



In the wake of Taylor Swift ticketing meltdown, NCL urges action

Fans of Taylor Swift were delighted this summer when the pop star announced that she would be touring the United States for the first time in five years. The anticipation quickly turned into frustration and anger when tickets went on sale on November 16. Millions of fans were stuck in hours-long online queues only to find that they could not get tickets. Outrage from "Swifties," as Swift's fans are known, quickly spread online, generating significant media attention and calls from members of Congress for long-overdue reform of the ticketing industry.

For more than a decade, NCL has advocated for stronger consumer protections for live event fans. In response to the Taylor Swift meltdown, NCL organized a briefing for Congressional staff on November 16 to push for a range of reforms. NCL Vice President John Breyault called for legislation to compel ticketing companies to report violations of federal anti-scalping law and noted NCL's support for the Better Oversight of Secondary Sales and Accountability in Concert Ticketing (BOSS ACT) legislation. The bill would require companies to be transparent about how many tickets they are putting on sale for event, crack down on deceptive speculative ticketing on resale marketplaces, and require all-in pricing of tickets.

" In response to the Taylor Swift meltdown, NCL organized a briefing for Congressional staff on November 16 to push for a range of reforms."

Many of the factors that led to the Taylor Swift incident can be traced back to problems at Ticketmaster, the world's biggest ticketing company, which merged with Live Nation in 2010 to create a live event ticketing giant known as Live Nation Entertainment. NCL opposed that merger because of the power it would give the behemoth company. This past fall, NCL joined American Economic Liberties Project, Consumer Federation of America, and Demand Progress to launch the #BreakUpTicketmaster coalition. The coalition is urging the Department of Justice to unwind the Ticketmaster-Live Nation merger.

As of December 14, our petition has collected more than 50,000 signatures. NCL and the coalition's efforts have already borne fruit, with the *New York Times* reporting that DOJ has opened an investigation amid allegations that the company has abused its position in the marketplace.

NCL organized a coalition of passenger advocacy organizations calling on the FAA to require minimum seat size standards that are safe and humane.



Polling consistently shows that 75 percent of Americans think alcoholic beverages should have standardized alcohol content labels.



and the second second second second second

Minors found working illegally in Brazilian-owned JBS meatpacking facilities in Nebraska and Minnesota.

Strength in numbers

Dear Readers:

Being the oldest consumer advocacy organization in the country, NCL is proud of its long history of championing consumer and labor rights. More than 124 years later, we are still at it.

This past year, a coalition of six consumer advocacy organizations filed comments on minimum passenger seat dimensions on airplanes. We joined with the American Economic Liberties Project, Consumer Action, Consumer Federation of America, Ed Perkins on Travel, and U.S. PIRG called for the Federal Aviation Administration to prohibit airlines from installing smaller seats in commercial jets for safety and comfort reasons. After all, in the event of an emergency, if seats are increasingly tight and people cannot get out, that's a serious hazard!

In November we celebrated the decision by the voters of the District of Columbia to support Initiative 82, which eliminates the subminimum wage of \$5.35 an hour for all tipped workers and raises it over the next few years to a full hourly minimum wage of at least \$16.10. With the passage of Initiative 82, DC joins Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington in ending the tipped wage.

As I stated in an <u>op-ed</u> I penned for *amNY* in July of last year, "[It] is a raw deal if you work the graveyard shift at an all-night diner. Or if it rains during your shift. Or if a pandemic shuts down half





your seating capacity and keeps customers away. And owners don't always ensure that tips bring workers to the full minimum wage. In fact, over half of all women and nearly 60 percent of women of color currently working in the restaurant industry report they are not earning enough tips to bring them to the full minimum wage."

Late last year, NCL celebrated another big victory: the Treasure Department's Alcohol and Tobacco Tax and Trade Bureau (TTB) said they would begin to require mandatory labeling on all alcoholic beverages. This includes calorie, and allergen labeling on all beer, wine, and distilled spirits.

TTB's decision comes after NCL and two other consumer organizations—the Center for Science in the Public Interest and Consumer Federation of America-worked with Congress to get language into law urging TTB to act while simultaneously suing the Bureau for failing to respond to a 2003 petition to require alcohol labeling with the same basic transparency consumers expect for beverages and food products.

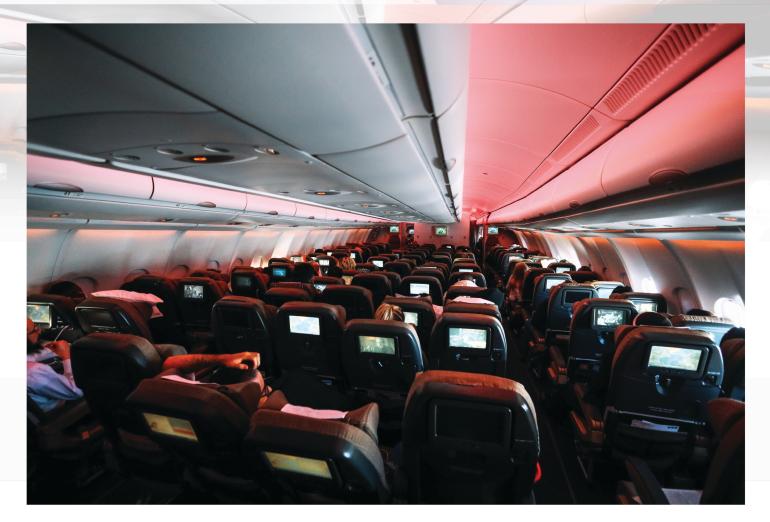
As the adage goes, if at first you don't succeed, try, try again! We never gave up, and here we are, finally with a decision by a key federal agency to move forward. Thanks as well to the Biden Administration for listening to consumers!

Sally Greenberg

Volume 84 Number 2



Airline seats are unsafe, NCL tells Federal Aviation Administration



As anyone who has flown coach in recent years can attest, personal space on U.S. airlines, already tight before, is increasingly nonexistent. To try and cram as many passengers onto flights as possible, airlines have spent decades shrinking legroom, narrowing aisles, and even miniaturizing bathrooms. This fall, NCL organized a coalition of passenger advocacy organizations in calling on the Federal Aviation Administration (FAA) to require minimum seat size standards that are safe and humane.

FAA has not updated its emergency testing evacuation standards since the 1990s. Its rules require aircraft manufacturers to demonstrate that their seating configurations do not prevent aircraft from being evacuated within 90 seconds or less. However, current decades-old standards do not currently account for factors such as the presence of passengers with disabilities, parents "Decades-old standards do not currently account for the presence of passengers with disabilities, parents who may not be seated close to their children, or wires from personal electronic devices creating tripping hazards."

who may not be seated close to their children, or wires from personal electronic devices creating tripping hazards. NCL's comments urge the FAA to update its testing standards, then test current aircraft seating arrangements and create minimum seat size standards that allow for safe evacuation under the 90-second limit.

Makena decision

NCL worked with its Preterm Birth Prevention Alliance (PBPA) to prepare and present direct testimony as part of the FDA stakeholder hearing for Makena, which took place October 17-19. Makena is the only FDA-approved treatment to reduce the risk of preterm birth in pregnant women who have had a prior spontaneous preterm birth. Women of color are many times as likely to experience prematurity when giving birth.

NCL is proud to help bring diverse perspectives representatives through both oral and written comments, including those of patients, providers, and advocates. Executive Director Sally Greenberg and Health Policy Associate Milena Berhane provided oral testimony during the hearing, in support of keeping Makena on the marketplace.

NCL was deeply disappointed by the FDA's Obstetrics, Reproductive, and Urologic Drugs Advisory Committee vote to recommend that the FDA pursue withdrawal of approval of Makena. The final decision will be made by FDA Commissioner Robert Califf and is expected to be announced soon. Despite this vote, NCL and the Preterm Birth Prevention Alliance will continue to advocate for mothers and babies who are at risk of preterm birth.



Access to safe medical devices

NCL is proud to advocate for consumer access to safe and effective FDA approved drugs and medical devices. Since December of 2021, NCL has been engaging with the FDA on the need for increased sound safety levels in establishing new Over the Counter (OTC) hearing aids. On August 16, 2022, FDA issued its final rule on OTC hearing aids for consumers with mild to moderate hearing loss.

NCL has advocated for lowering the maximum output as well as establishing a gain limit for these devices. In its rule, FDA ultimately lowered the maximum and that was a victory. However, NCL still advocates for the gain limit to be established, to ensure that consumers do not experience increased hearing loss through use of OTC hearing aids. NCL's statement on the OTC hearing aid rule can be found at <u>here</u>.

Prescription drug pricing

NCL believes that Pharmacy Benefit Managers (PBMs) play a role in driving up prescription drug pricing. As a result, NCL has continued its work with the PBM Accountability Project coalition, which brings together leaders and stakeholders across healthcare, labor, business, pharmacy, and consumer-patient advocacy to ensure we aren't overpaying for the prescription medicines we need. NCL has continued its engagement with the All Copays Count Coalition, which advocates for copays and out-of-pocket costs to be fairly counted towards a patient's deductible.

On September 22, NCL hosted a virtual advocacy briefing to discuss the value of patient copay assistance programs and federal opportunities to protect vulnerable patient communities.

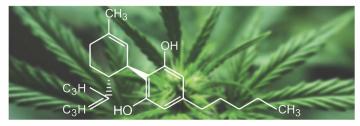
Vaccine advocacy

NCL is an outspoken advocate for increased access to and affordability of all CDC-recommended vaccines. The recently enacted Inflation Reduction Act (IRA), signed into law in August 2022, is an enormous victory for those who have long supported expanding access to vaccines. The IRA addressed longstanding gaps in vaccination coverage for Medicare and Medicaid beneficiaries, eliminating out-of-pocket expenses for recommended adult vaccines.

NCL is part of the Adult Vaccine Access Coalition (AVAC), which has for years supported two bills related to vaccine cost-sharing, the Protecting Seniors Through Immunization Act and the Helping Adults Protect Immunity Act. Both became vehicles for the big win for patient access to vaccines in the IRA. Eliminating cost sharing removes a longstanding barrier to adults getting the wide variety of vaccines that keep people healthy.

Cannabis Consumer Watch

NCL has rebranded its CBD consumer education campaign to the Cannabis Consumer Watch. The decision to pivot the advocacy campaign helps us keep pace with the congressional debate surrounding access to cannabis for both recreational and medical uses. We are focused on introduction of marijuana legalization legislation in the House. NCL takes no position on the legalization of marijuana. We are focused on public safety and ensuring the FDA maintains and exercises its authority to regulate cannabis products—with dosage levels, child-safe packaging, purity standards, ingredients labels and potency regulation. The new website for the campaign can be found at <u>here</u>.



Volume 84 Number 2



After 19 years of trying, a big win for consumers on alcohol labeling

2003 was the year when the Human Genome Project was completed, the Department of Homeland Security began operations, and Saddam Hussein was captured by U.S. forces. 2003 also marks the year that the National Consumers League and the Center for Science in the Public Interest (CSPI) first petitioned the lead federal agency that regulates alcoholic beverages—the Alcohol and Tobacco Tax and Trade Bureau (TTB)—to require an easy to read, standardized "Alcohol Facts" label on all beer, wine and distilled spirits—an effort that is finally paying off for the estimated 170 million Americans who drink beverage alcohol products.

Polling consistently shows that 75 percent of Americans think alcoholic beverages should have standardized alcohol content labels and 72 percent say this labeling will encourage responsible alcohol use. Thus, the petition called for a label that gives consumers the needed information to make responsible drinking decisions, such as the serving size, amount of alcohol and calories per serving, the percent alcohol by volume, and the number of standard drinks per container. As the petition made clear, not having this information puts Americans at increased risk for excess alcohol consumption, which was a costly public health problem in 2003 and has only become worse over time. According to the latest findings by the U.S. Centers for Disease and Control Prevention, an estimated 140,000 people in the United States die annually from alcohol-related causes, which is why the cost of excessive alcohol use reached \$249 billion in 2010 and is likely higher today.

But despite the high cost of inaction, TTB deliberated and delayed for 19 years. First, the agency called for public comments, and issued rules that were never finalized. Then in 2013, TTB issued a voluntary rule allowing companies to put nutrition and calorie information on their products–if they so choose. Many manufacturers opted out of TTB's program, so most alcoholic beverage products on the market remain unlabeled or carry incomplete information.

And then came the moment when change became possible. Due to the popularity of low-alcohol drinks like hard ciders, some types of beers and wine coolers sold in supermarkets and convenience stores, consumers now see complete alcohol labeling on these products. This is because drinks with fruit and other FDA regulated ingredients fall under the purview of the Food and Drug Administration, not TTB. This put TTB in the uncomfortable situation of having to explain why often the same manufacturers who will put a standardized content label on brands regulated by FDA will decline to do so when their products are under TTB's jurisdiction.

Emboldened by this real-world evidence, NCL combined forces with CSPI and the Consumer Federation of America to get TTB to mandate alcohol labeling across the board. Starting in 2021,



"According to latest findings by the CDC, an estimated 140,000 people in the U.S. die annually from alcohol-related causes, which is why the cost of excessive alcohol use reached \$249 billion in 2010 and is likely higher today. "

the organizations went directly to TTB to question the effectiveness of the agency's voluntary rule and then put the need for alcohol labeling on the radar of the Congress. The final step was filing a lawsuit against TTB in federal court, demanding that TTB act to either grant or deny the 2003 petition within 60 days.

Thankfully, a friendly administration helped to encourage TTB to accept the 2003 petition and commit to publish three rulemakings covering mandatory nutrient and alcohol content labeling, mandatory allergen labeling, and mandatory ingredient labeling within the next year. The proposed rules will be accompanied by open public commit periods where segments of the alcohol industry may well fight expanded labeling. Thus, NCL will respond in kind, asking a wide range of stakeholders to weigh in on behalf of consumers and will stay in the fight until alcohol labeling is a reality.

NCL Bulletin

Trumpeter honors prominent figures and celebrates NCL's accomplishments

We celebrated NCL's Annual Trumpeter Awards Dinner on Thursday, October 6, at the Salamander Washington DC hotel. More than 200 of our supporters came out to honor U.S. Secretary of Health and Human Services Xavier Becerra and former Director of the National Institutes of Health and Acting Science Advisor to the President Dr. Francis Collins. NCL honored Ward 3 DC Councilmember Mary Cheh with the 2022 Florence Kelley Consumer Leadership Award, named for NCL's first general secretary and one of the most influential figures in 20th century American history.

We hope to see you at our next Trumpeter on October 11 at the Mayflower Hotel!









- 1. Washington, DC Councilmember Mary Cheh receives the 2022 Florence Kelley Consumer Leadership Award from NCL's Sally Greenberg and Muriel Bowser, Mayor of Washington, DC.
- 2. Dr. Francis Collins, Former NIH Director, receives the 2022 Trumpeter Award from Sally Greenberg and Dr. Nicolette Louissaint, Senior Vice President of Healthcare Distribution Alliance.
- 3. U.S. Department of Health and Human Services Secretary Xavier Becerra, who was awarded the 2022 Trumpeter Award, addresses the event's attendees.
- 4. Master of Ceremonies, Susan Hogan, News4 Consumer Investigative Reporter, welcomes attendees to the 2022 Trumpeter Awards Dinner.
- Secretary Becerra is presented with the 2022 Trumpeter Award by Sally Greenberg and Frederick Isasi, Executive Director of Families USA.
- 6. Dr. Collins closes the evening with a rousing rendition of "If Not Now, Tell Me When."

Volume 84 Number 2











LifeSmarts growing and expanding in many exciting ways

Now in its 29th year, LifeSmarts is expanding in exciting ways. A new website greeted competitors his past fall, an innovative grant to NCL made possible opportunities for teens outside the normal high school pathway to form their own teams and compete at LifeSmarts. The grant specified that LifeSmarts recruit students from under-resourced schools. In addition, LifeSmarts projects that in April we will host the largest-ever National LifeSmarts Championship with up to 50 teams in attendance.



Deploying a robust quizzing system

LifeSmarts has a new, customized learning management system to allow for more competitive opportunities for students, better reporting for educators and state coordinators, and enhanced metrics for the program's supporters. The new quizzing system has delivered. In addition to competition quizzes, the new site provides daily, weekly, and monthly quizzes, practice quizzes on each topic area, and vocabulary quizzes.

The new system also helps educators track student progress, helps the program tailor instruction based on feedback gained from quiz metrics, provides scoring data in real time to all users, and awards virtual badges when students and coaches complete milestones.

Providing DEI opportunities for under-resourced teams

Diversity, Equity, and Inclusion goals for LifeSmarts include outreach to Title 1 schools and other under-resourced organizations. To increase LifeSmarts' reach in these communities, Norton and LifeSmarts have partnered to create targeted opportunities with direct support to first-time attendees at the 2023 National LifeSmarts Championship. The signature component of this initiative is funding to ensure that 10 new



wildcard teams can attend the 2023 National LifeSmarts Championship without financial burden.

Expanding educational content

New LifeSmarts U lessons this year focus on counterfeit products, credit reports and scores, safe laundry practices, selecting and financing post-secondary education, medicine 101, and buying a used car. Educators use these resources in the classroom and to help prep their teams for online and live competitions, and competitors and coaches know that content from new lessons are featured in competition questions throughout the year.

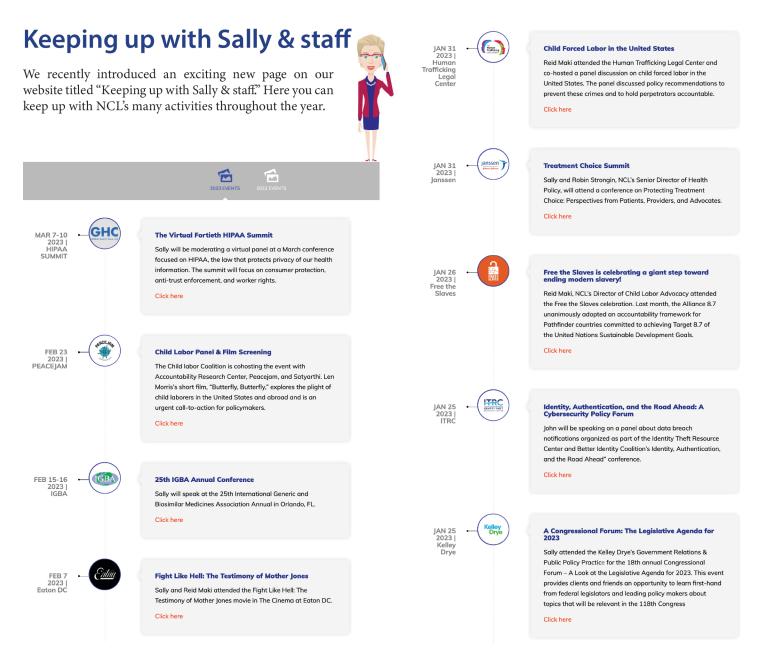
"Diversity, Equity, and Inclusion goals for LifeSmarts include outreach to Title 1 schools and other under-resourced organizations."



Inviting supporters to volunteer

LifeSmarts will host its largest-ever National LifeSmarts Championship April 27-30, 2023, in Cincinnati, OH. Teams from across the country will compete over four days before the next LifeSmarts champion is crowned. Consumer experts in the five LifeSmarts topics, (consumer rights, personal finance, technology and workforce preparation, the environment, and health and safety), and staff from organizations that share the LifeSmarts mission to provide real-world education for youth, are invited to volunteer as competition officials and join the fun! <u>See the Save the Date</u> and share it with your colleagues.







Do children in America ever work in deplorable, dangerous, Dickensian conditions? The short answer is "yes."

Most Americans are unaware that the U.S. still has a child labor problem, but 2022 made it abundantly clear that we do. Here are 10 child labor stories or developments that indicate child labor in the U.S. is not a thing of the past. Through the Child Labor Coalition, which the National Consumers League founded in 1989, we bring together 39 groups to work collectively to reduce international and domestic child labor and protect working teens from occupational dangers. Here are our top 2022 U.S. developments:

Minors found working illegally in Brazilian-owned JBS meatpacking facilities in Nebraska and Minnesota. Several children suffered caustic chemical burns, including one 13 year old. The children worked in the meatpacking plants on the killing floor in cleaning crews, toiling long nights in the graveyard shift and used dangerous pressure-washing hoses while they stood in water mixed with animal parts. Initially, the number of children numbered 31 in Nebraska and Minnesota, but a U.S. Department of Labor investigation completed in early 2023 found 102 kids working in a dozen meat-packing plants in several states.



Photo courtesy of Robin Romano



"An estimated 300,000 children still work for wages in agriculture, performing backbreaking labor in searing heat. "

Teens found working in an Alabama factory that supplied parts to Hyundai. In July, labor officials found three siblings, ages 12, 14, and 15, working in an Alabama stamping plant that supplied parts to the car manufacturer. The story drew enormous publicity because factory-based child labor in the U.S. is thought to be rare. The CLC helped Rep. Kildee collect 33 congressional member signatures on a letter to U.S. DOL urging a robust investigation of the Hyundai U.S. supply chain.

The Wisconsin legislature passed a bill to expand the hours of teen work, which endangers children's educational development and presents certain health risks. The CLC amplified the work of labor unions on social media, we also wrote to Wisconsin Gov. Tony Evers, urging him to veto the proposed legislation, which he did in February. Research consistently shows that high school age workers who toil more than 20 hours a week get lower grades and have an increased risk of dropping out.

An estimated 300,000 children still work for wages in agriculture, performing backbreaking labor in searing heat. Currently, federal law allows children who are only 12 to work unlimited hours as long as they are working when school is not in session. Federal legislation which would protect child farmworkers, the Children's Act for Responsible Employment and Farm Safety (CARE), H.R. 7345, would raise the minimum age of farm work from 12 to at least 14 and lift the age of hazardous work from the current 16 to 18—the same as all other sectors.

CARE saw some promising developments in 2022, including a congressional hearing on the bill—the first since 2009. NCL testified, along with other members of the CLC. We also secured over 200 organizational endorsements for CARE and we worked with CLC-members Human Rights Watch, Justice for Migrant Women, and First Focus Campaign for Children to obtain 47 CARE legislative cosponsors.

The Children Don't Belong on Tobacco Farms Act, H.R. 3865 -and its companion bill S.2044—would ban child labor on U.S. tobacco farms where children toil long hours and suffer nicotine poisoning. Some wear black plastic garbage bags with holes punched out for their arms and head. Some teens work at great heights and great danger in tobacco drying barns. In the U.S., you have to be 21 to buy cigarettes but at age 12, you can work on tobacco farms and suffer poisoning from toxic nicotine. In this congressional session, we helped secure 32 cosponsors for H.R. 3865—more than double than in previous efforts.

Enforcement of domestic child labor laws in 2022 through mid-November saw an almost 40 percent increase in the number of child workers involved in a violation of child labor rules—nearly 4,000 children, according to reporting by DailyMail.com, using Department of Labor data. Nearly 20 percent of the violations involved teens performing hazardous work.





USDOL and state labor agencies find child labor violations among fast food restaurants. While she was Massachusetts Attorney General, Governor Maura Healey fined Dunkin' Donuts \$145,000 for over 1,200 child labor violations in 14 stores. U.S. DOL found violations in 13 Pittsburgh area McDonalds restaurants in which teens worked too many hours or too late.

In September, Human Rights Watch, a CLC member, issued a child rights report card for all U.S. states related to child marriage, child labor, juvenile justice, and corporal punishment, and how well they meet the standards set by the Convention on the Rights of the Child. Only four states earned passing grades: 20 received an "F"; 26 received a "D"; four received a "C" and none received a "B" or an "A."

In July, Massachusetts became the seventh U.S. state to ban child marriage. Like child marriage globally, U.S. child marriage has negative health, educational, and financial impacts on teens. Most states have broad exemptions that allow teens to marry with the approval of parents or the courts. Massachusetts joins six other states in this effort: New York, Delaware, New Jersey, Rhode Island, Pennsylvania and Minnesota. The CLC is a member of the National Coalition to End Child Marriage, headed by the NGO Unchained at Last.

The CLC and HRW held a series of meetings with Wage and Hour in 2022 to secure the reopening of the occupational child safety rules for agriculture called "Hazardous Occupation Orders." These rules have not been updated for agriculture in roughly four decades despite many lessons-learned about farm injuries during that time. We also helped Rep. Roybal-Allard and Rep. David Cicilline (D-RI) draft a letter to DOL Secretary Walsh urging enhanced safety precautions. The letter had 47 congressional signatories.

Our work continues into the new year

2022 was a year of significant challenges for consumers. We faced high gas prices, supply chain issues, inflation, and a volatile market. Despite these challenges, we at the National Consumers League are committed to winning reforms for consumers and workers through a variety of channels—labor, government, business, media, and individuals—to see that consumers and workers have protections.

This year we have alerted consumers to the persistence of scams and frauds and threats to your data security, we are making progress on a comprehensive privacy and data security law, consumer protections in peer-to-peer payment platforms. All the while, we continue to fight for accurate food and beverage labels, increased financial literacy for teens and reducing and ultimately eliminating the number of children working in the U.S. and factories worldwide.

We can't do all this without your help!

Please go to here and make a gift to support our work.

Did you know that many employers will match your gift to NCL? If your employer uses Benevity Causes, you can designate NCL as a beneficiary. Go to <u>here</u> to find out more.

NCL has been protecting and educating consumers since 1899, and with your help we can continue that tradition for many years to come.



1701 K Street NW, Suite 1200 Washington, DC 20006 Telephone: (202) 835-3323

Please visit us online at nclnet.org.

NCL Board Officers Chair - Joan Bray Vice Chair - Jon Leibowitz

Treasurer - Richard Fiesta Secretary - Sharon White-Páez

NCL Staff

Ryan Barhoush, John Breyault, Katie Brown, Nancy Glick, Sally Greenberg, Lisa Hertzberg, Eden Iscil, Arlene Johnson, Sepideh Karaee, Rogina Knight, Reid Maki, Melody Merin, Toby Mulford, James Perry, Elena Robertson, Karen Silberstein, Robin Strongin, Andrea Smith, Cheryl Varnadoe

NCL Bulletin is published by the National Consumers League. (ISSN 1055-923X)

Mail comments to: NCL, 1701 K Street, NW, Ste. 1200 Washington, DC 20006

Or call (202) 835-3323 or email info@nclnet.org.

Copyright 2022 by National Consumers League. NCL should be credited for all material. All rights reserved.

The National Consumers League is a private, nonprofit organization. NCL's mission is to protect and promote social and economic justice for consumers and workers in the United States and abroad.