if unit pricing is what their customers want, that's what they will get. The large chains who use computers could absorb the extra cost without passing it on to the customer. But, unit pricing might be a financial burden on the small store operator.

Another food chain which has prepared a program of informative labeling is the Giant Food Inc., based in Washington, D.C. This new program is called Nutrition Labeling. This proposed nutrition information label evolved from one of the recommendations released by the White House Conference on Food, Nutrition and Health. Esther Peterson, former White House Consumer Aide under President Johnson, now Consumer Advisor for Giant Food, Inc. is directing this program.

Giant's program will also be conducted in cooperation with the Food and Drug Administration who is in the process of testing several nutrition labeling schemes.

While the unit pricing system will help Mrs. Homemaker get the most for her money in terms of quantity, the nutrition labeling program will help Mrs.
Homemaker get the most for her money in terms of quality and balanced nutrition. The nutrition labels will contain information concerning the actual nutrients in that food and amount of each nutrient contained in a serving of that food. The Giant Brand food labels will display a small circle with five pie wedge type markings if it is a special nutrition label. Inside of each wedge is a letter. The five letters used are P, C, F, V, and M, standing for the five nutrients considered; protein, carbohydrates, fats, vitamins and minerals. Also on the label will be amount of that food considered to be a serving, the number of calories in the serving and the amount of protein, carbohydrate and fat by grams in the serving.

There will be a further classification of how much of one nutrient is provided by a serving of that food in relation to the total daily requirement for both children and adults. There will also be a suggestion on how to obtain the total daily requirement of each nutrient. If accepted and used by the public, this system of labeling could help prevent or overcome the mal-nutrition present in all sectors of our society today. Giant Food hopes to launch this new program in June, 1971. (39)

Consumer Responsibilities.

Throughout this discussion we have been referring to Consumer Rights:

The Right to Safety
The Right to Be Informed
The Right to Choose
The Right to Be Heard
The Right to Redress

Throughout the marketplace and within each transaction both buyer and seller
should be expected to adhere to these rights. But adherence to rights alone will not assure consumer independence. The free enterprise system was not built on, nor will it be perpetuated by, forcing the merchant to give the consumer his rights. The consumer herself must bear at least equal responsibility for seeing to it that these rights are respected at all times.

Consumer Responsibilities, then, should rightfully include;

- keeping oneself informed and alert
- continued use of independent judgement and self protective action as the situation warrants.
- the recognizing of certain inherent dangers in transactions and products that cannot possibly be legislatively controlled
- assumption of responsibility for one's own actions
- refraining from abusing the privileges of merchandise use and return granted by the merchant
- being honest with the merchant and expecting the merchant to be honest with her
- writing letters of protest to industries and businesses who have openly disregarded her consumer right
- informing the proper authorities when she is aware of deceptive marketing practices (18:15)

A responsible consumer will realize that "if he tries to take advantage of sellers, makes ridiculous complaints, abuses return privileges, damages miles of display merchandise, or fails to pay his bills, he is only hurting himself. The bargain hunter and shopper looking for something for nothing are fair bait for the unscrupulous." (4:92) A truly independent consumer will take all precautions necessary to see that she herself does not misuse any of her Consumer Rights.
SUMMARY

In order that Mrs. Homemaker attain the status of an independent consumer, she must avail herself of all forms of consumer education. She must learn to read labels and interpret advertisements; she must take the time to request information and use it in her shopping. She should be aware of community services that provide needed information and education. And, most importantly, she should work toward and support basic consumer education within the schools, for becoming educated is exercising the right to be informed.

In order to assure her right to safety, Mrs. Homemaker must keep a watchful eye out for all forms of deception and fraud. To help protect her health and safety, the Federal government has enacted various forms of legislative control over food, drug, and cosmetic products. To help keep her protectively informed, the government has required truthful labeling for fur, wool and textile products as well as prohibited manufacture of dangerously flammable wearing apparel. And now in process is an act which would provide her with legal redress through class action court suits. Both local and state prosecutors stand ready to enforce all legal protections provided her.

All forms of education and regulated protection have brought about a higher degree of consumer awareness. Both industry and consumers as well as government are acknowledging this awareness and its influence in the marketplace. The need for more protective and informative legislation is being realized
and attempts are being made to meet these needs. Business and industry are beginning to consider the importance of consumer interests as well as their own. And consumers are seeking solutions to their problems through stronger consumer organization along with formation of cooperative business-consumer councils at the State and local level. Increasing consumer awareness has inspired new systems of providing information such as unit pricing and nutrition labeling. Consumers are recognizing their responsibilities as well as demanding their rights.

Not all existing problems have been solved and by the time they are, more will have presented themselves. One of the most urgent unsolved problems is the plight of the ghetto shopper. To provide better supermarket facilities geared to their income, the Federal government could encourage food chains to open stores in the ghetto areas. Possibly a subsidity could be provided to those stores whose prices reflect the buying ability of the low-income consumer. Governmental agencies could launch an all-out program of practical consumer education for the ghetto residents with emphasis on financial economy and better nutrition. An increase in food stamp allotments and a channelling of farm surpluses to these areas might also be tried. (3:28)

With the tide of consumer awareness rising daily, problems can be met and solutions found. Through education and protection, the aware consumer will not be content to stand idly by and allow his fellow consumers to be deprived of his rights. The aware consumer will work diligently to assure Consumer Rights for all consumers.
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