

HISTORY OF THE
U. S. FOOD AND DRUG ADMINISTRATION

Interview between

Robert H. Dick

Supervisory Tea Examiner

and

Fred L. Lofsvold

U. S. Food and Drug Administration

Brooklyn, New York

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TAPE INDEX SHEETCASSETTE NUMBER(S) 1, 2, 3GENERAL TOPIC OF INTERVIEW: History of the Food and Drug AdministrationDATE: March 23, 1984 PLACE: Brooklyn, New York LENGTH: 130 Min.INTERVIEWEEINTERVIEWERNAME: Robert H. DickNAME: Fred L. LofsvoldADDRESS: [REDACTED]ADDRESS: U. S. Food & Drug Admin.[REDACTED] [REDACTED] Denver, ColoradoFDA SERVICE DATES: FROM 1937 TO: Present RETIRED? NoTITLE: Supervisory Tea Examiner

(If retired, title of last FDA position)

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INTRODUCTION

This is a transcription of a taped interview, one of a series conducted by Robert G. Porter, Fred L. Lofsvold, and Ronald T. Ottes, retired employees of the U. S. Food and Drug Administration. The interviews are being held with F.D.A. employees, both active and retired, whose recollections may serve to enrich the written record.

It is hoped that these narratives of things past will serve as source material for present and future researchers; that the stories of important accomplishments, interesting events, and distinguished leaders will find a place in training and orientation of new employees, and may be useful to enhance the morale of the organization; and finally, that they will be of value to Dr. James Harvey Young in the writing of the history of the Food and Drug Administration. The tapes and transcriptions will become a part of the collection of the National Library of Medicine, and copies of the transcriptions will be placed in the Library of Emory University.

This is a recording in the series of FDA oral history interviews. The interview today is with Robert H. Dick, Supervisory Tea Examiner at New York Import District. The recording is in his office in Brooklyn, New York. The date is March 23, 1984. Interviewer is Fred Lofsvold.

FL: Mr. Dick, would you briefly sketch your background stating when and where you were born and where you were educated and briefly describe the various positions you've held in FDA.

RD: I was born in High Point, North Carolina and I grew up in Georgia and went to college at Duke University. I graduated with a Degree in Chemistry there and was working on my Masters Degree when I had an accident in the laboratory which put off that work for quite a while and it was just at that time that I got a telegram from the Food and Drug wanting to know if I would be interested in a job with the Seafood Service.

FL: What year was that Bob?

RD: That was in 1937. I went down to Atlanta, was interviewed there by Shelby Grey. Since jobs were pretty scarce at that time and it looked like my research work would be a long time in coming, I took the job and reported in July 1937 to New Orleans District as a Seafood Inspector and trainee at that time. I think Mr. Boudreaux was the Station Chief then. There were several other people around who

later served in the various positions around the country in FDA.

Walter McRae was the assistant to Mr. Strasburger who was the Chief of the Seafood Service. We went through a period of training and I ended up by being assigned to the Robinson Canning Company, across the river from New Orleans in Westwego. I served in several places up and down the river and over in Mississippi. When I was stationed in Slidell I got word that since the seafood job was a six month guarantee, that if I wanted to I could be assigned to another Food and Drug District during... I should say, it was not a district then, it was...

FL: Station.

RD: Station, yes. I could be assigned if I cared to do that. Well, I was interested in doing it and I was assigned to New York for that off-season period of about six months. It was in New York that I first came in contact with the Tea Act because I got up there at the time that the Tea Samplers were on vacation, so they pulled me in to go sample tea on the piers of New York. That was in the middle of winter and I have often thought, ever since, that the New York piers were the coldest places in the world. That was also at the time that we didn't have cars. We had big sort of suitcase type sample carriers and we also carried our tools in those. We would go out to a pier and fill up with samples and come

back and try to flag down a bus that would allow us to get on with all of the paraphernalia we had and get down to the office on Varick Street.

FL: Could you describe how you sampled tea in those days?

RD: Well, we did much the same way as now. We had a borer to bore holes in the chest. In those days all tea came in in chests. Now days they have bags and paper bags and cloth bags etc., as well as chests. In those days we bored a hole in the chest, plugged it up with a cork stopper, after taking the sample out, and we labeled each sample as to which chest it came from and which line it came from. Then we took them back down to the office and the tea room. At that time Mr. Fred Hutchinson was the Tea Examiner. He looked at the tea and he told me a few things about some of the teas that were coming in and if I got in early in the day, I would play around with them and look at the different teas. I did learn a little bit there.

Also, I had an experience, at that time, when I was stationed in the area I met Walter Campbell. He was the Chief of the Food and Drug Administration then. I was very favorably impressed because he came walking in to the tea room, presumably to see Mr. Hutchinson and say "hello" and when he found out that I had just gone to work for the Food and Drug a few months before and he was very interested. He wanted to know all about what I was doing and how I did it

and what I thought about the Food and Drug Administration and he seemed genuinely interested. In fact he stayed there for an hour talking to me and that impressed me very greatly. I felt he was an unusual man. He impressed me to the point that when, later on, I was stationed in Seattle I came across the account of his testimony before one of the Congressional Committees about the... Heck, who was the name?

FL: The Ambruster Hearings?

RD: Was that Ambruster?

I was even more impressed by Mr. Campbell's testimony before that Committee. In fact I understand that Senator Wheeler, who was the man back of it, became so embarrassed that he suddenly remembered that he had an engagement somewhere else, before the hearing was over.

FL: That was a very interesting episode in FDA history because, I think, it may have been the only time that a federal bureaucrat asked a Congressional committee to investigate him. Campbell asked the committee.

RD: Oh, he did?

FL: Yes, he did.

RD: I know there was something about it but I thought maybe it had been pushed. I guess it had been pushed and he...

FL: He asked Senator McNary, the Committee Chairman, to hold an investigation because he wanted to vindicate the

FDA. He was tired of hearing Ambruster go around the country making speeches and talking to the newspapers about how bad we were.

RD: I was very impressed by his testimony because he made his questioners... They sort of...they didn't want to mess with him anymore. Well anyway, that was the first time I met him.

During my six months here in New York, after the Tea Sampler came back, I was sent up to the laboratory and worked there for rest of the time.

That reminds me of another incident, in contrast with today's training and everything else. I walked in the laboratory and the Chief Chemist came over with a journal and he said, "Would you read this over and see what you think of it? See if you think it might be a method that would work". So, I read it over and I said, "Yes, I thought I could do it". It happened to be the method for lead in maple syrup. So I took it and he said, "OK go back and get a sample then". That was my training in the laboratory.

Later, too, after I had left Seattle, I went down to Los Angeles and at the time when all of the new people were coming in for the new Act. They were short on help then and I was a chemist but they said, "Well, we could use you out in the field as an Inspector". Well, I had some inspection experience in that when we had the fruit survey for jams and

jellies, I had collected the authentic fruit samples and had supervised the jam and jelly packs in Los Angeles. Later I analyzed them all in San Francisco.

Also I had had a little experience as an Inspector because during the Elixir Sulfanilamide investigation and sampling, most of the regular Inspectors in New Orleans, where I was a Seafood Inspector at the time, were sent out on that. So, Mr. Boudreaux called in all of the seafood people who were not busy at that time and had them go out and do sampling around the territory.

We had a pretty good time of it because at that time you could walk in practically any warehouse and you could find bugs all over the place. So, all we had to do was go out and pick a sample that was big enough and look for insect infestation.

FL: Was that when you were first on duty as a Seafood Inspector?

RD: Yes. So, I learned from that. I learned how to write up an collection report and bring in a sample. My only trouble was that several time I forgot just where I was because I had been sampling in Mississippi and we went over to a couple of places in Louisiana and they were Louisiana products so I had to take the sample back. We didn't want it because it wasn't interstate.

As I said above when I was in Seattle I went out with one of the Inspectors on the jams and jellies. We went out to put up authentic packs of the various fruits that were produced around the Seattle area. So, I learned there how to make a collection report and how to follow through on one of these authentic samples.

So, anyway when I got down to Los Angeles, as I said, there was a shortage of personnel and so the Chief Inspector said, "Well, instead of going to the laboratory, we'll put you out in the field as an Inspector". I said, "I had had a little experience but I really didn't know much about it. So, he said, "Tillson, come in here". The Chief Inspector was Bob Born. He said, "Take Dick out this afternoon and teach him to be an Inspector". We went out and collected a sample of dried peas, or something like that and that was my training as an Inspector. The next morning I had a bunch of assignments on my desk.

When the new personnel started coming in, I went back to the laboratory and was transferred up to San Francisco.

FL: When did you leave New York?

RD: That was in '38. I came in '37, six months in the Seafood and then up to New York in January and then I went back, around, I think, August to New Orleans and I was sent out to one of the Texas plants, Palacios, I believe, and then down to Aransas Pass later. When they began to get new

personnel, I was sent up as a Chemist to Seattle.

FL: So, you really worked two seasons in seafood?

RD: Yes, in seafood.

FL: Then after the second season you went to Seattle?

RD: I went to Seattle, yes.

FL: How long were you there?

RD: Well, I was there less than a year. It just happened that they were moving people around generally, and you know in those days, too, Inspectors, in particular, were moved around.

FL: Right.

RD: All the chemists weren't moved so often. But I was young, no family or anything else, so I was a candidate for moving right there. It just happened that they had a big, either a seizure or detention of some shrimp down in Los Angeles. I had had some experience, so they moved me down there. I spent about two months in Los Angeles overseeing the shrimp. Taking out all of the bad... Because it was one of those situations, where one block would be bad and the next one would be all right.

FL: Was this canned shrimp?

RD: No, this was frozen.

FL: Oh, frozen shrimp.

RD: It was frozen shrimp.

FL: Were you actually transferred to Los Angeles?

RD: Yes. I was transferred at that time. I guess they were going to move me anyway, so they just left me there. After I got off the shrimp detail, that is when I went back to office and they decided to make an Inspector out of me.

Also, while I was in Los Angeles I supervised and monitored the packing of some of the samples of fruits that I had packed up in Seattle. Here I monitored their being made into jams and jellies. When I got to San Francisco, one of my first jobs was doing the analysis of the jams and jellies.

FL: You followed them all the way through.

RD: I had several samples which had my seals all the way through.

FL: You analyzed the finished product and the original materials that you had seen packed and established the chemical constants that we needed to demonstrate the quantity of fruit in the finished product.

RD: They did quite a bit of that at that time and also shortly after that I got assigned to the pineapple study that, I think, Van Smart and McRoberts had put up in Hawaii.

FL: Yes, I think that was the first time we had sent anybody over to Hawaii in years and years.

RD: When I was in Seattle I first met Leonard Fenton, who was the Tea Examiner up there then. Because of the fact that I had had a little experience in New York, while I was

in Seattle, if Fenton was off then I would replace him for the day to take care of the teas.

The same thing happened down in San Francisco. I think Lew Triebel was there then. I didn't replace him very often because he was very conscientious about being there all the time. In fact, I sometimes wondered if he ever took a vacation. I was usually busy with the other things anyway, so I didn't have much to do with it.

Then I was drafted into the service. Three and half, four years later I came back to San Francisco. I might say one thing about me being drafted into the service, that was the only time I ever felt disappointed in Mr. Campbell. Because at the time of Pearl Harbor, Mr. Harvey was in Washington at a meeting of all the Districts. In those days you had the three Districts. He was there at the District Chief's meeting and when the war broke out they had a meeting to see what they were going to do. Mr. Campbell made the remark, he said, "Well, why don't we just wait a little while and see if this is going to amount to anything". I thought, my goodness, hadn't he been reading the papers?

The Food and Drug didn't act very swiftly. They allowed the Department of Agriculture to step in and take over the inspection of foods for the armed services, often with no people to do the work. They got a lot of their personnel, later, from the Food and Drug Administration. Mean-

while the Food and Drug Administration allowed quite a few of their personnel who had expertise in that branch of work where they could have served a very useful purpose, they allowed them to be drafted as straight Buck Privates. Some of the people, too, like Morris Yakowitz, went ahead and volunteered to the officer training. George Daughters, too, did the same thing because nobody would give him a yes or no as to whether they were going to ask him to be retained as key personnel.

So, I went on into the Army. The first thing I did, I told them all my experience. I told them I had analyzed all types of foods and, in fact, everything except dairy products. I didn't know much about them. I hadn't done any butter tasting or anything like that. So, they assigned me to the Veterinary Corps as a Dairy Products Inspector. Shortly after I was stationed in Pendleton, one of the Medical Commanders decided they needed extra personnel in the Medical Laboratories. I was transferred to the Medical Department in the laboratories and all my Army career was spent in the Medical Department of the Army.

When I came back to San Francisco, after the war, things were very much the same. I think we got a couple of promotions, or one promotion anyway for having been away in the service, so that I made P-3 that way.

After some time in the laboratory there, it happened

that Mr. Fenton, who had been transferred down from Seattle during war, started talking about retiring. They looked around for somebody to replace him. I was the only one there who had had any experience whatsoever, so I was asked if I wanted to do it. There was Delvan Dean, who was there at the time who had had experience in Boston, I believe, and it was thought that he was going to take over from Fenton. But just about that time, I think, we lost the pesticide work and he transferred to pesticides. So, there was nobody left and I was the only one who had any experience. Mr. Harvey asked me if I wanted to take the tea job over, so I did.

FL: That would have been, what, 1946?

RD: Yes, '46, '47, I guess, '47. So, I spent a year working with Fenton before he finally retired. Now, he retired, he had had his time extended to...I think he was 73 or 74 before he actually retired.

FL: I believe he came to San Francisco from Seattle when Mr. Triebel retired.

RD: Yes.

FL: Triebel was in an auto accident and...

RD: Yes, he had something and he said he wasn't earning his money and he was going to retire. I had heard that story.

FL: I think he had been hit by a hit-and-run driver.

RD: Oh, that's right. He was...

FL: He was in bad physical condition and had to leave.

RD: Yes, I think he had been in one of those safety zones down on Market Street and he had stepped off, or else they hit him... Fenton came down there because, too, during the war most of the tea was shipped in either through San Francisco or New York. So, there was very little work in those other Districts that had Tea Examiners at that time.

FL: Fenton, he had been a Tea Examiner for many, many years.

RD: Yes, that's right. That's one of the things that he told me about, that he was one of the last or maybe the only one of the Tea Examiners who actually took a Civil Service Examination to become a Tea Examiner. He flunked the first time because the person who was giving the examination really didn't know his teas and he got them crossed up.

FL: They actually had to demonstrate their...

RD: Yes, they had to demonstrate that they knew what they were doing, what kind of teas they were examining and what they thought about them as compared to the standards. He had to take the examination a second time, after claiming successfully that the person who was giving it had messed things up.

FL: Where had he learned...

RD: His father was a tea merchant and I guess he had grown up doing tea and examining tea.

FL: Do you know where that was?

RD: I think it was in Cleveland. I am not sure. I've got a card.

FL: No, I was just curious.

RD: Yes, I think it was in Cleveland where he grew up and then later on he went out to the West Coast.

FL: Do you have any idea when he started in Tea Examination?

RD: About 1906.

FL: That would have been when it was still a Customs function.

RD: It was a Customs function then. Yes.

FL: It came to us later in 1920.

RD: Yes. Not only Fenton but also Hutchinson started out with Customs and was transferred over.

That is another thing about the history of the Tea Act. The original Tea Act was enacted in 1883, but after about 10 or 12 years they began to have trouble because of the way it was written, it was not specific enough. They just said that the tea should be rejected if it was unfit or words to that effect. Well, unfit meant different things to different people. So, they rewrote the Act and tried to plug that loophole in 1897. They did this by setting up actual teas as standards and they sent out these teas to the various ports to serve as the basis for rejection or passage. These

Teas were selected by the Board of Tea Experts. The Board was provided for in the 1897 Act.

It started another thing which has come back many years later, but they started off by requiring that each importer submit samples for each line of tea, with an affidavit to the effect that these were the true teas that were being imported.

FL: A line would be a...

RD: A line is a lot of tea which is supposed to be uniform throughout.

FL: And is so designated on the Custom's papers.

RD: On the papers and the invoice and the entries. After about 10 or 12 years, then they decided they had better do something about it. So, they changed the Act... Well, they didn't change the Act they changed the way that it was enforced by getting Custom samplers to do the actually sampling of all of the tea. They no longer accepted the samples from the importers.

At the same time they appointed George Mitchell as the Supervising Tea Examiner. He worked in Washington and in those day he did a lot of traveling because in the course of the year he always visited each one of the ports where a Tea Examiner was stationed and thus saw how he was doing. He also required that all the Tea Examiners submit samples of every tea that they were considering not allowing in before

they actually sent through the papers. I think that was in 1912. Now George Mitchell had had early experience in Tea because he worked on a plantation, rather an experimental tea garden down in South Carolina.

FL: That was when the USDA was hoping to establish a tea growing industry here?

RD: Yes, right. They produced a good tea but they couldn't, even in those days, they could not match the wages because it would cost maybe, at that time, 50 or 60 cents to produce a pound of tea in this country. In the Orient they were selling top grade teas for 25¢ a pound. After, I think, about 1910 they decided that there was no use trying to continue the work and they shut down the garden, although it is still there. The trees are still there and the bushes are still available and private individuals who own part of them, sell tea plants now.

FL: So, it was feasible then to grow tea in this country but just not economical?

RD: It is just not economical, right. They had quite a bit. George Mitchell has told me that it was a very good tea. That the teas they produced in this garden in South Carolina, would rank favorably with teas produced in other parts of the world. However, as I said, it couldn't be produced economically.

So for many years the Tea Act was administered by the Supervisory Tea Examiner from Washington.

FL: Who was a Custom's employee?

RD: He was a Custom's employee. In fact, he was very proud of the fact that he had an office next door to Secretary of Treasury. Of course, Customs is part of that department.

FL: Do you have any idea how many Tea Examiners there were at that time?

RD: There was one in New York, Boston, San Francisco, Seattle, Tacoma, St. Paul, Minnesota and Chicago.

FL: Wasn't there one in Honolulu too?

RD: Well, the one in Honolulu was never a regular Tea Examiner. The office was sort of a step child too. It was run by one of the regular Customs Examiners. Usually he would do the teas, but he never had much contact with the rest of the organization and I don't think George Mitchell ever went there. George Mitchell never got around to visiting the Honolulu office. However, he did, among other things, get permission from the Secretary of the Treasury to take a tour around the world to see tea producing countries. He had visited Ceylon and India and he was on the verge of going to China when World War I broke out and he was called home. So, he never finished up his trip.

George, also, ran a very nice office while he was in Washington. He used to send out annual reports, which he had printed as an official government document and that lasted until WWI was over. Shortly thereafter, in 1920 he

was transferred, along with the rest of the Tea Offices, from the Treasury Department to the Department of Agriculture.

He continued as the Supervising Tea Examiner, working out of Washington until about 1928 or '29 when he retired and went to work for General Foods. At that time Mr. Hutchinson became Supervising Tea Examiner. However, he was working in New York Station, Eastern District and he continued to do that and there was no tea man in Washington thereafter.

In 1953 Mr. Hutchinson retired and I came here from San Francisco to take over the job. Well, it was somewhat of a disappointment to me, at the time, because previous to leaving San Francisco I had been given to understand that the job was going on to be on the order of a Special Assistant to the District Director. When I actually arrived here I found out that it had been downgraded to another job in the laboratory and that the Chief Chemist was going to be the Tea Examiner, for all practical purposes. Well, that lasted for a couple of weeks when the Chief Chemist came back and he said, "You've got too much paper work here. I can't do my own job and do this too. So, you take it over." So I went back to doing it like I had been doing San Francisco and continued to do all the other work too. I felt I wasn't getting credit for it. I also was Customs Examiner for

examination and appraisement of tea, tea products and tea containers.

There were other occurrences where I would be told to do one thing, by people such as Mr. Rayfield, and then when something came up that showed it to be in error I was left with the blame. Especially when he had said, "You don't need to look at all of those teas because you can look at the prices and you can tell which is the good tea and which is the bad tea. That is what I did for about three months. Then it happened that one tea that was very, very poor was entered. In fact it was supposed to have been shipped to one of the countries in Africa. Instead it got shipped here to the U.S. It had a nice big price on it, so I went ahead and passed it without looking at it. A week later, the importer called up Mr. Herrmann, the District Director, and told him he was, "Very disappointed in the new Tea Examiner". He had passed a tea which clearly should have been rejected and had left him holding the bag, so to speak, because he had a contract which said, "Subject to passage by the Tea Examiner". He said, "I've got \$60,000 worth of tea which I can not use". Well, as it turned out later on, the person who had shipped it, admitted the error and did replace it so he didn't lose out in that. At the time, Mr. Rayfield was visiting here in New York and he said, "You should have known the guy was a crook. You shouldn't have

just accepted that." After that I vowed that I would look at them all and if there were any that I did skip, it would be on my own judgment as to whether it should be passed or not.

As I said, I still felt like a stepchild. In fact, I was seriously considering asking for a transfer, but at that time I was in very bad shape financially and everything else and I just couldn't afford to do it. So I kept on with the job.

Some other things that came up later on. In 1972 when Mr. Nixon...or after Mr. Nixon had become President, someone got the idea that they were going to eliminate the Tea Act. The first announcements that came out, claimed they were going to save several million dollars. It finally came down till it was about \$60,000 that they were going to save. Also, the advisors to the President discovered that the Tea Act was a law passed by Congress and in order to eliminate it they would have to repeal it. Congress didn't do that.

The same thing happened again later on during the Carter administration. They found out too the same thing that Congress must act.

FL: I would imagine that the tea industry people protested this too, didn't they?

RD: Well, they didn't. They kept quiet, felt it better to keep a low profile. That is another thing that is a sort of

disappointing because I had heard from people in Washington about the power of the Tea Lobby and everything. The Trade did have some influence in passing an amendment to the Tea Act back in 1940 when they went to Washington. Congress at that time was going to repeal the Act because they said it was costing money and they didn't think that the tax payers should pay for the examination of teas, because it was a particular product for a particular industry. George Mitchell, who at that time was working for General Foods, and several others of the big tea importers went to Washington and appeared before a Congressional Committee. They said that they would be willing to subsidize the Act if it were continued because they thought that it was protection for them and well worth anything they would have to pay. So, they worked out this figure of 3 1/2¢ per hundred pounds, which at the time was quite adequate.

Later on in the late '50s when inflation started and the salaries of federal employees started going up, the amount of tea coming in didn't match the increase in costs. So, it fell behind and at the time of Mr. Nixon's administration probably it did not pay its way entirely. However, it wasn't a matter of a million dollars. It was only a matter of maybe a little over one hundred thousand, or something like that, of which \$60,000 was being collected. FL: Prior to 1940 there was no charge to...

RD: There was no charge prior to 1940.

FL: Bob, I think it might be useful just to talk a little bit about the Act and how it is administered. How the standards are set. The appeals and so on are handled.

RD: Yes. That brings up another question, too, because that contributed to part of my feeling of being ignored, was the fact that so many people in the administration who had not had any experience in the tea, always looked upon it as a little Food and Drug Act which all they had to do was incorporate it in the FDC Act and that was that. It is a little more than that, because the Act was written so that you had to do things in a certain way. You had to issue certain papers and that just didn't fit in with the practices of the Food and Drug Administration. For instance, we have what we call a "Chop List". That chop list is a combination of inspection report, a samplers report, the analysis by the examiner and the action taken by the examiner. So, that we combined the inspection, the laboratory and the compliance branch actions all on one sheet. It is difficult to separate because that particular Chop List is in the Act and in the regulations.

FL: Specified.

RD: Specified as something that is required. Now, it also differs in that every line of tea is suppose to be examined and either passed or rejected. In doing that, it requires a

piece of paper to be signed to that effect. In other words, if the tea is passed, you are certifying that it has been examined and you have to write a certificate which is part of the Chop List. If it is rejected, then you've got to issue notice there too. So, every line of tea that comes in is either rejected or passed and there is paper work to attest to that fact.

Also, there is another difference in that they have a Board of Tea Appeals. Now this Board of Tea Appeals can be called into session by an importer or by Customs, or even some of the other people who are interested in that tea. In other words if it is passed, they can say, "Well that shouldn't have been passed. We wish to appeal the examiner's decision." Also if it is rejected, they can appeal that also. In fact most of the appeals refer to rejections. Although I understand that there was one tea appeal in which the importer said the tea shouldn't have been passed. I think it probably had to do with money. Fortunately the Board of Tea Appeals upheld the examiner in that case.

The Board of Tea Appeals is something separate entirely from the Tea Examiner. In other words the Tea Examiner makes the finding and then the Board of Tea Appeals, which is composed of according to the law, of officers from the Department of Health and Human Services sits as a quasi-judicial body to determine if his finding is correct. In the

past most of the time the Board of Tea Appeals had maybe one Food and Drug Official, who was usually the chairman, because all the appeals were held here in New York. We had other members of the Board who were from Social Security or from the Headquarters of the Department, the Regional Headquarters, in New York. Right now, we have all Food and Drug people because this is a very difficult place to get to and people in the other agencies began to get a little annoyed at being called over for something like this.

This Board, composed of a chairman and two members, sits as a quasi-judicial body and hears the evidence. Now, that evidence can be, and usually is, evidence that is of trade origin. In other words, if you examine the tea and say that it does not come up to the tea standards, the Board will call in other tea experts from the trade who have no interest in the tea being questioned and who will compare it against the standard and deliver their opinion. Whatever their opinion is, usually it is followed by the Board. Usually they have at least three experts and it is the best two out of three. Very rarely do you have a disagreement. Occasionally you do, but usually there is no disagreement. Then on the basis of that, the Board make their finding.

However, the Board doesn't necessarily follow the opinions of the trade experts. For instance, we had one appeal against a tea which had been rejected because it

contained excessive amounts of sand. In that case, they sent their new sample which they had ordered to the laboratory for a heavy filth determination. The Board does not accept the samples that the examiner works on; they demand a new set of samples. In this case they asked for new samples. Instead of accepting the opinion of the people in the trade all of whom said "That is good tea", (it was good tea, but because of the fact that it had two or three times the amount of sand found in the standard, they took the laboratory evidence). They had the tea analyzed in the laboratory and compared against the standard. They upheld the rejection because of the fact that it did have more sand in it. It contained excessive impurities. Ninety-nine percent of the time it is a question of quality.

FL: Does the Appeals Board select the persons who will do the examinations for them?

RD: Yes. I give them a list of people in the trade who are skilled in the particular teas. Some people will, say, buy teas mostly from Formosa; some of them will buy mostly from Ceylon and/or India. I give them a list of the people and what teas they specialize in and then the Chairman of the Board makes his selection of who he will call in. When they make their decision, in matters of fact, that's final. However, if there were some procedural difficulty, they can appeal to a Federal Court, the Court of Appeals.

FL: On a legal question.

RD: Yes, on a legal question. In fact once or twice they have done that. I know of one time, George Mitchell had told me that they had to rewrite the regulations because of the way that they were written at that time. The Court of Appeals turned them down, said that they did not have the proper regulations. One case even went to the Supreme Court on a question constitutionality. The Court decided the Tea Act was constitutional.

We also have another board, the Board of Tea Experts which a lot of people who are not familiar with the Tea Act tend to confuse with the Board of Tea Appeals. The Board of Tea Experts is a board appointed by the Commissioner. It used to be appointed by the Secretary of the Department but he delegated that duty to the Commissioner of Food and Drugs about 4-5 years ago. So, now these people are appointed by the Commissioner. The Board is composed of 7 people who are, according to the Act, expert in the examination of teas. Their only duty is to act in an advisory capacity. They are supposed to select the standards, the minimum standards for tea, for each year.

FL: That is for each different kind of tea?

RD: Each kind of tea, to cover the types of teas that are brought into this country. We don't have standards for every type of tea but the ones that are commercially significant coming into this country.

The Board, as I said, is composed of 7 people. Ever since Mr. Mitchell became Supervisory Tea Examiner, it has been a practice to appoint the Supervisory Tea Examiner as a member of the Board. He acts, usually, as a secretary because in practice he is reselected at each meeting of the Board. He acts as a sort of a liaison, as well as the actual secretary at the meeting. Under the Federal Committees Act passed 10-15 years ago, the Supervisory Tea Examiner is also Executive Secretary. They meet once a year. They examine the teas that have been submitted by the trade members which in their opinion should be the minimum standard. The Board makes its selections from those teas.

In the last few years it has been increasingly difficult to get teas that are suitable because of the way the trade has changed. It used to be that the teas would be brought into the country and stored in warehouses, special tea warehouses. They were tea warehouses which were bonded. They had to keep records about the teas that were brought in. They did not allow teas to be withdrawn until they got a signed copy of the chop list releasing them.

It became very expensive to store tea. So, the tea that comes in nowadays, hardly is ever stored in a public warehouse because of the high price. Most of the tea now is sold before it arrives to one or more of the packers. When the tea arrives at the pier, it is sampled there and goes to the warehouse of the packer, directly.

Until just this past year, the packers had their tea warehouses at their factories bonded as tea warehouses. However, Customs has been changing their warehousing set up and suddenly the tea warehouses, which for years had paid a maximum of \$50 or something like that, and the only records they had to have was a signed copy of the Chop List releasing the tea, suddenly were hit by new regulations. Customs came out and told them that in the future they would have to pay an annual fee of up close to \$1,000 and besides that they would have to keep detailed records of all the teas that came in, where they went, what they did with them, etc. Customs did all of this without saying anything to us about it. As far as I know they said nothing to Washington, either.

Liptons asked what to do. They have 8-10 warehouses. I told them they would have to find out from Customs because Customs was actually the ones who handled the warehousing. They went to Washington and they were told, essentially, that the warehouses would be no longer required, that the bond they took out at the time of importation would serve the same purpose in that it would be a recall. Customs could ask for redelivery against that bond. They wouldn't need to have the tea warehouse. We have had several cases where Customs did ask for a redelivery and once or twice the people involved couldn't produce the tea.

FL: Had distributed it already?

RD: So, they had a bond action and they had to pay up.

That has been a change in the law that actually wasn't our doing. It was just done.

Another thing that I mentioned before about the tea was the way the Tea Act of 1897 started off, with samples provided by the actual importer, together with an affidavit to the effect that it was the true tea as described on the invoice. But for some reason, I've never heard actually why they did it, but for some reason they changed that around 1910 or '12 and provided samplers to do the sampling of all the tea. Along in the late '60s Food and Drug, and also Customs in ports where FDA had no office, began questioning the cost of the sampler for tea. Customs said that it was too expensive to do. In 1972 Food & Drug Administration went back to the old system of having the importer supply the samples together with an affidavit. Well, that has worked after a fashion.

RD: Most of the larger packers follow the Act faithfully and they follow the procedures that were set up. However, there are some who do not and some of them, especially the Chinese grocers and some of the Japanese and the Indian grocers do not seem to understand or at least they pretend they don't understand and we have difficulty at times getting these samples. Also, we have difficulty in really

checking as to whether the samples are what they are supposed to be. Most of the Chinese invoices will come in and they will just list "tea", and it can be just about anything. You really don't know what they do have. I am sure that a lot of the teas are coming in and are not being recorded or else they are coming in under another name because there are these types which we would reject because of the fact that they are very musty in taste. But they are very highly prized and highly priced in the Chinese community. I don't have very many rejections and yet I go down in Chinatown and I'll see all of these teas displayed in the grocery windows. I am unable to follow through on that.

FL: They import the article and fail to submit a sample, so that you don't even hear about it.

RD: Right. I don't even hear about it. Also, sometimes they import it under another name. In fact, they have gotten so used to importing it as a Chinese herb tea, that sometimes...even teas that are perfectly good and would have no reason for not passing are entered as herb teas. I have come across them just by recognizing the names on the invoices. They also have the habit in their English invoices, the entry papers, listing tea as "tea" which makes it very difficult because we never know just what kind of tea it is. I really can't compare what they send, what they submit, and what is listed on the invoice. They just say, "Chinese tea".

FL: You don't know what standard to apply?

RD: No. China, in particular, and to some extent in Japan and Formosa, produce a lot of different teas. You have the green tea, you have the Oolong tea, you have the black tea. In most of the world you produce black tea. We consume black tea mostly in this country. In the Orient they consume a lot of green tea. Some of the green tea is entered as green and some as Oolong. If I get a sample that looks like an Oolong, well I just go ahead and classify it as an Oolong but I really don't know, for in one or two cases where I have asked for additional samples, I have got entirely different teas. So, as I say I really never know. I've asked some of the Chinese Customs Examiners, or rather now they are called Import Specialist, to check it out for me. They said it is the same way in Chinese. It is listed just as tea.

FL: Maybe one container contains one kind of tea and another container something else?

RD: Yes.

FL: No differentiation in labeling.

RD: Well, we have had cases where I've received samples which happened to be collected by Import Inspectors who were on the piers and had opened some of the containers. One or two of them were acquainted with the tea. So, they selected a sample and brought it into me, but it happened to

be some of this tea that would ordinarily be rejected, called Old Man's Tea among other things.

When we went to the warehouse of the importer and looked over his records there was nothing there that listed that tea, at all. It was completely ignored. It was in there but it was not listed on the entry. I understand that there have been some cases brought by Customs and the Import District about false invoicing.

FL: When you set these standards and the Board of Experts has agreed on the standards, then these are distributed?

RD: Yes. After the Board selects the teas that are to be the standards, I take those teas and then I contact the importer who submitted each and ask him for the price. He gives me a price and we prepare a purchase order. The tea is then delivered to one of the small packers who does commercial packs for restaurants and small stores who has agreed to do the packing for us. He packs up the standards and we bring them over when we have checked them to see that they agree with the tea that was selected and they are offered for sale. It is announced in the Federal Register, but we also announce it through the Tea Association and those people wishing the tins of the standards, write here and order those standards they wish and we send them out.

Sometimes we have trouble getting somebody to pack it. At least on one occasion, we've had to do the packing here

ourselves. In fact, the whole place was covered with chests and everything else and we got a few comments from people coming through, about the way the place looked.

FL: About how many people will order standards?

RD: These days not as much as they used to. It used to be that they all of them were very good at seeing that all of their possible suppliers got tins of the standards. They were distributed all over the world. Lately, they have become more parsimonious and they'll buy one or two tins and they'll make up little packages of the standards and send out, instead of sending the whole tin. So, that in the last few years we haven't had as many sales as we used to.

FL: So, the standards are not only useful to the customers in this country who are buying tea, but also to the suppliers abroad who are shipping?

RD: Yes, that is right. That is another thing that I can't always get across to people who are more oriented towards regular Food and Drug products, that the Tea Act has a standard which is available to the supplier overseas. These suppliers know that the teas must meet that standard and that each tea that comes in is going to be inspected. So, it would be rather foolhardy for them to deliberately ship a substandard tea. Sometimes they may take a chance on one that they think is borderline, but ordinarily they would be sure that their tea met the standards before they shipped it

because it gets very expensive to have it reshipped back or destroyed, which can happen.

FL: I thought there that I was going to ask a question.

Now what was it?

RD: The fact that they have those things makes the rejection rate of tea...

FL: Yes. Let's get that on the record.

RD: OK. The fact that they have this standard to compare and as I say it would be foolhardy for them to ship out a substandard tea which they knew was going to be examined when it got to this country. So, most of the tea that comes in is equal to the standards. In fact, practically all of it. Many of our rejections, when we do have rejections, are the result of damage or contamination occurring in transit. That was one of the things that brought up the question of eliminating the Tea Act because they were trying to apply a cost effective criteria to the small amount of rejections. They said, "You only reject that much." Well the thing about it is, if you eliminate the Tea Act then you've got a case of where somebody is going to take chances. If they have a poor tea, they don't know whether it will be rejected or not, and they don't know whether it would be sampled or not, and they may be tempted to ship it. So, it would make a difference.

That is the reason for the relatively small amount of tea that is rejected. Frequently, in fact most of the time, most of the rejections that we had are due to something that happens to the tea in transit. Now, tea is a very sensitive material. If you get too much moisture in it, it is very good at growing mold, for instance. In fact, I believe, some of the media they use for growing mold, have a tea base. Besides that, tea also picks up foreign flavors very easily. Until we had the flavored tea and the scented tea standard, we would reject teas that picked up an orange flavor for instance. We have had one case where the tea was shipped with some oranges and it picked up the flavor and was rejected.

There is a story about that too. The person who bought the tea decided that maybe people would like flavored teas and during the '60s and '70s they started bringing in teas that were flavored that way. However, we would reject them as containing foreign flavor until along in the early '70s we had a letter from the legal people in Washington that we couldn't reject it because people in this country were flavoring the teas the same way and selling them here on this market. They said we were discriminating against the foreign suppliers.

FL: So long as it were...

RD: So we set up two additional standards at that time,

one of them for scented teas, which just have the flavor in them, and one for spiced teas which have things like various spices, cinammon stick, cloves, orange peel, lemon peel, or something like that. They have become a fairly large item in the tea market.

FL: Bob, do you have any information as to why the Tea Act was passed in the first place. As to what the conditions were that brought about that law.

RD: It is all second hand. The way I understood it was that at the time most of the tea in the world was controlled by two nations, China and Great Britian. Since the British drank a lot of tea, they would pick the best teas and then a lot of times when they had something they didn't want, that was left over, or maybe even damaged or something, they would fill the order from the United States with some of that tea. Because there were only two places they could get the tea, the U.S. importers couldn't say that they would turn it down and go somewhere else, because they would get the same treatment there. So, the trade itself got together and they petitioned Congress to pass a law which actually would protect them. Of course, it protected the consumer, too, in the long run.

At that time, before this Act went into effect, these bad teas that were coming into this country were... Well, people recognized them as bad teas and they refused to buy

them. The tea importers were going into bankruptcy. So, they asked if they could be protected by setting up a standard and in that way they would have a reason for turning down the tea which would be legally feasible. The government of the United States would not allow them to take those teas. I think I said before, that Act went into effect in 1883 and continued until 1897. It was changed then because it wasn't working the way they meant for it to be. It became very erratic. A tea that would be passed in one place and in another place it wouldn't be passed. The new act provided for standard samples which were furnished to each port.

I had a paper on that, the Congressional and Legislative background of the passage of the 1897 Act but I don't have it now and I haven't been able to find it. Essentially that is what they said. That they wanted something that would be uniformly enforced throughout the country. Of course, you have to remember, in those days too, it was not like today. We've got all of the telephones, telegraphs and everything and also high speed transportation. In those days to go to San Francisco, was a week's journey. You didn't use telephones like they use today. It was something that you sat down and considered as to whether you would make a long distance call.

That reminds me of when I was in China. The Chinese

who were my hosts, were members of the Tea Cooperative there. Every time that I would ask about something, or could I go here or go there, if I were not in Beijing they would have to call Beijing and ask whether that would be approved or not. They used to talk around and discuss it a long time before they would make the actual call. I imagine it was the same way in this country back in those days, whether it was important enough to make a telephone call.

FL: When did you go to China?

RD: I think in 1979 and then again in 1982. I got to make these trips to the tea producing countries primarily because I was AOAC (Association of Official Analytical Chemists) General Referee for tea and coffee products. There is also an international organization called the International Standards Organization. AOAC had been discussing with them about meshing the objectives of the two organizations. So, it came to the point where I would do methods that might be asked for the ISO, International Standards Organization, as well as AOAC. As a result, I asked to attend one of these ISO meetings which are held every year and half or so in the various countries. Most of the time it is in one of the tea producing countries. It was approved much to my surprise. So, I have been able since then to visit Ceylon and India, as well as China. Even last year they held a meeting in Hungary to bring it to the West. They thought they would

get a greater percentage of people from Europe to come. This year, perhaps, it is going to be held in this country, I am not sure. I know they have been asked and I think if they can work up the money they will have it here.

FL: Do other countries that import tea have similar kinds of regulations?

RD: No. The Tea Act in the U.S. is unique. The other countries have certain things... I think Canada used to have a somewhat similar act but they based it on a price rather than on an actual standard. Of course, in the last 30 years the prices have gone way up, so that the law never comes into effect because I think they based it on a 25 or 30¢ price. Nobody has such teas anymore. In fact it used to be that whenever we sold tea to Canada, the Canadians would require a chop list with the note that the examination had been carried out and that the tea had been found to be passable under our regulations. Now they don't require that anymore. I have an idea that the law is more or less ignored, even if it is still in effect. It may have been repealed, I don't know.

Even Great Britain which is a big tea consuming area, has certain standards as to the amount of copper or something like that, but they don't have a basic quality standard.

Incidentally, copper is one of the trace metals that

is required for tea growth, for the growth of the tea plants, so you do get some copper in that. They also use it to spray for certain molds, or other fungi. So sometimes they get too much copper in the tea.

FL: They spray the trees?

RD: Yes, they spray the trees or bushes. That is another thing, too. We have some questions about this spraying of the tea plant.

In general the tea plant is protected by the way that the tea is manufactured. The tea is manufactured only from the tip leaves, what they call the leaves that are flushing, that is the newly formed leaves. They are the only ones that are tender enough to be rolled and treated in the manufacture of the tea. Also, they have the greatest amount of caffeine in them. They also are the only ones that have the particular flavors that you get from tea. If you use leaves further down the branch, you don't get those flavors. So, it is a freshly grown leaf that they use for the tea. Now, it is the practice... I don't know whether they always follow through, but in the countries where I have been they always tell me that they do not spray during the period of about two weeks before plucking. That is the time the tea leaf is formed. So, that you ordinarily would not have a pesticide or fungicide or anything on the leaf itself, unless maybe it was a systemic thing, or maybe the wind blew a little bit.

So that we rarely get anything like that on the tea.

Right now, they are talking about a DAL (Defect Action Level) for insect fragments in tea, but I don't know how far it is going to get. The tea itself is plucked and about the only insects that are attacking the fresh leaf are things like thrips and aphids which are field infestation. As far as I know, there is no warehouse insect which will attack tea. They just stay away from it. The only time we have anything at all would be the wood borers that go through the chests. There is nothing that eats the tea. So, there are very small amounts of anything other than the thrips and aphids. Of course, there are other things that attack the tea but they are kept at bay with spray. As I said, they stop the spray before the plucking.

FL: I recall that when I was here at New York in the late 1950's, we had an incident involving possible contamination of teas with radioactive strontium 90, I believe, resulting from atmospheric testing of nuclear weapons at that time. Do you remember that?

RD: Yes, we did have such an incident at that time. I happened to come on it because I had known some people that worked for Customs down on the piers and they always checked the piers, generally, for radioactive material and... They were checking these and they called me up and told me that they found a tea that was very high in strontium, rather a

very high count. They didn't say strontium, that came out later. So, I notified the Food and Drug office there, Mr. Herrmann. I went over with a Geiger counter to the warehouse, (I think it was Tetley Tea) where some Java teas were stored. Sure enough they did have a very high count. So, those teas were later sampled and checked out. In the meantime Tetley when they heard "radioactive," didn't want anything to do with it and picked up the tea and shipped it out. The only trouble was that they didn't bother to notify Customs what they were doing and, I think, they ended up by paying a bond penalty because they couldn't redeliver the tea. That tea had been grown on the south coast of Java. There was weapons testing off the coast of Australia and the westerly winds had blown the contamination over to the the south coast of Java where these teas were grown. It turned out later, too, tea was very good at picking up certain radioactive isotopes. Later on the radioactivity turned up in tea coming in from Japan which apparently was the result of contamination from the Russian testing.

We had practically a general alert on that basis because one ship came in with several thousand chests of this Japanese tea on it. I didn't reject it, it was turned over completely to the Food and Drug Inspectors who in turn sent their samples to Washington for a determination there by

the... I think we had a couple of radioactive experts at that time.

FL: It resulted, I think, then in a general program of testing not only tea but all sorts of importations and domestic products, too, for presence of radioactive strontium, for several years until the atmosphere was pretty well cleared and people quit shooting off nuclear devices in the open air.

RD: Well, there was some Japanese who claimed that by drinking green tea, the body would be rid of contaminants (of course, Japan produces mostly green tea). Because these isotopes were picked up so easily by tea, he said, "That you drink green tea and you would flush them out of your body instead of having them go into bone like they did". I never did see any more of his results but he had created quite a sensation at the time.

FL: Bob, what is the present situation? How many Tea Examiners are there now?

RD: Right now we only have myself and Miss Lim here in New York and Jim Barnett who is in New Orleans. He went down there to New Orleans as a result of a request through some of the Congressional people that a Tea Examiner be established in New Orleans. At that time, quite a bit of the tea...a large percentage of the tea was actually coming in through New Orleans because the instant tea was being devel-

oped then and both Lipton and Nestle set up their plants in... Lipton in Independence, Missouri and Nestle in Illinois. So, quite a bit of that tea came into New Orleans and up the river to those plants.

However, by the time Jim Barnett got down to New Orleans things had changed because the steamship company started issuing bills of lading directly to an inland port. So, the tea stopped being entered in New Orleans, and went directly to Independence, Missouri or to St. Louis and the tea no longer went through that port. Some of the other teas that had been entered at New Orleans were diverted to other ports. One company over in Atlanta, the Southern Tea Company, had used New Orleans. In the meantime the people in Savannah, Georgia had decided they must meet the competition and they set up an inspection bureau or sampling bureau and said that they would give them all this service there, which they did not have in New Orleans. Savannah is also a whole lot closer to Atlanta than New Orleans. So, they started bringing in all of their tea thru Savannah. New Orleans was left with a relatively small amount of import tea.

In the meantime we had had situations by which San Francisco and Boston had been getting less and less tea and finally they decided to let both of those ports go, the Tea Examiner there could be dropped and all tea would be handled

between New York and New Orleans.

Now, at the present time in New York we do the Atlantic coast, including New England, and the Canadian border all the way out to Washington state and Oregon. The rest of the country, the middle of the country, Jim Barnett handles in New Orleans. He also gets the teas from San Francisco and Los Angeles, and in addition about the time that he moved down the General Tea Corporation opened up a plant in Denver. They get quite a bit of tea going up there and he handles it. Between us we handle quite a bit more tea than there used to be because of increased imports, in fact, almost doubled. Samples are mostly submitted by mail now.

FL: I guess the Tea Examiners at Boston and San Francisco retired too about that time?

RD: Well, no. You see, one of the examiners in Boston, he was the fish smeller too and he had plenty to do anyway. So, it didn't effect him very much and the man in San Francisco... Well, just before that, Tony Daly who was the examiner there retired and the job was taken over by John Newton. John Newton is also a drug chemist so he didn't suffer for lack of work after they cut down that office.

FL: I think we've got a pretty good picture now, unless there are some things that you think about that ought to be discussed here?

RD: I can't think... I had some things... I made up a

list in my mind this morning and then when I came in somebody called about these invoices, so I figured I'd better get those out of the way and then I forgot all about it. I never wrote it down.

FL: I saw something in an old record, somewhere, recently, about two people being appointed as coffee experts. It sounded as if they were people from the trade, who perhaps worked part time. Did we ever have a program of that sort?

RD: No. You see...

FL: This was back in the '20s.

RD: There is no act...

FL: It would have been under the Food and Drug Act.

RD: There is no Act corresponding to the Tea Act for coffee. Although at one time they were talking about it but they got to arguing. The coffee trade is much larger than the tea trade and they found it difficult to get an agreement among all of those people. It turned into nothing. You know, Heinie Lepper was the Food and Drug coffee expert. He set up a method of examination which followed the methods that were used in the trade. We still refer back to his paper. In the Food Control statements he describes how to examine coffee.

FL: That's really looking more at the beans themselves for defects?

RD: Yes. Right. The thing about it is, he set it up and

established a minimum which the coffee trade was using at that time, that is, the Coffee and Sugar Exchange. The only thing about it was that in the meantime, in the years since then, the Coffee Exchange has raised their...

FL: Their standard...

RD: Their quality standard a couple of times, while the Food and Drug still uses those guidelines of 1930.

FL: Number 12 or something.

RD: Yes.

FL: I remember that.

RD: So, we don't do much with coffee at all except...

FL: I believe maybe at this particular time they were still labeling coffee as, the blend, as to mocha, Java, etc.

RD: Well, they might have been now. They did have besides Heinie Lepper, there were a couple of coffee people in the Quartermaster Corps, who examined coffees for the Quartermaster. They were, I think, more or less on a consultant basis and I think the Department of Agriculture too worked up a...

FL: That was the impression I had from this. It was an article in the old Food and Drug Review about these guys being appointed. I got the impression they were trade experts.

RD: Well, that is probably what it is because they...

FL: They maybe worked for us on per diem basis.

RD: Yes, they did do that at the time, not only Food and Drug but the Armed Forces on coffee. I think they still do. I think they still turn their coffee purchases over to a panel from the trade.

Aside from your regular examination of teas, as they come in, do you do any other sort of tea testing, too?

RD: Yes, we do the tea testing for the Defense Department under a contract which involves exchange of funds between the Food and Drug and the Defense Department. We examine the teas that are submitted as bid samples by the DPSC, the Defense Personnel Support Center. They announce a bid, or a notice of invitation to purchase, and when these teas are submitted against a standard. They use another standard, different from the U.S. Standard, the A-2 Military Standard. That is another place where we sometimes get mixed up because they have a standard which was made up by the Tea Association, which is supposed to represent a tea that would be acceptable to all sections of the country. It is called the A-2 standard and it is made up of, actually of a mix of 5 or 6 of the most widely sold teas. They mix it up by weight and use that as the A-2 standard. Now, that is not the No. 2 standard that we used to have, which was the black tea standard, there is a difference between the two, principally in quality. The A-2 standard is a much better tea. A lot of people did get confused by the two and

thought that they were interchangeable.

FL: This is really an Army specification?

RD: Yes, this is an Army specification and whenever they have a notice to supply samples, or for people who are going to bid on the supplying the Army with the tea, they will submit samples of what they propose to furnish the Army.

They notify us and they send the samples up here. Now, we have a panel of Tea Consultants. Usually we examine the tea by panel rather than by a single examiner. You get up into quality tea and sometimes there may be differences of opinion about a particular tea. So, we have this panel. Usually I call in two people from the panel and myself. We examine these teas and determine whether they meet the A-2 standard. Those that fail to meet the standard, we so note and tell the reason why they don't meet the standard. We give DPSC a list of the ones that meet the standard. The people in Philadelphia, that is DPSC, examine the prices submitted for the teas that we have passed and they select on the basis of the lowest bidder.

RD: We have had some trouble with the tea that was supplied to the Army. In one case, we had a man who set up a tea plant, on his own, and apparently with the idea that he had a scheme for supplying all the tea to the Armed Forces. Because of the fact at that time many of the tins of the tea samples that we received, in the bids, were not always full,

when I examined the deliveries of the teas, I might run out of a comparison sample, so I asked for a special comparison sample from the tea that would be submitted. Usually that was obtained after the contract had been awarded. Well, this particular man submitted a sample which was clearly above the standard, clearly acceptable, and he submitted, as it turned out, the lowest bid. The lowest price. When I got the sample, which I requested for comparison purposes, I found out that the tea did not match his original bid sample. We turned it down. It developed into a long drawn out case in which he accused me of everything, of acting for the big tea cartel and trying to keep the poor little business man from earning a living and all that. It went on for several years. In fact, I don't think it is really settled yet. It is settled as far as he is concerned because in the meantime he couldn't get enough business to keep up... That is without the Army business, he couldn't keep going. He did for a while sell some teas to the various stores, locally, but apparently he couldn't live up to his contract there either and I haven't seen any of it in a long, long time. In fact, he is out of business now because he couldn't keep up his payments and couldn't keep his business running.

As a result of all of that, I think that now the GAO, (General Accounting Office) who was called in to investigate matter, are supposed to set up a procedure by which when

there is any argument that there will be another board based somewhat on the Board of Tea Appeals under the Tea Act. They will use this Board as referee if we have an argument, with the provider of the tea.

In the meantime, though, the DPSC has gotten around that... They have tried to avoid that loophole, in that they require a tea purveyor, when he submits teas to have all tins completely filled. If they are not, they are automatically discarded. They are not considered for the bid. So, by doing that they eliminated my need to get another sample.

FL: Yes.

RD: So, now we will have the sample that was actually submitted and that will be the comparison sample also for the tea that is eventually delivered.

FL: Bob, one of the things that we have done on recordings like this, is to ask people to talk about leaders of the Food and Drug Administration that they have known. Now, you've already told us about your first contact with Mr. Campbell, when you were brand new here in New York. Did you have any contact with other commissioners, like Dunbar, Crawford, and Larrick?

RD: Yes. Back in those days, too, the Food and Drug was still a relatively small organization. Most of the people either knew practically everybody else or if they didn't

know them they knew who they were. Most of the time the Commissioners up through Larrick would come to New York to visit and they always came back to see me. They knew something about what I was doing and they were always very nice about that. Larrick especially and Crawford.

Dr. Dunbar came by one time, but I think Dr. Dunbar had a sort of a suspicious nature about anybody who would do organoleptic examinations. He wanted to see a chemical examination. I think he had a poor opinion of all organoleptical people, generally. Then, of course, there was Mr. Harvey who I knew back in San Francisco.

FL: When he was Chief of the Western District?

RD: Yes, when he was Chief of the Western District. Now, he was a very nice man. I always liked him. One time, even though he should have known better, he told me when I was complaining about too many samples, "Well, why don't you stamp them off." Which is something that you can't do under the Tea Act. You've got to either pass them or you've got to reject them.

Also, that reminds me of Mr. Harvey when I first went to San Francisco, I think, maybe you might have heard the same speech. He talked about the life of the Federal employee, the Food and Drug employee, in particular, and what you could expect and everything. He said, "One thing that you must realize that as an employee of the Federal govern-

ment you must remember that you will have a life of genteel poverty".

FL: I remember, we got that same speech in 1939 when a group of us reported...

RD: Yes. Well, that is what he said, he said, "You won't make as much money as you make outside, but you'll have your pension to look forward to." He said, "Even with any pensions, you must remember that you will always have a life of genteel poverty as long as you are with the Federal government," or words to that effect.

FL: Did you know Larrick, too?

RD: Yes. He was here. He was very nice. I had met him once or twice when I was in Washington, of course... When Mr. Larrick came to New York he always made a point of coming around for a short visit.

Another person that I knew in the Food and Drug Administration was Mr. Charles Herrmann, who was the District Director of New York, during the most of the time that I have been here he... No, I should not say that because he retired about '66 or '67, I believe. He was one of the few people that I felt that really understood what the Tea Act was about. He had long had an interest in it, even before I came here. He was one of the ones who worked out the contract for the Food and Drug Administration with the Armed Forces to provide that the Food and Drug would examine the

teas to be procured by the Armed Forces. He, together with some people from the Quartermaster Corp. and the Tea Association, got together and worked out a procedure by which this could be done. It provided for the Supervising Tea Examiner of the Food and Drug to be the Chairman of a panel. The panel members would consist of tea experts from the trade. The panel consisted of a large enough number of people so that there was no time when a panel member had an interest or even an indirect interest in the teas which were being offered to the Armed Forces.

RD: The Tea Association offered to set up a standard of tea which would be equally acceptable throughout the whole country. It was composed mostly of a mix of the most widely sold brands and was called the A-2 (one for loose tea and one for tea bags).

FL: I remember when I was here that your operation of examining tea was always a popular one for journalists. We had frequent visitors to write articles or take television pictures and the like. Has that continued?

RD: Well, that sort of died off. That is the television part and so forth died off about the time of Mr. Nixon's campaign because the Tea Association which liked, of course, to get the publicity, decided maybe it was just best to be quiet. So, we've been without it except for an occasional appearance of somebody... I think once we had Channel 7

here and one or two other have come in, one of the television magazines, "PM." We don't have the crowding of journalists that we used to have, especially at the meeting of the Tea Board.

There are some other things. Occasionally I have been asked to write articles for various magazines or journals. Here are some here. This one is in-house, the Inter Bureau Bylines, in May 1965 which was a description of what the Tea Examiner did. Later on, also in the FDA Consumer of September, 1974 and FDA Papers, November, 1968, we had articles describing what work the Tea Examiner did and how the administration of the Tea Act is carried out throughout the country.

I've written articles for some of the trade journals. One of them was a Specialty Food Merchandising of March 1977. Off hand I can't remember any more recent ones. FL: Well, these would be excellent pieces to annex to this transcript of your interview and we'll plan to do that, place copies with the transcript.

Are there any other aspects of your work as Tea Examiner that we ought to record here?

RD: Well, there is one thing that I have had the opportunity to visit a number of the tea producing countries, which my predecessors didn't have, except in part, I think I mentioned Mr. Mitchell started out and he never finished. Mr.

Hutchinson did go to Japan just after the war, but that wasn't a very good time to see the real production area.

I've been able to go to the producing countries of Ceylon and India which are the big producers. Ceylon was a very pleasant trip. It was nice to go up into the high mountains and see how the tea just covers practically the whole area. I mean all you can see for miles and miles is tea. Then later on to go up into North India, up into Assam, which at that time was a forbidden territory because of unrest and the fact that they were still watching the Chinese on their northern border. I also visited the Toklai Experimental Station which is in one of the most famous of the tea producing areas. Then, too, I was able to go up to the Darjeeling, which is the home of the connoisseur's tea. It is high up in the foothills of the Himalayas, up 5 to 7 or 8,000 feet. It is a magnificent place to be. You can stand at one of the corners of the town and look across at the snowy Himalayas that stick up right in front of you.

Then later on I was able to go to China and I managed to cover quite a bit of territory in that country right after it was reopened to general travel. I managed to visit Hangchow, then the West Lake. The West Lake is a famous vacation spot for the Chinese. On the shores of the West Lake is a tea garden, Lung Ching Tea Garden, which is supposed to be one of the finest green teas in the world, and

which the Chinese in particular prize very highly. They are willing to pay several dollars a pound. Even years ago, they were paying \$10.00-\$20.00 per pound, when \$5.00 was considered a high price for tea.

I was also able to down to Yunnan, practically down to the Laos border where the the Pu Ehr teas are produced. Now, the Pu Ehr teas are rather infamous in this country because the Chinese treat them so that they produce a mustiness. They have a musty favor. Now, to the tea expert in this country mustiness is something on which they all agree. They would throw it out. The Chinese, from that area, like it and that is where I have a lot of my troubles from their attempts to bring it in.

I was also able to go down into Fujian province, where they produce just about all the kinds of teas that are produced. You have the Lapsang Souchong, which was a very famous smoky tea. It is more famous in this country because it used to be J. P. Morgan's favorite. He used to import it each year in little caskets which he gave away for Christmas presents.

I remember one of the first 2 or 3 years I was here at the meeting of the Tea Board, there was a woman who was a reporter and she was telling me about it. She said that when she was younger she had acted as a nursemaid to one of the...I believe Charles Lindbergh's wife.

FL: Ann Morrow.

RD: Morrow, I guess, yes. She recalls Mr. Morgan coming to tea in the afternoon and he would bring his own tea with a little chest, he had a silver or gold spoon which he would dole it out to anybody that wanted it. Anybody who didn't want it, didn't get any. He served the tea that way.

What was I talking about?

FL: You were talking about the Chinese.

RD: The Pu Ehr. Then I went to Fujian, that is the very famous...

FL: Yes, we've got that down.

RD: They also produced a very, very fine... Fujian also produces the very finest of the Jasmine teas. In addition to that, they do have some black teas and they have what we call the Canton type Oolong (Woolong, Black Dragon). The best one that is produced is the Ti Kwan Yin, which means the tea of the goddess of mercy. That is very famous in the area.

Then, of course, I stopped by Hunan where Chairman Mao started his career. They also produced quite a bit of tea. Then I was able to stop by Peking on my way back and visit the tea corporation personnel there.

Later on I was able to entertain them when they visited this country. That was very enjoyable and something I would have never have thought that I would have the opportunity to

do over the years.

FL: Do you have any other anecdotes or any other thoughts about the tea program that you would like to record?

RD: Well, no I don't think so. At least I can't think of anything right now.

FL: Well, you certainly have given me an excellent recording here. I think we have covered the subject rather thoroughly and it will be a great addition to the collection of oral interviews. Thank you very much for your time.