



FEDERAL ELECTION COMMISSION  
Washington, DC 20463

November 16, 1977

AO 1977-51

Honorable Cecil Heftel  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Heftel:

This refers to your letter of October 4, 1977 requesting an advisory opinion concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), to your "giving some of our exotic Hawaiian specialty foods and flowers to other Members of Congress."

Your letter states your interest in continuing the tradition of giving various Hawaiian foods and flowers to other Members of Congress, and you ask the Commission for an opinion whether under the circumstances you describe there would be a reporting obligation under the Act. The situations you set forth include:

- a. A corporation gives my office 500 cans of macadamia nuts for distribution to other Members of Congress.
- b. An individual provides the macadamia nuts.
- c. A trade association provides the nuts.
- d. I purchase the nuts at the retail price from my own private funds and then distribute them to other Members.
- e. I purchase the nuts at the wholesale price with my private funds and distribute them.

The Commission concludes that none of the foregoing circumstances involve transactions required to be reported under the Act or the Commission's regulations, nor would the described activities be regulated under the Act and the Commission's regulations.

In Advisory Opinion 1975-20 the Commission held that small "bona fide" gifts of dairy products, such as cheese, purchased by a political committee and given to Federal candidates or

officeholders would not be considered in-kind contributions under the Act. The Commission explained that the gifts were not made by the donor for use in political activities and were of minimal value (\$5.00--to \$25.00). Similarly, your receipt of macadamia nuts from corporations, trade associations, individuals, or as a result of your own purchase of the nuts at retail or wholesale prices would not invoke application of the Act or the Commission's regulations since you would not receive them for a purpose related to a campaign for Federal office. They also appear to be of minimal value. Further, your gift of macadamia nuts to any Member of Congress would not be considered a "contribution" for purposes of the Act and the Commission's regulations.

The Commission may express no opinion regarding possible application of rules of the House of Representatives to these activities since interpretation of those rules is within the jurisdiction of that body.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. 437f.

Sincerely yours,

(signed)

Thomas E. Harris

Chairman for the

Federal Election Commission

Enclosure