

April 30, 1975

*Congress
Covers*

Honorable Paul G. Rogers
Representative from Florida
Room 2417 Rayburn House Office Bldg.
Washington, D.C. 20515

Dear Congressman Rogers:

At the behest of a consumer organization and the American Heart Association, the Federal Trade Commission last year attempted to get an injunction against the National Commission on Egg Nutrition (NCEN) to desist from false or misleading advertising concerning eggs and their potential role for good or ill health. Enclosed are copies of the type of advertisement which led to this action.

The injunction was overthrown by a Federal court in Chicago but hearings will be held during May and June 1975 in which I am one of six expert witnesses who will testify on behalf of the Federal Trade Commission, Consumer Protection Bureau. The others are: Thomas R. Dawber, M.D., Theodore Cooper, M.D., Fredrick J. Stare, M.D., Jeremiah Stabler, M.D., and William Connor, M.D.

This letter is simply to inform your office that the issue may become a major one, involving many questions other than the understandably difficult ones of scientific fact and opinion on the role of nutrition in heart attacks. A subpoena was allowed Egg Council representatives to enter the offices of the American Heart Association (not a litigant) and extensively copy thousands of documents and correspondence involving the expert witnesses, their research, and the general question of the American Heart Association posture on the relationship of diet to serum cholesterol levels and in turn to population risk of coronary disease.

On March 24 when I was asked for a pretrial informal interview by the counsel for the National Commission on Egg Nutrition, Mr. James Fox of Chicago (Moses, Gibbons, Abramson & Fox, Attorneys and Counselors, The Connecticut Mutual Life Bldg., 33 North Dearborn Street, Chicago, IL 60602), I indicated my willingness to cooperate as long as the documenting interview which he proposed (involving his partner and a stenographer) be held with me in the presence of F.T.C. lawyers. Instead of accepting my simple and normal suggestion, or arriving at a suitable compromise on the conditions of this pre-hearing discussion, Mr. Fox summarily requested a subpoena for me and all relevant documents and correspondence of a personal and professional nature dating back 10 years at our laboratory in the University of Minnesota, School of Public Health.

...