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BROADCAST EXCERPT

KATHERINE COURIC: On After Eight this morning, parents who smoke. Many of them are unaware of the dangers to which they're exposing their children, but some anti-smoking activists think they should be charged with child abuse. Of the more than 400,000 people who died last year from smoking-related illnesses, 50,000 never even smoked. They died from second-hand cigarette smoke, the kind you get from being around spouses or co-workers or parents who smoke.

Nine million Americans under the age of five live at home with at least one smoker, so if you're a child, sitting in the smoking section of a restaurant isn't much different from what it's like at home.

WOMAN: I wasn't bothered at all because he's among smokers. His dad is a smoker.

COURIC: A recent study in the New England Journal of Medicine says parental smoking can double a child's risk of developing cancer later in life. Most parents are unaware of the danger.

MAN: They're only in there for 15 minutes. I don't think it's a major health hazard. You look around you and you see the smog level of Los Angeles, you sort of say to yourself, "Okay. Is 15 minutes of this really going to make it any worse?"

COURIC: No, but the EPA says the cumulative risk from indoor tobacco smoke may be much greater than that of outdoor pollution, and a draft report lists indoor smoke as a Group A carcinogen. That means it can cause cancer in humans.

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At Children's Hospital in Los Angeles, about half the emergency asthma patients live in homes where a parent smokes. This young man has had asthma since he was two months ago.

WOMAN: I don't smoke in the same room with him. I try to do it in the bathroom or in my room, not in the living room or in his room.

DR. NANCY SCHONBERG: I've never seen a kid who doesn't go into the living room or doesn't go into the bathroom or wherever they smoke, so I don't think the parents realize that it can trigger asthma and it can trigger their specific respiratory illnesses.

COURIC: Sean Conner on the right is getting a special treatment for his asthma. He's had it as long as he can remember, and his mother smokes.

SEAN CONNER: It starts with me wheezing. I'm just really tired of asking her over and over about smoking in the house.

COURIC: Now in some courtrooms, judges are asked to consider the hazards of second-hand smoke in deciding child custody disputes. But in most families, if you ask the kids about getting their parents to stop, they'll tell you --

BOY: I really try, but my dad won't stop. I've tried everything.

CONNER: My ma, she gets upset with me. I'm talking back to her or sassing with her.

COURIC: Some people think these parents should be prosecuted. John Banzhaf is chief counsel of ASH, Action on Smoking and Health, an anti-smoking group. Good morning to you.

JOHN BANZHAF: Good morning.

COURIC: You think that smoking parents should be charged with child abuse?

BANZHAF: No, not all of them, but every day dozens of kids are brought into emergency rooms in acute respiratory distress, meaning they're almost not breathing because their parents' smoking have triggered asthma or other attacks. If after repeated warnings the parents do not change their behavior, then it seems to me they should be cited for what it is. That is, the most prevalent form of child abuse in this country. And in 99% of the cases, I can almost guarantee you that once a parent knows that they have been cited for child abuse, they will alter their behavior. Not stop

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smoking, but stop smoking around the child. Smoke in a garage, smoke on a porch somewhere away from that child.

COURIC: So you think that a child abuse charge should surface only after an illness has occurred in a child?

BANZHAF: I think it would occur in serious situations to be decided by the physician, but every day these things are cited on much less serious things than we're talking about here. We have kids 11 and 12 being taken out of a home because they were left alone by a parent. You're talking about latchkey children and so on. Here you have nine million kids being subjected to a toxic burl of carcinogens, mutigens, and so on. It doubles their risk of lung cancer. It increases by six times the chance of being hospitalized for acute respiratory distress. It makes half of them much less well than they should be. Something's got to be done. We can't wait for education.

COURIC: Any precedent for this kind of charge or this kind of case?

BANZHAF: Yes, there is. About half a dozen cases, including the one you saw in that piece. Judges have ordered parents not to smoke around the children. In one case, the child was actually removed from a home where the parents refused to quit. Increasingly, parents who refuse to belt up their kids in a car are being cited and in a number of cases women have been prosecuted or put in jail for smoking while they were pregnant. Now this is a different case. It's very difficult to quit smoking. It's very easy to quit smoking around the child.

COURIC: At our NBC affiliate in Houston this morning, KPRC-TV, is Dr. Alan Blum, head of DOC or Doctors Ought to Care. He's been working for 20 years now on smoking-related health problems. Dr. Blum, good morning.

DR. ALAN BLUM: Good morning, Katie.

COURIC: Do you disagree with John Banzhaf and his view on what should happen to these parents?

DR. BLUM: Yes. I think John's barking up the wrong tree. I really feel that someone who takes care of patients, I'm an advocate for them. I'm not a policeman. I really feel the focus of this debate ought to be shifted away from the victim -- the parents are also victims if they're addicted to cigarettes -- and onto the pusher.

We have an industry in this country that basically claims to represent the very consumers that they're killing. Cigarettes are

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consumer fraud and with patients I try to go and shift the onus of guilt and anger that they feel away from them and get them to be much more aware of the very fraudulent nature of the product. 97% of people who smoke today are smoking filters and they say it's safer. I say safer than what, than fresh air? I mean, they think that low tar cigarettes are safer. What is low tar? Low tar is low poison.

Unfortunately, the tobacco industry, which gives out t-shirts and hats every weekend in all the Hispanic and black festivals in Houston here that I attend, are really going after young parents, and I think it's very unfortunate. If we miss our role and start suing them and arresting them and going after them in court, I'm not so certain people are going to want to go to doctors.

BANZHAF: I agree that the parents are victims like the kids and ultimately, like Alan, I would love to hold the tobacco manufacturers liable. I've been suing them for 20 years. But in the meantime, we have kids who are dying, who are undergoing operations, who are in pain from this problem, and again I suggest to you that if a parent is told, "If you don't stop smoking around your child, you will be cited for child abuse," 99% of them will stop smoking around the child.

We're not talking about throwing them in jail. We're talking about making them aware of how serious what they are doing is by telling them that, like many other things that parents do to their children, it can constitute child abuse. Nothing more than that.

COURIC: But shouldn't education come first?

BANZHAF: Yes, education should come first, but as your set-up piece showed, there are parents who continue to bring their kids into these areas. We've known about these risks at least since 1986. I'm going to ask you -- remember when we had smoking on airplanes? You'd go in the back of the airplane, you'd see infants and toddlers surrounded by reams of tobacco smoke. Those parents must have known the risk. They're not doing anything. We all rely on education in regard to seat belts. We ought not to rely on it solely when kids' lives are in danger from smoke.

DR. BLUM: I had a patient who told me not long ago she was pregnant and she assured me that she and her other pregnant friends would never buy the brands that said that they could harm the fetus. She would only buy the brands that had the labels that said that they contained carbon monoxide. I think warnings have failed. Programs like this are marvelous. If we can have more mass media reinforcement of what doctors do in the clinics and the classrooms, then I think we're going to do much better in the community, but it really seems a bit premature to start going into the courts.

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BANZHAF: I agree with you, but of course, as you know, half the physicians do not, unlike you, even warn their patients about the risks of smoking, much less the risks of smoking around children and those who are pregnant.

COURIC: Dr. Blum, hold on just a second. What about women who smoke while they're pregnant? Shouldn't they be charged with child abuse if second-hand smoke --

DR. BLUM: It seems to me that's a much more difficult case because people who are smoking in many cases are addicted. It's very, very difficult for them to quit. I'm not certain about going that far and I'm not even suggesting that every parent who smokes around a child should be cited for child abuse.

BANZHAF: All we're asking is that they do their smoking in another room, and where the risk is a serious one as determined by a physician that it is risking the child's health or safety, then it seems the parent should be told, "If you don't quit, we will report it as a condition of child abuse." And ASH, by the way, would be happy to discuss this with physicians, advise them of the law and their legal liability.

COURIC: Dr. Blum, aren't fetuses at greater risk than even children who are in homes where they may experience second-hand smoke?

DR. BLUM: There's certainly a greater risk. We have more premature deliveries, more spontaneous abortions of mothers who smoke, but again it's really folly to blame the user. We've tried this with cocaine and other drugs in Florida. The American Medical Association has expressed horror at this kind of legal incursion into what is really a moral issue. I think it's very important that we try to keep our dignity about this and be advocates for mothers.

I think the most marvelous thing is that they're great potential allies of us in the health field and in the legal field in trying to turn the issue around. I like to tell them to go after cancer's seven warning signs, and of course that's Philip Morris, the maker of Marlboro and Virginia Slims. Virginia Slims t-shirts for babies I think you can literally purchase at the tennis tournaments that they have. I mean, I think if we're looking at child abuse, we need to look no further than the tobacco industry.

COURIC: Dr. Blum, if you say that the tobacco industry should be held liable, then would you charge, for example, the liquor industry if a parent drinks and, say, doesn't properly nourish

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their child. Where does it stop and isn't the individual responsible for his or her actions?

DR. BLUM: The answer to that question is take a look at cartoon characters used by tobacco companies. On Sunday at a Hispanic festival, I picked up this t-shirt, which was given away by the hundreds. We're talking about cartoon characters now used in cigarette advertising. There's nothing a parent or anyone can do to overcome the enormous advertising clout of the tobacco industry. Rather than just look at a smoke-free society, we need to look at cigarette advertising or at least cartoon-free society where they're clearly going after young parents and their children.

COURIC: Dr. Blum, John Banzhaf, I'm sorry. That'll have to be the last word. Thank you both for joining us this morning.

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