

# Tobacco advertising

**American Medical Association's proposed ban on tobacco ads has fired up the public debate and newspapers are caught in the middle**

By Debra Gersh

If the American Medical Association has its way, there will be no tobacco advertising or promotion in any form, be it in newspapers, sky-writing or sponsoring events.

But AMA opponents, mainly the tobacco industry, media organizations and groups like the American Civil Liberties Union, quickly point to the First Amendment and argue that legal advertising of a legal product is protected by the constitutional right of free speech.

"They (the AMA) have no idea of the violence they're attempting to commit on the Constitution," said Walker Merryman of the Tobacco Institute, a Washington, D.C.-based lobby group for the tobacco industry. "This is such an outrageous opinion, clearly they've had poor legal advice."

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But Dr. Alan Blum, editor of the *New York State Journal of Medicine*, which has published two special editions in the past two years on "The World Cigarette Pandemic," criticized newspapers, which he said attack smoking, but not the "illegitimacy of cigarette ads" that do not contain any real information about tar, nicotine and the hazards of smoking.

He also criticized the tobacco industry for enticing young people to start smoking, a critique those in the industry said is unfounded.

"What better way to get a kid to smoke" than to say it's only for adults, Blum commented.

"This has gone beyond a First Amendment argument," Blum said.

"This is active sabotage of what the medical profession is trying to do."

(Dr. C. Everett Koop, Surgeon General of the U.S. Public Health Service, has called for a smoke-free society by the year 2000.)

"It's all image," Blum said of cigarette advertisements. "If a cigarette ad appears in the *New York Times* it has automatic legitimacy.

"The only reason a publisher could give to defend cigarette advertising is to say that everything should be advertised," including handguns, horoscopes and the AIDS virus, said Blum, who plans to challenge *New York Times* publisher Arthur Ochs Sulzberger to a debate on the issue.

"The Newspaper in Education program was invented by publishers to increase youthful readership," he continued. "But it also allows cigarette advertising to go unquestioned into the classroom.

"The biggest lie in this society is to say cigarette advertising is not designed to increase sales," he said, adding that while many adults are trying to quit smoking, 95% of smokers start before the age of 21. "It's like saying General Motors advertisements are only trying to get Mazda owners to switch, not to get people to buy new cars."

Betsy Annese, a spokeswoman for R.J. Reynolds Tobacco Co. of Winston-Salem, N.C., said that claim is "absolutely false. What we try to do is switch smokers of competitive brands to ours." She said peer pressure is the reason many young people start to smoke.

Merryman called the charge against the industry of cajoling young people into smoking a "reckless observation" made with "no evidence."

"The market is generally stable," he said. "You're not going to see (tobacco) companies spending money on nothing. No one's ever accused the industry of poor marketing. If it were true, you would have seen tremendous sales increase with population increase."

But Blum also attacked the media's apparent hypocrisy, calling upon an example from a letter to the *New York Times* from Dr. George F.

Gitliz.

Gitliz attacked the *Times* for criticizing, in an editorial, the Reserve Mining Co. for dumping cancer-causing asbestos wastes into Lake Superior, and then the paper accepted advertising for cigarettes, proven carcinogens.

"They're abandoning all professional ethics," he said, adding that it's "not passive acceptance of ads. They're actively soliciting" tobacco advertising. "If they say they publish ads with lies because of protected speech, they should write an editorial" about questionable claims in cigarette ads.

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In the *Journal's* July issue, Blum wrote, "In contrast to the numerous ethical judgments the (N.Y.) *Times* makes in its editorial columns. . . the *Times* has refrained from editorial scrutiny of the ethics of the cigarette advertisers. The reasons for this silence become clearer upon consideration of the company's overall holdings: many of its 20 daily newspapers are located in tobacco-growing regions, including four in North Carolina and three in Kentucky."

Blum further wrote, "By dint of their non-tobacco product advertising (e.g., Gimbels and Saks Fifth Avenue of British American Tobacco), the *New York Times* Company is one of the largest beneficiaries of tobacco industry advertising expenditures. The company, the 12th largest media conglomerate in the U.S. with total media revenues of \$1.2 billion in 1984, owns such magazines as *Family Circle*, *Golf Digest*, and *Tennis*, in all of which cigarettes are heavily advertised."

Robert P. Smith, advertising acceptability manager for the New York Times said the paper receives inquiries from time to time, often following editorials about smoking, asking about the Times' policy on accepting cigarette ads.

"In essence we tell them that we try to keep our columns as open as possible and that we give adequate coverage to the risks, but adults have to make these personal choices by themselves," Smith said.

"We've given this question a great deal of thought on many occasions. On the one hand, we believe very strongly in the right of free speech. Everyone, despite his views, has the right to express those views. On the other hand, we don't want to expose our readers to an injurious product. We felt that freedom of speech was paramount.

"We feel we're giving our readers the facts and it's their personal decision," he said.

According to figures from the Newspaper Advertising Bureau, \$236.4 million was spent in newspapers in 1984 on tobacco advertising (for cigarettes, cigars, pipes, chaw and other tobacco products), a figure that represents 27.2% of total tobacco advertising expenditures, but only 1% of all money spent for newspaper advertising.

In 1979, \$293.7 million or 41.09% of all tobacco advertising was spent in newspapers, a figure that increased steadily until 1982, when it dropped from the previous year's 44.07% share to 35.66%.

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But as tobacco advertising's share in newspapers has decreased over the past few years, total tobacco advertising expenditures have increased from \$714.6 million in 1979 to \$869.6 million last year. Total expenditures for newspaper advertising have also been on the rise, going from \$13.863 billion in 1979 to \$23.522 billion in 1984.

Tobacco, nevertheless, remains the third largest national advertising category for newspapers, behind ad expenditures of \$526 million for transportation (airlines, tours, etc.) and \$521 million for automotive, according to NAB statistics.

One of the reasons for the decline in newspaper tobacco advertising seems to be the decreasing number of new

brands introduced into the market. Another is the increasing amount of money being poured by tobacco companies into sponsoring musical, sporting and other events.

But banning tobacco advertising and promotion would do more than take away important ad revenue from publications. It would have "an extremely negative impact on the advertising industry," said Wallace Snyder, senior vice president-government relations for the American Advertising Federation.

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Besides loss in revenue to ad agencies, the economic impact would be felt by other services, such as printing.

Snyder also raised the question of how beneficial the ban would be to the public.

"All ads contain health warnings, and (if tobacco advertising was banned) there would be no more of that. It seems to me that the ads are providing information to the consumer regarding the risk (of smoking)," he said, noting that Congress recently passed legislation requiring four different, strongly-worded warnings to be used on a rotating basis.

He said "the least intrusive way is to allow a company to advertise a product that is legal, but to provide warning information from the government."

Annese said there has been more attention on the risks of smoking than probably any other, and that public opinion polls show "98%-99% of people who smoke are aware of the Surgeon General's warning."

Merryman said he is "really enjoying this. I'm seeing the media react in a very hostile manner to this ridiculous proposal by the AMA. They're getting exactly what they deserve — ridicule."

Blum said one of the best ways to fight cigarette advertising is with ridicule, although he was referring to the ads themselves, not the AMA.

DOC (Doctors Ought to Care), a group founded in part by Blum, has run a small but varied counter-advertising campaign using television, radio and bus bench advertising as its main vehicles so far.

The ads are mainly spoofs on

cigarette ads — for example, one can be "I smoke for smell" and with a picture of "smokers" vultures with a picture of "smokers" vultures with cigarettes in their noses.

Blum said he prefers using paid broadcast ads rather than free public service announcements, because it allows the group to decide when it wants the ad on the air.

The one point in this highly emotional argument that both sides agree on, however, is that it would be impossible to prohibit smoking completely, calling upon the failure of alcohol prohibition earlier in the century as an example.

"I think it (prohibition) only creates forbidden fruit," Blum said.

Some newspapers, like the *Christian Science Monitor* and the *Deseret News* (Salt Lake City, Utah), already have a policy, based on religious grounds, of not accepting tobacco advertising.

There are also a handful of non-sectarian newspapers, however, like the *Morristown* (N.J.) *Daily Record*, that also refuse to accept advertising for tobacco products.

The *Daily Record's* policy, instituted about 10-15 years ago, was the idea of Norman B. Tomlinson, Jr., the paper's editor and publisher. Tomlinson said since he thought the product was inherently dangerous, he decided to instigate the ad policy.

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"Revenue was never a factor, although I've had a couple of ad managers over the years who thought I was nuts," he said.

Of the AMA proposal he said, "I think it's an idea whose time has come, but I would like to see it done on a voluntary basis. Newspapers should follow their editorial views. The overwhelming evidence, per se, is that it's harmful. But it's not good practice (for ads to be regulated by the government). If it could be cigarettes, it could be anything that someone doesn't like."

The *Daily Record's* retail advertising manager, Louis Stancampiano, said, "I don't think there's any question that it cost us revenue. We've missed some nice advertising business. It's not like if we don't get tobacco (advertising) we can make it up elsewhere. But it represents a

(Continued on page 18)

## Tobacco ads

(Continued from page 15)

chunk of business he's (Tomlinson) willing not to accept because he doesn't want to promote the tobacco industry."

The paper does not accept free

standing ads for tobacco products, nor will it accept inserts that carry such advertising, rejecting instead the entire package, Stancampiano said.

Tomlinson also recently announced that *New Jersey Monthly*, a 100,000 circulation magazine owned by the company, will no longer run tobacco advertising, a decision made after the Daily Record Co. acquired

95% of the magazine's stock.

A number of foreign publications, notably the *Kingston (Ont.) Whig-Standard*, Canada's oldest daily newspaper, also refuse tobacco advertising, and according to Blum, the *Times* of London recently published a lengthy editorial in favor of phasing out cigarette advertising over a three year period.

## Audit Bureau

(Continued from page 13)

got the time and I don't think it's that important."

Other newspapers which have resigned recently from the Audit Bureau are Gannett's *Des Moines Register* and Westchester Rockland Newspapers which consists of 10 dailies and a weekly.

A key reason for the newspapers' withdrawals is the Audit Bureau's not including readership data in its audit reports. The ABC board's decision against providing such information led the withdrawing newspapers to charge the Audit Bureau was using "obsolete and outmoded" methods of measuring newspaper performance.

"Readership is the preferred mea-

sure among advertisers," Megarry stated.

At the recent Paine Webber Outlook for Media conference in New York, Knight-Ridder Newspapers' executives said they were also unhappy with the Audit Bureau over

the readership issue.

A top level KRN executive said that while Knight-Ridder would not take the lead in establishing an alternative, the company would give serious consideration to leaving ABC if a credible structure were to be created.

## Weekly Editor

(Continued from page 16)

ary at less than 35% of sales you'll have a good, profitable little business."

Surprisingly, given his background as a writer, Fowler has little editorial involvement with the newspapers. His wife, Beverly, has "become something of a personage" in Perry County, her husband says, because of a popular column called "Bev's Place" that she has been writing for the papers.

Fowler's effort has been geared toward getting advertising rates in line with those of papers of similar size and improving the gross mar-

gin.

After buying the Swank papers, Fowler took his own advice about expanding. In February 1985, he bought the third paper in Perry County, the Newport News-Sun, for roughly \$110,000. With the appeal of advertising in all three papers and increased ad rates, Fowler anticipates that combined sales for 1985 will be about \$550,000 — enough to keep the business operating at the level Fowler prescribes and to retire the owner-financed debt he incurred in the buy-outs.

"I attribute my success to the fact that early on I was able to get a lot of people to work for me for nothing — because I didn't have anything," he says. "I really started without any capital."

## Police and press

(Continued from page 12)

me again.

But it was not long before the police once again needed our assistance.

I was awakened about 3 o'clock one morning by a detective who said that another letter from the PLA to the newspaper had been intercepted at the post office.

The detective wanted to know if he still had permission to open those letters.

I called the Star-Free Press' managing editor, Stan Whisenhunt, who immediately, if groggily, gave his okay.

"We really do appreciate your help in this thing," said the detective 30 minutes later as I watched him open the letter with a scapel. "It has been frustrating for everybody."

As of this writing, the PLA remains at large and the investigation is continuing.

The Star-Free Press plans to continue to cooperate with the authorities as much as possible. A recent editorial in the paper made that clear.

When the case is finally solved, reporters and police officers may understand each other's job a little better, but they probably never will make for harmonious partners.

## UPI

(Continued from page 13)

Sanford, former North Carolina governor and now a practicing lawyer in Washington.

Douglas F. Ruhe and William E. Geissler, who with others bought UPI for \$1 and now own most of the UPI stock through their Media News Corp., gave FNN a proxy to argue for more bidding, and asked court consideration of FNN offers, reported to have been raised since their first bid failed. Bason rejected this move too, but said the request for consideration could be made again.

UPI spokesmen said that if further legal maneuverings fail, the next step would be for UPI to fashion the sales agreement with Vázquez Raña-Russo into a detailed reorganization plan to be submitted to the bankruptcy court. If Bason approves, as he has indicated he would, the plan would be submitted for formal acceptance by UPI, the Wire Service Guild and the creditors. Any plan would have to be

approved by more than 50% of the number of creditors representing 75% of the money at issue.

## Lawsuit

(Continued from page 11)

stage, and the plaintiffs have made sweeping demands for documents.

In addition to reporter notes and other documents, the plaintiffs have asked for "a Xerox (copy) of the plaque she (Doege) won for her story" in a Wisconsin Newspaper Association contest, Lyke said.

David Jarvis, the Milwaukee attorney defending the newspaper, said the suit airs "a whole lot of theories" in its wide-ranging claims.

For example, the claims of civil rights violation, made under the 1983 Civil Rights Act, could turn on the "relationship between the media and the police."

In the Ripon case, he indicated, the reporter accompanied police only on this one raid. Jarvis added that he was researching Wisconsin trespass laws for defenses of that charge.