

By Paul Rauber

Marlboro Men at the Chronicle

The print media remain the last bastion of advertising for America's drug of choice, cigarettes. So important is the cancer dollar that neither love nor money can buy tough opposing views. Late last week the *Chronicle* refused an ad designed by Berkeley graphic artist **Doug Minkler** for the anti-smoking doctors' organization DOC (Doctors Ought to Care),

taking to task the Marlboro logos

prominently displayed in Candlestick Park. Minkler was told by a sales rep that the ad couldn't run because it was "derogatory" to Marlboro.



According to San Francisco Newspaper Agency advertising manager **Frank Flood**, however, the problem was not that the ad was offensive, but that it used a copyrighted trademark without the consent of the company. "We're talking about the Marlboro trademark," he told Sticks and Stones. "We would be liable if we were to run that sort of an ad."

"The *Chronicle* probably has two points of real sensitivity," says **Herb Gunther**, director of San Francisco's Public Media Center. "The first is Macy's, and the

second is cigarette advertising in general, and Marlboro in particular." Flood's legal worry, he says, is "naive and contrived"; aside from the usual protections of the First Amendment, the paper is insulated by a "hold harmless" clause in the contract advertisers have to sign, which says that they will shoulder any legal liability incurred by their ads. Of course, should Marlboro sue the San Francisco Newspaper Agency (which handles advertising for both the *Chronicle* and the *Examiner*), it would be left with only billboard advertising. "They aren't going to sue one of the last remaining outlets they have in the Bay Area for advertising," says Gunther. The moral? "Free speech isn't free, and even when you pay for it they can reject it."