

## FEDERAL AND STATE REGULATIONS

### Better business bureaus can serve as extra legal aids against irresponsible advertising claims

**T**HE national and local better business bureaus can cooperate actively with local and state regulatory officials in protecting consumers of pesticides from unwarranted claims made by advertisers of these products. The role of the better business bureaus in this action was outlined by Van Miller, vice president of the National Better Business Bureau, in his recent address before the Association of Economic Poisons Control Officials.

The regulatory officials have rather effective control over the label accompanying pesticides sold within the various states. The officials' control, however, is limited to the label and the literature accompanying the product. It is difficult and often impossible for the officials to control the devices used by advertisers to get the public to buy insecticides and other agricultural chemicals.

#### **Regulatory Officials Cannot Control Advertising Claims**

Most of the problems concerning irresponsible advertising claims are confined to the mail order promoters who move into the field in the summer during the period when consumer demand is high.

The better business bureaus do have the facilities for regulating these irresponsible advertisers, for, according to Mr. Miller, the better business bureaus are the expression of the desire of advertising people to keep their own house in order.

Although they have no legal enforcement power, the bureaus capitalize on the very basis of advertising, public opinion. The persons who control the media of advertising, newspapers, magazines, and radio turn to the better business bureaus for information on prospective advertisers and their copy. In many cases these people will reject projected advertisements until they have been approved by the better business bureaus. Also the bureaus have the facilities for warning the public against fraudulently advertised products by means of bulletins and releases.

#### **Established Manufacturers Conservative in Advertising**

Because of the generally conservative nature of advertising by the established



**Van Miller of the National Better Business Bureau addressing the Association of Economic Poisons Control Officials. Mr. Miller asked for the officials' cooperation in controlling misleading advertising of pesticides**

manufacturers of pesticides the regulation of the fraudulent and irresponsible advertisers has been a difficult problem. The established manufacturers of pesticides have a heavy investment at stake and avoid any sort of advertising which might lower the confidence which the public has placed in them.

In competition with the established manufacturers is the group referred to as the "fly-by-night." These competitors are somewhat limited in their ability to hurt the public or the industry. They make wild claims, but usually the products are so fraudulent that they can be removed from the markets by the regulatory officials and the advertisers can be quickly prosecuted.

#### **Mail Order Firms Are Most Difficult**

The most difficult problem for the better business bureau and the regulatory officials is the promotional, non-manufacturing mail order firms. These people devote their talents to selling any products for which they see a possible market: soil conditioners, liquid fertilizers, and pesticides, to name a few. The mail order promoters are quick to capitalize on any new scientific develop-

ment of wide general or commercial interest.

The mail order people by their very nature must promote problems which are new or amazing. They promote new products which have not had sufficient testing to warrant advertising by more established firms. In many cases the advertisers of these products can find "scientific" evidence, based on incomplete research, to back up their advertising claims. It is the job of the better business bureaus to determine which of these claims are misleading. When these advertisers come backed by scientific reports of technical "experts" the bureaus must find other authorities in the field to examine the testimony.

Claims which appear to be misleading can only be suppressed with facts. The facts and specialized information for testing claims are a major problem for the bureaus. The regulatory officials in the various states are a good source of unbiased authority and their aid in this respect is invaluable.

#### **Lindane Vaporizers a New Problem**

One of the major problems for the better business bureaus and the control officials has been the advertising of lindane vaporizers. Last year a number of mail order companies advertised these vaporizers for use in the home, although the devices were labeled as "not for use in the home." The advertising was so inconsistent with labeling on the product that the National Better Business Bureau issued several bulletins recommending that the vaporizers should not be advertised for home use. The advertising of lindane vaporizers in the past year has created a whole new set of problems with reference to advertising of pesticides. Before next year the national bureau hopes to publish recommendations concerning the advertising of these devices and will welcome suggestions from control officials and others in this respect.

Mr. Miller suggests that it would be desirable to set up an organized liaison between control officials and the National Better Business Bureau for the report of advertising which the officials believe to be misleading. An organized system of reporting improper claims could be set up through a committee on advertising which would forward official complaints to the National Better Business Bureau. It would also be desirable, according to Mr. Miller, if the control officials could automatically share their views on disputed points with the better business bureaus.