

If this problem were restricted to one pen in a million, I would overlook the matter as an unfortunate incident. However, this happens every day in my school. I am enclosing a sample of such pen. I would appreciate it if you could refer it to some committee that concerns itself with consumer protection and ask for some action to be taken against _____: I hope to hear from you soon and thank you—

and so forth.

I would assume that the Federal Government and we will ask this of GSA—conducts tests on pens like this. Assuming they have performance information available relating to leakage, do you think it is their responsibility to tell the general public about it?

Mr. KAPLAN. I would think that it is their responsibility or if it isn't, it should be made their responsibility to make available any consumer information they have that would be useful.

The GSA would better be able to talk to this point than I, but it is my understanding that ballpoint pens would be bought on contract and bids and under those circumstances, the GSA would specify that the pens that they will ultimately accept must conform to certain specifications and one of the specifications would include leakage, that is the absence of leakage.

The people who bid on this contract would then have to demonstrate that products they are to deliver will in fact conform to that specification, but only those who are awarded the contract.

So the GSA might not have information on this particular pen if the producer of it knows that it would never conform to GSA requirements and so he might never submit a bid for this purpose.

So GSA information on what is important in the ballpoint pen would be extremely valid but how a consumer could use this information for example if GSA said a ballpoint pen should not leak, this wouldn't help the consumer very much except that he might ask the seller does this ballpoint pen leak and the seller wouldn't know.

So that kind of information—what the required properties are—may not be particularly helpful. That is the kind of information that the Government has mostly been publishing. Sometimes it is helpful. Sometimes it is possible to look at a product to determine whether or not it meets the requirements.

Mr. ROSENTHAL. By looking at a ballpoint pen in a candy store, you can't tell if it will leak.

Mr. KAPLAN. This is an example of the kind of product where the only way you could tell whether the product would be good or bad would be to test these products and report on them.

The same is true of hearing aids. There is no way to tell by looking at a hearing aid how well it will perform. But the Government in the case of hearing aids already has information about this, having tested large numbers of them and there they don't have to say to the purchaser of a hearing aid "ask the dealer this question or that question." They merely have to look at the list and decide for themselves which one of these would meet their requirements because the information is now available.

Mr. ROSENTHAL. Mr. Wydler?

Mr. WYDLER. Mr. Kaplan. I found your testimony very interesting. I have used the Consumer Reports in my own life and I found it very helpful. I hope they are right. That is the only thing I don't know. I don't know how you judge—