

to express as being the USDA procedure and policy. I hope that explanation will help to clarify this matter.

Mr. ROSENTHAL. Mr. Barash has some questions.

Mr. BARASH. Mr. Secretary, in your statement on page five you say, "We see no reason to think that new legislation requiring disclosure on the label of all Government rejected products would be constructive or beneficial to consumers."

I would like to read to you from section 224 of the "Guide for Retail Advertising and Selling" put out by the Association of Better Business Bureaus, which I think can be said serves as a conscience of sorts of the business community and as a link in the chain between consumers and businessmen, and a fairly effective one, I gather. They say in section 224:

When Government goods, articles made of Government goods, or goods made for but not accepted by the Government are not new and in perfect condition, their true condition should be disclosed in advertising and selling by an appropriate descriptive material such as "used," or "rejects," "reclaimed," "reconditioned," "seconds," "irregulars," "damaged," * * *.

And so forth.

So I gather then that the better business bureau believes that items rejected by the Government for reasons which cast doubt on their suitability or fitness for private consumer use should be labeled as "rejected."

Dr. MEHREN. I would take no exception, and I believe elsewhere in the statement we did say if for any reason other than failure to meet our contract terms, the product was unwholesome or deceptive or in any other way inimical to the interest of consumers, we would prefer to see standing statutes become effective. If there are deficiencies, I would think the Department would support the remedy of such deficiencies. But there is no variance between what I said and what you said so far as I am concerned.

Mr. BARASH. I am not sure that that is true, because what you said was: "You spoke in terms of wholesomeness, safety, and honesty."

Dr. MEHREN. Which are our legal authority and responsibility, and none others, I might add.

Mr. WYDLER. I want to clear that up. I know that you have to operate under the law.

Dr. MEHREN. It is desirable.

Mr. WYDLER. We are in a position to do something about the law so we don't start off with the assumption that because the statute is written a certain way we are bound by that, and that is it.

Dr. MEHREN. Nor do I.

Mr. WYDLER. If the law isn't satisfactory, we can change it. That is what we were sent here to do by the people.

Dr. MEHREN. That is the duty and prerogative of the legislative. That of the executive is to conform with the law as passed.

Mr. WYDLER. The rules and regulations are only man-made.

Dr. MEHREN. I repeat that with respect to the questions you addressed to us, the commodities and the distribution thereof, we consider we have adequate law for our purposes to assure against unwholesome product, deceptive product, dishonest handling, or any other inimical effect.

Mr. BARASH. We are talking about products in an important no-man's land. Products that are substantially below the quality you can