THE SETTING FOR FOOD REGULATORY PROGRAMS

The regulation of food is a dynamic process. Forces are constantly at work which seem to defy any effort whatsoever to bring about more than a short-time equilibrium to the system. These forces operate within an environment which also is dynamic. The encompassment of the entire system to include and interrelate those who do the regulating and those for whose benefits the regulation is presumably carried out can be called the setting of food regulatory programs.

At least a general description of the features of this setting will give one an appreciation of the fact that there are many interactions of forces in the formulation and establishment of governmental policies and practices, and consequently the enactment and enforcement of food laws and regulations.

THE THREE COMPONENTS OF THE SETTING

There are only three components of the setting. These are:

1. The consuming public—those who want food.
2. The food industry and trade—the providers of food.
3. The government—the protectors of food.

It can be seen in the presentation of these three components in Fig. 2.1 that each is related to the other two. In food laws and food regulatory programs all three are simultaneously involved. A food law cannot relate only to the public, or to the food industry and trade, or to the regulatory agencies in the government. Some examples will illustrate this interrelationship.

The history leading to the passage of the Food and Drugs Act of 1906 is a clear example of how the three components related to each other, not always harmoniously. Dr. Wiley, in government, wanted a strong and effective law. The food industry resisted it and influenced Congress and the Administration accordingly. The public, sufficiently aroused, brought pressures to bear on members of Congress to pass Dr. Wiley's bill and finally obtained the protection the act could provide in a substantial way. After passage, the industry had some new rules to follow and the government saw that it abided by the rules or was punished. The consuming public had its health and pocketbook protected more than before and, it is fair to say, became more friendly to and less suspicious of the industry. In the end, and certainly by the time the act of 1938 was under consideration, the food industry realized that a strong national law would safeguard its integrity. Industry leaders believed that production and sale of products strictly on the basis of true identity and intrinsic value would add an element of competitive incentive for the development of improved manufacturing processes and product quality.

Not all food laws or regulations originate with the government or with consumer pressures. An excel-
lent illustration of legislation originating with the food industry is found in the Sea Food Inspection Act of 1934. About 1930, the canned shrimp packers were in the situation where increasing amounts of their product were being seized by the Food and Drug Administration because they were decomposed. Seizures and destruction of products had become so extensive by 1931 that it became difficult for the canners to stay in business. The reason for the condemnations was that the methods for detecting decomposition of shrimp had been greatly improved. The canners did not appear capable by themselves of upgrading the practices of fishermen and poorly supervised packing operations which contributed to this spoilage. Consequently, the canners requested that Congress enact an inspection law.

Congress responded favorably by passing a bill, very much like the Meat Inspection Act, as an amendment to the Food and Drugs Act. The provisions were carried almost verbatim into the Federal Food, Drug, and Cosmetic Act when it was passed in 1938. The new inspection program had an almost immediate favorable effect on the canned shrimp industry. Products being better, consumers reacted favorably to keep the industry economically sound. So, we see the interactions of industry, the government and the consuming public resulting in specific benefits.

At the turn of the century the U.S. Department of Agriculture recognized the need to protect users, including farmers, from substandard or fraudulent pesticides. The interstate commerce in these products was becoming so extensive that state laws alone were not adequate to control the situation. In 1910, Congress passed the Insecticides Act which dealt with the situation principally by requiring insecticide products to be registered with the Federal Government before being offered for sale, and, furthermore, that the labeling of such products reveal their true nature, how and for what purpose they were to be used, and provide a warning of the poisonous properties by means of a skull and crossbones with the word POISON. For some 37 years this was the only step the Federal Government took to regulate pesticide sales and use; it was quite adequate under the prevailing circumstances.

However, during World War II large-scale tests were conducted in a number of areas to control insect pests. These led to startling developments in the synthesis and industrial manufacture of new organic pesticides. Furthermore, the war had emphasized the dependence of the United States on foreign countries to supply arsenic, pyrethrum and rotenone, which then were the major insecticides. By 1947, agricultural development and pesticide technology had grown so extensively that legislators realized the need for additional protection of consumers and the general public. In that year, the Federal Insecticide, Fungicide, and Rodenticide Act was passed. It continued the registration and most other requirements of the act of 1910, but further required that the material, used as labeled, would be genuinely useful in good agricultural