REMARKS

ASSOCIATION OF NATIONAL ADVERTISERS

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I SPEAK TO YOU TODAY AS A PHYSICIAN, A HEALTH OFFICER, A CITIZEN WHOSE PRIMARY CONCERN IS THE HEALTH OF THE AMERICAN PEOPLE.

I SPEAK TO YOU AT A TIME WHEN EVERY KNOWLEDGEABLE VOICE WARNS THAT AMERICAN HEALTHCARE IS IN THE THROES OF A REVOLUTION: THE AMERICAN PEOPLE, IN THE YEARS AHEAD, WILL SIMPLY NOT BE ABLE TO AFFORD THE HIGH COST OF REHABILITATIVE MEDICINE.
WE CAN NO LONGER WAIT UNTIL WE GET SICK OR BROKEN, AND THEN TURN TO MEDICINE TO PATCH US UP.

THERE IS MORE TO HEALTH THAN MEDICINE.

NOW, AND IN THE FUTURE, PREVENTION IS THE WORD OF THE HOUR,

THE NAME OF THE GAME.
THE CONNECTION BETWEEN ADVERTISING AND THE HEALTH OF THE AMERICAN PEOPLE, AS FAR AS PREVENTION OF DISEASE AND DEATH IS CONCERNED, FOCUSES OUR ATTENTION ON THE COMPELLING NEED TO BAN TOBACCO AND ALCOHOL ADVERTISING.

WE MUST KEEP TOBACCO ADS OFF TELEVISION, AND WE MUST MAKE ALCOHOL ADS DEPART TOO.
IT IS UNCONTESTABLE: UNDENIABLE HARM TO INDIVIDUALS AND TO OUR NATION COMES FROM ALCOHOL AND TOBACCO.

SMOKING IS "THE CHIEF, SINGLE, AVOIDABLE CAUSE OF DEATH IN OUR SOCIETY AND THE MOST IMPORTANT PUBLIC HEALTH ISSUE OF OUR TIME" (CEK). IT IS RESPONSIBLE FOR 380,000 DEATHS / YEAR.
AS WE MOUNT OUR NATIONAL WAR ON DRUGS,
THERE IS SOMETHING PERVERSE ABOUT OUR CONDONING
ADVERTISEMENTS FOR THE GREATEST KILLER-DRUG OF ALL:
NICOTINE.
TODAY WE ARE TALKING, NOT ABOUT PRIVATE PRINT, BUT ABOUT PUBLIC PROPERTY.
THE AIR WAVES BELONG TO THE PUBLIC.

THE PUBLIC HAS A RIGHT TO MAKE SURE THAT THE AIR WAVES
ARE NOT EXPLOITED FOR PUBLIC HARM.

A CONTINUED BAN ON BROADCAST ADVERTISING FOR TOBACCO
AND A BAN ON ALCOHOL ADVERTISING IS A COMPELLING PUBLIC
HEALTH CONCERN.
THE STORY FOR ALCOHOL ADVERTISING IS MUCH THE SAME AS THAT FOR TOBACCO.


ALCOHOL ABUSE COSTS ANNUALLY 100,000 DEATHS AND $120 BILLION IN ECONOMIC LOSSES.
IN SPITE OF THIS GREAT COST, ALCOHOL ADS PITCH A LIFESTYLE THAT INCLUDES DRINKING AS A VITAL COMPONENT.

ALCOHOL IS VISUALLY ASSOCIATED WITH SEX, FRIENDSHIP, AFFLUENCE, PATRIOTISM, FITNESS, HEALTH.

THE DECEPTIVE MESSAGE IS CLEAR:

"EVERYBODY DRINKS, AND IT'S OK FOR EVERYBODY!"
YOUNG PEOPLE HEAR THIS MESSAGE.

AMERICAN CHILDREN SEE ABOUT 100,000 BEER COMMERCIALS BETWEEN THE TIME THEY ARE TODDLERS UNTIL 18.
AS DIFFICULT AS THE NATIONAL COMMISSION AGAINST DRUNK
DRIVING WAS WITH ME IN MY EFFORTS TO HOLD A SURGEON
GENERAL'S WORKSHOP ON DRUNK DRIVING, THEY DID PROVIDE
ONE INESCAPABLE TRUTH.
THE GREAT MAJORITY OF YOUNG PEOPLE IN HEARINGS HELD
ACROSS THE COUNTRY TESTIFIED THAT THEY BEGAN TO DRINK
BECAUSE OF THE ADVERTISING FOR ALCOHOLIC BEVERAGES.
LIKE TOBACCO ADVERTISERS, ALCOHOL ADVERTISERS ARE ALWAYS ATTEMPTING TO INCREASE THEIR TOTAL MARKET, TO LURE NEW CONSUMERS TO THEIR PRODUCTS.

THIS MEANS COMPETING, NOT JUST WITH OTHER ALCOHOLIC BEVERAGES, BUT WITH ALL BEVERAGES, INCLUDING SODA, JUICES, AND THE LIKE.

THAT'S WHAT IS BEHIND THE TREND TOWARD WINE COOLERS, LITE BEER, CREAMY LIQUEURS, ETC. AND, SURE ENOUGH, WINE AND BEER CONSUMPTION HAS MOVED UP STEADILY SINCE THIS NEW HEAVY ADVERTISING BEGAN ON TV AND RADIO.
ADVERTISING WORKS. YOU PEOPLE KNOW THAT.

ADVERTISING BLUNTS THE EFFECTIVENESS OF SMALL PUBLIC HEALTH EDUCATION CAMPAIGNS.

THE SMALL HEALTH WARNINGS ARE NO COMPETITION FOR TV IMAGES OF THE GOOD LIFE WITH ALCOHOL.
I REST MY CASE THERE. MORE CAN BE SAID IN THE Q AND A SESSION.
INDEED, IT IS STRANGE THAT WE SHOULD EVEN NEED TO
ADDRESS THIS SUBJECT.

IT IS STRANGE TO ATTEMPT TO HAVE A RATIONAL DISCOURSE
ABOUT AN IRRATIONAL FLUKE OF HISTORY.

WITHOUT THE UNHAPPY BURDEN OF HISTORY ALL REASONABLE
PEOPLE WOULD DENOUNCE ANY ATTEMPT TO ENCOURAGE
AMERICANS TO CONSUME SUBSTANCES LIKE TOBACCO OR
ALCOHOL, BECAUSE THEY ARE CLEARLY ASSOCIATED WITH
DISEASE, DISABILITY AND DEATH.
IF TOBACCO AND ALCOHOL WERE NOW FOR THE FIRST TIME BEING TESTED FOR POPULAR CONSUMPTION, THE REGULATORY AGENCIES WE ENTRUST WITH WATCHING OUT FOR OUR HEALTH WOULD DISALLOW THEIR USE.

BUT FROM THE BEGINNING, AMERICAN TOBACCO HAS ENJOYED GOVERNMENT PROTECTION AND CODDLING, DESPITE ITS SINISTER ASSOCIATIONS, FIRST WITH SLAVERY, AND LATER WITH CANCER AND HEART DISEASE.
SIMILARLY, THE FAILURE OF PROHIBITION IN THE 1920S HAS MADE AMERICANS SHRINK FROM TAKING THE STEPS ANY RATIONAL SOCIETY WOULD TAKE TO REDUCE OR ELIMINATE THE INCALCULABLE PERSONAL AND SOCIAL COST OF ALCOHOL ABUSE.
ALTHOUGH NO ONE CLAIMS THAT ADVERTISING ALONE IS THE CAUSE FOR DRINKING AND SMOKING, IT DOES NOT MAKE SENSE THAT TOBACCO AND ALCOHOL ADVERTISERS WOULD SPEND BILLIONS ON SLICK, GLAMOROUS, SEXY ADVERTISING IF IT DID NOT PAY OFF.
ALTHOUGH ONE OF THE MOST GRATIFYING CHANGES DURING MY TENURE AS SURGEON GENERAL WAS THE DECLINE IN CIGARETTE SMOKING FROM \( \frac{3}{3} \) TO \( \frac{26}{26} \), I AM ALARMED BY THE CONTINUED RISE OF SMOKING IN CERTAIN GROUPS: YOUNG PEOPLE, WOMEN, AND MINORITIES.

NOT COINCIDENTALLY, THESE THREE GROUPS HAVE BEEN THE TARGETS OF SPECIAL ADVERTISING BY THE TOBACCO COMPANIES.
ADVOCATES FOR WOMEN, CHILDREN, AND MINORITIES ARE INCENSED BY THIS PATRONIZING AND MANIPULATIVE MARKETING.

CIGARETTE FIRMS MANIPULATE MINORITIES, WOMEN, AND YOUNG PEOPLE BECAUSE THESE PEOPLE HAVE THE STRONGEST ASPIRATIONS TO CHANGE THEIR STATUS.

SO THESE ADS ASSOCIATE SMOKING WITH MAKING IT...

IN THE WHITE, OR ANGLO, OR MALE, OR ADULT WORLD.
AT THIS POINT THE CIGARETTE COMPANIES, ALCOHOLIC BEVERAGE COMPANIES--AND SOME BROADCASTERS--TROT OUT THE OLD LINE THAT THEIR ADVERTISING IS INTENDED ONLY TO ENFORCE BRAND LOYALTY, AND TO GET CONSUMERS TO SWITCH TO THEIR BRAND.

NO ONE REALLY BELIEVES THAT.

BRAND CHANGERS FORM ONLY A TINY FRACTION OF THE MARKET.

THE REAL PURPOSE OF CIGARETTE ADVERTISING TO IS HOLD ON TO THOSE SMOKERS ALREADY HOOKED --ADDICTED-- AND TO ATTRACT NEW ONES.
DRUNK-DRIVING IS NOT THE ONLY PROBLEM.

ALCOHOL ABUSE IS A CULPRIT ASSOCIATED WITH CHILD AND SPOUSE ABUSE, WITH DROWNINGS, WITH FETAL DISORDER, WITH CANCER, WITH HEART DISEASE.
IRONICALLY, TOBACCO AND ALCOHOL ADVERTISERS OPPOSE COUNTER-ADVERTISING --OR BANNING ADVERTISING-- BY SAYING IT WON'T WORK.

IF ADVERTISING BANS ARE INEFFECTIVE, AS THE INDUSTRY CLAIMS, WHY DO THEY FIGHT SO HARD TO OPPOSE THEM?

THE BROADCASTER'S SELF-IMPOSED BAN ON ADVERTISING FOR DISTILLED LIQUOR IS CLEAR EVIDENCE THAT THEY BELIEVE ADVERTISING TO HAVE AN EFFECT UPON CHILDREN, TEENAGERS, OR RECOVERING ALCOHOLICS.
THE TIME HAS COME FOR THE AMERICAN PEOPLE TO PROTECT THEIR CHILDREN --AND THEMSELVES-- FROM THE THREAT TO THEIR HEALTH IN THEIR AIRWAVES.

A BUSINESS WEEK/LOUIS HARRIS POLL INDICATED THAT 57% OF THE PUBLIC FAVORS TOTAL BAN ON BROADCAST ALCOHOL ADVERTISING.

IF VOLUNTARY RESTRICTIONS ARE NOT SOON ADOPTED, ADVERTISING BANS WILL BE MANDATED BY CONGRESS IN RESPONSE TO PUBLIC DEMAND.

(1) Did go to my legal college on free agent per se. I don't see it going down the tubes. If we protect the health of young people.

(2) We should

(3) kids are sent with class of reasoning people. Paderewski is very apt for children.
A BAN ON BROADCAST ADVERTISING FOR BOTH ALCOHOL AND TOBACCO WILL HAVE ALMOST IMMEDIATE POSITIVE RESULTS FOR THE HEALTH OF THE AMERICAN PEOPLE.

COUNTER-ADVERTISING IS SUCCESSFUL, AS DEMONSTRATED IN THE 1960S WITH ANTI-SMOKING ADS.

(BUT COUNTER-ADVERTISING HAS DECLINED PRECIPITOUSLY SINCE THE FCC REPEALED THE FAIRNESS DOCTRINE.)
WHEN ADVERTISING HAS BEEN RESTRICTED, HERE AND ABROAD, SMOKING HAS DECLINED, THEREFORE AFFECTING POSITIVELY THE HEALTH OF THE SOCIETY.

WE HAVE SEEN THE STEADY DECLINE IN SMOKING SINCE TV ADS WERE BANNED.

WE CAN SEE SIMILAR RESULTS IN OTHER COUNTRIES.
NEW ZEALAND DISCOVERED THAT BANS ON TOBACCO
PROMOTION ARE FOLLOWED BY A SMOKING DECLINE, AND THAT
TOTAL BANS CAUSE A SMOKING DECLINE 4 TIMES FASTER THAN
IN COUNTRIES WITH PARTIAL BANS.

SIMILARLY A MULTI-FACETED CAMPAIGN (including advertising
restrictions??) IN SCANDINAVIAN COUNTRIES LED TO A 20%
DECLINE IN DRINKING, AND A 30% DECLINE IN HIGH SCHOOL
DRINKING.
I STAND ON COMMON SENSE AND PROVEN HEALTH STUDIES.

I DON'T NEED TO HIDE BEHIND THE FIRST AMENDMENT.

I DON'T NEED TO USE OUR CONSTITUTION AS A SMOKE SCREEN.

AND THE "FREE SPEECH" ARGUMENT USED BY TOBACCO AND

ALCOHOL ADVERTISERS IS A SMOKE SCREEN.

YOU DON'T SEE THESE PEOPLE OUT IN FRONT ON OTHER FIRST

AMENDMENT ISSUES.
FREE SPEECH HAS NEVER BEEN AN UNLIMITED RIGHT:

WE ALL KNOW YOU CAN'T YELL "FIRE" IN A CROWDED THEATRE.

FREE SPEECH CANNOT INJURE THE COMMON WELFARE TO SERVE THE COMMERCIAL INTERESTS OF A FEW.

COMMERCIAL SPEECH IS NOT AFFORDED THE SAME PROTECTION AS ARTISTIC, PERSONAL, OR POLITICAL SPEECH.

RECENT COURT DECISIONS UPHOLD RIGHT TO RESTRICT COMMERCIAL SPEECH IN NAME OF COMMON WELFARE.
UNTRUTHFUL SPEECH NEVER HAS BEEN PROTECTED FOR ITS OWN SAKE. COURTS HAVE FOUND THAT THE GOVERNMENT MAY BAN COMMUNICATION "MORE LIKELY TO DECEIVE THE PUBLIC THAN TO INFORM IT" (Polin article, note 78; central hudson case)

THE FIRST AMENDMENT WAS NOT INTENDED TO ALLOW LIES TO BE FOISTED ON THE PUBLIC.

MOST CIGARETTE AND ALCOHOL ADVERTISING IS LIES. IT ASSOCIATES WITH ROMANCE, GLAMOUR, ATHLETICS, SUCCESS SUBSTANCES WHICH INSTEAD LEAD TO DISABILITY AND DEATH.
FIRST AMENDMENT PROTECTION IS NOT EXTENDED TO SPEECH ENCOURAGING ILLEGAL ACTIVITY.

TOBACCO AND ALCOHOL ADVERTISERS DEPEND UPON REACHING YOUNG PEOPLE.

MOST OF THOSE WHO SMOKE OR DRINK, BEGAN BEFORE THEY WERE TWENTY, OR EVEN 15.

IN OTHER WORDS, THE CONTINUED STRENGTH OF THE TOBACCO AND ALCOHOL MARKET DEPENDS ON THOSE TO WHOM THE PRODUCTS CANNOT BE LEGALLY SOLD.
THEREFORE, RESTRICTIONS ON TOBACCO AND ALCOHOL ADVERTISING MEET THE CONSTITUTIONAL TEST IN AT LEAST TWO WAYS:

1. IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH THAT IS MISLEADING OR FRAUDULENT.

AND

2. IT IS APPROPRIATE TO BAN COMMERCIAL SPEECH RELATED TO ILLEGAL ACTIVITY.
FOR ALL THEIR TALK ABOUT "FREEDOM", TOBACCO AND ALCOHOL INTERESTS ARE GREAT ENEMIES OF FREEDOM.

FAR FROM BELIEVING IN FREE SPEECH, TOBACCO AND ALCOHOL ADVERTISERS USE THEIR ECONOMIC CLOUT TO FORCE PUBLISHERS NOT TO PRINT ARTICLES ABOUT THE REAL CONSEQUENCES OF SMOKING AND DRINKING.

CIGARETTE AND ALCOHOL ADVERTISING, FAR FROM ALLOWING FREE CHOICE, ACTUALLY UNDERMINE FREE CHOICE. NICOTINE ADDICTS AND ALCOHOLICS DO NOT ENJOY FREE CHOICE.
AND, --REMEMBER THIS-- 1,000 SMOKERS WILL GIVE UP SMOKING TODAY.

.....THEIR FUNERALS WILL BE HELD IN THE NEXT THREE DAYS.

MEANWHILE, ADVERTISERS RECRUIT NEW VICTIMS.
ALL ADVERTISING AIMS AT MARKET EXPANSION. FOR TOBACCO
THAT MEANS KIDS AND WOMEN. TOBACCO ADS UNUSUALLY
HIGH IN WOMEN'S AND BLACK MAGAZINES.

INDUSTRY CLAIMS THAT THEY ARE NOT APPEALING TO YOUNG
PEOPLE BECAUSE THEIR MODELS ARE ALL OVER 21 --JUST THE
KIND OF YOUNG ADULTS TEENAGERS USE AS ROLE MODELS.

"IN COUNTRIES WITH CIGARETTE MONOPOLIES, BRAND-
SWITCHING IS IRRELEVANT, YET CIGARETTE ADVERTISING
CONTINUES."
TOBACCO AND ALCOHOL ADS IMPLY THAT SMOKING AND DRINKING HAVE NO ILL CONSEQUENCES.

IN SPITE OF INDUSTRY CLAIMS TO THE CONTRARY, ONLY ABOUT 3% - 4% OF BROADCAST REVENUES COME FROM ALCOHOL ADVERTISING.

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