



FEDERAL ELECTION COMMISSION
Washington, DC 20463

July 17, 1978

AO 1978-36

Mr. Bernard Fensterwald, Jr.
Chairman, National Nutritional Foods
Political Action Committee
Suite 203, 2101 L Street, N.W.
Washington, D.C. 20037

Dear Mr. Fensterwald:

This refers to your letter of June 8, 1978, requesting an advisory opinion on behalf of the National Nutritional Foods Political Action Committee ("NNFPAC"), concerning the types of activity PAC's may engage in under the Federal Election Campaign Act of 1971, as amended ("the Act"). The Statement of Organization filed by NNFPAC indicates that its connected organization is the National Nutritional Foods Association, a trade association.

Specifically, you ask whether PAC's may "engage in a movement to gain legislative action when such action is not identifiable with any particular candidate for office." You also ask whether PAC's can "urge that letters supporting particular legislative action be sent to Federal or State legislators."

Nothing in the Act or Commission regulations limits or prohibits spending which is undertaken to influence legislative action on legislative issues. Moreover, the separate segregated fund of any organization which is subject to 2 U.S.C. 441b may use voluntary contributions it has received to finance communications directed to the general public as long as those communications do not solicit contributions to a separate segregated fund. 11 CFR 114.5(i). Expenses paid by NNFPAC for such communications are reportable as disbursements of a political committee even if those expenses are not "expenditures" under the Act and Commission regulations. 11 CFR 104.2(b)

While NNFPAC may thus undertake legislative activity and finance certain communications to the general public, it may be subject to other Federal laws, for example, the Federal lobbying statutes. Activity of this type may also have an effect on its status as a political organization for tax purposes. See 26 U.S.C. 527. These matters are outside the jurisdiction of this Commission.

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)

Joan D. Aikens
Chairman for the
Federal Election Commission