

Come to
Consumer Assembly '75



news news news news

consumer federation of america

Washington, D.C.

January, 1975

Lucey, Abourezk, Udall, Clark to highlight Consumer Assembly '75

From people who operate grassroots farmer-consumer markets to rural and urban governors, senators and congressmen, Consumer Assembly '75 will offer a wide variety of speakers and panelists on many specific topics relating to the theme, "Monopoly-Consumers and Farmers are Losing the Game."

CFA's Consumer Assembly '75 chairman Gordon Cole and his committee have co-ordinated a program that will explore the structure and ramifications of



Abourezk



Udall

America's food and energy industries for farmers and consumers alike. The program is basically divided into two separate days, one for food and one for energy.

Wisconsin's Governor Patrick Lucey will begin the Assembly with a keynote speech entitled, "Are Farmers and Consumers Victims of Food and Energy Monopolies?" His address will present a broad overview of the concentration in food and energy industries which can lead to price-fixing, control of supplies and various anti-competitive practices.

The remainder of the first morning will be devoted to a panel which will address itself to the question, "Is There Adequate Competition in the Food Industry?" The panel will be chaired by Pennsylvania's progressive consumer advocate Secretary of Agriculture James McHale, and will include Jim Hightower, director of the Agribusiness Accountability Project; Kay Pachtner, a CFA vice president and director of San Francisco Consumer Action; Weldon Barton, legislative director of the National Farmer's Union; and James Wishart, director of research for the Amalgamated Meatcutters and Butcher Workmen.

Senator James Abourezk (D-S.D.) will give the luncheon address, "Farmers and Consumers—A Winning Coalition." Senator Abourezk is co-sponsor of the Family Farm Act and has consistently demonstrated his concern for the rights of both groups throughout his tenure in Washington.

The afternoon session will be divided into five simultaneous issue panels. "Managing Food Supplies," which will address the questions of a federally-held food reserve, export policies and target prices, will be chaired by Rep. Neal Smith (D-Iowa). "The U.S. in a Hungry World" will be conducted by Senator Dick Clark (D-Iowa), who was a leading member of the U.S. delegation to the World Food Conference in Rome last month.

A closer look at the level of corporate control in America's food economy will be the subject of Rep. Thomas S. Foley's (D-Wash.) issue panel,

"Agribusiness—The Skeleton in the Food Cupboard".

The fourth issue panel will explore our country's nutrition scoreboard. Entitled "Food Quality—Less Nutrition, Higher Prices," panel members will include Dr. Michael Jacobson, director of the Center for Science in the Public Interest.

Thursday's final issue panel, "Alternatives to Conventional Marketing Systems," will explore ways that people have made direct farmer-consumer



Lucey



Clark

cooperatives into profit-making ventures. Chaired by Rep. Peter Peyser (R-NY), it will include people who are attempting to market food in innovative ways from Vermont to Kansas.

President Gerald Ford has been invited to open Friday's session with an address on "The Administration's Role in Anti-Trust Enforcement." The President's schedule for January is yet to be finalized by the White House.

(Continued on page 2)

"Beef-In" tells nation of meat industry crisis

It's a long way from Bison, South Dakota to Washington, D.C. It's also a long way from the idea of farmer-consumer cooperation to the reality. Yet, both of these journeys came to be in the form of the recent "Beef-In" sponsored by CFA and the Meat Promoters of South Dakota and Montana.

The idea began last spring, when a grassroots group of cattlemen in northwest South Dakota got together to discuss the crisis situation facing their industry and their lifestyle. It occurred to them that even though the prices they were getting for cattle on the hoof kept falling, consumer prices remained high.

The fact that lower farm prices were not being passed on to consumers led the Meat Promoters of South Dakota to request a meeting with CFA, arranged through Bill Matson, former South Dakotan, present CFA board member and head of the Pennsylvania League for Consumer Protection. Meat Promoter's president Francis Veal of Meadow, South Dakota, reflected afterward, "When we first requested a meeting with consumers, people thought we were a little crazy. Traditionally, whether by accident or design, farmers and consumers have been pitted against one another. Consumers thought farmers were getting rich and farmers accused consumers of only wanting cheap food. After our initial meeting with

CFA, we learned that we had much in common—we were both suffering from the prices and policies resulting from middleman control."

The crisis situation throughout the American food industry has led consumers to learn some of the dismal facts of our country's agricultural economy. Increasingly, large corporations are gaining control of our nation's food supply. As a result, we are getting food that is less nutritious and more costly.

Consumers realize that if the current crisis continues, an estimated 30% of all family farm operations may close down in the next 18 months. We have learned that the family farm is our most efficient means of food production, and if it dies, our food supplies and prices will be dictated to an even larger extent by huge corporations with shared monopoly control.

(Continued on page 4)



Enroute to Washington, the "Beef-In" caravan poses for pictures in Joliet, Illinois.

Speak-Out

Ford signs landmark consumer bill

by Representative John E. Moss, (D.-Cal.)
Chairman, House Subcommittee on Commerce and Finance

The House and Senate have passed and the President has signed the most important piece of consumer legislation of the 93rd Congress. The legislation is the Consumer Product Warranties-Federal Trade Commission Improvement Act (S. 356). It has been the subject of congressional consideration and heated debate for the last six years. Agreement was reached on the differing House and Senate versions of the bill in the closing hours of the 93rd Congress avoiding the fate of the Warranty-FTC bill in the 92nd Congress when it died in the House Commerce Committee (after passing the Senate)—a victim of a "talkathon" by Republican members of the Committee.

The Consumer Product Warranties-Federal Trade Improvement bill has two major purposes. First, to make warranties given by manufacturers on consumer products understandable and enforceable. Second, to give the Federal Trade Commission new powers to protect consumers against deceptive warranties and also a broad range of other unfair and deceptive acts and practices.

Title I of the bill dealing with consumer product warranties contains the following major provisions:

(1) all written warranties on consumer products must comply with Federal Trade Commission rules regarding their content and clarity.

(2) Commencing six months after the bill becomes law, all written warranties must be designated as either "full" warranties or "limited" warranties. If full warranties, they must meet minimum federal standards in including repair, refund or replacement of any defective product within a reasonable time and without charge.

(3) Full warranties are also subject to the "anti-lemon" section of the bill, which provides that if a product or component part contains a defect after a "reasonable number" of attempts to repair, the manufacturer must permit the consumer to obtain a refund (less appreciation) or a new product or part without charge.

(4) The warranty provisions of the bill will be enforced by the FTC and the Department of Justice. In addition, any consumer injured by a deceptive warranty or violation of the new law can bring a suit in the federal or state courts under the terms of the bill and obtain attorneys' fees if he or she prevails. Actions by classes of consumers are also permitted where there are at least 100 named plaintiffs who have claims of at least \$25 each and a total amount in controversy of at least \$50,000.

Title II of the new bill, dealing with the powers of the Federal Trade Commission, is even more significant than the warranty provisions. The major provisions are as follows:

(1) The power of the FTC to make substantive trade regulation rules defining unfair and deceptive acts or practices affecting commerce is confirmed. The bill establishes procedures to insure that all interested persons will be able to appear or submit comments to the FTC regarding proposed trade rules while at the same time avoiding the undue delay so often the result of legalistic quibbling in previous FTC proceedings. This is one of the most important sections of the bill. Some examples of trade regulation rules which the Commission has attempted in the past are, posting of octane ratings on gasoline pumps, textile care labeling, franchising abuses, door-to-door sales regulation and elimination of the holder in due course rule which protects lenders against consumers claims.

(2) For the first time in its history, the Commission is expressly authorized to bring suits in the federal

courts to obtain redress on behalf of consumers injured by violations of its rules or by unfair and deceptive acts and practices. Since 1914 when it was first created, the Commission has been limited to obtaining cease and desist orders rather than refunds and damages for consumers.

(3) The Commission is authorized by the bill to file suits in the federal courts to obtain civil penalties for knowing violations of the Federal Trade Commission Act for up to \$10,000 per violation.

(4) The Commission is also authorized to represent itself in court in most civil actions rather than being required to seek the approval of the Department of Justice in such cases.

(5) Finally, the bill authorizes up to \$750,000 per year to pay the legal expenses of consumer groups and expert witnesses appearing in FTC rulemaking proceedings. This provision, if properly implemented by the Appropriations Committees and the Commission, should insure active consumer participation in the rulemaking proceedings of the FTC.

The Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (as it has been officially named by Congress) is, I believe, landmark legislation for the consumer. It is certainly the most comprehensive FTC bill since the creation of the Commission in 1914. Congress and the consumers of this nation must insure that its intent is fully carried out.

Food Stamp hikes hurt poor, elderly

The elderly, the unemployed and those on fixed incomes have been dealt a crushing blow by the Administration and Department of Agriculture's proposal to cut food stamp benefits by \$750 million to \$1 billion annually.

If the USDA's proposed amendment goes into effect March 1, 1975 as planned, some 95% of America's nearly 15 million food stamp recipients will have to pay more for their stamps each month or drop out of the program.

The new program would require all food stamp households to pay a full 30% of their net incomes to purchase food stamps each month—the maximum allowed by law.

The plan would cut the food stamp benefits going to this nation's poor by about 25%, making this one of the largest cutbacks in assistance in US history. Hardest hit would be persons living in one or two person households where most of the elderly are concentrated. Under the new plan, their food stamp costs will rise from 35-800%. For example, for an elderly individual with \$105 a month income, the price of food stamps would rise from \$18 to \$31. For aged, blind and disabled persons, the effect would be even more devastating.

The proposed change in the regulation was published in the Federal Register on December 6, allowing only 21 days for comment. However, a bi-partisan group of Congressmen are planning to introduce legislation to prohibit the new cuts, when the 94th Congress opens in January.

It is crucial to write your Senators and Congressmen now, stressing the cruelty and injustice of the new amendment, which will force America's poor and elderly to eat not only less, but less nutritious food. In these inflationary times when low income individuals are having such difficulty making ends meet, it is indeed merciless to impose these additional burdens. For more information on the proposed food stamp amendment, write Community Nutrition Institute, 1910 K Street, N.W., Washington, DC 20006.

Consumer Assembly (cont'd. from page 1)

Rep. John Moss (D-Calif); Alex Radin, general manager of American Public Power Association; Nat Goldfinger, director of research for AFL-CIO and a major oil company president will use the remainder of the morning to debate the question, "Is There Adequate Competition in the Energy Industry?"

Congressman Morris K. Udall (D-Ariz.) will speak to Friday's luncheon assembly on "What's Wrong with Federal Energy Policy?" Rep. Udall has been a consistent critic of the Federal Energy Administration's policies or lack thereof.

Friday's issue panels will mainly deal with measures that individual states can take to change the structure of current energy systems.

Former Oklahoma Senator Fred Harris will lead the discussion on "People Power—Putting More Public in Our Utilities," a panel which will concentrate on how to turn investor-owned utilities into municipally-owned sources of power.

Edward Berlin, attorney and visiting professor at the University of Wisconsin, will be chairman of "Alternatives to Conventional Pricing Systems," which promises to be an informative discussion on peak-rate pricing, a system which would restructure utility rates so that it is less costly to use energy after peak 9 to 5 hours. Other alternatives such as the Lifeline proposal, which would give an inexpensive flat rate to low energy users, will be examined.

District Attorney Robert Leonard of Flint, Michigan will head a panel that takes a look at the role of individual states in regulating energy costs and structures. Mr. Leonard's panel is titled, "Improving State Anti-Trust Enforcement."

The fourth panel will address itself to "Current Priorities in Federal Energy Legislation."

After two busy days, Consumer Assembly '75 will conclude with an evening plenary session entitled, "Where Do We Go From Here?" At that time, the Assembly's proceedings will be reviewed and future joint actions between farmers and consumers at local, state and national levels will be discussed.

Consumer Assembly '75 promises to be informative, educational, and a great place to meet the consumer and farm leaders who will play important roles in things to come.

It will not be all business; on Thursday evening, a Congressional reception will be held in the Rayburn House Office Building.

CFA's Annual Meeting, election of officers and adoption of new policy resolutions will be held Saturday, February 1, and the new Board will assemble on Sunday.

We believe

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State & Local Reports

By Nick Apostola

Washington

The 27th of November, 1974 was an important day for the Pacific Northwest environmentalists and consumers. That is the effective date of the Seattle City Council's newly adopted electric utility rate schedule that abandons sixty years of utility economics' tradition.

The final vote represented a tremendous amount of lobbying and educating of the council members by primarily two groups: the Washington Committee on Consumer Interests, an affiliate of Consumer Federation of America, and the Central Seattle Community Council Federation.

The rate schedule included a 10% surcharge for industrial and commercial customers during four winter months and an inverted or progressive residential rate structure that rewards conservation with lower prices which is the opposite of most utilities' residential-rate structures. The only major aspect that the Council failed to address was the decreasing rate block rate structure for industrial and commercial customers. These rate blocks should have been flattened more.

The most innovative as well as controversial aspect of the adopted schedule was inverting the residential-rate structure. An inverted rate charges more for each additional block of power used. The adopted structure is very progressive and may provide the most significant data, nationally, as to the effectiveness of an inverted rate in discouraging wasteful consumption. This could have important ramifications in the adoption of future residential rates designed to provide an incentive to conserve.

For some time now economists, environmentalists and consumer advocates have been pressing for rate structures that discourage consumption. Three basic rate designs are being advocated. One method is to apply a surcharge during critical periods of the year. The advantage of a surcharge is that it's relatively easy to apply. However, it doesn't encourage customers to adopt year around conservation habits. In addition, those who use small amounts and are not wasting power are penalized. Thus, surcharges are useful in short-term crises but may not be as effective in cutting long-term growth.

A second method is peak-load pricing. This method imposes very high prices during hours of peak consumption. The purpose is to prompt consumers to shift consumption to another time of the day. Economically this can be justified because there are significant cost differentials between on-and-off peak consumption. The Wisconsin Public Service Commission recently required the Madison Gas and Electric Company to institute time of day pricing for large industrial users. In addition the Commission directed the utility to study and experiment with time-of-pricing for small users as well. Implementation of this pricing policy will be hampered by the cost involved of installing a special meter that is capable of recording the time of consumption. In fact, it may prove to be cost prohibitive for utilities that serve large numbers of small users.

An inverted or progressive rate, which is the third method, has met strong resistance by the utility companies. This method charges more for each additional block of power used. This can be justified economically because incremental costs of producing power are rising. This is especially true in this part of the country where any additional power generation will be substantially more expensive in comparison with hydroelectric power which accounts for virtually all the power consumed in the Northwest.

The advantages of an inverted rate structure are several: First, it is easy to implement; there are no expensive metering devices to be installed. Second, it en-

courages people to conserve who are consuming the most and which are the most wasteful but at the same time it doesn't penalize those whose consumption is low. Finally, since the generation of hydroelectric power depends on the amount of water in the reservoirs behind the dams, any savings that can be achieved during the fall will be available during the winter. This is why during last fall when the reservoirs were low, Governor Evans urged people to conserve power.

Seattle City Light services an area of about 131 square miles. Of the total number 260,000 customers served, 233,000 are residential, 26,000 are commercial, 300 are industrial and the rest are government and miscellaneous. Power consumption is just about equal between residential and nonresidential customers. Eighty percent of the residential customers are on the all-electric rate.

Maryland

In an on-going effort to represent the voice of the consumer, the Maryland Citizens Consumer Council recently announced the results of surveys studying the response of the consumer to a new trend the oil companies are calling Gas 'N Go. This new trend means that the consumer will receive *gas only* at the service station and *no service*. At the present, BP Oil Company, Inc., is in the process of switching 35 out of their 200 Maryland stations to Gas 'N Go.

MCCC felt it important to develop a two step program to represent the consumer at a grass roots level. 1. Determine the local consumers' views. 2. Present these consumers' opinions to the appropriate policy makers studying the proposed changes.

The two Montgomery County stations surveyed are Cochrane's BP Station on Shady Grove Road and Manor BP at the corner of Connecticut and Georgia Avenues. Both stations are facing special exceptions requested by BP Oil Company, Inc., to remodel these stations for Gas 'N Go operations.

The following results were obtained from the total of 304 consumers who were surveyed at these two stations:

Cochrane's BP (178 surveyed)

Opposed to Change, 75%; Support Change, 21%; No Opinion, 4%

Manor BP (126 surveyed)

Opposed to Change, 88%; Support Change, 9%; No Opinion, 3%.

The survey showed that the consumers were overwhelmingly in favor of the existing conventional service station at these two locations. Joan Hatfield, Project Chairman, stated, "The results showed that consumers value good, honest and reliable service and they do not want this taken away from them. Furthermore, the statistics show that consumers depend upon neighborhood stations for service and repairs."

After a meeting with representatives from BP, MCCC learned that the basic reason for the switch to Gas 'N Go was the oil companies' "*Economic Survival*." Consumers' comments during the survey indicated frustration at the proposed change as well as the following two complaints. One being that BP credit cards were not accepted and the other being that there was no super or high test gas available. The BP Company will not accept its own credit cards and will not provide the stations with high test gasoline. However, it is understood that once the station is switched to Gas 'N Go, high test gas will be available. This appears to be another way the oil companies force the independent dealer to see things their way.

In summarizing this survey Project Chairman Hatfield said, "The public has put up with the high price of

gas and a gas shortage they were never really sure existed. This year the oil companies received record breaking profits from the consumer. Now, the BP Oil Company is telling local service stations they can only sell gas and to 'forget about repairing and servicing cars.' This move comes at a time when the economy is failing and the need for servicing older cars will become more important because few can afford to buy new ones. This is a further step by the oil companies to gain complete control of gas from the ground to the consumer."

Arkansas

The unbearable gas bills we paid last winter may be just as unbearable this winter. Arkla Gas Company filed for a \$12.2 million rate increase in June 1973, and began collecting the higher rates on November 1, 1973 under bond. Last spring, the Arkansas Public Service Commission slashed the request to \$7.9 million. Arkla appealed the PSC's decision to the Circuit Court, where it now remains, waiting to be ruled upon. Meanwhile, Arkla continues to collect high gas rates.

Unless the court acts with dispatch, Arkansans will be faced with a second winter of paying unreasonable gas bills. The disastrous effect of last winter's high gas bills, as evidenced by the thousands of phone calls and letters of protest to Arkla and the PSC, should be notice enough to the Court that Arkansans cannot withstand another winter of paying excessive gas bills.

If the Court upholds the PSC's decision, Arkla will have 60 days to refund the extra amount it has collected, but only at a 6 percent rate of interest. This is a tremendous subsidy to the utility since no one else can borrow money at 6 percent.

By state law, the time between filing for a rate increase and the time new rates can be collected under bond is only 120 days. This should be extended to 8 to 10 months and the interest rate requirements on refunds should be raised from 6 percent to 10 percent or the prime lending rate. Only in this way can consumers be assured of adequate protection.

California

The National Science Foundation has awarded a \$480,000 grant to the City of Santa Clara, California, that will make possible the first city-owned and operated building in the United States heated and cooled with solar energy.

The American Public Power Association, of which Santa Clara is a member, has contributed \$5,000 to the demonstration project, according to APPA General Manager Alex Radin. The Association will play a major role in disseminating data developed through the project, according to Mr. Radin.

Radin said the City expects to complete the 27,000 square-foot building, a community center, by June, 1975. The solar system planned for the building will supply about 80% of the building's total energy requirements.

The City, the Lockheed Palo Alto Research Laboratories, and the University of Santa Clara Engineering School will cooperate in monitoring the project and collecting and evaluating data. Data collected will be used to design a solar system that will be compatible with the most efficient operation of Santa Clara's municipal electric system, and to modify the city's building code to promote optimum use of solar energy.

"The system will provide both a prototype and an incentive for other locally-owned and operated utilities that are interested in using solar energy to improve overall system efficiency," Radin said. He explained that a properly designed and integrated solar system could improve a utility's load factor and eventually reduce the amounts of purchased and generated power needed to meet system demand.

"Solar installations could enable utilities to make more efficient use of current power supply and help reduce the cost of future power supply," Radin said.

Beef-In stresses mutual problems of farmers and consumers (con't. from p. 1)

These dismal facts laid a positive foundation for a farmer-consumer alliance, and the idea for the "Beef-In" grew from mutual concern about them. CFA and the Meat Promoters decided to travel cross-country with a truckload of cattle to focus national attention on the mutual problems of producers and consumers.

Back in South Dakota, members of the Meat Promoters got busy raising the funds needed to buy the cattle and make the trip. In just three weeks, they raised over \$30,000 in donations from local friends, neighbors and businessmen who saw the importance of the project to their own survival. At CFA, it was a busy month of making arrangements to donate the cattle to charity groups and to get local consumer groups en route to participate.

Then suddenly, it was December 6, a beautiful sunny morning in Bison. Literally, the town's entire population of 500 and then some gathered for a pancake breakfast, a rally and a send-off featuring the high school band.

A caravan of over 60 vehicles followed the cattle truck to Pierre, where another rally was held on the steps of the state capitol building. Harvey Wollman, lieutenant Governor-elect of South Dakota and William H. Schroeder, the State's Secretary of Agriculture, declared their support and announced that both Governor Richard Kneip of S.D. and Governor Thomas Judge of Montana had declared it "Beef-In Week" in their respective states. Then it was on the road again.

In Sioux City, Chicago and Cleveland, similar rallies were held and the momentum could be measured by the growing amount of television, radio and press coverage.

Finally, a little exhausted, but in high spirits, the caravan rolled into the Washington area the night of December 10. The next day, the cattle (and most of the people) rested, bathed, and prepared for the big rally on the Mall across from the Department of Agriculture and the meeting with USDA Secretary Earl Butz.

At 9:30 a.m. on December 12, a five person delegation consisting of Meat Promoters Francis Veal, Bob Samuelson, Don Loobey, Lester Blomberg and Carol Tucker Foreman, executive director of CFA, met with Mr. Butz. They got no firm promises of help for the problems of either group and the Secretary refused to accept ten head of feeder-steer to provide a public accounting of the cost of bringing them to slaughter weight. A USDA spokesman said the idea was impractical, had legal complications and might prove embarrassing to both the Department and the Meat

Promoters. He did not explain how it might embarrass the latter.

At noon, hundreds of cattlemen and consumers assembled to hear Carol Foreman, Bob Samuelson, Senators George McGovern and James Abourezk, both democrats of South Dakota and Congressmen Peter Peyser (R-NY), James Abnor (R-S.D.) and Frank Denholm (R-S.D.) pledge their support.

"The crisis in the livestock industry is real and must be confronted," McGovern said. He urged emergency legislation for government purchase of \$1 billion to \$2 billion in meat to be donated to existing food supplement programs to relieve the current livestock surpluses.

Senator Abourezk called for a halt to beef imports



Senator George McGovern addresses the D.C. "Beef-In" rally.

and for anti-trust legislation to curb unfair pricing practices by beef processors and retailers. Regarding Mr. Butz's past performance, he commented, "The only time we've seen as much manure in Washington as this is when it emanates from the grey marble buildings around here... In a way, you might say we're fighting fire with fire!"

The cattle brought to the Mall were slaughtered through the generosity of J. W. Treuth and Sons, Inc. of Baltimore and cut into consumer portions by the Eskay Meat Packing Co. also of Baltimore. The labor was donated by Baltimore local #117 of the Amalgamated Meatcutters and Butcher Workmen. Arnold Mayer, Legislative Director of the Meatcutters, told the rally of his union's willingness to cooperate in the "Beef-In" program which would help give deserving D.C. families a merry Christmas. Mr. Mayer also stated, "the problems of food and nutrition have to be solved by a national policy assuring the maximum production of food while guaranteeing the farmers an adequate return on their labor and investment."

The meat was distributed to needy families and individuals through the D.C. Department of Human Resources and Project, an interdenominational group of charities.

"The 'Beef-In' is only a beginning," emphasized Carol Foreman. "It is part of a continuing program by CFA to emphasize that small farmers and consumers are faced with many similar problems. Many of these problems will be emphasized in detail at CFA's Consumer Assembly on January 30-31, 1975. Meanwhile, we are working continuing our efforts to get the USDA, the Justice Department and especially the Federal Trade Commission to request Congressional appropriations for an in-depth investigation of the whole meat industry from producer to consumer."

The Meat Promoters of South Dakota and Montana returned home with somewhat mixed emotions. Realizing that producers and consumers must do the job themselves because of the lack of action by the Federal government, Bob Samuelson stated, "We are gravely disappointed by the lack of concern demonstrated by the Secretary of Agriculture because of the complete shutdown and shut out by the USDA. Consequently, the 'Beef-In' sponsors had to haul their twenty head of feeder cattle back to South Dakota, where a public feeding program will be held in conjunction with South Dakota State University at Brookings. Weekly reports will be made available to the press through the Meat Promoters and CFA.



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