

FINAL WORD ↔ BY A. BARTON HINKLE

What's in a Name?

“Food labels include a bounty of terms that should provide clarity but often dish up confusion,” lamented a recent piece in the *Wall Street Journal*. “Government regulators forbid outright dishonesty, but labels with narrowly defined, cleverly deployed, or unregulated buzzwords can confound shoppers trying to determine what’s what.”

Dismay over food labels isn’t new. A quarter-century ago, David Kessler, then commissioner of the U.S. Food and Drug Administration, famously had 2,000 cases of Citrus Hill Fresh Choice orange juice seized because it was made from concentrate. The label clearly stated that fact, but even so, using the word “Fresh” in the branding was a federal offense, or at least a federal affront.

Kessler was the sort of regulator who did not let a minor detail like the truth get in the way of a good crackdown. As the *New York Times* noted in a 1991 profile of him and the “problems” he was trying to address, the fact that a package of macaroni contained no cholesterol did not pardon the fact that the package holding the macaroni claimed it contained “no cholesterol.” According to Kessler, “That claim implies that it is something different, but in our standard of identity there are no eggs in macaroni.” He wanted the label to read something like: “This macaroni, like all other macaroni, contains no cholesterol.” So there.

Today’s food scolds want labels to declare the presence of any genetically modified organisms (GMOs). President Obama recently signed legislation to that effect. GMO foods pose no special danger to human health, as more than 100 Nobel laureates recently pointed out in a tart let-

ter to Greenpeace. But as GMO-labeling advocate Bernie Sanders puts it, the issue is “the consumer’s right-to-know.”

This concern for the welfare of the beleaguered consumer is admirable. It would be even more admirable if it were applied not only to products that people can choose not to buy, but also to those they must.

For example, imagine how such strin-



gent standards might affect the titles of legislation. Before being allowed to pass something called “the Patient Protection and Affordable Care Act,” Congress would have to prove that the legislation would (a) protect patients and (b) render care affordable. Given the considerable debate about whether the law has achieved those aims in the years since its enactment, proving it ahead of time would pose quite a challenge.

Ditto for the USA PATRIOT Act, which—as its full title makes clear—was supposed to have been about the business of “Uniting

and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.” Any regulator worth his salt would want to know whether the bill actually *would* unite or strengthen America. And whether the tools it provided were truly appropriate. And required. And whether they actually would obstruct terrorism. Nit-picky little details like that.

Consistent application of clear labeling rules also would require changing the names of a few federal agencies. Is the Department of Defense really engaged in *defense*? Some people might have a few questions about that—just as some people might be skeptical of claims that the Department of Education actually increases the quantity or quality of education.

Virginia has a Department of Corrections. But the evidence of any actual correction occurring within its offender population is mixed. The state’s recidivism rate, now lower than 23 percent, looks pretty good. But can it be attributed to the penitentiary system’s correction of prisoner defects, or do other factors deserve the credit? Perhaps we should ask a few ex-cons.

And even if we could say with confidence that the Department of Corrections is leading prisoners onto the straight and narrow path, it’s easy to imagine a regulator of the Kesslerian school disallowing the “Corrections” label because the department is not doing anything different from what other macaroni—er, other corrections departments—are doing, hence to imply otherwise is misleading.

So far we have dealt only with labels in the strictest sense, but a labeling regime of more elastic scope could reach well beyond titles and names. Consider, say, Hillary Clinton’s views on gun control. According to her campaign website, she supports “bipartisan legislation” to enact “commonsense rules” such as closing the “gun-show loophole,” banning “assault weapons,” and cracking down on gun stores that “flood our communities with illegal guns.”

Narrowly defined, cleverly deployed, and unregulated buzzwords like those can confound voters trying to determine what’s what. Can’t regulators put a stop to it? **R**