The current state of the wheeler-lea act

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Current of Wheeler-Lea Act Introduction Many speech regulations on food and drugs were established by Early Twentieth Acts. But there were manyshortcomings like lack of jurisdiction over false or misleading claims; difficult prosecutions and exception like no need of any form of affirmative label statement. On recommendation of revision of 1906 Act, Congress passed the Federal Food, Drug and Cosmetic Act of 1938 (FD&C Act), Which authorized regulation of many different types of commercial speech that were previously outside the FDA's regulatory control and other requirements like labeling and many more. Still there were some shortcomings, which were corrected by Wheeler Lea act.

Wheeler-Lea Act

Congress passed The Wheeler-Lea Act in 1938, a United States federal law, which amended the Federal Trade Commission Act. It gave the FTC the additional responsibility of policing " deceptive acts or practices in commerce." In so doing, the FTC tries to protect the public against false or misleading advertising and the misrepresentation of products (Larabee, Robert). So the Federal Trade Commission Act, as modified by the Wheeler-Lea Act, gives new provisions:

It requires new drugs to be shown safe before marketing-starting a new system of drug regulation.

It eliminates the Sherley Amendment requirement to prove intent to defraud in drug misbranding cases.

Extends control to cosmetics and therapeutic devices.

Provides safe tolerances be set for unavoidable poisonous substances.

Authorizing standards of identity, quality, and fill-of-container for foods.

Authorizing factory inspections.

Adding the remedy of court injunctions to the previous penalties of seizures and prosecutions (U. S. Food and Drug Administration).

Current state

The Wheeler-Lea Act has not permitted the FTC to control the advertising of self-medication drugs. So there has not been as much improvement in patent medicine advertising as wished. Prescription drugs are policed by the FDA under the Kefauver-Harris Amendments of 1962. Additionally, advertising of restricted medical devices is regulated by the FDA under the Medical Device Amendments of 1976.

Other Acts were passed in order to broaden scope of the FDA’s power to regulate product labeling.

year

Act

Purpose

1960

The Federal Hazardous Substances Labeling Act

The use of clear warning labels on hazardous household chemicals

1966

The Fair Packaging and Labeling Act

honest and informative labeling for all consumer products

1990

Nutrition Labeling and Education Act

nutrition labeling on all packaged foods

1994

Dietary Supplement Health and Education Act

set forth labeling requirements for dietary supplements

Most recently, Congress passed a broad reform of the FD&C Act in the Food and Drug Modernization Act (FDAMA), which includes provisions to “ regulate advertising of unapproved uses of approved drugs and devices, and regulate health claims for foods.”

Conclusion

There is requirement of prohibition of unfair methods of competition and advertising, in order to protect consumers as well as competition. Many Acts has been passed by U. S government. Wheeler lea Act was a big step in this direction. It regulated advertising, labeling strategies and identification, quality, and fill-of-container for foods and drugs.

References

Larabee, Robert. The Federal Trade Commission: A Guide to Sources (Research and Information Guides in Business, Industry, and Economic Institutions), Routledge; 1 edition, November 8, 2000. pp- 345

U. S. Food and Drug Administration, “ Chronology of Drug Regulation in the United States”. Last Updated May 10, 2007, Retrieved May 13, 2007. < http://www. fda. gov/cder/about/history/time1. htm >