

ABBREVIATED COMMENTS ABOUT
MR. DANIEL J. MACCAULEY, JR.'S SPEECH

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Gordon E. Bivens

I appreciate the way in which Mr. Maccauley:

1. Clarified the distinction between unfair methods of competition and unfair or deceptive acts or practices in commerce.
2. Pointed out the sensitivity of the federal trade commission to consumer's interest in conduct of business.
3. Highlighted the conflict of interest which we all experience as producers and consumers and, further, that the producer interest in us often tends to dominate our thinking thus leading to a diffused consumer interest.
4. Focused attention on the need for vigilance and action at all levels of government to foster practices in business compatible with consumer welfare.
5. Pointed out that groups such as the Council on Consumer Information thrive on enthusiasm rather than large budgets. I am sure all of us in this group appreciate the import of this statement!

If time permitted, I would have appreciated it if Mr. MacCauley had:

1. Emphasized the need for consumers to know the impact of different kinds of imperfect competition (that is, consumers need to understand the importance to them so far as price and quality is concerned of types of market organizations such as monopoly, oligopoly, duopoly, etc.
2. Suggested additional ways in which consumers could cooperate with the Federal Trade Commission especially on your anti-deceptive work; for example, consumer panels or advisory boards of an ongoing nature or other means.
3. Clarified what is considered to be false and misleading advertising in the eyes of the Federal Trade Commission. If consumers are to cooperate in anti-deceptive work, they need an understanding of what are the legal interpretations of false and misleading advertising.
4. Highlighted the need for pre-merger clearances and other types of legislation which you feel would be beneficial to the Federal Trade Commission activities.
5. Pointed out ways in which FTC jurisdiction can be based upon use of the mails as well as on Interstate Commerce.

6. Brought out need for financial backing. I am sure his modesty probably kept him from pointing out in more detail the need for increased appropriations for the Federal Trade Commission, but this might have been an appropriate place to have done this.

We appreciate your meeting with us, Mr. MacCauley. I hope the comments I have made are fair to you. You recognize I have not had long to react and ponder the points you raise in your paper, so perhaps some of the comments I have made are a bit naive or off base. I hope that they are not.