

Law problem

Law



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Law Problem Law Problem Q The case goes to the Community Nutrition Institute. The FDA did not comply with the rules regarding the notice and comment procedure that is a requirement for the adoption of a substantive or legislative rule. Before enforcing a law, it is important to put up a notice to the public, informing them of your intent and also put up a time frame before beginning the enforcement For this reason, the FDA failed to notify duly all the stakeholders prior to enforcing the Food, Drug, and Cosmetics Act. The CNA are justified to dispute this unreasonable course of action by the FDA, and they will win the case.

Q 2

Although the FCC is responsible for regulating communication providers in the country, they clearly overstep their mandate when they appear to control the television channels and dictate the content that they air. The FCC cannot dictate what amount of money that these cable companies charge for fees. Subsequently, they are overstepping their mandate and these rules clearly exceed the authority given to them. Any appeal lodged against the FCC will be successful on these grounds.

Q 3

The FCC has a right to censor obscene or provocative language on the national radio. When Pacifica decided to broadcast, " Filthy Words", they made that decision at their risk. The situation that they are in lies in the fact that they chose to air controversial content on the radio, without the use of censorship. Therefore, the FCC is justified in the decision that they made due to his careless conduct of the local radio station. The FCC may use its powers to suspend licenses of broadcasters who have breached indecency regulations. They may also suspend licenses, revoke licenses and deny

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applications for broadcast licenses based on these laws. For this reason, the FCC has the legal right to carry on the necessary proceedings against Pacifica.

Q 4

The prisoners were right in making a complaint against the FDA for failing to take action against the manufacturers of the drugs used in lethal injection. The procedure, however, is legal and is utilized in the execution of death row inmates. Therefore, the FDA has no authority to question the utilization of the lethal injection drug. Nevertheless, these prisoners are all death row convicts who are awaiting execution, and the standard procedure involves execution by lethal injection. Therefore, the prisoners are wrong to put up a case with the FDA, who have no jurisdiction whatsoever over the issue.

Q 5

Although the Sierra Club has a genuine environmental concern, the leased land from the federal government can be used to put up a ski resort. Since it has no major environmental damage concerns, the ski resort can be put up. Furthermore, the Sierra Club is indeed is not in a position to sue the government for federal land. The OFW followed due diligence in issuing regulations concerning the need for permits for the commercial crab catchers. The OFW understands the environmental implications involved with allowing large-scale commercial crab catchers to fish, as it would deteriorate the local crab population. Although this law sounds discriminatory, it has the better right to the environment and crab population in mind.

Q 6

The Nuclear Regulatory Commission should be able to assess freely and investigate the nuclear power plants. Moreover, it is important that the

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activities in these nuclear power stations remain monitored, and relevant steps taken to ensure that the plant follows safety procedures. The Commission was; however, wrong to refuse to release this information. The NRC should make public safety its priority. The board was wrong to deny the information request because it had vested interests and did so for selfish reasons.