

Thus, your acting counsel here managed to avoid the key question and give an answer which indicates that you can go ahead and use those words, which is very bad, I think.

General LEE. I think Dr. Goddard, in his discussion, pointed out he thought there may be some violation of the advertising on the can by virtue of the specifications being on there.

As I stated earlier, our Defense Surplus Sales Offices don't normally become involved in situations of this type.

Nevertheless, a procedure was established to insure that in the event of future similar occasions, prospective purchasers would be apprised of the fact that items sold are in "rejected" category and the reason(s) for rejection.

Also, in the future, a special condition will be included in invitation for bids requiring that this information be passed on to the consumer.

Mr. ROSENTHAL. When will that be done?

General LEE. This is in effect now.

In addition, future sales of rejected food or drug items through DSSC will have the specification number, contract number and Federal stock number obliterated prior to sale.

Mr. ROSENTHAL. In other words, in the future before you let these cans out of your possession you would paint over them or something like that?

General LEE. Yes, sir.

To explain one point here, Mr. Chairman, we don't mark cans like this any more. It now says "coffee." There are no contract numbers or specification numbers.

Here is a sample of the way we mark the can right now.

Mr. ROSENTHAL. It doesn't imply anywhere that it meets Government specifications.

General LEE. It doesn't imply a Government specification on it or have any markings.

Mr. WYDLER. What will happen in the future if you combine all the coffee and you have a situation similar to this? How do you know which contract to go back to?

General LEE. Come time of sale, if the sale is by the contractor we will require that he obliterate those markings if they are on the can.

Mr. WYDLER. You say your package is this way now. You have it in your warehouse, such as the Hixson coffee here. You didn't know this was not up to specification until 2 years later. You bought it in 1963 and realized in 1965—

General LEE. We bought it in 1962 and 1963. We knew in 1963—

Mr. WYDLER. But you had to go back to the shelf. How will you locate a specific coffee on the shelf?

General LEE. By contract number.

Mr. WYDLER. You don't have it on the can.

General LEE. The cases are marked. The outer cases are marked.

Mr. WYDLER. The outer cases are marked. All right.

General LEE. This is a different item but we have all the information necessary on it.

Mr. WYDLER. All right.

General LEE. You requested that I be prepared to discuss the circumstances of rejection of certain items furnished this subcommittee.

(a) The 18,563 precooked frozen meals were rejected because of