



**Paul
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Miller brewing fight over shirts

IF A T-SHIRT bears the inscriptions "Killer Lite Beer" and "We're Pushing a Drug" and lists alcohol-related diseases including cirrhosis, alcoholic hepatitis, fetal alcohol syndrome and pancreatitis, would you assume the shirt — showing a man throwing up — is being sold on behalf of the Miller Brewing Co.?

If you had one beer too many, maybe.

Yet, the Miller Brewing Co. — which worked hard to make sure people wouldn't have one too many at its Labor Day weekend bash at the Astrodome — claims in a recent lawsuit against Doctors Ought To Care (DOC) and its founder, Houston physician Alan Blum, that concertgoers were so confused by the T-shirts that Miller lost precious royalties on T-shirts reading "Miller Lite Beer" and "We're Having A Party."

"This is the kind of mindset people have when there's too much alcohol in them," Blum cracked.

ACLU steps in

If Miller and parent company Philip Morris — best known for cigarettes — thought Blum would be intimidated by the suit, they were obviously wrong.

"Philip Morris is always the first to cry in its beer when it's satirized," Blum said, laughing.

The American Civil Liberties Union has decided to defend Blum and DOC.

"This lawsuit has significant free-speech implications," said Bruce Griffiths, the staff attorney for the Houston chapter of the ACLU. "This lawsuit can't have any purpose other than to try and shut up Dr. Blum and DOC. It's ludicrous to say that the 35 T-shirts they sold was serious competition to Miller. They just don't like the message he's sending."

Even if you drink beer occasionally, as Blum himself does, you can't help but appreciate the message Blum is trying to get out to young people through humor: Alcohol is a legal drug

that can have serious consequences.

Counterpoint ads

And shouldn't dedicated health professionals question, as DOC did, the wisdom of the Texas Special Olympics affiliating itself with a brewery for the Labor Day party when alcohol abuse leads to fetal alcohol syndrome?

Isn't it refreshing that there are doctors — DOC boasts 5,000 members nationwide — who concentrate more on preventing disease than picking up hefty fees for treating it?

DOC already is legendary in the smoking control movement.

The group brought back counter-advertising against tobacco ads. Instead of "I-smoke-for-taste" ads, DOC made "I-smoke-for-smell" ads featuring a macho man with a cigarette up his nose. DOC runs ads for Emphysema Slims instead of Virginia Slims.

"The way to get kids to do something is to tell them it's dangerous," Blum said. "But if you can get them to see how stupid and childish something is through ads, they'll laugh the pushers out of town."

Blum's chances good

Ex-Surgeon General C. Everett Koop honored Blum's work by giving him the Surgeon General's Medallion.

Though Miller beer spokesman Steve Forsyth insists the suit against Blum was brought only because of supposed confusion between their T-shirts, Glen Aukerman, president elect of the American Academy of Family Physicians, doubts it.

"I think this may be their (Philip Morris') response to the recent decision to ban smoking on airlines." A recent U.S. Appeals Court decision regarding Spy Magazine's parody of Cliff Notes — the long-established study guide to the classics — indicates Blum has a good chance in court.

Though there are great similarities in the way the publications look, the court, noting the importance of freedom of expression, said readers are smart enough to tell the difference.

Dr. Sam Nixon, the president of the Harris County Medical Society, doesn't think Miller has handled its situation with Blum very intelligently.

"Miller Lite, through this lawsuit, is giving Doctors Ought To Care a tremendous boost in publicity, thereby giving added attention and weight to message of Dr. Blum," Nixon said. The people who are peddling poisons . . . can't stand the obvious humorous aspects of social commentary on what they do . . ."



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Speaking freely can prove costly

WHenever I see one of the new TV ads that the Philip Morris Co. has initiated with the National Archives to promote the 200th anniversary of the Bill of Rights, I can't forget what the nation's largest tobacco company — the corporate parent of Miller Brewing Co. — did to Houston physician Dr. Alan Blum.

And I can't help but question the commitment of the conglomerate to the freedom of speech provision found in the Bill of Rights.

Dr. Sam Nixon, the outgoing president of the Harris County Medical Society, has found himself reacting the same way to the ads.

"Philip Morris wraps itself in the Constitution," he said, "yet it couldn't stand Dr. Blum's social commentary on its peddling of poisons, so it sued him. . . . The irony hasn't escaped us in the medical community."

When Miller's lawyers officially — and very quietly — withdrew from its lawsuit against Blum last week, many observers felt the action was taken only because articles in the national press had earlier pointed out the inconsistency of Miller filing a lawsuit against what appeared to be free speech while its parent company was touting the virtues of the Bill of Rights.

"I don't know that that's true," said an unconvincing Elizabeth Conlisk, a spokeswoman for Miller. "It was a mutually agreed-upon settlement."

"Sure, I agreed to it," Blum said. "It says that I can do only those things that are protected by the Constitution of the United States. That's all I ever do."

It was what Blum did during Miller Lite's "Biggest Party in History" at the Astrodome that irked Miller officials.

The founder of Doctors Ought To Care (DOC), Blum sold 35 T-shirts at the Labor Day concert that bore the inscriptions "Killer Lite Beer" and "We're Pushing A Drug." The T-shirts also listed alcohol-related diseases that included cirrhosis, alcoholic hepatitis

and fetal alcohol syndrome.

Miller officials responded by suing Blum and DOC, arguing that Blum's T-shirts so confused concert-goers that Miller didn't make as much money as it should have on T-shirts that read "Miller Lite Beer" and "We're Having A Party."

While Blum publicly joked about the suit — "This is the mindset people have when there's too much alcohol in them" — he worried privately.

He knew how quickly legal fees could eat away at his own income (well under \$100,000 a year, he said). He also knew that DOC, a group of 5,000 physicians who conduct satirical campaigns against smoking and drinking on a yearly \$50,000 budget, was in no shape financially to withstand years of legal wrangling.

Fortunately for Blum, Bruce Griffiths of the Houston chapter of the American Civil Liberties Union immediately saw the case had free speech implications. "It has no purpose other than to shut him up," said Griffiths, who decided to defend the physician and his organization for free.

"Apparently the availability . . . of free ACLU lawyers, plus the news media's public ridicule, convinced the brewer to back off from this attempt to punish free speech," Griffiths said.

Unfortunately, the kind of suit filed against Blum is being filed more frequently by corporations and powerful individuals, according to T. Gerald Treece, the assistant dean of the South Texas College of Law.

"What happened to Dr. Blum is yet another in a dangerous wave of lawsuits designed to try and stifle criticism," Treece said.

"What I'm concerned with is that the price for speaking out now is that you have to be able to afford a lawyer," he said. "Litigation can be a tremendous weapon. It can hurt our First Amendment right to speak out on matters of public concern. It's not that people can't win the lawsuits against them. It's the price they have to pay that can be so intimidating."

Blum knows Treece is right.

"Don't let anybody tell you he's not affected by a lawsuit," he said. "These incredibly large companies are capable of bankrupting individuals who succeed in engendering public concern and anger toward them. . . . But I'm concerned about health, not wealth, so I have to go forward."

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Sometimes it's not Miller time

IT IS THE one commercial that really drives home the bizarre relationship between the Texas Special Olympics and the Miller Brewing Co.

There sits actor Randy Quaid, while in the company of several mentally handicapped children, telling viewers how wonderful Miller is for giving money to the Texas Special Olympics, a program of sports competition for the mentally handicapped.

Don't think that only politics makes strange bedfellows.

While well aware that medical experts say alcohol is the leading known cause for mental retardation in the United States, the people who head the Texas Special Olympics have been only too happy to allow Miller to use the organization as part of its marketing effort in the state.

You can sum up the reason in one word — money.

Last year, the Texas Special Olympics received \$1 million from Miller following a series of weekend concerts sponsored by the brewery.

And this year, in events largely associated with the state fair, Miller will give more than \$1 million.

Classic case

It has appeared to be a classic case of money overriding principle.

But now, believe it or not, principle apparently will win out — much to the dismay of Texas charity officials.

After this year, according to high ranking officials of the International Special Olympics, the directors of the Texas chapter no longer will be allowed to raise money as they see fit.

Though officials of the international body say they have long suggested that chapters not affiliate themselves with alcohol companies, there was not a set policy that had to be followed.

"It is unfortunate that we didn't take a firm stance sooner," said Harold Connolly, the director of U.S. programs for the special olympics, who was

contacted last week during the International Special Olympics convention in Minneapolis.

"It is incongruous," he said, "that we would be affiliated with a producer of a product that is causing the situation we're trying so hard to overcome. Sargent and Eunice Kennedy Shriver (she founded the special olympics in 1968) have very strong principles on this. She won't permit exploitation of the athletes."

Doug Single, president of the international charity, was blunt about why the Texas Special Olympics has to sever its relationship with Miller.

"Why should we be hypocritical?" he said. "We won't be that way. There are other large chapters like Texas who don't feel like they need to have that kind of relationship. When we have ethical issues, we have to take the high road."

Time to 'help out'

Denis Poulos, head of the Texas Special Olympics, couldn't disagree more with the new policy.

"We're going to review it and see if we can somehow make modifications," he said, stressing that the money raised by Miller has been put to good use throughout the state.

"We just want to help out," said Dave Fogelson, a Miller spokesman.

Poulos argues that during the relationship with Miller the brewery has been educated about what causes retardation. He says that proceeds from Miller will help develop an ad campaign on fetal alcohol syndrome.

Poulos' stance is condemned by both Dr. Alan Blum, head of Doctors Ought To Care, and Christine Lubinski, director of public policy for the National Council on Alcoholism.

"One in every 750 babies is born with fetal alcohol syndrome," Lubinski said. "What is so sad is that the Special Olympics is being used to fight a beer war and children are used in the process. It is Miller's way of buying silence from criticism."

Blum, who says Miller does everything possible in its advertising to convince young people they can't have a good time without alcohol, says it is particularly difficult for young girls who want to be seen as hip to stay off alcohol while pregnant.

"The Texas Special Olympics has a responsibility other than to raise money," he said. "It has to look at the causes for retardation. The association with Miller mutes the public health message by the organization. It makes as much sense as the NAACP deciding to take money from South Africa."



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Common sense out the window

IF DR. ALAN Blum — the founder of Doctors Ought To Care — isn't a fanatic in his crusade against beer companies, then Roseanne Barr suffers from anorexia and 200,000 American troops only went to Saudi Arabia to play in a sandbox.

Any doubt about whether the Houston physician's zeal for his cause has gone beyond what is reasonable flew out the window in the offices of the local chapter of the Texas Special Olympics.

He argued that those who say a brewery's charitable donations can do good are fooling themselves. They are, he claimed, like the people who said that the company which gladly developed the toxic poisons for the Auschwitz gas chambers were still pillars of the community.

Blum used the Auschwitz analogy on the organization's area director, Nancy Loucks.

To her credit, Loucks never even seemed to think about slapping Blum's face.

She seemed more dumbfounded than anything by the remarks that seemed to compare her to a Nazi.

Inappropriate

"I'm not sure the bullying tactics . . . were appropriate," she would say later.

As you are probably aware from earlier news reports, Blum has long questioned the wisdom of the Texas Special Olympics affiliating itself with Miller Beer for fund-raising parties — especially when alcohol abuse leads to fetal alcohol syndrome, the leading known cause of mental retardation.

While I, too, have been more than a little uneasy with the relationship and have said so in earlier pieces, I have also understood the position of the directors of the Texas Special Olympics, who argue that the millions of dollars raised with Miller have allowed them to provide programs for youngsters that they would not otherwise have had.

There could be, it seemed to me, an

honest difference of opinion on the matter.

Blum, who showed up at the Texas Special Olympics office to watch a medical student accept a prize won in a photo contest sponsored by Miller and The Houston Post, doesn't think so.

There is, he says, such a thing as tainted money that all decent people should shun.

According to Blum, the United Negro College Fund, which has long accepted money from Anheuser-Busch for scholarships, is exacerbating the drinking problems of black Americans by accepting the donations. The act of accepting the money tells young blacks, he says, that it's OK to drink, far outweighing any good that can come from scholarships.

Come on.

A misconception

Over and over again he says that the advertising for beer is so powerful that it is turning young people into hard drinkers. It no doubt helps.

Of course, without advertising, the nation seems to be turning out a good number of crack addicts.

Seldom, if ever, do you hear Blum talk about individual responsibility. It is always a beer company's fault that people drink too much beer.

It is hard to disagree with Blum, who largely made his national reputation in the anti-smoking movement, when he makes his "tobacco companies are evil" argument. Unlike alcohol, even a moderate amount of smoking is bad for you.

But still the question of tainted money is difficult to deal with.

Once again, Blum says no responsible organization would take money that comes directly or indirectly from tobacco companies.

What is so preposterous about his argument is that if you follow it to its natural conclusion no tax money should be accepted from either tobacco or alcohol companies or their employees.

And it means, of course, that the National Institutes of Health, which gets hundreds of millions of tax dollars from tobacco and alcohol companies, would have to scale down its operation substantially.

That probably means it would be more difficult to find the cures for what ails us.

Blum is the kind of guy who wouldn't accept a life raft if it was thrown to him by someone he didn't like.

Most of us have more sense than that.