CFA CFAnews
February 1989
Volume 14, No. 2
ISSN #0732-8281

Strong Regulation Needed in Telephone Industry

Because segments of the telephone industry used the divestiture of AT&T five years ago as a springboard for radical new telephone pricing policies, traditional regulatory principles must now be reasserted if consumers are to regain the considerable ground they lost in the post-divestiture era. This is the conclusion of "Divestiture Plus Five," a report by the Consumer Federation of America that compares pre- and post-AT&T-breakup phone service, prices, and

regulatory policies to assess how consumers and the Bell companies have fared since the January 1, 1984 divestiture.

The report—which was written by CFA Legislative Director Gene Kimmelman and Research Director Mark Cooper—finds that the Bell system breakup put an end to a tradition of significantly declining phone bills, leaving the majority of consumers worse off, while it launched an era of profitability for the Regional Bell Holding Companies "far out of line with historical Bell system earnings and the current marketplace."

"Segments of the telephone industry used the Bell breakup as a trojan horse to conceal their assault on one of the best consumer bargains of modern times," Kimmelman said. "Had we preserved traditional regulation, consumers would be paying about $4 per month less for local service, and ratepayers would be saving one to two billion dollars each year."

Tradition of Declining Rates Ends

Local charges, which before the breakup rose at about one-third the rate of inflation, have climbed at more than double the inflation rate since the breakup, Kimmelman said. And overall phone bills, which rose at less than one-third the rate of inflation prior to divestiture, are now climbing about as fast as inflation.

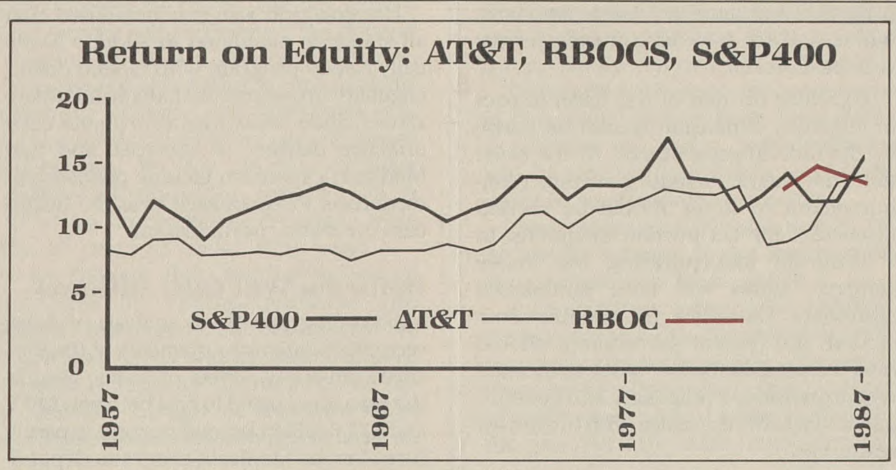
The report compares pricing trends, industry performance, and regulatory policies before and after the AT&T divestiture, using data from a survey of state regulatory commissions, federal government statistics, and *Standard and Poor's*.

The report finds that from 1938 to 1984, the real price of local residential phone service, factoring out inflation, declined 60 percent, while since divestiture, local charges are up 25 to 35 percent in real dollars. The average consumer must now pay $16.50 per month for the same local phone service that cost $10.50 per month before divestiture. Meanwhile, a majority of consumers are saving only pennies as a result of long distance rate reductions, since 50 percent of AT&T's residential customers make less than $3 worth of AT&T long distance calls per month.

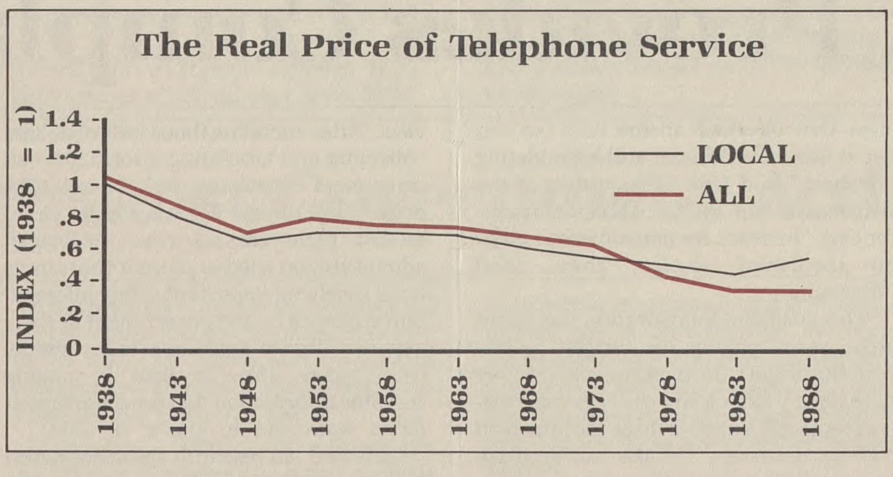
As a result, the real price of overall residential phone service (local and long distance) has barely fallen—by about one percent—since divestiture, compared to a 64 percent decline from 1935 to 1984.

The goal of these historical price reductions was universality of service, and as a result the percentage of households with a phone grew from 78 percent in 1960 to 92.9 percent in 1980. Since the price of phone service has ceased to drop, the report finds, the percentage of households with phones has ceased to grow, holding at 92.8 percent today. In fact, the 1980s may be the first decade in modern history in which telephone subscribership does not grow, according to the report.

After divestiture was announced, the Bell Regional Holding Companies took advantage of public concern about their financial viability to seek dramatic local rate increases, Kimmelman said. From the January 1982 announcement of the breakup until two years after divestiture, the local Bell companies asked for about $20 billion in rate increases, about half of which they were granted. But the RHCs proved to be more than just viable: since divestiture they have been earning up to three percentage points higher profits than *Standard and Poor's* 400, compared to a pre-divestiture Bell system that consistently earned two percentage points lower than the *Standard and Poor's* 400.



SOURCES: Standard and Poor's, *Analysts Handbook*, various issues; Mark N. Cooper, "Divestiture Plus Four: Take the Money and Run," *Telematics*, 5:1 (1988); *Business Week*, various issues.



SOURCE: Bureau of Labor Statistics, *Consumer Price Index*.

Strengthened Regulation Needed

"Now that the dust of divestiture has settled, it is clear that consumers were short-changed," Kimmelman said. "To turn this situation around, telephone regulation must be refocused to require that all services connected to the local phone network pay to maintain that network and bring down local rates."

Kimmelman also called for extensive, strengthened regulation of the Bell companies to "squeeze out excessive Bell company earnings" and thus bring local phone rates back in line with historical patterns. "The only way the majority of consumers will come out ahead in the post-divestiture world is if the unnecessary rate increases and unfair repricing decisions of the turbulent Bell breakup period are undone," Kimmelman concluded.

Coalition Calls for Medicaid Reform

Significant changes in structure, eligibility requirements, and benefits are needed to make Medicaid an effective means of providing access to health care for all the nation's poor, according to a coalition of consumer representatives, labor groups, and health care providers.

The Health Policy Agenda for the American People, of which CFA is a member, released its consensus findings in February in a report entitled *Including the Poor.* The report makes eight fundamental recommendations to improve eligibility, uniformity, and effectiveness of the Medicaid program.

CFA intends to use the committee's findings to urge Congress and the states to ensure adequate, affordable health care to the 37 million Americans who lack health insurance today.

Poor Lack Access to Adequate Care

Reform is imperative, the coalition found, because Medicaid fails to serve 11 million people with incomes below the federal poverty standard, and because benefits are so severely restricted in many states that adequate health care is denied many of the 9 million people enrolled in the program.

Lack of health insurance has been found to be a significant factor in the ability of low income individuals to receive medical care. According to a 1986 survey, 19 million Americans encountered difficulty in obtaining health care due to financial reasons, and an estimated one

(Continued on Page 2)

Medicaid Reform

(Continued from Page 1)

million persons were denied care because they were unable to afford it.

The coalition concluded that the failure of Medicaid to provide "comprehensive access for the poor is explained by its rules governing eligibility, benefits, and reimbursement." With this in mind, the coalition outlined eight reforms as the minimum essential to begin rebuilding the Medicaid program.

The Medicaid program should be restructured to ensure that it is governed by national standards and goals. Unlike Medicare, which has a national eligibility standard, a uniform benefit package, and a national standard for reimbursement, rules governing access to Medicaid services and the scope of services available are generally left to individual states to define.

The categorical link of Medicaid eligibility to public assistance (welfare) programs should be broken; and income eligibility for the program should be set at no less than the federal poverty level. The linking of Medicaid to eligibility for public assistance programs has given individual states tremendous discretion to establish income eligibility standards for the majority of Medicaid recipients. The result is a significant variability in eligibility from state to state, ending in access to Medicaid services being determined, not on the basis of health care needs, but rather by individual states' financial capabilities and their levels of political commitment, the committee found.

A standard benefit package should be provided by each state, and it should be federally mandated. Currently, the federal government specifies the basic services that states must cover in their Medicaid programs, but states are free to limit how, when, and for how long these services will be covered.

A greater burden of the fiscal impact of eligibility expansion should be borne by the federal government. At the same time, the federal formula governing reimbursement to states should be revised to correct for tax burden inequities. In a program incorporating the above reforms, states will have diminished autonomy. Therefore, the coalition concluded, the federal government should bear responsibility for costs associated with expansions in eligibility and benefits, particularly for the states with the fewest resources.

Long term care services should be continued under Medicaid or through a structurally improved program. Although the report states that current efforts to revise the long term care delivery system should be encouraged, it concludes that "a newly structured delivery system should not overlook the importance of providing access to this type of care for the Medicaid population" as it is "an essential component in the spectrum of levels of care that should be available to all individuals within a comprehensive health care system."

The coalition also recommended that all states be mandated to adopt a Medically Needy program with "spend down" eligibility provisions; that Medicaid expansion include measures to promote cost-effective delivery of services; and that Medicaid expansion include policies and incentives to encourage broader health care provider participation.

Reforms Will Cost Billions

According to a fiscal analysis of these recommendations by members of the Harvard University School of Public Health, the plan is expected to cost between $10.6 and $25.6 billion beyond current expenditures for the Medicaid program, depending in large part upon the type of benefit package selected. However, these costs could be cut in half if employers were required to provide health coverage to their employees.

Acknowledging that the cost of reform is high, the committee concludes its report:

"The committee views Medicaid reform as a fiscal yoke weighing down the opportunity for change. Without reform, the failures of Medicaid will continue to burden the health care system with rising uncompensated care costs and to constrain access to care for the poor. The question to be addressed is: should government bear the burden of inadequate access to health care? And without reform this problem will be borne by those who are least able to carry the weight—the poor."

The coalition has submitted the plan to state governors, to President Bush and his administration, and to members of Congress.

"This report will help strengthen our campaign to fill in the gaps of health care coverage in the United States," said Gene Kimmelman, CFA Legislative Director. "As more and more interest groups acknowledge the need to expand Medicaid and provide for the uninsured, state and federal officials will be forced to allocate resources to our health insurance crisis," he predicted.

Car Book Provides Complaint Data

For the first time since the U.S. Department of Transportation began collecting and compiling car complaint information 15 years ago, that information on the reliability of cars will be available to the public in the 1989 editions of *The Car Book* and *The Used Car Book*.

After discovering the existence of this data, the Center for Auto Safety waged a lengthy battle using the Freedom of Information Act to obtain the data and provide it to car buyers through these publications.

"When you consider that the average 1989 car will cost around $14,000, it's clear that we need all the help we can get in this most difficult and intimidating purchase," said Jack Gillis, author of the two books and Public Affairs Director for CFA. "In order for consumers to make an informed choice, they need information.

"The Reagan administration has spent eight years paying lip service to the benefits of the free marketplace, yet they have been withholding the very information consumers need to make the informed choices necessary for the marketplace to actually work," Gillis said.

Clarence Ditlow, Executive Director of the Center for Auto Safety, echoed that view. "After spending thousands of dollars collecting and tabulating information on consumers' experience with the cars they drive, they buried it from public view," he said. "Eight years ago, when the Reagan administration tried to prevent consumers from receiving important safety information collected by the government at their expense, *The Car Book* came to the rescue. Once again, *The Car Book* is making available information that the government didn't want you to know," he said.

Gillis and his research associate Karen Fierst analyzed and interpreted the massive database of complaint information in order to develop the "Complaint Index," which provides consumers with easy access to the complaint history of the cars they may be considering. It is based on the ratio of complaints to the number of cars available, with high numbers reflecting more frequent consumer complaints.

In addition to the complaint ratings, the books provide information in such areas as getting the best price, safety systems, fuel economy ratings, tire quality, and insurance. *The Used Car Book* also helps consumers avoid some of the most common hazards of buying a used car.

The Car Book and *The Used Car Book* both are published by Harper & Row and can be obtained at book stores. *The Car Book* can also be obtained for $10.25 by writing to the Center for Auto Safety, 2001 S Street, N.W., Washington, D.C. 20009. Sales of the book by mail benefit the non-profit Center for Auto Safety.

The Best

Car	Complaint Index
Acura Integra 1986-88	0
Buick Somerset Regal 1985-87	0
Chevrolet S-10 Blazer 1986-88	0
Chrysler LeBaron GTS 1985-88	0
Dodge Shadow 1987-88	0
Honda Civic CRX 1984-87	0
Hyundai Excel 1986-88	0
Mazda B2000 1986-88	0
Nissan Van 1987-88	0
Saab 9000 1986-88	0
Subaru Justy 1987-88	0
Toyota Starlet 1981-84	0
Toyota Tercel 1987-88	0
Toyota Van Wagon 1986-88	0
Volkswagen Fox 1987-88	0

The Worst

Car	Complaint Index
Pontiac Phoenix 1980-84	4267
Peugeot 505 1980-88	4017
Oldsmobile Omega 1980-84	3523
Buick Skylark 1979-85	3305
AMC Alliance/Encore 1983-87	2522
Audi 5000 1984-87	2318
Plymouth Horizon 1987-88	2315
Chevrolet Citation 1981-85	2246
Dodge 400 1982-83	2183
Dodge Omni 1978-88	2153
Ford EXP 1981-85	2109
Audi 5000 1981-83	2025
Chrysler E Class 1983-84	1930
Chrysler Laser 1984-86	1903
Chrysler Cordoba 1980-83	1727

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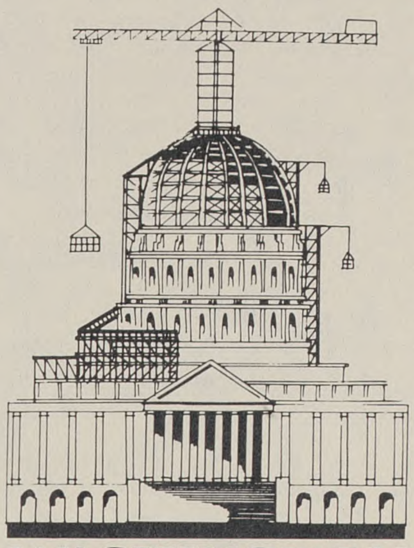
CFAnews is published eight times a year. Annual subscription rate is $25 per year.

Design & Typeset by: Design Consultants, Inc.

A Safer, More Secure Energy Future



WASHINGTON PERSPECTIVE

by Stephen Brobeck,
CFA Executive Director

Continued instability in the Middle East and rising oil imports have raised anew the issue of U.S. energy security. Simultaneously, growing scientific conern about global warming, depletion of the ozone layer, acid rain, and other air pollution has called into question our reliance on the burning of fossil fuels.

In the foreseeable future, the U.S. cannot achieve energy self-sufficiency. We depend too heavily on oil and natural gas which are in relatively short supply domestically. The burning of these two fossil fuels produces two-thirds of all the energy consumed in the country. Yet, for the past 40 years the reserve to production ratio for oil in the U.S. has continuously declined, from nearly 30 years to under nine years.

Are we doomed, then, to growing energy dependence on sheiks, mullahs, and ayatollahs? Fortunately, not necessarily. We have available to us energy policy options that would reduce our dependence on the most unstable foreign oil supplies while mitigating worrisome environmental hazards.

Strategic Reserve Should Be Doubled

We should begin by building up the Strategic Petroleum Reserve from 500 million to one billion barrels. The SPR functions as a national energy insurance policy. The purchase of an additional 500 million barrels at today's relatively low prices represents the least expensive means of freeing ourselves from the threat of political blackmail by foreign oil producers.

We should also continue to encourage diversification of foreign supplies. Even though oil imports have risen recently, our dependence on OPEC and Arab OPEC has not. In 1977, one-third of the oil consumed in the U.S. was from OPEC countries, 17 percent from the Middle East. By 1987, only 18 percent of our oil was produced in OPEC nations, less than 8 percent from Arab countries. Oil companies and the U.S. government should continue to emphasize developing oil and gas reserves throughout the non-OPEC world.

It is true, however, that the bulk of proven oil reserves lies in the Middle East, chiefly in Saudi Arabia. What strategies should we pursue to avoid increasing dependency in coming decades?

Conservation Is Most Effective Policy

For the remainder of this century, the most effective policy we can promote is conservation. There are still huge savings to be gained by improving building and appliance efficiency. For example, the use of existing technologies by manufacturers would improve the efficiency of new appliances by 20 to 50 percent.

The single most important conservation measure needed is improved fuel economies in our motor vehicle fleet. New technologies allow economies in the range of 60 to 80 miles per gallon. Just increasing fuel efficiency to 45 mpg for automobiles and 35 mpg for light trucks would save more oil than would be lost from expected declines in domestic production.

Conservation is a winning energy policy not just because it reduces dependency on foreign sources. It also lowers consumer costs, reduces environmental hazards, and shrinks our trade deficit.

In the 1990s, we must also aggressively promote the development of renewable energy technologies for deployment in the twenty-first century. Improvements in solar technologies especially offer great promise. Recent breakthroughs have lowered the cost of photovoltaic cells and solar panels, for certain applications, to that of more conventional energy sources. It is within the realm of possibility that by the year 2050 the most important U.S. energy sources will be solar and hydrogen.

Federal Action Needed

The marketplace will eventually allow the full potential of conservation and renewable technologies to be developed and implemented. Yet, because of its short-term outlook, this may not happen before the onset of major energy and environmental crises. Accordingly, the federal government must act to ensure that long-term energy needs are met and related hazards are avoided. It should begin by raising motor vehicle fuel economy standards and by shifting research funds from fossil fuel to renewable technologies.

Consumers Protest Government Actions on Meat

CFA has joined with other consumer groups in protesting two separate actions taken by the federal government that will have an impact at the dinner tables of American consumers.

Discretionary Meat Inspection

In December, CFA and other consumer, health, and labor organizations held a news conference criticizing a proposal by the U.S. Department of Agriculture (USDA) to implement a "discretionary" inspection program for meat processing plants. In February, the groups filed comments with the USDA asking that the proposal be withdrawn.

Under the USDA proposal, plant operators would certify the cleanliness and quality of their products. Federal inspectors would visit plants only occasionally. Moreover, the proposed regulations do not specify that federal inspectors' visits would be unannounced. When inspectors did visit a plant, they would examine plant records, not meat and poultry products.

In a "Statement of Concern" released at the press conference, CFA joined the other groups in labeling the proposal "ill-timed at best," given the increasing incidence and impact of food-borne illnesses. The groups pointed out that the proposed discretionary inspection system "makes no claim of improved consumer protection" and charged that the USDA is pushing the proposal in order to save $27 million and eliminate 1,000 inspectors.

"The discretionary inspection program is yet another example of the Reagan administration's efforts to shift the burden for consumer protection onto the backs—or in this case down the throats—of American consumers," said CFA Legislative Representative Sandra Eskin.

"Computer printouts and a drastically curtailed, self-policing inspection program are tantamount to no protection at all," Eskin said. "USDA cannot be allowed to exercise its 'discretion' to adopt regulations for meat processing plants that place Americans' health and safety at unreasonable risk."

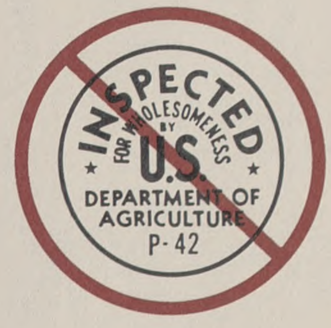
Bush Urged to Reject Proposal

In conjunction with the press conference, the groups sent a letter to President-Elect Bush, urging him to withdraw the proposed regulations and to include consumer and public health groups in the process of drafting any new regulations. Along with the letter, the groups sent Bush a copy of Upton Sinclair's "The Jungle," the landmark novel on abuses in the meatpacking industry in the early 1900's, which lead to the development of today's governmental meat inspection program.

Hormones in Beef

On January 30, CFA joined with other consumer groups in urging President Bush to step back from a potential trade war with the European Community over the issue of hormones in beef.

As of January 1, the countries of the European Community banned the import of all animal meat containing growth hormones, out of concern that hormones were potentially harmful to human health. This import ban, and an initial domestic ban that was approved in 1985, were the result of intensive consumer pressure in Europe.



"Through the hormone ban, consumers in Europe have expressed their preference for hormone-free beef—opting to be safe rather than sorry—and this preference must be respected," Eskin said.

In response to the ban, the United States raised tariffs on a number of European food products, based on its view that the European ban is not substantiated by any real evidence of health risk and is merely an attempt to protect domestic meat producers.

"Serious questions have been raised about the necessity and safety of hormone additives in meat," commented Eskin. "While proper use of hormones in meat production may pose little health risk, misuse of hormones may pose a significant risk."

CFA and other groups participating in the press conference asked both the United States and the European Community to accept a 90-day cooling off period before imposing any additional tariffs and thereby escalating the trade war. A 30-day cooling-off period, agreed to by the Reagan administration, ended Tuesday, January 31. The European Community said it would delay until February 20 its decision to counter-retaliate for additional U.S. tariffs that were raised February 1.

Hormone Ban Is Consumer Issue

"The E.C. hormone ban is an issue of consumer protection, not trade protection," reiterated Eskin. "Moreover, it provides American consumers the opportunity to push the USDA to develop an effective program for certifying products as "hormone-free." Such a program would allow them to express their preference for hormone-free products, and at the same time allow the United States to comply with the European ban."

While hormones are widely used by American meat producers, there is a growing market in the U.S. for hormone-free beef. Some states, including Texas and Wyoming, are encouraging the marketing of these alternative products. The lack of a certification program prevents American producers of hormone-free meat from exporting to Europe.

Consumer Education Receives Failing Grade

At a time when sweeping economic and technological changes are making it more difficult for people to meet their consumer needs, our secondary school system is not meeting society's need for good consumer education, according to a report recently released by the Consumer Federation of America.

"Secondary Consumer Education: A Status Report," written by CFA Executive Director Stephen Brobeck and Judy Cohart, describes and analyzes the current state of secondary education and finds it lacking. "While there are instructors who teach consumer education energetically and creatively, they are relatively few in number," Brobeck said. "The large majority of schools do not require students to take instruction in consumer education, and most students do not.

"Furthermore, because of poorly prepared instructors, dated materials, and other factors, the value of much of the instruction that does occur is open to question," he added.

Brobeck attributes this weakness in consumer education to a failure on the part of society to recognize its importance. "Policymakers, opinion leaders, educators, and even consumers do not know that there is widespread functional incompetence among adult consumers and that this incompetence imposes high costs, not only on individuals, but also on society as a whole," he said. "Especially disturbing is an apparent decline in societal support during the last decade."

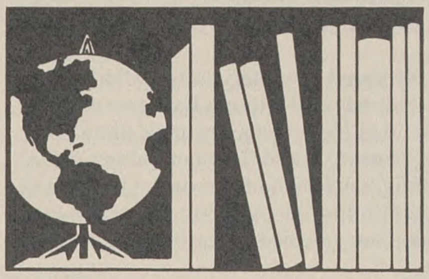
A first step toward improving the quality of consumer education, therefore, is increasing consumer education consciousness within our society, Brobeck concluded. The report recommends two measures to accomplish this goal.

The first measure—which Brobeck said he believes has the potential to significantly increase awareness among policymakers, opinion leaders, and consumers—is the development of a consumer competency examination that could be administered to a random sample of adults from throughout the nation. The report recommends that such a survey be developed as quickly as possible by leaders in the consumer education field with the assistance of a testing agency.

Exam Would Promote Societal Awareness

While the principal value of a consumer competency exam would be to demonstrate that adult consumers are at risk, the test could have other uses as well, Brobeck said, among them: helping to define consumer education more precisely at the secondary level; testing student progress for secondary and college teachers; and serving as an examination of minimum consumer competency that high school students would be required to demonstrate before graduating.

The second measure proposed by the report to stimulate more and better research is the creation of an annual award or awards for the best research on the benefits of consumer education. Of particular importance is research on the societal benefits of more rational, informed consumer decision-making. "This type of research has relevance to current societal concerns about lack of competitiveness, stagnant incomes, and rising health costs, among other issues," Brobeck said.



Using previous research and its own survey of 850 consumer education instructors throughout the nation, the CFA study found that only ten states have some form of mandate for consumer education, while two others give proficiency exams that include consumer education concepts; that consumer education courses are most often taught through the business or home economics departments; and that courses most commonly include budgeting, credit, and banking. Only one respondent to the CFA survey noted consumer affairs as an area of educational specialization, probably because certification is not offered in this area.

In addition to its two recommendations to increase societal awareness of the problem, the report outlines a number of steps that could be taken to improve the way consumer education is taught, including: setting universal requirements for instruction in consumer education that focus on consumer skills and awareness as opposed to economic education; updating and improving textbooks and supplementary materials; providing adequate preparation of consumer education instructors in college or graduate school; and increasing continuing support for these teachers through further instruction, a newsletter or magazine, and a resource center.

The failure of secondary consumer education can be seen in the fact that, despite its inclusion in some form in the secondary school curriculum since the 1930s, tens of millions of adults today are unable to perform such basic consumer functions as maintaining a checking account or understanding a food price label, Brobeck said.

"The decisions that face consumers are becoming increasingly complex. Low and moderate income households in particular have fewer dollars to spend and are finding it more difficult to spend them efficiently and productively," Brobeck said. "Secondary education is critical for meeting these consumer needs."

Free copies of the report are available by writing to TRW, which helped fund the research and its publication: Consumer Education Status Report, Joann Acord, TRW Information Systems Group, 200 Oceangate, Suite 1200, Long Beach, CA 90802.

Tampon Labeling Should Be Standardized

Commenting on a Food and Drug Administration proposed rule on tampon labeling, CFA has called for the standardization of such absorbency terms as "super" and "regular" and for more conspicuous warnings on the risks of contracting toxic shock syndrome.

"CFA believes that standardization of the familiar absorbency terms, in conjunction with a clear description of the need to use lower absorbency tampons to decrease the risk of toxic shock syndrome, is the most effective way to assist women in making their tampon purchases," stated CFA Legislative Representative Sandra Eskin in comments to the FDA. "The present FDA proposal, which adopts a letter system to designate tampon absorbency ranges while at the same time allowing manufacturers to continue using the unstandardized absorbency terms, will confuse, rather than clarify, consumer choice."

Toxic shock syndrome is a rare, but sometimes fatal, condition characterized by high fever, vomiting, diarrhea, dizziness and rash. Epidemiologic studies have demonstrated that the risk of TSS increases with higher absorbency tampons and that younger women and teenage girls are at greatest risk.

For absorbency labeling to be effective, it should facilitate interbrand comparison, Eskin said. She proposed that specific absorbency terms be applied to each of the absorbency ranges as follows: 6 grams or less, junior; 6 to 9 grams, light; 9 to 12, regular; 12 to 15, regular plus; 15 to 18, super; and above 18, super plus.

Eskin also called on the FDA to revise its regulations to ensure that the warning statement regarding toxic shock syndrome is more conspicuous. An informal survey of tampon packages showed that this information is often buried among promotional information on the back of the package. Instead, the FDA should require that the lettering used in the warning be made more prominent, perhaps in a contrasting color, and that the entire warning be boxed and placed on the front side of the tampon box, Eskin said.

Finally, because CFA believes the widest possible dissemination of information about the risks of TSS is necessary, Eskin called on the FDA to revoke its labeling exemption for tampons purchased through vending machines. "At the very least, there should be information about TSS placed on the outside of the tampon vending machine," she said.

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