

Convicted killer's execution blocked by Supreme Court

WASHINGTON (AP) — The Supreme Court on Monday refused to let California carry out its first execution in 23 years, letting stand an order that blocks a murderer's Tuesday trip to the state gas chamber.

By a 6-3 vote, the court rejected an emergency request from state authorities who wanted to execute Robert Alton Harris on schedule.

A federal appeals court judge, Friday, had ordered the execution postponed, ruling that more study of Harris' mental condition may be needed.

Judge John Noonan of the San Francisco-based 9th U.S. Circuit Court of Appeals said Harris should be kept alive until a three-judge appeals court panel studies whether his lawyers or the psychiatrists they hired were incompetent in failing to have him tested for brain damage and other serious mental disorders.

Harris was convicted of killing two San Diego boys in 1978. The nation's highest court had ruled against him four times previously.

California Attorney General John Van De Kamp sought to have Noonan's order set aside, and his emergency request was submitted to Justice Sandra Day O'Connor. She referred it to the full Supreme Court.

The court voted to deny the state's request.

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order read: "The application of the attorney general of California to vacate the (appeals court) order, dated March 30, 1990, staying the execution of sentence of death, presented to Justice O'Connor and by her referred to the court is denied."

American Heart Association refocuses program

FDA pressures group to drop labels

Associated Press

The American Heart Association plans to discontinue its controversial HeartGuide food labeling program but will continue to work for better food labeling regulations, the association's president said Monday.

HeartGuide, under development since 1987 and introduced this year, was an attempt by the heart association to put a comprehensive label—a red heart with a checkmark on it—on products considered best for preventing heart disease.

Food companies, at a fee ranging from \$15,000 to \$600,000, could submit their products for testing for cholesterol, sodium and saturated fat contents. Products which met heart association guidelines would get the HeartGuide seal of approval for their packaging.

Under pressure from the Food and Drug Administration, however, the association said Monday it would drop the labeling portion of the program and concentrate on nutrition education and clearer federal labeling standards.

"The FDA has made it clear it is against third-party endorsements," Howard Lewis, director of health and science news for the heart association, said. "The government's only concern was that they did not like third party organizations entering into an area where they had legal responsibility."

"We're pleased they responded to our concerns," FDA spokesman Jeff Nesbit said.

The FDA sent a letter to the association Friday saying it could not support the HeartGuide labeling program. That followed a warning letter in February threatening regulatory action. The program was launched in January.

The U.S. Department of Agriculture also re-

fused to let the seal appear on any of the food it regulates, which included meat, poultry and frozen dinners.

Heart association president Myron L. Weisfeldt of Baltimore said the association would announce a revamped HeartGuide program this summer, focusing on education, "with added emphasis on legislative and regulatory actions," for clearer food labeling.

Consumer groups such as the Center for Science in the Public Interest said they were concerned that the HeartGuide labeling would lull consumers into thinking that foods with the HeartGuide seal were good for all disease prevention, not just for heart disease.

It's believed food low in saturated fat, sodium and cholesterol are best for reducing the risk of heart disease.

"The seal of approval was somewhat narrow," Bonnie Liebman, director of nutrition for CSPI, said. "It looked only at whether the food was good for your heart. Foods like vegetable oils, margarine and some oils, they're low in saturated fat and sodium, but we've been urged to cut back on all fats, not just saturated fats, to reduce the risk of cancer."

Consumer groups also complained about the fairness of the ratings given the price tag for participating. There was concern that an approved product, made by a company that paid to participate in the HeartGuide program, would be preferred by shoppers over an identical product that was not entered for a seal.

The fees were to be used for a toll-free hotline and nutrition awareness programs, which will continue, the association said.

Weisfeldt said the heart association was encouraged that the FDA plans to overhaul the government's labeling program.

"HeartGuide was developed in response to repeated appeals by consumers for more nutrition information," Weisfeldt said in a statement. "We will be watching developments closely to ensure the FDA moves quickly to meet American consumers' needs."

Liebman was skeptical. "The FDA has actually said that it plans to improve food labels, but that could take another decade or two," she said.

Nonetheless, she called HeartGuide a "noble attempt" to clarify food labeling and that the "FDA pulled the rug out from under the heart association."

"If there's any victim, it's the befuddled consumer who's still trying to make heads or tails out of food labeling. I'm a nutritionist and I have trouble figuring out what's what at the supermarket."

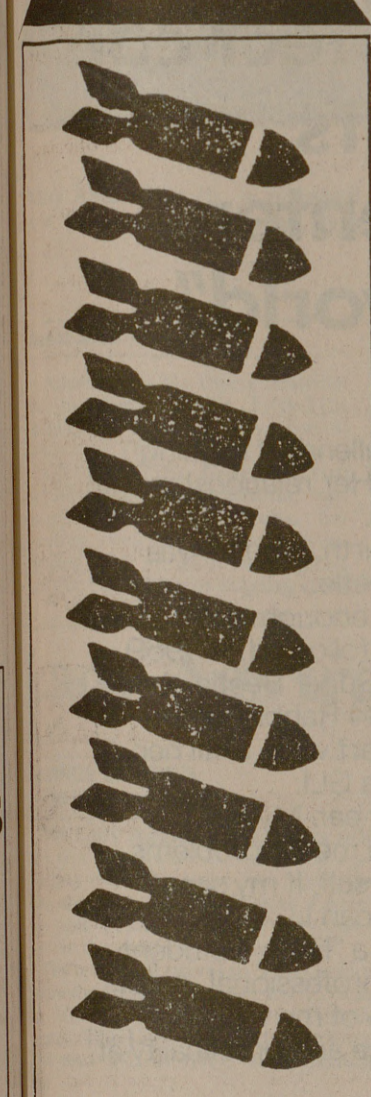
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— Howard Lewis, American Heart Association

Products that had received the HeartGuide seal were Mazola Margarine and cooking oil; Devonsheer Melba Toast and Melba crackers; All-Natural Pam Cooking Spray; Colavita Extra Virgin Olive Oil; Heart Beat Margarine and Canola Oil; Saffola Quality Foods Safflower Oil; Hanover Fresh Classics frozen vegetables, and Promise spreads.

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