

DOC T-shirt parody of Miller beer leads to lawsuit

Miller Brewing Co., maker of Lite Beer, is suing Doctors Ought to Care (DOC) and Academy member Alan Blum, DOC's founder and chair, for alleged trademark infringement.

DOC is an organization that promotes healthy lifestyles and pans the tobacco and alcoholic beverage industries, often by using "counteradvertising" that ridicules tobacco and alcohol ads.

The brewing company claims DOC illegally infringed on Miller's trademark to slander its reputation and dilute its good will by selling "Killer Lite" T-shirts. DOC members first sold the T-shirts outside Miller's Sept. 2 Houston Astrodome party, which made \$1 million for the Texas Special Olympics.

The T-shirts carry the slogans "We're Pushing a Drug" and "We're Grabbing a Potty," parodies on Miller's slogan for the Sept. 2 event, "We're Throwing a Party." The T-shirts list conditions often related to alcohol use: cirrhosis, pancreatitis, impotence, and fetal alcohol syndrome—the disease that makes it possible for thousands of children to qualify for the Special Olympics.

Miller tried to prevent DOC from selling the T-shirts outside the Astrodome, but the district court judge denied Miller's request for an



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The "Killer Lite" T-shirt that sparked Miller's lawsuit is displayed by Dr. Alan Blum, right, and Jim Smith, left.

injunction. "You guys are just way off base," the judge told Miller's attorneys, defending the physicians' right to free speech.

Now Miller has asked a federal judge to halt distribution of the T-shirts and order DOC to turn over all profits from the items. DOC and Dr. Blum were served with papers Oct. 5 informing them of Miller's intent to sue and requesting response to interrogatories.

In an Oct. 12 Associated Press story, Dr. Blum says the lawsuit is a "malicious" attempt to quiet DOC, which has a long history of using

humor to ridicule Philip Morris Tobacco Co., Miller's corporate parent, and other tobacco corporations.

Among the interrogatories is a demand for a list of DOC's members. Jim Smith, program coordinator for the DOC Tobacco Archive and International Resource Center in Houston, tells the *AAFP Reporter* that DOC has more than 6,000 members—including many family physicians—and that Miller's demand is "totally irrelevant to the case at hand."

He says Miller wants to convey the notion that DOC is picking on the beer company. "We are picking on irresponsible alcohol ads and tobacco promotion," says Mr. Smith. "To my knowledge, that's not a crime in this country. We are within our First Amendment rights to make fun of Miller's logo."

According to the Aug. 30 *Houston Post*, International Special Olympics officials said that Miller's Sept. 2 fund-raiser was only "partially approved," and that the year-long planning for the event occurred during a transition phase at the International Special Olympics office. The office's current policy allows alcohol-related companies to be secondary sponsors, but not primary sponsors, of such events, the *Post* reported. □

Minorities are targets of tobacco advertising

The first Minority Health Affairs Reception at an AAFP Annual Meeting was held Sept. 20 in Los Angeles, and Academy member Alan Blum spoke there on the tobacco industry's courting of minority consumers, especially the young (see related story above).

"There are five times more tobacco ads on billboards in ethnic communities than in white communities," he said. He talked about a "Newport—Alive with Pleasure" ad showing a young black man and woman. Then he asked, "If you were a black kid with that billboard out your window, seeing that every morning when you got up, what would you think of smoking?"

He showed a slide depicting

himself standing precariously on the ledge of a Marlboro ad, dwarfed by the Marlboro man. He had to pay someone \$50 to hoist him up to the billboard ledge, but he decided the cost was worth it to convey the overwhelming size of the billboard and suggest its impact.

Dr. Blum showed numerous slides of tobacco ads with models from ethnic groups, including blacks; Hispanics; and Native Americans, including an Inuit.

He charged that the tobacco industry has bought the silence of black organizations. For example, he said the R.J. Reynolds Co. has given \$1 million to the United Negro College Fund. He added that the National Association for the

Advancement of Colored People refuses to discuss with DOC the funding NAACP receives from the tobacco industry.

Dr. Blum drew attention to such articles as the Sept. 11 *Time* magazine cover story, which seems to indicate that "we'll find it's the kids who sell crack that are the problem, not the magazines that sell cancer."

"Crack kills 200 people a year," Dr. Blum objected. "Smoking kills 400,000 a year."

The reception was held under the auspices of the AAFP Committee on Minority Health Affairs and sponsored by a grant from Marion Laboratories. □