

There is no reason to label the product in such a way as to tell the consumer it's unfit for food.

On the other hand, statutory language requires proof by sampling and actual evaluation of that coffee. As I understand the case, there were quite different opinions about the taste. Whether we could make such a case would depend on convincing a court that it was unfit for food. The burden would be upon us to show that the average, normal person would not accept it as food.

Mr. ROSENTHAL. Aside from the question of fitness, which you seem to think is a factual question, if the Government did in fact reject it, do you think it's fair labeling to say "Procured under U.S. Government—"

Mr. GOODRICH. That is misbranded.

Dr. GODDARD. That's misbranded.

Mr. ROSENTHAL. What could be done about that, Dr. Goddard?

Dr. GODDARD. We could move against the product under the Food, Drug and Cosmetic Act.

Mr. WYDLER. I just have to point out to you that I looked at this can and it says on the outside of the can, "For military issue, and sale to authorized commissary patrons only."

Mr. ROSENTHAL. That's absolutely correct. It has been sold in commercial channels, because the military rejected it.

Mr. WYDLER. And it was left in this can?

Mr. ROSENTHAL. In that can.

Mr. MYERS. Remember—6 years later, when it's even dustier. [Laughter.]

Mr. MYERS. We were told once that this wasn't permitted by the Defense Agency.

Mr. ROSENTHAL. That's why we are having the hearings.

Mr. MYERS. We were told they didn't allow this to happen. They didn't allow them to say this has the U.S. Government's authorization, meets their specifications, and so forth—remember they told us last year that they positively prohibited this in advertising.

Mr. ROSENTHAL. You would rather we ask that question of your successors at the hearing this morning?

Dr. GODDARD. Yes.

Mr. ROSENTHAL. Thank you very much.

Mr. WYDLER. Thank you for your testimony, Doctor.

Mr. ROSENTHAL. Our next witness is Brig. Gen. Robert E. Lee. General Lee, we thank you for joining us. We are anxious to hear from you.

If you have a prepared statement you may proceed.

**STATEMENT OF BRIG. GEN. ROBERT E. LEE, EXECUTIVE DIRECTOR,
PROCUREMENT AND PRODUCTION DIRECTORATE, DEFENSE SUPPLY
AGENCY, ACCOMPANIED BY ALBERT RABY, DSA ASSISTANT
COUNSEL**

General LEE. Mr. Chairman and members of the inquiry, I am Brig. Gen. Robert E. Lee, U.S. Air Force, Executive Director for Procurement and Production of the Defense Supply Agency. I am representing the Director, Lt. Gen. Earl C. Hedlund, who as you know