

Passage of Basic Banking Bills Urged

At a January news conference, the Consumer Federation of America joined with Sen. Howard Metzenbaum (D-OH) and a coalition of national organizations calling on Congress to pass legislation this year to provide low cost basic banking and check cashing services to low income consumers.

"The facts are in and the time is now," Sen. Metzenbaum said. "For a long time, the banks and S&Ls have been playing a stalling game with this legislation. They can stall no longer. We are taking these bills to a vote this year."

The call for immediate congressional action was bolstered by three new studies released at the news conference:

- CFA presented the results of its latest survey of check cashing outlets in 20 major U.S. cities, showing that fees at these outlets are exorbitantly high and rising. (See box for details of CFA survey findings.)
- The American Association of Retired Persons presented the findings of a recent Gallup Poll showing that Americans overwhelmingly support such legislation.
- The U.S. Public Interest Research Group released the findings of four state surveys showing that basic low cost banking services are not widely available under the current voluntary system.

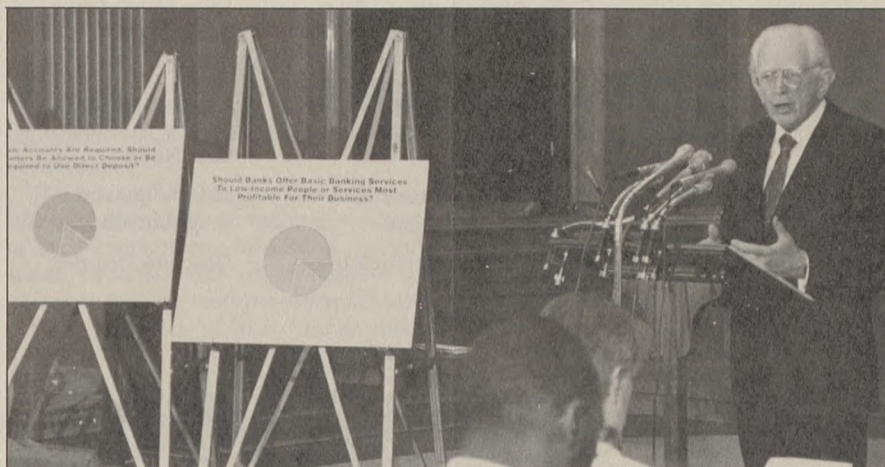
"Today's financial market offers a wide array of customer services, but they've become a luxury many Americans simply can't afford," Sen. Metzenbaum said. "Large deposit requirements and huge transaction fees have made banking accounts far too expensive for many families."

Sen. Metzenbaum has introduced two bills—S. 906 and S. 907—that would remedy this situation by requiring banks and thrifts to cash federal, state, and local government checks for a reasonable fee and to offer accounts with minimum balance requirements of \$25 or less and 10 free withdrawals per month.

Similar bills in previous Congresses have never made it out of the Senate Banking Committee. This year, Sen. Metzenbaum has pledged to bring the bills to a floor vote, and he has won promises of assistance from Banking Chairman Donald Riegle (D-MI) and Consumer Subcommittee Chairman Alan J. Dixon (D-IL).

"The poor are being burned by high fees, and no one will put out the fire," said CFA Legislative Representative Peggy Miller. "Low income consumers have the right to know where their senators and representatives stand on this issue. CFA hopes they will stand with us and vote in support of strong basic banking and government check cashing legislation."

According to the Gallup Poll commissioned by AARP, 73 percent of those surveyed think financial institutions should offer some basic banking services that



Sen. Howard Metzenbaum (D-OH) pledged to bring low income banking legislation to the floor of the Senate for a vote this year.

low income people can afford, even if it means that these institutions would make a lower profit.

Seventy-four percent think a "no-frills" checking account should allow account holders, not the banks, to decide whether to have their checks mailed to them or directly deposited into their accounts. And 76 percent believe that financial institutions should immediately cash government checks up to a set amount for any person who is registered to cash checks there.

According to state basic banking surveys by PIRGs in California, New York, New Jersey, and Oregon, however, only 14 percent of 499 institutions surveyed in these four states currently offer basic banking accounts with opening or minimum balances of less than \$25. Only 31 percent of these institutions offer government check cashing to non-depositors, whether or not a fee is imposed.

When these services are not provided in banks, many poorer individuals are forced to rely on high-priced check

cashing outlets to cash their payroll and benefits checks.

"The fees are extortionate," Miller said. "In particular, we strongly object to the fact that some outlets are charging three percent or more to cash much needed Social Security or AFDC checks. The intent of these government programs is to reach the recipient with the specified amount of funds listed on the check, not to serve as an open invitation for businesses to exploit these people."

"This country's older and poorer residents are being denied something that many people take for granted—the ability to have a basic bank account," said Francisco Carranco, a member of AARP's Board of Directors.

"One out of six American families—16 million households—do not have bank accounts. Our findings show that there is overwhelming public support for requiring banks to offer affordable services to ensure that these people are not denied a basic necessity of everyday life," he said.

In addition to CFA, AARP, and U.S. PIRG, a variety of other groups joined in the news conference in support of quick passage of Sen. Metzenbaum's bills, including ACORN, Consumers Union, the Center for Community Change, and Public Citizen's Congress Watch.

Poor Pay More at Check Cashing Outlets

Fees at check cashing outlets have risen significantly in the past two years, according to a recent survey of these outlets by CFA. The survey, which updated a 1987 survey of check cashing outlets in 20 major U.S. cities, was conducted by CFA intern David Lever and Legislative Representative Peggy Miller.

Key findings of the survey include:

- the number of outlets charging between 2 and 2.49 percent of check value to cash a \$320 payroll check rose from 13.6 percent in 1987 to 20.4 percent in 1989, while the number of outlets charging three percent rose from 4.5 to 9.1 percent;
- the number of outlets charging between 2 and 2.49 percent of check value to cash a \$500 government check rose from 17.8 percent to 20 percent, while the number of outlets charging between 3 and 3.49 percent rose from 4.4 percent to 11.1 percent;
- costs of cashing a \$150 personal check jumped from an average of 4.5 percent of check value in 1987 to an average of 7.7 percent in 1989, with some outlets charging a high of 20 percent; and



CFA Legislative Representative Peggy Miller said the poor are forced to pay unreasonably high fees at check cashing outlets.

- the price to buy a money order remained stable.

The survey revealed that some outlets also charge either a membership fee or

a first time fee or require the consumer to purchase a photo ID through that outlet. The typical price for these different charges ranged from \$1 to \$3.

Based on the survey results, CFA was able to determine the average, low, and high costs to cash payroll checks, cash government checks, and purchase money orders at these outlets over the course of a year.

The average cost to cash fifty \$320 payroll checks rose from \$259 in 1987 to \$278 in 1989; the low cost rose from \$124 to \$144; and the high cost remained stable at \$480.

The average cost to cash twelve \$500 Social Security or Aid to Families with Dependent Children checks went from \$95.40 in 1987 to \$103.80 in 1989; the high cost rose from \$180 to \$197; and the low cost rose from \$46.20 to \$54.

The average cost to purchase four money orders per month stayed stable at \$26.40 between 1987 and 1989; the low cost went from free to \$9.12; and the high cost dropped from \$57.60 to \$47.52.

Battle Lines Drawn Over Caller ID

In utility commissions and legislatures throughout the country, battle lines are being drawn between consumer advocates and telephone companies over the issue of Caller ID—a new technology that identifies the phone number of the person placing the call before the phone is answered.

Billed by the phone companies as a service that enhances privacy by allowing subscribers to screen out unwanted calls, Caller ID is seen by consumer advocates as an overrated service that creates an invasion of privacy by forcing consumers to reveal their number on every call.

Caller ID is just one of a menu of services to reduce nuisance calling and enhance call management made possible by the new Common Channel Signaling 7 (CCS7) technology.

"Other services made possible by the technology—such as automatic recall, customer trace, selective call rejection, and distinctive ringing—are just as effective at deterring abuse of the network without creating the problem of loss of anonymity posed by Caller ID," said CFA Research Director Mark Cooper.

"The issue is not whether the benefits of services based on the CCS7 technology will be made available to the public, but how to configure them to best serve the public interest," he said.

Caller ID Doesn't Serve the Public Interest

With Caller ID, the telephone companies have configured the services in a way that serves their own rather than the public interest, Cooper said. For example, they have purposely made call trace, a less invasive alternative to Caller ID, less valuable by imposing policy and software limitations on it, he said.

"The reason is that the phone companies propose to charge more than \$75 per year for Caller ID, when most consumers would spend no more than \$5 to \$10 per year for individual uses of call trace and other per use services," he said.

Consumer advocates from California to Virginia want the telephone companies to offer number forward blocking so consumers could control who sees their number.

When asked about the risks and benefits of Caller ID, more people state that it is an invasion of privacy than state that it would be valuable. Even among those who do not view the service as an invasion of privacy, many object to it on other grounds, particularly concern about commercial abuse of their telephone number.

Furthermore, the telephone companies have vastly overrated the benefits of Caller ID in reducing nuisance calls, Cooper said. The most common types of nuisance calls—wrong numbers, late night calls, and sales or survey calls—won't be stopped by Caller ID. In fact, business calls, the leading problem in nuisance calls, could increase with the availability of Caller ID.

"When one balances the costs of Caller ID against the benefits it can provide, it becomes clear that Caller ID should be available only with number forward blocking," Cooper said.

In the initial state-level skirmishes, the outcome has been mixed. Though the telephone companies have won initial public utility commission approval in

Assessment of the Impact of CCS7 Technology on Crank/Annoying Calls

Category of Call	Reason for Impact Assessment	Types of Calls
<i>Not Likely To Be Impacted By CCS7 Technology</i>		
Intentional and legal	Caller has nothing to fear from revealing number	Sales, Advertising Solicitation, Surveys
Accidental	Caller is not responsible for the mistake	Call & Hangup, Wrong Number, Late Night
Non-Anonymous Harassment	Caller does not care if number is revealed	Lover's quarrel, Neighbor dispute
Calculated deviant	Caller uses subterfuge to avoid detection	Obscene, burglar
<i>Potentially Impacted By CCS7</i>		
Anonymous Harassment & Deviant behavior	Caller would not like to be identified but takes no evasive action	Joke, nuisance, obscene, burglar

Available Alternatives to Caller ID for Various Telephone Network Use/Abuse Management Functions

Function	E911	Call Trace	Return Call	Number Block	Answering Machines
Call Management	NO	NO	YES	YES	YES
Annoying, Crank Nuisance	NO	UNK	YES	YES	YES
Harassing, Obscene	NO	YES	YES	YES	YES
False Alarms	YES	YES	YES	NO	NO
Burglars	NO	YES	NO	NO	NO
Emergencies	YES	UNK	YES	NO	NO

UNK = The impact depends on what one assumes about the caller's identity, motivation and behavior.

New Jersey, Pennsylvania, Virginia, Maryland, and West Virginia, New Jersey remains the only state where the service

has been in place for a significant period of time. As the consumer movement has mobil-

ized in the other states, court injunctions, legislation, and PUC reconsideration has delayed implementation.

Consumers Win in California

Nor have all the initial victories gone to the phone companies. In California, where opposition organized quickly, the state legislature responded by making California the first state to require any company offering such a service to offer a free blocking option.

Ken McEldowney, Executive Director of Consumer Action—San Francisco, said the law, while a big step forward, does not go far enough. Blocking is on a per-call, rather than a per-line, basis, meaning the caller must dial three extra digits each time he makes a call he doesn't want identified.

"I'm afraid it is going to be hard to reach non-English speaking and low income consumers with the message that explains to them why they may want to block calls and how to do it," McEldowney said. He said Consumer Action will continue to fight for per-line blocking, such as is currently available to block 900 and 976 services.

Meanwhile, the fight is moving to Congress, where Sen. Herb Kohl (D-WI) has introduced legislation (S. 2030) that would require phone companies to offer blocking anytime they offer Caller ID, with one exception, that calls to police and fire departments could not be blocked.

"Congressional action is critical," McEldowney said. "The greatest abuses, for instance abuses by telemarketers, are going to be interstate. They can only be addressed by Congress."

"Coming at an early stage in the information age, the Caller ID dispute is an interesting test case of whether the technology will rule and control the people or whether the people will rule and control the technology," Cooper said.

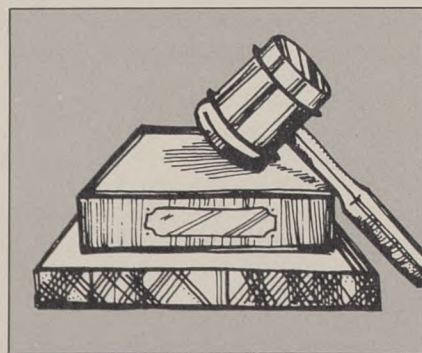
The proper course is clear, he said. "Preserve the right to anonymity with number forward blocking, and enhance the ability of call trace to discipline abuses of the network."

Civil Justice Reform Bills Introduced

Bills were introduced in both houses of Congress in January embodying the consensus reforms proposed by the "Justice for All" task force. CFA, which was part of the task force, has endorsed the legislation, introduced by Sen. Joseph R. Biden, Jr. (D-DE) and Rep. Jack Brooks (D-TX).

"This is the only civil justice reform legislation before the Congress that would clean up our judicial system without denying the public essential legal rights," said CFA Legislative Director Gene Kimmelman. "If Congress passes the Civil Justice Reform Act, legal costs will fall significantly, and justice will be expedited in the federal courts."

The task force report, which was released last fall, concluded that civil litigation costs too much and takes too long.



S. 2027 and H.B. 3898 would improve operation of the civil justice system by implementing task force recommendations to:

- speed up pre-trial preparation for litigation;

- encourage alternative dispute resolution; and
- increase case management by federal judges.

"CFA believes this bill would enhance and expedite just resolution of legal disputes. Congress should move this legislation on a fast track to improve our civil justice system," Kimmelman said.

The task force included private attorneys for plaintiffs and defendants, general counsels of major corporations, attorneys representing civil and women's rights and environmental organizations, representatives of the insurance industry, and former judges and law professors. Its findings represent the first broad consensus among interest groups and the legal community on how to improve the operation of the civil justice system.

Coalition Unites Behind Farm Bill Agenda

A coalition of major environmental, agriculture policy, and consumer groups, including CFA, released a report in February presenting their shared agenda for the 1990 farm bill. "Farm Bill 1990: Agenda for the environment and consumers," outlines the groups' recommendations to make environmental and consumer concerns central to the farm bill debate.

The report contains specific proposals in five inter-related categories:

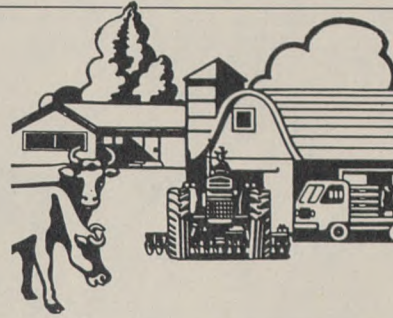
- promoting sustainable farming and consumer food choices by reforming federal programs that are biased against environmentally sound crop rotations and source reduction techniques and by reforming food grading standards and marketing orders to reduce emphasis on cosmetic appearance of fruits and vegetables, thus reducing pressure for unnecessary pesticide use;
- establishing source reduction (or pollution prevention) goals and programs, with the aim of reducing substantially

the generation of major agricultural pollutants by the year 2000;

- building on the Conservation Title of 1985 to strengthen and enforce existing policies linking receipt of farm program benefits to conservation practices;
- providing financial incentives for environmental stewardship; and
- creating a research and education infrastructure for sustainable agriculture.

"A consensus is building across the country that farm policy in the 1990s must further protect the nation's precious natural resources and respond to consumer preferences for food produced in ways that reduce health and environmental risks," the groups said in a joint statement released at a February news conference.

The farm bill influences farming practices on hundreds of millions of acres of land—with profound effects on soil, water, wildlife, and other natural resources—and it affects the safety, quality, supply and price of food. "Farm policy



is environmental policy and consumer policy," the groups said.

The 1990 farm bill represents "an unprecedented opportunity to enact badly needed and long overdue reforms of agricultural policy—reforms that will mutually benefit the environment, consumers, and farmers into the 21st century."

The groups have attempted to find common ground with the farm community, emphasizing that:

- "environmental and consumer concerns should be addressed in ways that

make economic sense to those who make their living from the land;" and

- "investments to protect the environment and produce safe food should not be made by farmers alone," but should be supported by government assistance.

"Our report rests on the principle that public policy should encourage more farmers to adopt practical, economically sound options to reduce significantly pesticide and fertilizer use, curb water pollution, halt soil erosion, and enhance conservation of wildlife and other natural resources," they said.

In addition to CFA, groups participating in the coalition include: Public Voice for Food and Health Policy, Natural Resources Defense Council, National Audubon Society, National Wildlife Federation, Sierra Club, American Farmland Trust, National Center for Appropriate Technology, Center for Resource Economics, Institute for Alternative Agriculture, and the Soil and Water Conservation Society.

RTC Weakens Low Income Housing Program

As the Resolution Trust Corporation drafted interim guidelines during January for implementation of the affordable housing program, early indicators were that those guidelines ignore the Strategic Plan in ways that seriously undermine the workability of the program.

Release of the new agency's guidelines for implementation of the low income housing program of insolvent savings and loan asset disposition is expected sometime in February.

Early reports emerged in late January, however, that the guidelines ignore provisions of the Strategic Plan calling for complete and rapid information dissemination, aggressive marketing, and compensation for clearinghouse functions, all of which are vital to guaranteeing participation of very low income purchasers in the program.

"Such a decision, in and of itself, makes this program absolutely unworkable," said CFA Legislative Representative Peggy Miller in testimony before the House Banking Committee. "Unless aggressive market-

ing of the information on the properties takes place, unless the information is complete on the properties, then the necessary information will never reach most potential buyers, and those that do get the information will not have time, within the 90-day period, to make use of the program."

Alterations Would Make Program Unworkable

"The requirements of effective clearinghouse functions of information dissemination and marketing demand funding," Miller said. "Without compensation, this function will receive less than necessary attention."

Miller said she remains hopeful that the RTC staff will correct the guidelines before final release.

In case they don't, however, Miller asked the committee to take steps to ensure

that the proper process is not ignored.

"The strategic plan drafted by the RTC Oversight Board is not perfect, but it is the result of the process outlined in FIRREA, including a public comment period, and it should not be circumvented," she said.

"Either the strategic plan is a binding document, and thus steps should be taken by Congress and the Oversight Board to ensure that it is adhered to by RTC, or there must be mandated public involvement in the development of program guidelines by RTC," she said.

Committee Promises Action

Committee Chairman Henry B. Gonzalez (D-TX) and other members of the committee promised to address concerns about circumvention of process.

Committee members also promised to look into concerns raised by Miller about

the Strategic Plan itself, in particular, the refusal to use price discounts or concessional financing to ensure the inclusion of very low income purchasers in the low income housing program.

Price discounting makes sense for a variety of reasons: meeting low income objectives; reducing depressing impacts of overall disposition on local markets through broadening of market; and maximizing return through broadening of market and reduction of holding costs.

Miller and other consumer and low income advocates have continued to work with the Oversight Board to strengthen these aspects of the plan.

"But that work may be irrelevant if the RTC can ignore the plan when it drafts program implementation guidelines," Miller said. "Just what the process is here, and how we are supposed to work within it, must be clarified."

Product Safety Update:

CPSC Gets New Chairman

After nearly a year of being unable to act because of the lack of a quorum, the Consumer Product Safety Commission has gone back to work with the appointment of a new chairman.

Jacqueline Jones-Smith, a staff attorney since 1987 with the Federal Election Commission, took office as chairman of the CPSC at the end of November.

Before going to work for the FEC, Jones-Smith was an assistant county attorney in Montgomery County, Maryland for two years. She was an employee of the MAXIMA Corporation from 1979 to 1985.

Jones-Smith is a graduate of Swarthmore College with an M.L.S. degree from Syracuse University and a J.D. degree from American University.

"Obviously, we are delighted to have the CPSC back in operation," said CFA Product Safety Director Mary Ellen Fise.

"A lot of work has backed up in the past year. We look forward to working with the new chairman to get the agency back on track."

CPSC Refuses to Act on Adult Sleepwear Flammability

In one of its first decisions under the new chairman, the CPSC turned down a request from the American Association of Retired Persons and CFA to act to address the flammability of adult sleepwear.

AARP and CFA requested a mandatory performance standard addressing adult sleepwear flammability. The agency not only turned down this request, but also refused to require a flammability classification on nightwear labels.

"A labeling classification would at least allow consumers to choose nightwear that

is safer," Fise said. "This is a very disappointing decision."

NHTSA Gets New Chief

Jerry Ralph Curry has been appointed as the new administrator of the National Highway Traffic Safety Commission. During his 34-year career in the U.S. Army, Curry rose to the rank of Major General. Upon retiring from the Army, Curry worked in the private sector in various positions.

Under Curry, NHTSA has put forward proposals to extend the requirement for automatic crash protection in front seats to vans, light trucks, multipurpose passenger vehicles and small buses, and to extend side door crash resistance standards to trucks, buses and mini vans.

CFAnews



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Study Reveals Insurance "Revolving Door"

State insurance commissioners should not be allowed to work for insurance companies for at least a year after they leave office, recommends a new study by consumer leaders and independent insurance agents.

The study, which tracks career moves by insurance commissioners since 1984, also recommends that the position of insurance commissioner be developed into a recognized, secure and well-compensated career track.

Commissioned jointly by the Consumer Insurance Interest Group (CIIG) and the National Association of Professional Insurance Agents (PIA National), the study found that:

- Before serving as insurance commissioner, 50.5 percent worked as state employees and 37 percent were employed in the insurance industry.
- During their term in office, commissioners served an average of 3.3 years. Of 55 commissioners no longer in office, 20 percent held the position less than two years.
- After leaving office, about half (49 percent) of the commissioners worked in the insurance industry directly or indirectly.

"Both CIIG and PIA National agree that the public is not served by frequent turnover in the commissioner's position," said Esther Peterson, CIIG Chair.

"The study reveals two areas of concern," said CIIG member and CFA Executive Director Stephen Brobeck. "First, com-



At a February news conference, CFA Executive Director Stephen Brobeck (center), CIIG Chairman Esther Peterson, and PIA National President Richard Yingling presented reforms designed to close the revolving door between state insurance commissions and the insurance industry.

missioners often don't serve very long. This is troubling because being a good commissioner requires great expertise and experience.

"Second, commissioners often come from and end up working for the industry. This raises several questions: Do commissioners who come from the industry retain their industry perspective and biases? Do they retain close personal ties that possibly could lead to favoritism? Do commissioners who expect to work for the industry try to avoid antagonizing the industry? Does the appearance of any conflict jeopardize public confidence in the commissioners and their departments?"

"This study doesn't contain any evidence

of impropriety by insurance commissioners. However, we feel that even the potential for the appearance of conflict can erode the public's confidence in state regulation of insurance," said PIA President Richard Yingling.

Thus, the results of the study supports the one-year prohibition recommendation that the two groups initially adopted in June 1989 when they published a list of standards for improving the effectiveness of state regulation of insurance.

The joint study collected information on 106 insurance commissioners who are serving or have served since January 1, 1984. Of the 26 who worked for the insurance industry in some capacity after leaving office, nine worked directly in

industry positions, and the remainder provided legal, consulting or accounting services to the industry.

"We need stable, well-qualified people in these jobs to effectively regulate one of the nation's largest industries," Brobeck said.

To that end, the two groups also recommend:

- the position of insurance commissioner become a more recognized and well-compensated career track;
- salaries of insurance commissioners be raised to at least the levels of other top state officials; and
- funding of insurance departments be adequate to ensure effective regulation and quality service.

To achieve those goals, CIIG and PIA National support the appropriation of at least 10 percent of insurance premium taxes to fund state insurance departments.

CIIG is an independent consumer advocacy group that seeks opportunities to work cooperatively with the insurance industry to help make the insurance marketplace more responsive to the consumer interest. In addition to Peterson and Brobeck, CIIG members include Joan Claybrook, President of Public Citizen, and J. Robert Hunter, President of the National Insurance Consumer Organization.

PIA National, a nonprofit trade association located in Alexandria, Virginia, represents 180,000 professional insurance agents and their employees.

FDA Proposes to Revamp Food Labeling Rules

The Food and Drug Administration has issued for public comment an Advance Notice of Proposed Rulemaking to determine changes needed in the agency's food labeling requirements. In response, CFA submitted comments strongly urging the FDA:

- to adopt new comprehensive food labeling regulations;
- to develop an educational program to enable consumers to utilize the information these new regulations will make available; and
- to enforce strictly all food labeling rules in order to prevent consumer deception and assure that the public health benefits of food labeling are not undermined.

The U.S. Department of Health and Human Services, the U.S. Department of Agriculture, and the Surgeon General have all documented links between diet and the nation's three leading causes of death—coronary heart disease, cancer, and stroke. In CFA's 1989 Policy Resolutions, however, members expressed concern that "an increase in deceptive labeling practices, coupled with an absence of FDA enforcement actions, makes food purchasing decisions difficult for health conscious consumers."

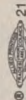
"The current voluntary system is unworkable," said CFA Product Safety Coordinator Edith Furst, pointing out that approximately 40 percent of packaged food labels contain little more information than that found in advertisements. Furthermore, the information that is provided is often presented in a form that confuses rather than informs consumers, she said. Interviews conducted with individual CFA members revealed that even knowledgeable consumers on medically restricted diets cannot determine by reading the label how much cholesterol, saturated fat, or sodium is contained in a single serving of many processed food products.

The FDA sought comments on a broad range of issues related to food labeling. In its response, CFA called for changes in labeling requirements that would emphasize information about those components of food products which have been emphasized by health experts: calories, total fat (saturated and unsaturated), complex carbohydrates, protein, sodium, cholesterol, and dietary fiber. CFA also called on the agency to prohibit use of descriptor labeling, such as "low fat" or "lite," unless such terms are standardized, and to prohibit claims that would misleadingly highlight a single nutritional quality of a food when the product itself is not entitled to this claim.

"Health claims on food labels will continue to mislead consumers unless mandatory nutrition labeling is adopted," Furst said.

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