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# OLEOMARGARINE IDENTIFICATION IN PUBLIC EATING PLACES

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## HEARING

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BEFORE THE

### SUBCOMMITTEE ON

### PUBLIC HEALTH AND WELFARE

OF THE

### COMMITTEE ON

### INTERSTATE AND FOREIGN COMMERCE

### HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

SECOND SESSION

ON

## H.R. 12061 and H.R. 15819

BILLS TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC  
ACT CONCERNING THE SERVING OF OLEOMARGARINE  
IN PUBLIC EATING PLACES

AUGUST 10, 1970

### Serial No. 91-69

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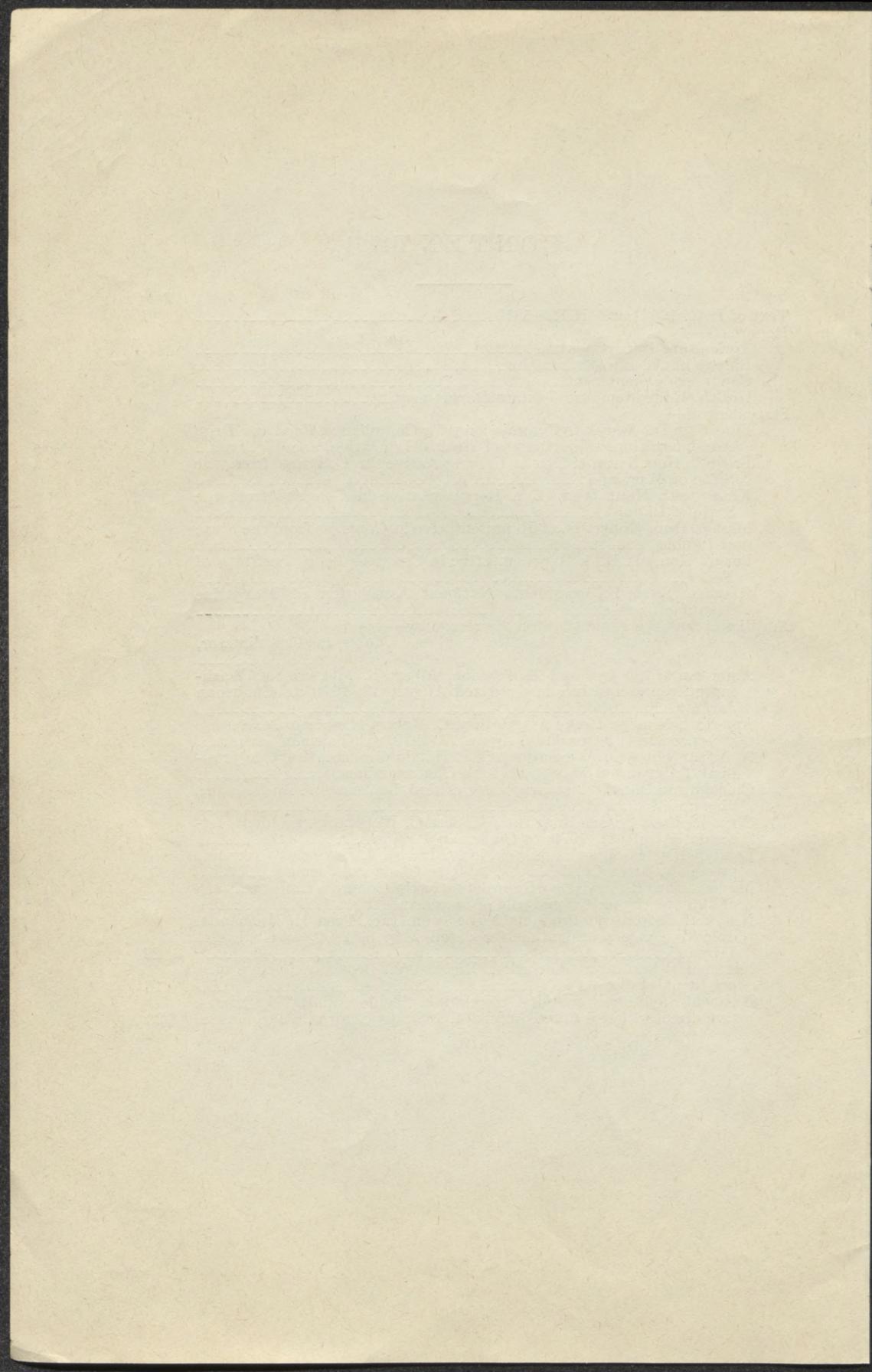
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## OLEOMARGARINE IDENTIFICATION IN PUBLIC EATING PLACES

MONDAY, AUGUST 10, 1970

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON PUBLIC HEALTH AND WELFARE,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 2322, Rayburn House Office Building, Hon. John Jarman (chairman) presiding.

Mr. JARMAN. The subcommittee will please be in order.

The purpose of the hearing today is to consider bills pending before the committee which would amend the Federal Food, Drug, and Cosmetic Act concerning the requirements imposed by that act upon establishments serving colored oleomargarine.

Section 407 of the Food and Drug Act presently requires a dual notice to restaurant customers that margarine is served. A restaurant may use either a conspicuous sign or a menu statement, in conjunction with either serving portions with labeling identifying the article as margarine or serving portions which are triangular in shape.

The bills will permit restaurants to choose any one of four ways stated above to give notice that margarine is served, rather than the two options now required.

All reports from executive agencies are favorable to the legislation.

At this point in the record, there will be included the text of the bills and the agencies reports thereon.

(The text of H.R. 12061 and H.R. 15819 and agency reports thereon follow:)

[H.R. 12061, 91st Cong., 1st sess., introduced by Mr. Michel (for himself and Mr. Kluczynski) on June 11, 1969, and H.R. 15819, 91st Cong., 2d sess., introduced by Mr. Friedel on February 10, 1970, are identical as follows:]

A BILL To amend the Federal Food, Drug, and Cosmetic Act, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 407 (c) of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 347 (c)), is amended by deleting the language thereof and substituting the following:

"(c) No person shall serve colored oleomargarine or colored margarine at a public eating place, whether or not any charge is made therefor, unless (1) a notice that oleomargarine or margarine is served is displayed prominently and conspicuously in such place and in such manner as to render it likely to be read and understood by the ordinary individual being served in such eating place, or (2) a notice that oleomargarine or margarine is served is printed or is otherwise set forth on the menu in type or lettering not smaller than that normally used to designate the serving of other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (4) each separate serving thereof is triangular in shape."

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., February 10, 1970.

HON. HARLEY O. STAGGERS,  
*Chairman, Committee on Interstate and Foreign Commerce,*  
*House of Representatives.*

DEAR MR. CHAIRMAN: This is in reply to your request of June 13, 1969, for a report on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act, and for other purposes."

This Department recommends that the bill be passed.

The bill provides for the identification of colored oleomargarine, when served at a public eating place, by:

1. A prominently displayed notice;
2. A notice on each menu;
3. A notice on each individual serving; or
4. Cutting individual servings into triangular shapes.

The present act requires identifying colored oleomargarine served in restaurants by:

1. A prominently displayed notice or a notice on each menu; and
2. A notice on each individual serving or by cutting individual servings into triangular shapes.

The bill would allow restaurants to use any one of the four identification options. We feel this is adequate to protect the public from being misled or deceived.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,  
*Under Secretary.*

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EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., February 4, 1970.

HON. HARLEY O. STAGGERS,  
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives,*  
*Rayburn House Office Building, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act, and for other purposes."

The bill would permit restaurants to give notice that oleomargarine is being served by one of four alternatives: (1) displaying a conspicuous notice, (2) printing a notice on the menu, (3) identifying each separate serving with a label, or (4) serving each portion in triangular shape. Section 407 (c) of the Federal Food, Drug, and Cosmetic Act presently requires that notice be given by one of the first two alternatives and additionally by one of the second two alternatives.

Reports on H.R. 12061 are being forwarded to your Committee by the Departments of Agriculture, Commerce, and Health, Education, and Welfare.

In its report HEW indicates that any of the first three alternatives should adequately protect the consumer. It recommends, however, against the inclusion of the fourth alternative since it doubts that this option alone sufficiently informs the customer that he is being served oleomargarine.

We concur generally in the views of the Department of Health, Education, and Welfare on the bill.

Sincerely yours,

WILFRED H. ROMMEL,  
*Assistant Director for Legislative Reference.*

DEPARTMENT OF COMMERCE,  
OFFICE OF THE GENERAL COUNSEL,  
Washington, D.C., March 23, 1970.

Hon. HARLEY O. STAGGERS,  
*Chairman, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of this Department with respect to H.R. 12061, a bill to amend the Federal Food, Drug, and Cosmetic Act, and for other purposes.

H.R. 12061 would amend the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 347 (c), as amended); that Act presently requires the server to identify colored oleomargarine or margarine served at a public eating place by following two of the four identification methods specified in the Act. Either a notice that oleomargarine or margarine is served must be prominently and conspicuously displayed or this information must be printed on the menu. In addition, the margarine or oleomargarine must either be labeled as such or be served in a triangular pat shape. These provisions were enacted as part of the so-called 1950 oleomargarine amendments to the Federal Food, Drug, and Cosmetic Act to protect the consumer from having margarine substituted for butter with no identification of the substitution provided (U.S. v. 856 cases, labeled "Demi", D.C.N.Y., 1966, 254 F. Supp. 57). H.R. 12061 would require a server to comply with only one of these four provisions, rather than a combination of two of the four.

The Department of Commerce has no objection to the enactment of H.R. 12061.

We understand that there is less concern today than previously as to the need for identifying oleomargarine and margarine in a public eating place. The use of margarine has reached an increasingly high degree of acceptance by the consuming public because of such considerations as price, improvement in the product, and the belief that margarine has a lower cholesterol count than butter.

The extent to which public eating places would choose to use the triangular shape for margarine pats as the sole means of identification is difficult to determine. (This is the only one of the four alternatives that does not identify margarine in writing.) Consumers, as yet, may not be generally aware that the triangular shape of pats signifies margarine.

On balance, however, we believe that requiring notification by any of the four alternatives should afford reasonable protection to those persons who wish to know if margarine rather than butter is being served.

We have been advised by the Bureau of the Budget that there would be no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

JAMES T. LYNN, *General Counsel.*

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
Washington, D.C., February 20, 1970.

Hon. HARLEY O. STAGGERS,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of June 13, 1969, for a report on H.R. 12061, a bill "To amend the Federal Food, Drug, and Cosmetic Act" concerning the serving of oleomargarine in public eating places.

This bill would provide that no person shall serve colored oleomargarine or colored margarine at a public eating place, regardless of whether there is a charge, unless (1) a notice that oleomargarine or margarine is served is displayed conspicuously, or (2) a notice that oleomargarine or margarine is served is set forth in the menu in type not smaller than that used to list other food items, or (3) each separate serving bears or is accompanied by labeling identifying it as oleomargarine or margarine, or (4) each separate serving is triangular in shape.

Section 407 of the Federal Food, Drug, and Cosmetic Act presently requires a dual notice to restaurant customers that margarine is served. A restaurant may use either a conspicuous sign or a menu statement, in conjunction with either serving portions with labeling identifying the article as margarine or serving portions which are triangular in shape.

H.R. 12061 would amend the Act to permit restaurants to choose any one of the four ways stated above to give notice that margarine is served, rather than the two options now required.

We would have no objection to amending the Act to require only a single notice in restaurants that margarine is served. A prominently displayed sign, a conspicuous notice in the menu, or labeling stamped on or accompanying individual portions should adequately protect the customer against deception. However, we would recommend against inclusion of the fourth option, i.e., serving individual portions which are triangular in shape. We doubt that this option alone sufficiently informs the customer that he is being served margarine.

We are advised by the Bureau of the Budget that there is no objection to presentation of this report from the standpoint of the Administration program.

Sincerely,

ROBERT H. FINCH, *Secretary.*

Mr. JARMAN. First, this morning, we shall hear from our distinguished colleague from our full committee, Hon. Samuel N. Friedel. I understand Mr. Friedel has a statement he would like to present for our consideration.

Welcome, Mr. Friedel; proceed as you see fit.

#### STATEMENT OF HON. SAMUEL N. FRIEDEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. FRIEDEL. I thank the subcommittee for their consideration of my proposal to bring more simplicity and enforcibility into the present law regulating colored margarine in public eating places.

I am sure the members of the subcommittee are familiar with the present notification law and how my bill proposes to substitute a single method of notification for the cumbersome double method.

Not being an expert in the restaurant business, I defer to my good friend and colleague, John Kluczynski, and take this opportunity to thank him for his work to make our House restaurant a better place for thousands of people to dine.

However, we in Maryland think we are pretty expert at good eating, and that goes for our restaurant industry. There are some 5,000 restaurants in Maryland. Most are individually owned and in effect are small businesses. You all know what problems small businesses have today with costs of this and that. The proposal before you will take just one unnecessary burden from the back of the eating place proprietor who may wish to use margarine, but that is some progress.

Our restaurants are famous the country over for Maryland and Chesapeake Bay seafood. Come over and try it sometime. Chincoteague oysters, hard and soft shell crabs, clams, and our famous Maryland crab cakes, to name just some of our favorite dishes, have been features since early colonial times. Whatever we can do to help this important part of American business cut costs and simplify its operations is in the right direction.

My bill is not a margarine or a butter bill. It is a bill for making one Federal regulation more workable. If a restaurant owner chooses to use margarine or butter in his cooking or serving, that is his right. He

should not be required to notify the patron in a number of ways but in one simple way if he is serving margarine.

Margarine, too, is a Maryland product—we have one of the most progressive and successful margarine making firms in the world in Baltimore, J. H. Filbert, Inc., in family ownership for more than 50 years.

Our Maryland State law on margarine in restaurants is a model of simplicity—it requires notice on the bill of fare or on the wall. My bill, therefore, establishes uniformity, for the eating place proprietor who would be enabled to meet both State and Federal laws by simply doing one of those two things.

Thank you for consideration of this bill.

Mr. JARMAN. Thank you, Mr. Friedel, for taking time out of your busy schedule to share your views with us.

Mr. FRIEDEL. Thank you, Mr. Chairman, for affording me the time.

Mr. JARMAN. Our next witness this morning, and it is a pleasure to welcome him to the subcommittee, is our good friend and colleague, Congressman Robert Michel, of Illinois.

Bob, it is good to have you.

#### STATEMENT OF HON. ROBERT H. MICHEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. MICHEL. Thank you, Mr. Chairman and members of the subcommittee. I do appreciate your affording us the opportunity of being heard this morning, particularly in view of the tremendous schedule those of you serving on the Interstate and Foreign Commerce Committee have been under in recent months, with all your hearings in a variety of fields. We are particularly moved to say thank you for giving us this opportunity to testify in support of the bill, H.R. 12061 which, as the chairman indicated, will simplify notification in the public eating places where yellow margarine is served.

As the chairman cited, section 407 of the Federal Food, Drug, and Cosmetic Act presently requires a dual notice to restaurant customers that margarine is being served.

Now, this is accomplished by (1) posting a sign on the wall or making a suitable statement on the menu and, (2) labeling each dish on which the margarine is served, or serve it in a triangular form.

Now, the bill which I have introduced would remove the second requirement from the law, and the reasons for it are as follows:

It seems to me that the double requirement is not necessary. The wall or menu requirement alone provides sufficient notice to patrons. It is the more appropriate and usual means of making such a notification.

In contrast to simple wall or menu notification, the second requirement requires special preparations that are not necessary and are unusual—to print or stamp “margarine” on dishes or carriers, or to cut the margarine into triangles or pay for having it so made.

Together, the two requirements make enforcement unnecessarily complicated. The enforcement agency is the U.S. Food and Drug Administration.

Currently FDA is not enforcing this, pleading lack of funds before our appropriations subcommittee on HEW, on which I happen to serve. To reduce the requirements to wall or menu notification would make enforcement much simpler. And simplification of the Federal requirement would encourage uniformity among the various State laws on notification.

No reduction of protection to consumers is entailed. The real protection value of the law, it seems to me, is enhanced by making it simpler to understand and enforce.

Many patrons of eating places are under their doctor's orders to use margarine. As it stands, the Federal notification requirement makes it more difficult than is necessary for a restaurant to offer it.

Restaurant managers would be relieved of a burdensome, unnecessary requirement on small business.

No other change in the margarine law is involved, and the Bureau of the Budget advises they have no objection to the legislation, as is the case with other Federal agencies that have been asked for reports.

At present, most States also have notification laws concerning the serving of oleo margarine. These laws are frequently revised, and the trend is toward uniformity with Federal requirements.

The proposed change in the Federal law would not, of course, of itself change these or the other State laws.

I should emphasize, Mr. Chairman and members of the subcommittee, that this is not a bill to promote one product over another. I, personally, happen to like both margarine and butter. Both are good farm products. We produce both in Illinois. Since the law was enacted in 1950 requiring notification when colored margarine is served in restaurants, we have had an agricultural revolution that has played a part in the margarine becoming the leading table spread. But the main thing is that we should have freedom of choice between these as between all other foods.

Organizations which have indicated they favor this bill, H.R. 12061, are the American Heart Association, the American Nursing Home Association, Inc., the American Soybean Association, the Corn Refiners Association, the Illinois & Chicago Restaurant Association, the Land of Lincoln Soybean Association, the National Association of Margarine Manufacturers, the National Cottonseed Products Association, the National Restaurant Association, and the National Soybean Processors Association.

In conclusion, Mr. Chairman, the proponents of H.R. 12061 feel that one method of giving notice is sufficient and that a requirement for the use of more than one method for giving notice is unnecessarily burdensome upon the restaurateur; and this, Mr. Chairman, is, to my knowledge, the only food product requiring such duplication or double notice, rather than a single notification that it is such and such a product.

With that I would conclude my own testimony, Mr. Chairman, but I would like to have included in the record the statement of Mr. Siert F. Riepma, president of the National Association of Margarine Manufacturers. Mr. Riepma is here to answer any questions but we do appreciate the pressing demands upon your time, and simply want to be

as cooperative as we can to the subcommittee in expediting your very important business.

Mr. JARMAN. The subcommittee will be glad to receive Mr. Riepma's statement. (See p. 10.)

I would like to say that it is a very good and succinct statement on your part. My impression is that this is desirable legislation.

Mr. ROGERS.

Mr. ROGERS. Thank you, Mr. Chairman. I welcome the distinguished gentleman to this committee, too. I think probably both of us are good examples of our proclivity to use butter and margarine, don't you?

Mr. MICHEL. Right.

Mr. ROGERS. Have any of the consumer groups been asked about this legislation? Is there any objection from consumer groups that you know of?

Mr. MICHEL. Not to my knowledge.

Mr. ROGERS. Yes.

Mr. MICHEL. And I do not know that there has been any real broad scale inquiry made to solicit those views. But, to my knowledge, I would see no reason under the sun why consumer groups would be in opposition to the legislation.

Mr. ROGERS. Let me ask you this: Is there any difference in nutritional value between margarine and butter?

Mr. MICHEL. Well, I must say that is not my area of expertise.

Mr. ROGERS. I understand.

Mr. MICHEL. But, as I indicated in my testimony, for health reasons there have been a number of us who have been asked to eat margarine as distinguished from butter.

Mr. ROGERS. Yes; I am wondering if there is a difference and, perhaps someone from the association could furnish it for the record.

Mr. MICHEL. I would be happy to furnish that and, as I say, Mr. Riepma is here, and he may be able to furnish it.

Mr. ROGERS. All right. Please furnish it for the record.

(The following information was received for the record:)

#### THE NUTRITIONAL ROLE OF MARGARINE

Much has been written on the nutritional role of margarine, by scientists and physicians as well as by nutritionists and food experts. A book on margarine is anticipated to be published this winter, and the following main points are drawn from the chapter on nutrition that has been prepared for that work.

1. Since before World War II, it has been generally recognized that, basically, margarine is the nutritional equivalent of good dairy butter. Both spreads contain about 3,300 calories or units of food energy per pound. Both have vitamin A; all table margarine is fortified to provide a minimum of 15,000 U.S.P. units of this vitamin per pound, while the quantity in butter is variable but is presumed to average about the same.

2. All margarine is 80 percent fat. The remainder of the product is chiefly skim milk, or, sometimes, water. The milk solids content of the skim milk amount to about 1.5% of the product weight. Most margarines are salted; the salt is from 2 to 3 percent of the product weight. In all these respects margarine and butter are generally alike.

3. Margarine may be composed of one or more vegetable oils brought together to make up the fat content. Most margarines use nothing but vegetable oils, the leading one by far being refined soybean oil. Second comes corn oil and third is cottonseed oil. Such margarines are made under the Food and Drug Administration's Standard for margarine.

Some margarines are made in part or wholly with animal fats, usually pure lard. These are made under the U.S. Department of Agriculture's Standard for margarine. Butter, of course, has its fat content composed entirely of milkfat, an animal fat.

4. Margarine comes in a variety of types, and it can be "designed" to offer a range of nutritional or other characteristics. Most margarine is the plastic, vegetable oil product familiar to consumers. There are however, margarines that are made to be all-vegetable (vegetarian), kosher, low-salt, and high in polyunsaturated fatty acids (the latter are sometimes called "special margarines" and may feature corn oil and safflower oil as well as soybean oil).

All vegetable oils margarines offer a higher level of polyunsaturated fatty acids than does butter, and some margarines have a relatively high level of these substances, the leading one being linoleic acid.

5. Some margarines also fortify with vitamin D, usually to provide a minimum of 2,000 U.S.P. units per pound. Vegetable oils margarines also contain some vitamin E, which is found in the oils.

Mr. ROGERS. Let me ask you this: What about the cost factor? Is there a difference in cost? Will there be a difference in cost to the consumer, say, generally?

Mr. MICHEL. Well, I think, this all depends upon the restaurant involved. Obviously, it is an increased cost for an eating establishment to provide, as we require under Federal law now, special labeling of dishes and this kind of thing.

It seems to me that has all got to be a cost that is cranked into their—

Mr. ROGERS. I was thinking vis-a-vis butter.

Mr. MICHEL. Right. Well, frankly, if one restaurant is only going to serve butter, obviously they do not have to go to this expense. But it is strictly a voluntary type thing.

Mr. ROGERS. Sure, I understand. But what I was thinking was the cost of butter and the cost of margarine, is it about the same?

Mr. MICHEL. Well, no. As a matter of fact, margarine is a much more economical spread to use.

Mr. ROGERS. That is what I wanted to find out.

Mr. MICHEL. Yes.

Mr. ROGERS. Now, would you have any objection to saying that this should be accomplished by a suitable statement on the menu, simply a statement on the menu?

Mr. MICHEL. Well, this is, of course, what the law provides, either that we have a posting of notice in the restaurant—

Mr. ROGERS. A sign on the wall.

Mr. MICHEL (continuing). Or a notification on the menu.

Mr. ROGERS. What I was thinking, would you have any objection to just saying it should be posted somewhere on the menu, because I question—not that it would make a great deal of difference, I suppose, because I do not know anyone who really checks all that, but I presume to really get the notification, if this is the purpose, it would be better on the menu, I would think, than on a wall posted somewhere.

Would you have any objection?

Mr. MICHEL. I have no objection, personally. Whether other witnesses might have a view, that remains to be seen.

Mr. ROGERS. Thank you very much.

Thank you, Mr. Chairman.

Mr. JARMAN. Mr. Nelsen.

Mr. NELSEN. I wish to join with my colleagues in welcoming our very distinguished Congressman to the committee.

Now, I happen to be a dairy farmer, of course—

Mr. MICHEL. And a very good one at that.

Mr. NELSEN. We have had a great contest going on for years between the oleomargarine and dairy interests. For example, a tax on oleomargarine was levied in Wisconsin, which turned out to be a mistake. I never supported that type of legislation in my own State. But I do say that the oleo people have attempted to imitate butter for the purpose of promoting sales. My argument has always been that if they wish to copy color so as to imitate our spread, the only protection that I think we should have had was to identify the product as an imitation.

It would be like somebody labeling an automobile, so as to falsely use a trade name. Likewise we in the dairy industry do not want our color imitated without proper identification.

Now, I do feel that if oleo is to be sold it ought to be labeled as such because they have imitated the color, those who merchandise oleo ought to identify it so that the public knows what it is getting, and I am sure we can work out something satisfactory, I thank you for your point of view. We will work it out. Thank you very much.

But I will defend the dairy farmer to the last pull.

Mr. MICHEL. The gentleman has done that over the years in a very effective way here in the Congress, and we all respect him very greatly for the point of view that he expresses.

Mr. JARMAN. Mr. Preyer.

Mr. PREYER. Thank you, Mr. Chairman.

Mr. Michel, it certainly is a succinct and clear statement.

Do you credit margarine or butter for the hop on your live fast ball? [Laughter.]

Mr. MICHEL. Well, I would have to give credit to margarine, I guess, if it is a choice between the two because, as I said, I am trying to keep my own cholesterol count down, and a trim waist line poses less of an obstacle in getting around on the pitching mound.

(Discussion off the record.)

Mr. PREYER. Thank you very much.

Mr. MICHEL. Thank you.

Mr. JARMAN. I think that is very effective testimony.

Mr. MICHEL. I want to thank the chairman and members of the subcommittee for coming here again on an early Monday morning, with all the business you have at hand. I appreciate the opportunity of testifying. Thank you.

Mr. JARMAN. We understand our friend and colleague, Congressman Kluczynski is getting here by air from Illinois, and will be here for the hearing, hopefully.

Mr. MICHEL. Right. As I understand the plane is just a little bit delayed, but he was hoping to be here as the leadoff witness, as I understand.

(Discussion off the record.)

Mr. JARMAN. Congressman Michel referred to Mr. S. F. Riepma of the National Association of Margarine Manufacturers.

Would there be any additional comments to your statement that you would care to emphasize to the subcommittee this morning?

STATEMENT OF SIERT F. RIEPMA, PRESIDENT, NATIONAL  
ASSOCIATION OF MARGARINE MANUFACTURERS

Mr. RIEPMA. I have no additional formal comments, Mr. Chairman, except to thank you and the distinguished committee for the time they have given us on our modest proposal.

May I make three short answers. The distinguished Congressman from Florida asked if consumer organizations have been heard from.

It is my understanding that the Office of the President's Consumer Adviser, Mrs. Knauer, has filed a favorable statement. I know of no consumer adversaries to this proposal. I would think they would be for it.

Second, concerning prices. The average retail price of butter and margarine just, for example, last year, was around 27 to 28 cents for margarine to 84 or 85 cents for the dairy spread.

When you buy institutional margarine sometimes you can save, but the cost is more when you buy it with a cut to make it triangular or the little label on it. The label itself, is a paper cover over the pat; it may entail as much as 8 or 9 cents more a pound.

That, of course, is up to the restaurant operator.

If I may answer the question from the distinguished Congressman from Minnesota, we feel that this proposal means protection for butter in restaurants and will enhance compliance and enforcement of this law.

We believe in notification for margarine. In fact, our association is proud that immediately after the passage of the act we put a good deal of effort into notifying restaurants throughout the country what they must do to comply with it. Thank you.

Mr. JARMAN. Are you having much difficulty in the restaurant business with divergent and different State laws on the subject.

Mr. RIEPMA. We are, and I was hopeful if this bill is enacted into Federal law it will be the commencement of more uniformity with most State laws and gradually all the other State laws will go into line.

Answering your simple question, but there are approximately 16 States, including the District of Columbia, that have the Federal type of law because they imitated that law after it was passed.

I am told when I go into those States that when the Federal law is changed that they will consider changing theirs in the interests of uniformity, which is so logical that I have to accept that response.

Mr. ROGERS. May I just ask one question? Would there be any objection to saying the notice should be given on the menu?

Mr. RIEPMA. No; except that not all eating places have menus.

Mr. ROGERS. It just seems to me this would be the easiest way to notify the patron.

Mr. RIEPMA. What Congress decides is a proper method or option of notification.

Mr. ROGERS. You would have no objection to that?

Mr. RIEPMA. No.

Mr. ROGERS. All right. Thank you.

Mr. JARMAN. Are there further questions?

Mr. RIEPMA. Thank you, gentlemen.

(Mr. Riepma's prepared statement follows:)

STATEMENT OF S. F. RIEPMA, PRESIDENT NATIONAL ASSOCIATION OF MARGARINE MANUFACTURERS

Mr. Chairman and distinguished members of the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce:

My name is Siert F. Riepma. I am president of the National Association of Margarine Manufacturers, a trade association representing most of the producers of margarine. I believe that my remarks express the view of the entire industry and also of the agricultural producers and the processors of margarine ingredients.

Thank you for the privilege of appearing before you in connection with the proposal H.R. 12061 and also the identical bill H.R. 15819.

These bills relate specifically and only to the notice that eating place operators are required to give patrons when yellow margarine is served. Their purpose is not to remove the federal law on notification but to make it a better law by simplifying it.

The present law has a double requirement for consumer notification that is unique in federal and state requirements for any food. The operator of a restaurant serving yellow margarine must notify the patron in two ways: (1) by notice, which may be a wall notice or a menu statement, and (2) by individual serving labeling, which may be by some kind of labeling of the pat of margarine or the dish on which it is served, or by the pat being in a triangular shape.

This requirement is in Section 406 of the Food, Drug, and Cosmetic Act. It was put there when Congress, in 1950, removed the old federal taxes on margarine (Act of March 16, 1950, 64 Stat. 20; copy enclosed). There was concern in Congress that patrons in public eating places should be notified by package labeling. There was also a desire that the eating place operator have reasonable options as to how he would notify.

At that time most states had laws for restaurant notification when margarine is served. They still do. (A summary of the state requirements is appended to this statement.) The act of 1950 established federal jurisdiction on top of the states' jurisdictions on the basis that the commerce power justified such an extension of federal authority into intrastate business.

Over the years the enforcement agency, the Food and Drug Administration, reported the percentage of violations to be decreasing. In 1960 the Commissioner told a committee of Congress that he preferred local to federal enforcement of this type of consumer protection, and that "It is hard to justify putting very much money into finding out whether a restaurant is selling oleomargarine as butter when we have not been able to uncover all the cancer cures" (U.S. Congress, House of Representatives, 86th Congress, 2nd Session, Committee on Appropriations, *Hearings . . . Labor-Health, Education, and Welfare Appropriations* (Washington, 1960), p. 262).

The situation is much different now from what it was in 1950. Americans today are eating out more than ever before. Margarine use in homes has increased two and a third times. Restaurants have increased their use of margarine also, both as a cooking ingredient and as a served food. The amount of margarine utilized in restaurants is not known; one general estimate is 100 million pounds per year.

While margarine is now becoming a commonly used food away from home as it has become in the home, after the experience of twenty years, the federal double notification law can only be regarded as difficult to enforce, burdensome to comply with, and not returning demonstrable benefit to anyone.

The states have the original margarine notification laws, and their experience is instructive. When in 1950 the federal double notification requirement was enacted, most states already permitted yellow margarine in eating places, nearly all with some form of single notification. None of them found it necessary to adopt the federal double notification. Indeed, some states relaxed their laws on the use of yellow margarine in eating places.

All the states that did not permit the sale of yellow margarine have since acted to repeal such prohibitions. In the process some have adopted the federal language. It is reasonable to believe that they will follow the example of Congress if it enacts H.R. 12061 or H.R. 15819. Meanwhile such enactment would create more, not less, uniformity with existing state laws.

One of the states with a federal-type law is New York. It is interesting that when New York later enacted notice requirements for certain substitute dairy products called "melloream," the regulations adopted required only one of several

optional means of notifying patrons. Apparently this single notification was deemed preferable to the double notification for margarine which had been copied from the federal law. (During the last session a bill was introduced and approved by a committee to convert margarine notification to single method, just as H.R. 12061 would do.)

Undeniably the federal double requirement presents the eating place operator with a bewildering and unusual job of complying with the law. It is hardly surprising that many eating place operators regard compliance as just too much red tape. They have enough to do to stay in business in the face of rising food and labor costs.

A great many Americans are now getting a substantial part of their eating done away from home. Many use margarine at home, and many have been directed to use margarine by their physicians. Enactment of H.R. 12061 or H.R. 15819 will help make this nutritious food available to them without sacrificing the principle of notification. Indeed, by simplifying the requirement we will encourage compliance and make enforcement easier.

I respectfully request your distinguished Committee to report affirmatively one of the bills, H.R. 12061 and H.R. 15819, as a needed and desirable modernization of an outmoded federal provision that hinders, rather than helps, consumer protection, business enterprise, and the proper regulatory functions of the federal government.

SPECIAL STATE LAWS CONCERNING MARGARINE IN PUBLIC EATING PLACES

State	Special margarine law	Notice required			Individual serving identification required		Patron must request	Special license
		Wall	Menu	Size, place, type, etc., specified	Dish or pat	Triangle		
Alabama	X							
Alaska								
Arkansas	X					X		
Arizona	X	X	or X			X	X	
California	X	X	or X	X	X	X	X	X
Colorado								
Connecticut	X	X	or X		X	X		
Delaware	X	X	or X		X	X		
District of Columbia			or X		X	X		
Florida	X	X		X				
Georgia								
Hawaii	X							
Idaho	X	X	or X	X	X	X		
Illinois								
Indiana	X	X	and X	X				
Iowa			or X		X	X		
Kansas	X	X	or X	X	X	X		
Kentucky								
Louisiana	X							
Maine		X		X				
Maryland	X	X	or X	X				
Massachusetts	X	X	or X	X				
Michigan	X	X	and X	X		X		
Minnesota	X	X	or X		X			
Mississippi	X	X		X				
Missouri	X				X			
Montana	X	X	or X		X	X		
Nebraska	X	X	or X		X			
Nevada	X	X	or X	X				
New Hampshire	X	X	or X		X	X		
New Jersey	X							
New Mexico	X							
New York	X	X	or X	X	X	X		X
North Carolina	X	X	or X	X	X			
North Dakota	X	X	and X	X				
Ohio	X	X		X	X			
Oklahoma								
Oregon	X	X	and X	X		X		
Pennsylvania	X	X	or X		X	X		
Rhode Island	X							
South Carolina	X							
South Dakota	X	X	or X	X	X	X		
Tennessee	X	X	and X	X				
Texas	X							

## SPECIAL STATE LAWS CONCERNING MARGARINE IN PUBLIC EATING PLACES—Continued

State	Special margarine law	Notice required		Individual serving identification required			Patron must request	Special license
		Wall	Menu	Size, place, type, etc., specified	Dish or pat	Triangle		
Utah.....	X							
Vermont.....	X	X	and X	X	X	X		
Virginia.....	X	X		X				
Washington.....	X							
West Virginia.....	X							
Wisconsin.....	X						X	
Wyoming.....	X	X	or X		X	X		

<sup>1</sup> Pat

Mr. JARMAN. Next we shall hear from our colleague from the State of Texas, the Honorable W. R. Poage. Mr. Poage has a brief statement he would like to present to the committee. Welcome, sir. Proceed as you see fit.

**STATEMENT OF HON. W. R. POAGE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF TEXAS**

Mr. POAGE. Mr. Chairman and distinguished members of the Subcommittee on Public Health and Welfare, I appreciate this opportunity to offer my views on the bills before you, H.R. 12061, and H.R. 15819, by my distinguished colleagues, Representatives Kluczynski and Michel, and Representative Friedel, respectively.

I endorse the proposal in these bills to simplify the present burdensome requirements in the Federal law. I must say I sympathize with those who have had to comply and enforce those unusual requirements. The real benefactors of the change, however, will be the many Americans who are eating away from home and who for one reason or another would like to be able to choose between margarine and butter. Both foods are good products of our agriculture and our food industry.

As the original author of the present requirement, in section 407(C) of the Food, Drug, and Cosmetic Act, it is my feeling that these proposals are fully in harmony with the original purpose, which was to notify patrons in a reasonable and suitable manner.

When the House adopted my proposal removing the old margarine taxes in 1949, it thereby adopted what we then considered to be a useful notification rule, requiring notice by sign or menu and also identification of each serving. In the course of the debate the House further adopted an amendment allowing triangular shape to be one form of identifying each serving. The Senate and House Conference Committee then adopted this notification provision without comment.

Twenty years have gone by. Margarine has become the principal table spread. It is understandable that restaurants should be using it increasingly. It seems both timely and appropriate to replace the double-notification requirement with a single notification one, as the bills before you propose.

Thank you for your consideration.

Mr. JARMAN. Thank you, Mr. Poage, for taking time from your busy schedule to share your thoughts with us today.

Mr. POAGE. Thank you, Mr. Chairman, it has been my pleasure.

Mr. JARMAN. We understand that Mr. Sam D. Fine, Associate Commissioner for Compliance of the Food and Drug Administration is in the hearing room.

Mr. Fine, would you have any comments to make on the proposed legislation?

**STATEMENT OF SAM D. FINE, ASSOCIATE COMMISSIONER FOR COMPLIANCE, FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

Mr. FINE. Sir, our comments were given by the Secretary in a letter to your committee on February 20. I think it would be appropriate if I read a portion of that letter into the record, if I may.

Mr. JARMAN. That letter will be a part of our record, of course.

Mr. FINE. Yes, sir.

"We would have no objection to amending the act to require only a single notice in restaurants that margarine is served. A prominently displayed sign, a conspicuous notice in the menu or labeling stamped on or accompanying individual portions should adequately protect the consumer against deception. However, we would recommend against inclusion of the fourth option i.e., serving individual portions which are triangular in shape. We doubt that this option alone sufficiently informs the consumer that he is being served margarine."

You see, in the bill you have four options. There are "ors" in each case there, and you could end up with nothing to inform the consumer except a triangular shape, and if you are in a rather warm restaurant and the triangular shape starts melting, it could appear to be that other spread, the more expensive spread.

Mr. JARMAN. Let me see if I understand what you just said. Doesn't H.R. 12061 remove that second requirement so that it would leave it under the terms of that bill, simply a posting of a sign on the wall or making a statement on the menu?

Mr. FINE. As I understand it, and again looking at our bill report, you have four options: One, a notice that is displayed conspicuously, or a notice that is set forth in the menu, or that each serving be labeled, or that each serving be in the triangular shape.

Mr. ROGERS. That is present law.

Mr. JARMAN. That is section 407.

Mr. FINE. The present law requires a dual way of telling you that oleomargarine is being served. Under the present law you will have this information on the menu or on the wall, and you will have it on the serving or a triangular pat.

Under this bill, you could end up with no words. All you could end up with would be a triangular pat as one of the four options.

Mr. JARMAN. In leaving four options, would this make for the uniformity that we are seeking through this legislation?

Mr. FINE. We say in our bill report of February 20 that we doubt that the fourth option alone is sufficient to inform the consumer. There

are no words to tell him this. All he can do is look at the shape of the pat.

Mr. ROGERS. Mr. Chairman, why wouldn't it be just as well to set one requirement, that it be stated on the menu; isn't that the best method to get it across to the patron?

Mr. FINE. Yes, I would think so.

Mr. ROGERS. Let us say that.

Mr. FINE. I would think so.

Mr. ROGERS. Would you have any objection to that?

Mr. FINE. I would have no objection to that.

Mr. ROGERS. Thank you, Mr. Chairman.

Mr. JARMAN. Thank you very much.

Mr. FINE. Thank you.

Mr. JARMAN. The Chair has noted the presence now of our good friend and colleague, Congressman John Kluczynski of Illinois who has just come in by plane to Washington and reached the committee room.

It is a great pleasure, John, to have you with us. We have gone ahead with the beginning of the hearing, and we would appreciate any comments that you would like to make.

#### STATEMENT OF HON. JOHN C. KLUCZYNSKI, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. KLUCZYNSKI. Thank you, Mr. Chairman and members of the committee.

I have a prepared statement, and if it is all right I will read it, or put it in the record.

Mr. JARMAN. The committee will be glad to hear you.

Mr. KLUCZYNSKI. All right, Mr. Chairman and members of the committee.

The bill before your distinguished committee is H.R. 12061, which bears my name and also that of our colleague Representative Michel from Illinois.

Another esteemed friend, Representative Friedel, has introduced an identical bill which you also have before you.

The purpose of H.R. 12061 is so simple that I can describe it in just two sentences.

The Food, Drug, and Cosmetic Act, section 407(c), requires public eating place managers possessing colored margarine to make that fact known to their patrons by double notification—a notice on the wall or in the menu, plus identifying each serving or making their serving triangular in shape.

H.R. 12061 would make a single form of notice sufficient instead of the existing double notice. Under H.R. 12061 an eating place operator would comply by doing any one of the four things already in the law—wall notice, menu notice, labeling each serving, or using triangular pats.

The reasons for this bill I will sum up as follows:

1. The double notice requirement is not necessary, has proved difficult to enforce, is unnecessarily burdensome on eating place

operators, and stands in the way of those restaurants that wish to make this particular food available to their patrons.

2. The principle in the law of giving notice when yellow margarine is served is not changed. The method of giving notice is more flexible.

Speaking as one who has had some considerable personal acquaintance with restaurant operations, including our own House restaurant, may I say that this proposal is right in line with the realities of running a good public eating place today, as more and more families have turned to margarine, so are more and more restaurants using it in their cooking or as a table spread.

No one denies their right to do it, and some doctors and patrons encourage them to do it. Because colored margarine so closely resembles butter, Federal and most State laws demand that patrons be notified. I simply propose that the notification be made as simple and therefore as useful as possible.

This proposal is a step toward one of our crying needs, more uniformity and simplicity in laws dealing with informing consumers. There is a maze of State laws covering notice when margarine is served. H.R. 12061 would bring the Federal requirement closer to most State laws.

My own State, Illinois, is moving in that direction. Last year, it simplified the law a bit to bring it more into line with Federal law, and I am sure it will follow our lead if we simplify the Federal, and so will the other 16 States that have the Federal-type law.

The interest of consumers and restaurant operators in simpler, more effective notification is so obvious that I will not go into further explanation. But I would like to recall the hearing before the committee which I chair, the Select Committee on the House Restaurant. We had a hearing last October, you may recall, for we are trying to improve our House Restaurant facilities.

At that hearing we were privileged to have present the wives of several Members of Congress. We also heard testimony about good nutrition from Dr. Jean Mayer, the distinguished nutrition authority and chairman of last year's White House Conference on Food, Nutrition, and Health.

Dr. Mayer gave some interesting testimony. He emphasized the importance of restaurants that try to provide good food in light of modern nutrition, at reasonable prices. He observed that we as Members of Congress are a first "target" in any large-scale nutrition education program in this country. Dr. R. J. Pearson, Jr., attending physician at the Capitol, also gave testimony.

These men are preoccupied with large national questions of good diet and nutrition. We printed in the hearings reports two dietary booklets recommending certain margarines. We have some of those books, and I would ask you to keep them in your files.

Dr. Mayer spoke for 45 minutes. I chaired the committee. The Congressmen's wives there were all very interested.

The restaurant industry is right in the front line of American eating. Anything we can do to remove unnecessary regulations and costs from food and eating places is a step forward.

You remember, Mr. Chairman, and you, too, Mr. Rogers, some years ago when Hamer Budge, now with the SEC, introduced legislation for the trout farmers. This bill was on the floor for 3 days. It would have required the restaurant industry to put up big signs at conspicuous places that we serve "un-American" trout if it was Japanese, Danish, or other trout.

This bill before us now is a good one. Believe me, I do not like to have a big sign posted about serving food when it is stated on the menu. I would appreciate it if we got action on this legislation. Thank you.

Mr. JARMAN. Let us be clear. In your opinion, would the simple solution be to have it on the menu?

Mr. KLUCZYNSKI. Perhaps, for those eating places with menus. The point is to do away with double advertising or notification.

Mr. JARMAN. Congressman, let me ask one question off the record. (Discussion off the record.)

Mr. ROGERS. Mr. Kluczynski, don't you think it would be one way to simply put it on the menu?

Mr. KLUCZYNSKI. For restaurants with menus, that would be all. That would cover everything.

Mr. ROGERS. Fine.

Mr. NELSEN. Mr. Chairman.

Mr. Kluczynski, I was down in the restaurant here—off the record. (Discussion off the record.)

Mr. NELSEN. Some years ago many of the States levied taxes on the sale of oleo margarine, and I recall in our own State of Minnesota—I, a dairy farmer, opposed the levying of a tax on this competitive product on the basis that this would be contrary to our free enterprise system.

Mr. KLUCZYNSKI. Yes.

Mr. NELSEN. But I held tenaciously to our right to the color. My criticism of the oleo people is that they do attempt to imitate the color to promote the sale of their product, and I think the public should be notified. I would agree, however, that maybe we do have too many rules and regulations.

You are always a pleasant and interesting witness to have before us.

Mr. KLUCZYNSKI. You are very fine this morning, and I hope you keep that spirit until we get this bill out.

Mr. JARMAN. Mr. Preyer.

Mr. PREYER. No questions.

Mr. JARMAN. Mr. Rogers.

Mr. ROGERS. Mr. Chairman, I would just like to clear up my thinking about if it would be sufficient on the menu. I think probably we would have to have either a sign posted or a note on the menu because of cafeterias. Would that be true?

Mr. RIEPMA. Yes. The restaurant should be given flexibility.

Mr. ROGERS. So you would need either the notice or the note on the menu.

Mr. RIEPMA. I might say the response from the Budget Bureau raised a question about the triangle. I leave the degree of flexibility to the wisdom of the committee. But obviously different types of restaurant operations have to be considered; self-service and others.

Mr. ROGERS. Thank you.  
Thank you, Mr. Chairman.

Mr. JARMAN. The Chair might say there are other representatives of various organizations listed for this hearing. I assume that most of these will want to submit statements for the record, but the Chair would like to give this opportunity to anyone to add to the hearing or to submit statements.

Mr. RIEPMA. Mr. Chairman, it is my understanding they all have or shortly will submit statements to you.

Mr. JARMAN. Well, the committee will certainly accept these statements for the record.

If there is nothing additional this morning, the subcommittee will stand adjourned.

(The following statements and letters were received for the record:)

STATEMENT OF LAURENCE W. BUCKMASTER, VICE PRESIDENT, CHICAGO & ILLINOIS RESTAURANT ASSOCIATION

The existing federal requirement is an extravagantly overdone way of advising patrons when they can get or are getting margarine. As you know, it requires two things to be done, notice on wall or menu, and also serving identification by labeling or triangular shape. Any one of these is ample. I know of no pure food that has to be presented to customers in eating places under such a double, duplicating system.

The Chicago & Illinois Restaurant Association services 3500 members. I have heard many complaints about this law from operators who wanted to use or serve margarine and were very glad to put up a notice or buy the required labeled or shaped pats, but objected doing both. If the law was intended to put margarine in a bad light, it has done so.

More and more of our eating places are using margarine for cooking or serving. What to serve should be the choice of the restaurant operator. He will, however, be guided by his customers' wants. Many who eat away from home ask for margarine, because their doctor has recommended they use this particular form of table spread.

We do not favor one food over any other, but we do favor reasonable requirements. Costs of doing business have risen and continue to rise, and the double requirement adds extra work and expense with no real useful result.

Our Illinois law is much the same as the federal law; in fact it was patterned on the federal provision that H.R. 12061 would simplify. Therefore our members have had considerable experience with this requirement at both the state and federal levels. We favor the single notification method in both federal and state law as fully protective of consumers, reasonable to ask of the operator, and simpler for regulatory officials to enforce.

Our organization thanks you for your interest in this subject. Please put this statement in the record of the hearings on H.R. 12061.

STATEMENT OF RICHARD W. BROWN, EXECUTIVE VICE PRESIDENT, NATIONAL RESTAURANT ASSOCIATION

Mr. Chairman and Members of the Subcommittee, my name is Richard W. Brown. I am the Executive Vice President of the National Restaurant Association, a trade association which represents the foodservice industry nationwide. We represent all types of restaurants and all facets of the industry. We have about 15,000 members of our own, and, through affiliation with state and local restaurant associations, we represent approximately 110,000 foodservice establishments of all kinds.

It is a privilege and a pleasure to present you our views on the legislative proposal, the bill, H.R. 15819 (H.R. 12061), relating to service of margarine in public eating establishments.

It is pertinent to note at the start that the bill, H.R. 15819 (H.R. 12061) and the law it would amend pertain only to colored margarine.

As you know, the current Federal law on this subject requires several actions by a restaurant operator who wishes to serve margarine whether in response to a specific request from an individual patron or as an economic measure to reduce the overall cost for his clientele. The requirements of the law, as it is presently written, apply to two separate aspects of the serving operation. The first applies to having colored margarine on the premises in a form ready to serve and the second to the actual service. The actual requirements are not complex, but they are needlessly redundant and burdensome.

Let me review them briefly. If a restaurant operator wants to have margarine on the premises in a form suitable for serving, he must either (1) post a prominent and conspicuous notice that margarine is served *OR* (2) he must print a notice to that effect on the menu in lettering not smaller than that used for other food items listed. Then, if he actually serves margarine, to one or to all of his patrons, he must either (1) label each serving, *OR* (2) make the margarine serving triangular in shape.

In our view, this is a cumbersome approach that can result, and often will result, in misleading, rather than informing, the restaurant customer.

Many restaurateurs have patrons who for dietary or other reasons prefer margarine to butter, or such a choice may even be dictated for them by a physician. To be able to meet the requirements of such customers, the restaurant operator must, either by prominent sign or a notice on his menu, announce that margarine is served. If it is being served only on request of the individual patron, this is an unduly burdensome requirement and may well be misleading to the majority of the restaurant's patrons. No such requirement is imposed for many other foods or drinks that are maintained by most restaurants in order to meet the occasional request for them from individual patrons.

The bill you have under consideration, H.R. 15819 (H.R. 12061), will provide for clear notification when colored margarine is served and thus preclude any misrepresentation to the consumer. Under the provisions of the bill, H.R. 15819 (H.R. 12061), the restaurateur could select the method of notification best suited to his clientele and his place of business. He can be responsive to the needs and wishes of individual patrons, as we want him to be, with no risk of misleading his general patronage.

We believe it to be worth noting that the bill, H.R. 15819 (H.R. 12061) does not remove the requirement to inform the customer of the fact that he is being served margarine, nor does it change the forms of notice considered acceptable under existing law. If enacted, this proposal would simply allow the restaurateur to make the notification in the most direct and least ambiguous and misleading way, considering the nature of his patronage.

In summary, we view the bill, H.R. 15819 (H.R. 12061), as a reasonable, logical, and desirable change to existing law. It reflects an appreciation of the changes that have occurred in dietary habits of many Americans and allows the restaurateur to cater to the wishes of individual patrons, with no risk that any guest in his establishment will be misled as to the nature of the product being served. The fact that this can be accomplished by making present standards less awkward and more readily understandable by both the restaurateur and his patrons is all to the good.

The National Restaurant Association supports the bill, H.R. 15819 (H.R. 12061) or other measures which have the same end in view, and recommends its enactment into law.

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AMERICAN HEART ASSOCIATION,  
New York, N.Y., August 14, 1970.

HON. JOHN JARMAN,  
*Chairman, Committee on Health and Public Welfare,*  
*Washington, D.C.*

DEAR MR. JARMAN: I should like to inform you of the American Heart Association's interest in H.R. 12061, the proposal to facilitate the use of margarine in eating places without interfering with patrons' ability to eat food of their choice. In substance, your bill would amend the Federal Food, Drug, and Cosmetic Act, as amended (Sec. 407 (c)) to create a single method type of notification instead of the rather unwieldy and restrictive double method now required by the federal law.

I am sure all those who prefer margarine, including those whose doctors recommend they use it, will benefit from this change. The present requirement is much too restrictive for effective use.

Many heart specialists today believe, as does the American Heart Association, that dietary management is one reasonable preventive measure against heart attacks. Such dietary management includes an emphasis on controlling fat intake and emphasizing those fats which are higher in polyunsaturated fatty acids. Most margarines are higher in the content of polyunsaturated fatty acids than butter and certain "special margarines" are quite high in those components.

Many patients take their meals away from home. Therefore, anything that will help them obtain the foods we recommend is beneficial. By causing the federal margarine serving requirements in restaurants to be easier to comply with, H.R. 12061 is a step in the right direction.

This is to ask you to incorporate this letter in the record of the hearings.

Very truly yours,

CAMPBELL MOSES, M.D.,  
*Medical Director.*

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AMERICAN HOTEL & MOTEL ASSOCIATION,  
*Washington, D.C., August 12, 1970.*

Hon. JOHN JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Committee on Interstate and Foreign Commerce, Rayburn House Office Building, Washington, D.C.*  
Attention: Ted Focht, special counsel.

DEAR MR. CHAIRMAN: The American Hotel & Motel Association is a federation of hotel and motel associations located in the fifty states, the District of Columbia, Puerto Rico, and the Virgin Islands, having a membership in excess of 7,500 hotels and motels containing in excess of 800,000 rentable rooms. The American Hotel & Motel Association maintains offices at 221 West 57th Street, New York, New York, and at 777 14th Street NW., Washington, D.C.

We would like to comment briefly on H.R. 12061 pending before your Subcommittee. We strongly favor this legislation which would amend Section 407 (c) of the Federal Food, Drug and Cosmetic Act, as amended [21 U.S.C. 347 (c)]. The enactment of H.R. 12061 would be a decided improvement in present law. At the same time it would continue to serve the interests of the consumers by informing them when "colored oleomargarine" is used at a public eating place.

The present restrictions on the sale or serving of oleomargarine in public eating places are impractical and cumbersome and serve neither the public, the business community, nor the enforcement agency. H.R. 12061 would simplify present restrictions without doing damage to any group.

We would like to suggest one other modification. Many of our members serve colored oleomargarine by request only. We ask that any legislation which you may favorably report contain an exemption from the restrictive provisions on the serving of colored oleomargarine where such a product is served only at the request of a patron.

We request that this letter be included in the printed record of the hearings.

Sincerely,

ALBERT L. McDERMOTT,  
*Washington Representative.*

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AMERICAN NURSING HOME ASSOCIATION,  
*Washington, D.C., August 7, 1970.*

Hon. JOHN JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Committee on Interstate and Foreign Commerce, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In behalf of the members of the American Nursing Home Association, a federation of forty-eight state nursing home associations, we would like to endorse H.R. 12061, introduced by Rep. Michel (R-Ill.) and Rep. Kluczynski (D-Ill.), and H.R. 15819, by Rep. Friedel (D-Md.), which has been scheduled for consideration by your Subcommittee.

This legislation, which would provide four optional methods of giving notice to patrons, or patients, that margarine is served in a facility, would contribute much to alleviate the present cumbersome notice detail now required under existing law. We feel the proposed legislation would be beneficial in that it would provide alternative methods of disclosure which will be less costly, and at the same time provide understandable notice to patients that margarine is being used.

The American Nursing Home Association supports the proposed legislation, and we would appreciate this letter being included in the printed record of hearings on the pending measures which will be considered sometime next week.

Sincerely,

C. ROBERT HARBERTSON,  
*Executive Vice President.*

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AMERICAN SOYBEAN ASSOCIATION,  
*Hudson, Iowa, May 8, 1970.*

Hon. JOHN JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Committee on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.*

DEAR CHAIRMAN JARMAN: Soybean growers throughout the country are interested in H.R. 12061, which would simplify the cumbersome federal requirement concerning the serving of yellow margarine in public eating places. Margarine is largely a soybean oil product. The Census Bureau reports that last year the food utilized some 1,334 million pounds of soybean oil, refined basis. This represents the production of more than 4.4 million acres of soybeans.

The existing federal requirement is unnecessarily complicated. It is the only "double notice" requirement of which we know. The bills before your Committee would keep the notification requirement in the law but would make it easier to observe the law and to enforce it. Thus, it would benefit the consumers who increasingly find their food in our growing away-from-home eating industry.

This is not the only reason why the American Soybean Association supports this measure. The current requirement is restrictive in intent and effect. It was enacted in the midst of the struggle to permit margarine to be sold competitively like any other food. It should therefore be treated like any other food to the fullest possible extent. H.R. 12061 is in this direction. One method of notice should be enough, and options should be offered so that different types of public eating operations can readily comply without extra costs or burdensomeness.

Many millions of Americans use margarine customarily in their homes; it is in fact the leading table spread. Many prefer vegetable oil products. They would be benefitted by passage of the bills before you.

The American Soybean Association therefore endorses H.R. 12061 and respectfully requests that you enter this statement in the record of the hearing. We ask that your Committee report this measure favorably and believe that it should receive the prompt and strong approval of the House of Representatives.

Yours truly,

CHET RANDOLPH,  
*Executive Vice President.*

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CORN REFINERS ASSOCIATION, INC.,  
*Washington, D.C., July 31, 1970.*

Hon. JOHN J. JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Interstate Commerce Committee, House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for putting this letter in the record of the forthcoming hearings of the Committee on Public Health and Welfare on H.R. 12061.

We are interested in any proposal relating to margarine, a food that now utilizes some 172 million pounds of corn oil a year, since we represent the principal processors of refined corn oil. Corn oil margarines have become a significant part of the table spread consumption in the American diet.

H.R. 12061 proposes to make single the present two-stage notice required in the federal Food, Drug, and Cosmetic Act (Sec. 407(c)) of public eating place operators serving colored margarine. It proposes to maintain in the law the

consumer protection given by such notification but to make it more feasible for the operator to extend that protection and for the Food and Drug Administration to assure compliance.

We fully support this proposal, believing it will update an archaic and overly-restrictive form of consumer information in favor of one more likely to achieve the purpose of the Act.

With very good personal wishes,

Sincerely yours,

ROBERT C. LIEBENOW,  
*President.*

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LAND OF LINCOLN SOYBEAN ASSOCIATION (ILLINOIS),  
*Chatham, Ill., May 7, 1970.*

Hon. JOHN J. JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Interstate Commerce Committee, U.S. House of Representatives, Washington, D.C.*

DEAR CHAIRMAN JARMAN: I am writing this letter in support of Congressman Michel's bill H.R. 12061, also sponsored by Congressman Kluczynski. The bill would simplify notification requirements under the Federal Food, Drug and Cosmetic Act, when colored margarine is served.

The Land of Lincoln Soybean Association strongly endorses the proposal and we request that the committee act favorably on it.

While H.R. 12061 is a consumer protection measure, I respectfully bring to your and the Committee's attention the fact that margarine is now the most-used table spread. Its consumption last year ran 10.7 pounds per person, on the national average.

For many years margarine has been a major market outlet for hundreds of millions pounds of soybean and other home-produced vegetable oils. In 1969 some 1,334 million pounds of refined soybean oil went into the product. Soybean oil is a nutritious food oil with a good ratio of polyunsaturates.

Illinois last year acted to simplify its similar law by making triangle pats optional as a means of notification. Right now our law is like the federal law, but with the enactment of H.R. 12061 we would help seek comparable revision here to get uniformity.

Thank you for your consideration of this statement, which please file in the record of any hearings your committee may hold on H.R. 12061.

Respectfully,

J. LAVERNE WORKMAN, *President.*

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NATIONAL COTTONSEED PRODUCTS ASSOCIATION, INC.,  
*Memphis, Tenn., May 6, 1970.*

Hon. JOHN J. JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Interstate Commerce Committee, U.S. House of Representatives, Washington, D.C.*

DEAR CHAIRMAN JARMAN: On behalf of the National Cottonseed Products Association, I am writing respectfully to ask affirmative action on H.R. 12061 which would simplify notification in eating places when colored margarine is served.

This measure will, I understand, be reviewed by your Committee.

H.R. 12061 is a move to correct a problem in the act of 1950 that, among other things, amended the Food, Drug, and Cosmetic Act in respect to margarine. The amendment set up a double notification requirement for restaurants to follow when serving colored margarine.

The problem is that the proviso has proved to be difficult to enforce and difficult to observe. Margarine is a good American food product, and most Americans today are familiar with it.

The cotton and cotton products industries urged the enactment of the original law in 1949 and 1950 because we felt margarine deserved a fair chance to compete in the marketplace. In the stores it has been put on that basis. In the restaurants, however, the federal double notification law probably has acted as an impedi-

ment and certainly is a very unusual and severe requirement for any food. With the experience of twenty years to go by, it would seem reasonable to put such notification on the basis proposed by H.R. 12061.

Thank you for your consideration and for placing in the record our affirmative support of H.R. 12061.

Sincerely yours,

FRED H. HUSBANDS,  
*Executive Vice President.*

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NATIONAL SOYBEAN PROCESSORS ASSOCIATION,  
*Washington, D.C., August 4, 1970.*

HON. JOHN J. JARMAN,  
*Chairman, Subcommittee on Public Health and Welfare, Interstate Commerce Committee, U.S. House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMANS This Association thanks you for considering H.R. 12061, a proposal for improvement of the federal law regarding colored margarine in public eating places. We strongly endorse this bill, and request you to put this letter in the record.

Over the years margarine has been released from many legal restrictions once placed on the product. It is now a principal source of nutritious food fat and, generally, is composed chiefly of American-produced soybean oil.

This has been part of the agricultural revolution which has seen the emergence of our great soybean crop. Soybeans have proved to be a major interest of farmers in the Midwest and South. A record soybean crop last year may be followed by another this year.

Markets for soybean oil mean that the protein, chiefly sold for animal feed, can be made available to farmers at a lower cost than otherwise would be the case. Thus the important margarine market for soybean oil is a factor in making protein meal available to agriculture.

Colored margarine is a major food and does not require a double identification in eating places where it is used. A single notification is enough, as provided by H.R. 12061.

I hope that your distinguished committee will promptly and favorably report H.R. 12061 for floor action.

Thank you.

Yours very truly,

SHELDON J. HAUCK,  
*Executive Director.*

(Thereupon, at 10:50 a.m. the hearing was adjourned.)



