



Bid to stop Marlboro send-up fails

By MARK METHERELL

The Philip Morris tobacco company has failed in legal manoeuvres to prevent reference to Marlboro being published in an article about spoofs on the Marlboro man in the latest 'Medical Journal of Australia'.

The 'Journal' cover features a picture of a Sydney man who smoked through a tube in his throat after undergoing a tracheotomy, an operation to treat cancer of the larynx, or voice-box. The picture was entered by the anti-smoking group BUGA-UP in a \$25,000 photograph competition staged by Philip Morris last year to find a "Marlboro man of Australia".

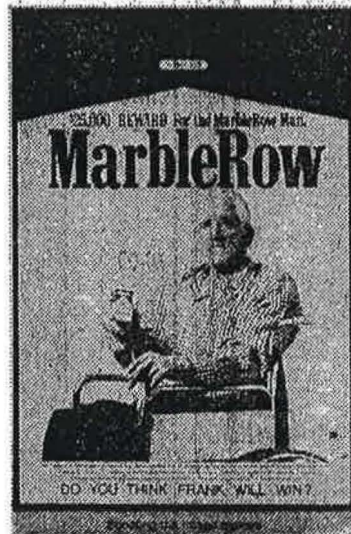
The journal article, titled "A tracheotomy for the Marlboro man", said that if the scientific community were to take a more

active role in ridiculing cigarette advertisements, particularly those aimed at young people, "then efforts to reduce cigarette sales may meet with greater success than the finger-wagging campaigns of the past".

Publication of the article has brought strong criticism of the Australian Medical Association from a spokesman for Philip Morris. The spokesman, alluding to the recent allegations of medical fraud and overservicing, said that the AMA was diverting attention to other industries when it should be concerned with putting its own house in order.

The Australasian Medical Publishing Company, affiliated with the AMA, got a hand-delivered letter from Philip Morris's Sydney solicitors last Thursday asking that no reference be made to the Marlboro trademark in the 'Medical Journal' which was then going to press.

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The cover of the 'Medical Journal of Australia'.

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The letter, from the solicitors Sly and Russell.

Said: "We are instructed that 'Marlboro' is a registered trade mark owned by our client and that no consent or approval has been given by it to your use of the mark in the article."

The Medical Publishing Company, after consulting its own solicitors, decided to publish the journal, complete with references to Marlboro.

The editor of the journal, Dr Alan Blum, said yesterday that the attempt by Philip Morris to delete references to Marlboro in a publication which had no vested interests indicated the fear the company held about having its image figure ridiculed.

He said he knew of no other instance in which a corporation had dared to challenge the official journal of the nation's medical association.

The director of corporate affairs for Phillip Morris, Mr Ken Baxter, said yesterday that the letter from Sly and Russell to the Medical Publishing Company resulted from the cigarette company's standing instruction to its solicitors to protect the company's trademark.

Mr Baxter denied that the company had acted to protect the Marlboro man from ridicule. He said that the solicitors did not know what was in the article.

"We find it ironic that at a time when the entirety of health policy is under scrutiny and serious allegations are being made about the behavior of a section of the medical profession, albeit a small section, that the AMA seems more concerned to divert attention to other industries than concern itself with putting its own house in order and dealing with matters which would appear to take higher priority in the broader public mind," Mr Baxter said.