

美国第 35 届总统约翰肯尼迪关于消费者利益保护至国会特别咨文

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致美国国会：

消费者，究其定义，涵盖我们所有人。他们是经济社会中最大的经济群体，不仅关系到几乎每一个公共经济决策以及私人经济决策，也反过来深受这些决策的影响。尽管经济社会中所有消费支出的三分之二都来自消费者，但他们却是唯一一个经济社会中缺乏有效组织的重要群体，以至于他们的声音常常被忽略。

联邦政府，作为人民的最高代言人，天然地承担了关心消费者需求与提升其福利的义务。自 1872 年保护消费者免受邮政诈骗的立法颁布以来，国会及行政机构愈发意识到其肩负的责任，即确保国家经济能充分服务于消费者利益。

总体来看，国家经济极大满足了消费者利益需求。随后的每一代人都得以享有更高的收入及各式各样的商品与服务。因此，我们享有世界上最高的生活标准，且 20 年内我们的生活水平还会再提高 50%。

虽然我们已足够幸运，但正如我们无法忍受商界或政府的效率低下，我们亦无力承担消费过程中产生的浪费。如果提供给消费者的是劣质的产品、过高的价格、不安全或无效的药品，抑或消费者不能在知情的基础上进行选择，那么不仅他/她的金钱白费了，他/她的健康及安全可能受到威胁，国家利益也将受到损害。另一方面，对大多数家庭而言，尽力提升其收入的效用会比花费同等精力提高收入本身更富有成效。

科技的发达体现在我们的食物、药物以及各类家用电器等方面，它在给消费者的生活带来便利的同时也加重了我们的负担。它使得过去的许多法律规则变得不合时宜，必须制定新的法律。二战前，一般超市库存约为 1500 种不同的食物，以当时任何标准来看这个库存数量都太大，但今天超市库存食物超过了 6000 种。现在所用的 90% 处方药在二十年前尚未出现。我们日常生活中所用的许多新产品也变得愈发复杂。于是，家庭主妇被迫成为一名业余的电工、机修工、药剂师、营养师、毒理学家和数学家，但她们大多无从获得熟练完成前述任务所需的信息。

市场营销则变得愈发没有人情味。精湛的说服技巧被广泛用于广告以影响消费者的选择。例如，消费者无从得知药物制剂是否具有哪怕最低标准的安全、质量与功效；他常常不知道消

费信贷中究竟支付多少；他无法判断哪种方便食品更具营养价值；他也不能肯定购买的产品一定能满足他的需求；又或者所谓的“经济适用装”是否真的更实惠。

行政机构提供的绝大部分项目——包括发展世界贸易、促进医疗保护、降低乘客税率、加强公共交通、设立保护区域、开发休闲场所以及降低能源成本等方面——都关乎消费者的切身利益。但联邦政府若要更好地履行职责、促进消费者权利的行使，还需要更多的立法及行政措施。

消费者的权利包括：

(1) 安全权。保障消费者避免向其销售危害其健康或生命的产品。

(2) 知情权。保障消费者避免遭受欺诈、误导或严重不实的信息、广告、标签以及其他行为的侵害。保障消费者能够获得做出知情决策所需的所有信息。

(3) 选择权。保障消费者在任何可能的情况下以有竞争力的价格获得产品和服务；在缺乏竞争、需要政府规制的行业，保障消费者以公平的价格获得质量满意的产品与服务。

(4) 听证权。保障消费者的利益能在政府政策制定过程中得到充分、积极的考虑，在行政执法过程中得到公平而迅速的处理。

为促进上述消费者权利的全面实现，政府应当加强现有项目、改善政府组织并针对特定领域颁布新的立法。

1、加强现有项目

本届政府近期展开了一系列加强现有项目的专项行动。在一些重要领域，已经或将取得重大突破。并在下一年度预算案（即 1963 年）中建议加强几乎所有主要的消费者保护项目。

(1) 食物与药品保护。如今，成千上万的普通日用品都可能含有有害物质。人们每年都会开发出无数诸如食品添加剂、食品色素及杀虫剂等产品的新用途，增加了潜在的危险。国会正在审议的预算案里，我建议将食品药品监督管理局的人员配备增加 2%——该部门前所未有的一次人员增幅，以加强执法、促进该领域的消费者保护。此外，农业部将新增一部门以更有效管理杀虫剂登记；并提高针对杀虫剂管理与肉、禽类检疫的财政拨款金额。

(2) 更安全的运输。与他国国民相比，美国人使用公路及航空运输的频率更高，而与速度一同提升的还有交通的堵塞现象，促使我们采取特定的安全措施。

——联邦航空署重新审查了国家空中交通管制要求，并正制订一套更为完善的体系以提高未来空中运输的安全性及高效性。

——商务部长在公用道路局下成立了道路安全办公室，以致力于扩大公众对高速公路安全标准的支持，协调有关公路安全研究成果的共享，并鼓励各州政府与地方政府、行业及同盟组织间的合作。卫生、教育及福利部也同样注意加强事故的预防工作。州际商务委员会正加强对汽车运营商安全要求的执法。

——另外，我在此呼吁商务部与卫生、教育、福利部以及汽车工业的代表们共同评估汽车设计及配件的改进，这些改进措施将有助于避免失去生命的沉痛代价以及降低对空气的污染。鉴于汽车工业为降低空气污染于新设计中做出的努力，现在尚无必要出台额外的立法。

（3）金融保护

对于谨慎的消费者因防备未来不时之需、购买贵价商品、子女的教育投资或退休后生活所需等原因的储蓄，我们将采取重要措施以确保对其储蓄提供充分的保护。

——去年颁布的立法深化了由联邦储蓄与贷款保险公司推出的保险项目。

——在国会要求下，证券交易委员会开展了针对证券市场的调查，为日后立法及行政措施的施行奠定基础。

——邮政管理局长与司法部加强了对邮件诈骗的执法力度。去年的邮件诈骗罪逮捕率创下了历史纪录，定罪率也比去年增长了 35%。

（4）更有效的监管

独立监管机构亦将更加关注能使消费者直接受益的项目。

——州际商业委员会已着手对阻碍日用商品流转的过度收费提起诉讼。

——民用航空局近期开始采取措施，避免旅客受滥用超额预定的影响。

——联邦贸易委员会正强化其措施以应对涉及多种商品（包括冰箱、建筑用漆、缝纫机、吸尘器、厨房炊具、食品包装以及地毯等）的商业欺诈行为及虚假广告。

——联邦电力委员会正推行一项强有力的项目以确保消费者以合理价格获取充足的天然气，包括恢复电力供应的监管，展开全国能源调研以寻求在未来数十年内最大化我们的资本与能源优势从而降低能源成本的方式。另外，我建议国会通过立法及拨款支持联邦电力委员会为 3400 万天然气用户提供类似电力用户所获得的信息（如各种账单），从而突出其高效能并推动行业的蓬勃发展。

——联邦通信委员会正积极地检视有线电视网的节目遴选过程并鼓励教育电视台的扩大化发

展；并且他们将在 1963 年财政年度内建立执法项目，以防止对诸如航空导航信号、遇险信号以及其他公共安全重大关涉的广播用途的干扰。

——我在此建议各大监管机构，在 1963 年财政年度内增加财政拨款以配备必要的人员，更有效的保护消费者及公众利益。

——政府去年旨在减少迟延、加强决策所采取的组织流程的重大变革中，绝大部分来自重组计划及立法授权，并由机构负责人投入实施；同样，为促使证券交易委员会及联邦电力委员会更好的运行，将赋予两者更广泛的职权。我建议今年的立法沿袭证券交易委员会第 2135 号文件（S.2135）及联邦电力委员会第 1605 号（S.1605）、第 6956（H.R.6956）号文件。

（5）住房成本与质量。大多数消费者一生最大的支出就是购买住房。在过去一年中，我们已采取实质举措降低住房贷款并提高住房质量。一系列的联邦举措降低了按揭贷款的利率及其他收费。根据《1961 年住房法》的授权，我们开展了如下计划：(a)鼓励采用能以较低成本提供更好质量住房的施工方法；(b)降低现有住房的利率并延长贷款期限；(c)为中等收入家庭提供成本低廉的租赁住房；(d)为国内农业劳动力提供住房。该法还授权补助为低收入家庭提供住房的项目等。

（6）消费者信息与研究以及政府中消费者利益的代表。政府可通过提供可靠信息促进消费者自助。

——根据所提交的 1963 年度财政预算，联邦住房金融局将开展新的研究计划，以期减少消费者每月住房支出、降低住房用地的土地开发成本并最大限度减少融资费用。

——农业部也在开展类似的研究，旨在促进提升住房标准并降低成本。

——食品药品监督管理局将扩大其消费者咨询项目，结合农业推广服务的家庭验证项目，直接向消费者提供有效信息，包括产品趋势、食品标准及保护指引等。

——劳动统计局正在全国范围内开展一项有关消费支出、收入及储蓄的研究，并将用于更新被广泛应用的消费价格指数以及制定家庭预算模型。

——与消费者息息相关的政府研究结果却极少提供给他们。除了上述研究，许多其他机构（或作为援助，或出于合作，或因联邦采购等原因）参与了某些产品性能的检测、产品标准规范的制定并搜集了大量对消费者个人和消费者组织极为有用的信息。农业部、商业部、国防部、卫生福利教育部、总务部及其他政府机构的努力成果应扩大公众的受益面。但这仅仅反映问题的

某一面，更关键的是国家机器缺乏对消费者需求及意见足够的考量。由此出发，我认为应采取下述措施：

——第一，白宫经济顾问委员会设立专门的消费者咨询委员会，为政府的总体经济政策、消费者需求保护计划、消费者研究成果公开的改进等方面出谋划策。并在上述事项中倾听利益相关的消费者个人及消费者组织的意见与建议。

——第二，关涉消费者利益的联邦机构负责人需在其办公室指派一名特别助理，协助其工作以确保消费者利益能得到切实充分的考量，并负责与消费者及有关组织的联络工作，以及加强关注有关消费者研究结果的可资利用化。

——第三，邮政管理局局长负责开展一试点项目，在至少 100 家邮局内展出适用于消费者的样刊，并为消费者购买这些刊物提供便利服务。

II、促进消费者保护的新增立法权限

除了现行举措，新增立法权限亦将促进消费者利益的保护。

(A) 加强对食品、药品的监管

过去的 25 年里，我们成功研发了超过 9000 种新药，挽救了无数人的生命，缓解了广大慢性或急性病患者的痛苦。但新药无需事先证明其功效或标明其建议服用情况、不良反应便被投入市场，它们被广泛使用、效果明显。围绕它们的销售活动富有侵略性，往往扩大其功效而忽略使用风险。因而，它们比过去任何时候都更为有益，却也更加危险。如自 1956 年以来在《新型及非官方药物》（**New and Non-Official Drugs**）列出的药品里，有超过 20% 的新药经检测，无法实现一项或多项其所声称的功效。因使用这些无效药物造成的不必要的痛苦、无端浪费的金钱以及恶化的疾病等种种损失不可估量。

医生和患者本应得到公正而科学的保障，即市场上销售的任何药品或治疗仪器都应是安全有效的，具有所描述的效用及质量，所附的宣传材料全面而清楚（包括副作用的说明）。为避免消费者混淆，药品与治疗仪器的命名都应通俗易懂。而其定价应使消费者能以竞争价格获得其确实所需的优质产品。

现行法律却无法给予消费者此种保障——参议员克福弗领导的调查组深入调查后所得的事实。是时候给予美国人民（无论是男人、妇女还是儿童）我们从 1913 年便给予猪、羊、牛的同保护。那时已有法令禁止销售无效的疫苗等其他药品用于这些动物的治疗。

这个领域还有其他的问题：

——围绕上瘾类药物如巴比妥酸盐（镇定剂）和安非他命（兴奋剂）存在一个庞大的地下交易网。因为缺乏对其流通的监督，这些药品导致了意外事故的发生，也引发了未成年犯罪或其他犯罪活动。

——市场上每年销售近二十亿美元的化妆品，其中的很大一部分并没有经过充分的安全检测。数以千计的女性因为这些未经充分检测甚至是完全未经检测的美容产品导致眼睛、皮肤、头发的灼伤与其他伤害。

——由于法律并没有明确要求检查生产商的特定记录，使得有关纯净食品、药品法授权的工厂检查受到了严重阻碍。一小部分不愿合作的生产商与政府玩起了捉迷藏以逃避彻底检查。但公共健康的保护并非儿戏，它对于每个公民至关重要。

——由于《肉类检查法》仅适用于肉产品的州际流通，目前美国肉类屠宰的五分之一仍处于不受农业部检查的真空状态。法律覆盖面的缺漏使得不健康的动物能经各种渠道加工成产品，其后又未经检验到达了消费者。这将使人类健康受到威胁。

简言之，食品、药品及化妆品领域的现行法律，都不足以为美国消费者提供其应得的必要保护。为了克服法律的这一巨大空白，我建议采取如下措施：

(1) 第一，立法以深化现行食品、药品领域的法律，为消费者提供更优质、安全、实惠的药物。授权卫生部、教育部、福利部：

(a) 在新的药品及治疗仪器投放市场前，要求证明其安全且确实具有预期功效；

(b) 当对药品及治疗仪器的安全性或效用明显存疑时，撤销该产品的许可，并要求生产商提供有关的证明信息；

(c) 要求药品及治疗仪器生产商对生产设施进行维护，以保证产品可靠；

(d) 要求对所有抗生素进行分批次的检测及认证；

(e) 药物命名应通俗易懂；

(f) 建立可强制执行的系统以监管上瘾类药物如巴比妥酸盐（镇定剂）和安非他命（兴奋剂）的非法分销；

(g) 要求化妆品在投放市场前需经安全检测；

(h) 加强对食品、药品、化妆品及治疗仪器在生产、销售环节的有效监管。

(2) 第二，立法授权联邦贸易委员会要求销售人员在向医生宣传处方药时，应披露其成分、功效及副作用。

(3) 第三，立法扩宽农业部适用《肉类检查法》的范围，与美国各州及国内所有屠宰厂合作促进全面充分的检查。

(B) 要求“诚实放贷”

包括按揭贷款在内的消费者贷款余额，在过去的十年间翻了两番，现已超过 2000 亿美元。信贷消费的普及赋予了消费者购买时更大的选择空间，但严重的滥用也常常出现。在议员道格拉斯担任主席期间，参议院银行委员会的小组委员会针对有关滥用进行了深入调查。搜集的证据显示，消费者作为借款方在不知情的情况下被收取了明显过高的利率及费用，亟需法律进行保护。正如一项二手车购买的研究显示，消费者每年支付的利率为 25%，有的还远远高于此，但鲜有人知道他们实际支付了多少。

由于缺乏对信贷消费实际支出的了解，无节制、不合时宜的使用信贷消费将损害经济稳定及公共福利，所以应立法要求贷方向借方提前披露需实际支付的总额及利率。与 1933、1934 年间的一系列证券真实法类似，立法内容并不会实际控制价格或收费，而要求向分期付款的买家及潜在的信贷用户全面披露信息，使消费者作出决策、签订合同前充分知情。由于此项立法规定的具体信贷措施多与联邦贸易委员会正着手监管的误导性贸易行为紧密相连，我建议应赋予联邦贸易委员会新的执法权。有关政府机构已与前述小组委员会展开合作，为准备一个可行、高效的法案搜集信息。鉴于已召开详尽的听证会，我希望国会能在休会前对此重要问题作出回应。

(C) 全频道电视机的生产

目前，六个家庭中有五个家庭的电视接收机仅能接收 12 个特高频 (VHF) 频道的节目。因此，在大部分地区，希望适用 70 个超高频 (UHF) 频道的电视台通常只有少量观众，以致于其缺少动力对有效广播的开发进行大量的前期投入及后续支出。结果就是消费者的选择大幅度受限。

在广泛研究的基础上，联邦通信委员会得出结论：一个有效且真正具有竞争力的全国性电视服务——能充分满足当地媒体和教育电视台，不能仅限于 12 个特高频 (VHF) 频道。国会审议中的法案将授权联邦通信委员会规范所有州际贸易中的新电视接收器的性能特征，以确保他们能同时接收特高频 (VHF) 和超高频 (UHF) 信号。因该法案能以最经济实用的方法扩大

现有节目的范围，我强烈建议其获得通过。这一举措，与国会即将通过的联邦政府援建的教育电视台一道，加快电视产业巨大潜力的全面实现。

(D) 加强立法以促进竞争和防止垄断

对消费者权利最为基础及持久的保护，使其获得具竞争力的价格，是通过各类法律促进有效竞争、防止垄断。1890年《谢尔曼法》、1914年《克莱顿法》及其他有关法律都是消费者面对肆无忌惮扩大的垄断权力时最强有力的保护。除了当前即将通过的民事传唤权及刑事反垄断调查权的实施，还有其他需要改进的地方：

(1) 当联邦贸易委员会针对该垄断行为的永久救济未决时，委员会应被授权颁发中止令，禁止此类不公平竞争行为的持续性影响。根据现行法律，极有可能出现的情形便是，在救济得以施行前，小型竞争者已面临破产或被迫接受极不公平的合并。竞争的缺乏无疑使消费者保护少了一道重要的“安全阀”。同样，日用消费品的贸易欺诈行为早在委员会能采取措施前造成了损害。因此，我重申之前的建议，国会尽快考虑有效立法以实现前述目标。

(2) 消费者获得合理价格的权利，也会受到商业公司合并导致的竞争减少的不利影响。不公平的竞争手段造成的损害，往往难以弥补。即使通过法庭，政府也不能立即使市场竞争恢复至合并前的状态。因此，我强烈建议立法规定，在合并成立具有显著规模公司的合理期限前，向司法部及有关委员会提交公告。这使得合并当事人能提前进行咨询，而非通过诉讼才得以确定其提出的合并是否违反公共利益。除了授权联邦贸易委员会颁布上述中止令，这一做法对于抑制因合并造成的价格横加上扬十分必要。

(3) 涉及专利、商标使用过程中潜在的滥用反竞争行为，我建议：

——立法规定公开，同一发明的不同专利申请人间签订的所有协议条款内容。近来的听证会表明，此种协议极有可能包含牺牲消费者利益以削弱未来竞争的内容。

——立法授权联邦贸易委员会在某商标本身为、或成为一物品的通用描述性名称，继而应放归公共领域（即不受专利权限制）时，申请撤销该商标。尽管竞争者已享有此项权利，但参议院在审核众议院通过的商标立法（H.R.4333）中纳入这一条款（即明确联邦贸易委员会有权终止这一不公平的商业优势）具有重要意义。

(E) 要求“诚实包装”

正如消费者有权了解信贷合同的内容，他们也有权知道所购买的商品内容。感谢参议员哈特其及领导的小组委员会正在开展的有关包装及标签的调查。

现代社会，好的商品包装应满足消费者对便利、新鲜、安全和美观的需求。但近年来，正如听证会所显示的，影响消费者获得对价的最佳效用的行为时有发生。很多情况下，商品包装上的标签似是为了隐瞒而不是揭示商品的真实内容。消费者往往不能真正确定产品的净额或固体含量的比例，也不能轻易计算并比较不同品牌产品的零散包装的单价或者同一品牌产品大号、特大号及巨型包的单价。消费者可能无法意识到包装的通常规格或形态的改变仅出于表面的实惠，也无法意识到厂家折价促销往往不是真正的优惠。

上述误导、欺诈或者无益的行为与自由竞争经济的有效、公平运作相违背。消费者应有权利要求产品包装上带有可靠、实用的信息。在产品上采用某种包装的生产商有权期待他们的竞争者也被要求遵循同样的标准。根据参议院小组委员会通力合作完成的对包装及标签滥用的调查，我在此建议，私营企业及联邦政府应定位于以更方便、有利消费者使用的方式，提升包装标准、实现包装产品数量及成分的信息披露。

在座的所有人都是消费者。因而，上述旨在促进消费者福利的措施及计划也将使在座各位受益。上述方案所需要的预算投入十分有限，却能够带来丰厚的回报，如在强化自由竞争经济的同时，提升我们的生活标准、健康水平，并且维护传统的、具有高道德水准的商业行为准则。公平竞争，将使企业和消费者共同受益。

我希望，这份咨文及其提到的各项建议、要求能提醒每一个政府机构、地方政府关注我们消费者的需求。与规模较小但组织更好的团体相比，消费者群体的声音极少被国会听到，他们的观点也无从表达。但在我们的经济及民主政体下，我们承担着于每一项决策中保护共同利益的责任。我恳请国会以及每一个行政机构，共同履行这项义务。

约翰·肯尼迪

值“3·15”之际，中国小额信贷联盟对《肯尼迪：关于消费者利益保护的特别咨文，1962年3月15日》的译文进行了修订并予以分享。

在此也向本文的原翻译者们致谢，他们是中南大学2013全日制法律硕士班刘丹、宋文文、杨玉杰、陈倩琳、陈璐、陈倩琳、陈璐、资海丽、段双吕、陈肖、张纯、张浪、陈璐、易搏群、闫玲玲、罗佳乐、肖湘、姜贺韬、何婕、邱冰、沈诚、黄驰、冯彦妍、瞿细兵、张敏、罗姗姗、张菲、唐文艺、朱琳、欧小红、叶秋芳、彭文鑫、梁希。

Special Message to the Congress on Protecting the Consumer Interest.

March 15, 1962

To the Congress of the United States:

Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. Two-thirds of all spending in the economy is by consumers. But they are the only important group in the economy who are not effectively organized, whose views are often not heard.

The federal Government--by nature the highest spokesman for all the people--has a special obligation to be alert to the consumer's needs and to advance the consumer's interests. Ever since legislation was enacted in 1872 to protect the consumer from frauds involving use of the U.S. mail, the Congress and Executive Branch have been increasingly aware of their responsibility to make certain that our Nation's economy fairly and adequately serves consumers' interests.

In the main, it has served them extremely well. Each succeeding generation has enjoyed both higher income and a greater variety of goods and services. As a result our standard of living is the highest in the world--and, in less than 20 years, it should rise an additional 50 percent.

Fortunate as we are, we nevertheless cannot afford waste in consumption any more than we can afford inefficiency in business or Government. If consumers are offered inferior products, if prices are exorbitant, if drugs are unsafe or worthless, if the consumer is unable to choose on an informed basis, then his dollar is wasted, his health and safety may be threatened, and the national interest suffers. On the other hand, increased efforts to make the best possible use of their incomes can contribute more to the well-being of most families than equivalent efforts to raise their incomes.

The march of technology--affecting, for example, the foods we eat, the medicines we take, and the many appliances we use in our homes--has increased the difficulties of the consumer along with his opportunities; and it has outmoded many of the old laws and regulations and made new legislation necessary. The typical supermarket before World War II stocked about 1,500 separate food items--an impressive figure by any standard. But today it carries over 6,000. Ninety percent of the prescriptions written today are for drugs that were unknown 20 years ago. Many of the new products used every day in the home are highly complex. The housewife is called upon to be an amateur electrician, mechanic,

chemist, toxicologist, dietitian, and mathematician--but she is rarely furnished the information she needs to perform these tasks proficiently.

Marketing is increasingly impersonal. Consumer choice is influenced by mass advertising utilizing highly developed arts of persuasion. The consumer typically cannot know whether drug preparations meet minimum standards of safety, quality, and efficacy. He usually does not know how much he pays for consumer credit; whether one prepared food has more nutritional value than another; whether the performance of a product will in fact meet his needs; or whether the "large economy size" is really a bargain.

Nearly all of the programs offered by this Administration--e.g., the expansion of world trade, the improvement of medical care, the reduction of passenger taxes, the strengthening of mass transit, the development of conservation and recreation areas and low-cost power--are of direct or inherent importance to consumers. Additional legislative and administrative action is required, however, if the federal Government is to meet its responsibility to consumers in the exercise of their rights. These rights include:

- (1) The right to safety--to be protected against the marketing of goods which are hazardous to health or life.
- (2) The right to be informed--to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labeling, or other practices, and to be given the facts he needs to make an informed choice.
- (3) The right to choose--to be assured, wherever possible, access to a variety of products and services at competitive prices; and in those industries in which competition is not workable and Government regulation is substituted, an assurance of satisfactory quality and service at fair prices.
- (4) The right to be heard--to be assured that consumer interests will receive full and sympathetic consideration in the formulation of Government policy, and fair and expeditious treatment in its administrative tribunals.

To promote the fuller realization of these consumer rights, it is necessary that existing Government programs be strengthened, that Government organization be improved, and, in certain areas, that new legislation be enacted.

I. STRENGTHENING OF EXISTING PROGRAMS

This Administration has sponsored a wide range of specific actions to strengthen existing programs. Major progress has already been achieved or is in prospect in several important areas. And the 1963 budget includes recommendations to improve the effectiveness of almost every major program of consumer protection.

(1) Food and drug protection. Thousands of common household items now available to consumers contain potentially harmful substances. Hundreds of new uses for such products as food additives, food colorings and pesticides are found every year, adding new potential hazards. To provide better protection and law enforcement in this vital area, I have recommended a 2 percent increase in staff for the food and Drug Administration in the budget now pending before the Congress, the largest single increase in the agency's history. In addition, to assure more effective registration of pesticides, a new division has been established in the Department of Agriculture; and increased appropriations have been requested for pesticide regulation and for meat and poultry inspection activities.

(2) Safer transportation. As Americans make more use of highway and air transportation than any other nation, increased speed and congestion have required us to take special safety measures.

--The federal Aviation Agency has reexamined the Nation's air traffic control requirements and is designing an improved system to enhance the safety and efficiency of future air traffic.

--The Secretary of Commerce has established an Office of Highway Safety in the Bureau of Public Roads to promote public support of highway safety standards, coordinate use of highway safety research findings and encourage cooperation of State and local governments, industry, and allied groups--the Department of Health, Education, and Welfare is likewise strengthening its accident prevention work--and the Interstate Commerce Commission is strengthening its enforcement of safety requirements for motor carriers.

--In addition, I am requesting the Departments of Commerce and of Health, Education, and Welfare, to review, with representatives of the automobile industry, those changes in automobile design and equipment which will help reduce the unconscionable toll of human life on the highways and the pollution of the air we breathe. Additional legislation does not appear required at this time in view of the automobile industry's action to incorporate in the new model design changes which will reduce air pollution.

(3) Financial protection. Important steps are being taken to help assure more adequate protection for the savings that prudent consumers lay aside for the future purchase of costly items, for the rainy day, for their children's education, or to meet their retirement needs.

--Legislation enacted last year has strengthened the insurance program of the federal Savings and Loan Insurance Corporation.

--The Securities and Exchange Commission has undertaken at the request of the Congress a major investigation of the securities market which should provide the basis for later legislation and administrative measures.

--The Postmaster General and the Department of Justice have stepped up enforcement of the mail fraud statutes. Arrests for mail fraud last year set an all-time record; and convictions increased by 35 percent over the previous year.

(4) More effective regulation. The independent regulatory agencies also report increased emphasis on programs directly helpful to consumers.

--The Interstate Commerce Commission has instituted proceedings designed to prevent excessive charges for moving household goods in interstate commerce.

--The Civil Aeronautics Board has recently taken action to protect air travelers from abuses of overbooking.

--The federal Trade Commission has intensified its actions against deceptive trade practices and false advertising affecting a variety of goods, including refrigerators, house paint, sewing machines, vacuum cleaners, kitchen utensils, food wrapping, and carpets.

--The federal Power Commission is initiating a vigorous program to assure consumers of reasonable natural gas prices while assuring them of adequate supplies--revitalizing all of its regulatory programs in the electric power field--and undertaking a national power survey designed to identify ways of bringing down power costs in the decades ahead by making the best possible use of our capital and energy resources; and I recommend that the Congress enact legislation and make available funds to enable the Commission to provide for 34 million natural gas consumers the information similar to that now provided electrical consumers on typical bills in various areas, thus spotlighting abnormally high rates and stimulating better industry performance.

--The federal Communications Commission is actively reviewing the television network program selection process and encouraging the expanded development of educational television stations; and it will also step up in fiscal year 1963 its enforcement program to prevent interference with air navigation signals, distress calls, and other uses of radio important to public safety.

--For all of the major regulatory agencies, I am recommending increased appropriations for 1963 to provide the increased staff necessary for more effective protection of the consumer and public interest.

--Of the important changes in agency organizational procedure recommended last year to eliminate delays and strengthen decision-making, the great majority have been authorized by reorganization plans or legislation and are being put into practice by agency heads; and, to permit similar improvements in the operations of the Securities and Exchange Commission and the federal Power Commission through greater delegation of assignments, I recommend enactment this year of legislation along the lines of S. 2135 for the SEC and S. 1605 and H.R. 6956 for the FPC.

(5) Housing costs and quality. The largest purchase most consumers make in their lifetime is a home. In the past year, significant steps have been taken to reduce the cost of financing housing and to improve housing quality. The level of interest rates and other charges on mortgage loans has been reduced by a variety of federal actions. Under authority provided by the Housing Act of 1961, new programs have been started (a) to encourage experimental construction methods likely to develop better housing at lower cost, (b) to provide lower interest rates and longer maturities on loans for rehabilitation of existing housing, (c) to provide especially low cost rental housing for moderate income families, and (d) to provide housing for domestic farm labor. The same legislation also authorized demonstration grants to develop better methods of providing housing for low income families.

(6) Consumer information and research-and consumer representation in Government. Government can help consumers to help themselves by developing and making available reliable information.

--The Housing and Home finance Agency will undertake, under the budget proposed for fiscal 1963, new studies to discover ways of reducing monthly housing expenses, lowering the cost of land for home building, and minimizing financing charges.

--The Department of Agriculture is undertaking similar research designed to help raise rural housing standards and reduce costs,

--The Food and Drug Administration will expand its Consumer Consultant Program which, together with the home demonstration program of the Agriculture Extension Service, now provides valuable information directly to consumers on product trends, food standards and protection guides.

--The Bureau of Labor Statistics is now conducting a nation-wide survey of consumer expenditures, income, and savings, which will be used to update the widely-used Consumer Price Index and to prepare model family budgets.

--Too little has been done to make available to consumers the results of pertinent government research. In addition to the types of studies mentioned above, many agencies are engaged--as aids to those principally concerned with their activities, in cooperation with industry or for federal procurement purposes--in testing the performance of certain products, developing standards and specifications and assembling a wide range of related information which would be of immense use to consumers and consumer organizations. The beneficial results of these efforts--in the Departments of Agriculture, Commerce, Defense, and Health, Education, and Welfare, and in the General Services Administration and other agencies--should be more widely published. This is but one part of a wider problem: the failure of governmental machinery to assure specific consideration of the consumer's needs and point of view. With this in mind, I am directing:

--first, that the Council of Economic Advisers create a Consumers' Advisory Council, to examine and provide advice to the government on issues of broad economic policy, on governmental programs protecting consumer needs, and on needed improvements in the flow of consumer research material to the public; this Consumers' Council will also give interested individuals and organizations a voice in these matters;

--Second, that the head of each federal agency whose activities bear significantly on consumer welfare designate a special assistant in his office to advise and assist him in assuring adequate and effective attention to consumer interests in the work of the agency, to act as liaison with consumer and related organizations, and to place increased emphasis on preparing and making available pertinent research findings for consumers in clear and useable form; and

--Third, that the Postmaster General undertake a pilot program by displaying, in at least 100 selected post offices, samples of publications useful to consumers and by providing facilities for the easier purchase of such publications.

II. NEW LEGISLATIVE AUTHORITY FOR ADDED CONSUMER PROTECTION

In addition to the foregoing measures, new legislative authority is also essential to advance and protect the consumer interest.

(A) Strengthen regulatory authority over foods and drugs

The successful development of more than 9,000 new drugs in the last 25 years has saved countless lives and relieved millions of victims of acute and chronic illnesses. However, new drugs are being placed on the market with no requirement that there be either advance proof that they will be effective in treating the diseases and conditions for which they are recommended or the prompt reporting of adverse reactions. These new drugs present greater hazards as well as greater potential benefits than ever before--for they are widely used, they are often very potent, and they are promoted by aggressive sales campaigns that may tend to overstate their merits and fail to indicate the risks involved in their use. For example, over 20 percent of the new drugs listed since 1956 in the publication *New and Non-Official Drugs* were found, upon being tested, to be incapable of sustaining one or more of their sponsor's claims regarding their therapeutic effect. There is no way of measuring the needless suffering, the money innocently squandered, and the protraction of illnesses resulting from the use of such ineffective drugs.

The physician and consumer should have the assurance, from an impartial scientific source, that any drug or therapeutic device on the market today is safe and effective for its intended use; that it has the strength and quality represented; and that the accompanying promotional material tells the full story--its bad effects as well as its good. They should be able to identify the drug by a simple, common name in order to avoid confusion and to enable the purchaser to buy the quality drugs he actually needs at the lowest competitive price.

Existing law gives no such assurance to the consumer--a fact highlighted by the thoroughgoing investigation led by Senator Kefauver. It is time to give American men, women and children the same protection we have been giving hogs, sheep and cattle since 1913, under an act forbidding the marketing of worthless serums and other drugs for the treatment of these animals.

There are other problems to meet in this area:

--An extensive underground traffic exists in habit-forming barbiturates (sedatives) and amphetamines (stimulants). Because of inadequate supervision over distribution, these drugs are contributing to accidents, to juvenile delinquency and to crime.

--Two billion dollars worth of cosmetics are marketed yearly, many without adequate safety testing. Thousands of women have suffered burns and other injuries to the eyes, skin and hair by untested or inadequately tested beauty aids.

--Factory inspections now authorized by the pure food and drug laws are seriously hampered by the fact that the law does not clearly require the manufacturer to allow inspection of certain records. An uncooperative small minority of manufacturers can engage in a game of hide-and-seek with the Government in order to avoid adequate inspection. But protection of the public health is not a game. It is of vital importance to each and every citizen.

--A fifth of all the meat slaughtered in the United States is not now inspected by the Department of Agriculture, because the coverage of the Meat Inspection Act is restricted to meat products moving across state lines. This incomplete coverage contributes to the diversion of unhealthy animals to processing channels where the products are uninspected and can, therefore, be a threat to human health. In short, existing laws in the food, drug, and cosmetic area are inadequate to assure the necessary protection the American consumer deserves. To overcome these serious statutory gaps, I recommend:

(1) first, legislation to strengthen and broaden existing laws in the food and drug field to provide consumers with better, safer, and less expensive drugs, by authorizing the Department of Health, Education, and Welfare to:

(a) Require a showing that new drugs and therapeutic devices are effective for their intended use--as well as safe--before they are placed on the market;

(b) Withdraw approval of any such drug or device when there is substantial doubt as to its safety or efficacy, and require manufacturers to report any information bearing on its safety or efficacy;

(c) Require drug and therapeutic device manufacturers to maintain facilities and controls that will assure the reliability of their product;

(d) Require batch-by-batch testing and certification of all antibiotics;

- (e) Assign simple common names to drugs;
 - (f) Establish an enforceable system of preventing the illicit distribution of habit-forming barbiturates and amphetamines;
 - (g) Require cosmetics to be tested and proved safe before they are marketed; and
 - (h) Institute more effective inspection to determine whether food, drug, cosmetics, and therapeutic devices are being manufactured and marketed in accordance with the law;
- (2) Second, legislation to authorize the federal Trade Commission to require that advertising of prescription drugs directed to physicians disclose the ingredients, the efficacy, and the adverse effects of such drugs; and
- (3) Third, legislation to broaden the coverage of the Meat Inspection Act administered by the Department of Agriculture, to promote adequate inspection--in cooperation with the States and industry--of all meat slaughtered in the United States.

(B) Require "truth in lending"

Consumer debt outstanding, including mortgage credit, has almost tripled in the last decade and now totals well over \$200 billion. Its widespread availability has given consumers more flexibility in the timing of their purchases. But, in many instances, serious abuses have occurred. Under the chairmanship of Senator Douglas, a subcommittee of the Senate Banking and Currency Committee has been conducting a detailed examination of such abuses. The testimony received shows a clear need for protection of consumers against charges of interest rates and fees far higher than apparent without any real knowledge on the part of the borrowers of the true amounts they are being charged. Purchasers of used cars in one study, for example, paid interest charges averaging 25 percent a year, and ranging well above this; yet very few were aware of how much they were actually paying for credit.

Excessive and untimely use of credit arising out of ignorance of its true cost is harmful both to the stability of the economy and to the welfare of the public. Legislation should therefore be enacted requiring lenders and vendors to disclose to borrowers in advance the actual amounts and rates which they will be paying for credit. Such legislation, similar in this sense to the "Truth-in-Securities" laws of 1933-34, would not control prices or charges. But it would require full disclosure to installment buyers and other prospective credit users, and thus permit consumers to make informed decisions before signing on the dotted line.

Inasmuch as the specific credit practices which such a bill would be designed to correct are closely related to and often combined with other types of misleading trade practices which the federal Trade Commission is already regulating, I recommend that enforcement of the new authority be assigned to the Commission. The Government agencies most concerned in this area have been cooperating with the subcommittee in developing the information necessary to prepare a workable and effective bill; and in view of the exhaustive hearings already held, I hope that the Congress can complete action on this important matter before it adjourns.

(C) Manufacture of all-channel television sets

Five out of six home television receivers today are equipped to receive programs on only the 12 very-high frequency (VHF) channels. As a result, in most areas, stations desiring to operate on any of the 70 ultra-high frequency (UHF) channels would usually have such small audiences that there is little incentive to make the substantial initial investment and continuing expenditures that effective broadcasting requires. The result is a sharply restricted choice for consumers.

After extensive study, the federal Communications Commission has concluded that an effective and genuinely competitive nationwide television service, with adequate provision for local outlets and educational stations, is not possible within the narrow confines of 12 VHF channels. Legislation now before the Congress would authorize the Commission to prescribe the performance characteristics of all new television receivers shipped in interstate commerce to assure that they can receive both VHF and UHF. signals. I strongly urge its passage as the most economical and practical method of broadening the range of programs available. This step, together with the federal aid for construction of educational television stations which is nearing final passage by the Congress, will speed the full realization of television's great potential.

(D) Strengthen laws promoting competition and prohibiting monopoly

The most basic and long-standing protections for the right of consumers, to a choice at a competitive price, are the various laws designed to assure effective competition and to prevent monopoly. The Sherman Act of 1890, the Clayton Act of 1914, and many related laws are the strongest shields the consumer possesses against the growth of unchecked monopoly power. In addition to the measure now

nearing final passage which would provide subpoena powers for civil as well as criminal antitrust investigations, several other improvements are needed:

(1) The federal Trade Commission should be empowered to issue temporary cease-and-desist orders against the continuance of unfair competitive practices while cases concerned with permanent relief from such practices are pending before the Commission. Under the present law, smaller competitors may be driven into bankruptcy or forced to accept merger on adverse terms long before present remedies become effective, thus reducing the competitive safeguards vital for the consumer. Similarly, deceptive trade practices in consumer goods may do their damage long before the Commission can "lock the barn door." I, therefore, reiterate my previous recommendation that the Congress give prompt consideration to effective legislation to accomplish this purpose.

(2) The consumer's right to a reasonable price can also be adversely affected by mergers of two business firms which substantially reduce effective competition. As in the case of unfair methods of competition, damage once done is often irreparable, and the Government, acting through the courts, cannot readily restore the degree of competition existing prior to the merger. Accordingly, I strongly recommend enactment of legislation to require reasonable advance notice to the Department of Justice and to the appropriate Commission or Board of any merger expected to result in a firm of substantial size. This will enable the businessman to obtain advice in advance, without litigation, as to whether a proposed merger would be regarded as contrary to the public interest. In addition, along with the recommended authority for the FTC to issue cease-and-desist orders, it is an essential safeguard against combinations which might cause unwarranted increases in consumer prices.

(3) In view of the potentially anti-competitive abuses to which the use of patents and trademarks are by nature subject, I recommend

--enactment of legislation requiring publication of the terms of all settlement agreements between different persons applying for patent rights on the same invention--for recent hearings have shown that such agreements may include features designed to weaken future competition at the expense of the consumer; and

--enactment of legislation authorizing the FTC to apply for the cancellation of any trademark which is, or becomes, the common descriptive name of an article and thus should be in the public domain. While a

competitor has such a right today, it is important-if the FTC is to have clear authority to halt this kind of unfair commercial advantage--that the Senate insert this provision in its review of trademark legislation (H.R. 4333) already approved by the House.

(E) "Truth in packaging"

Just as consumers have the right to know what is in their credit contract, so also do they have the right to know what is in the package they buy. Senator Hart and his subcommittee are to be commended for the important investigation they are now conducting into packaging and labeling practices.

In our modern society good packaging meets many consumer needs, among them convenience, freshness, safety and attractive appearance. But often in recent years, as the hearings have demonstrated, these benefits have been accompanied by practices which frustrate the consumer's efforts to get the best value for his dollar. In many cases the label seems designed to conceal rather than to reveal the true contents of the package. Sometimes the consumer cannot readily ascertain the net amount of the product, or the ratio of solid contents to air. Frequently he cannot readily compute the comparative costs per unit of different brands packed in odd sizes, or of the same brand in large, giant, king size, or jumbo packages. And he may not realize that changes in the customary size or shape of the package may account for apparent bargains, or that "centsoff" promotions are often not real savings.

Misleading, fraudulent or unhelpful practices such as these are dearly incompatible with the efficient and equitable functioning of our free competitive economy. Under our system, consumers have a right to expect that packages will carry reliable and readily useable information about their contents. And those manufacturers whose products are sold in such packages have a right to expect that their competitors will be required to adhere to the same standards. Upon completion of our own survey of these packaging and labeling abuses, in full cooperation with the Senate Subcommittee, I shall make recommendations as to the appropriate roles of private business and the federal Government in improving packaging standards and achieving more specific disclosure of the quantity and ingredients of the product inside the package in a form convenient to and useable by the consumer.

As all of us are consumers, these actions and proposals in the interest of consumers are in the interest of us all. The budgetary investment required by these programs is very modest--but they can yield rich

dividends in strengthening our free competitive economy, our standard of living and health and our traditionally high ethical patterns of business conduct. Fair competition aids both business and consumer. It is my hope that this Message, and the recommendations and requests it contains, can help alert every agency and branch of government to the needs of our consumers. Their voice is not always as loudly heard in Washington as the voices of smaller and better-organized groups--nor is their point of view always defined and presented. But under our economic as well as our political form of democracy, we share an obligation to protect the common interest in every decision we make. I ask the Congress, and every Department and Agency, to help in the fulfillment of that obligation.

JOHN F. KENNEDY