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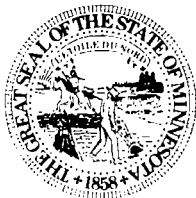
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Tobacco: Minnesota Attorney General Humphrey

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Hubert Humphrey III
Attorney General



Minnesota's Tobacco Settlement

At A Glance

Largest Monetary Recovery in Minnesota History

- \$6.6 billion (State plus Blue Cross) over 25 years; State's payments in perpetuity thereafter
- Four and one-half times the \$1.7 billion sought
- Tobacco companies pay the attorneys' fees on top of State's recovery

The Truth Comes Out

- Over 33 million pages of secret industry documents opened to public
- Document "roadmaps"--industry databases--become public
- Industry funds Minnesota Document Depository for public use
- Subject to court approval, more "privilege" documents become public

A Ban on Marketing to Kids

- Permanently bans any marketing that targets children
- First such order ever imposed anywhere
- Enforceable with money penalties, injunctions and fines

Cessation Options for Every Minnesota Smoker

- \$102 million fund
- Subsidized stop-smoking opportunity for every Minnesota smoker who wants to quit
- Unprecedented

The World's Best Tobacco Control Program

- Nonprofit health foundation to develop world's best campaign to reduce tobacco use
- Proposed permanent endowment of over \$850 million, counting \$102 million cessation fund above
- Interest on endowment funds counter-advertising, classroom education, community partnerships, advocacy, research and evaluation in a comprehensive program to reduce impact youth smoking

Tobacco Billboards Come Down

- All tobacco billboards eliminated within six months
- Transit ads (bus shelters, buses, taxis) eliminated

No More Branded Merchandise

- Eliminates distribution of “gear”--hats, shirts, backpacks, etc.--with cigarette brands or logos
- One-third of all adolescents own cigarette gear
- Kids who own this merchandise are four times more likely to smoke

No More Secret Payoffs to Movie Producers - Nationwide

- Unprecedented nationwide ban on secret payments from tobacco industry to movie producers to feature smoking in popular films

Tobacco Trade Group Must Disband

- The tobacco industry’s “scientific research” arm, the “Council For Tobacco Research” (or CTR) permanently disbanded and dissolved
- CTR can no longer function as industry “shield” to keep the smoking and health controversy alive

Expanded Lobbying Disclosure

- New lobbying disclosures for tobacco companies
- Must reveal exact amounts paid to lobbyists and “front” groups; hidden payments for legislative testimony; payments to third parties that eventually benefit politicians

Protecting the Integrity of the Legislative Process

- Blocks industry legal attacks on youth smoking laws, Clean Indoor Air; other tobacco laws
- Industry cannot oppose certain new laws to reduce youth tobacco use

Minnesota Will Benefit From Future Cases

- The settlement allows Minnesota to receive the benefit of any health gains or other non-monetary terms that are achieved in any future settlements with other states.
- In other words, no other state will receive more benefits than Minnesota does.



Minnesota's Tobacco Settlement

Largest Recovery in Minnesota History

Under the settlement, the tobacco industry will pay the State more than \$6.1 billion over the next 25 years, making this the largest recovery in Minnesota history and the third largest in American history. In its lawsuit, the State had sought damages of \$1.3 billion for the cost of treating smoking-related disease. The settlement is more than four and one-half times the amount sought in damages. The State's attorney's fees will be paid directly by the tobacco companies, on top of the State's recovery.

The Truth Comes Out

A paramount goal of Minnesota's litigation was to uncover the truth about the tobacco industry's forty-year conspiracy of lies. Through four years of bitter litigation, the State fought its way into the industry's secret documents. Now these hard-won documents will become public, in what former Surgeon General C. Everett Koop has called "one of the most significant public health achievements of the second half of the Twentieth Century." Thirty-three million pages of industry documents will be open to the public, along with the industry's computerized "roadmaps" to the documents. The industry will pay to maintain a public document center in Minnesota.

First-Ever Ban on Marketing to Kids

Under the settlement, the tobacco companies are specifically prohibited, by court order, from using any marketing techniques that target children. We are unaware of any comparable law or order anywhere. In the past, the only way to stop tobacco companies from targeting children has been to argue that they are engaged in deceptive advertising or violation of other general laws. Now, for the first time, they will be bound by a specific, ironclad order. And the court will have the power to do whatever it takes to ensure compliance.

Cessation Options for Every Minnesota Smoker

The settlement provides for money to be set aside for a public smoking cessation fund, to be supervised by public health experts. Under the settlement, more than \$100 million will be earmarked for this fund, which will offer a publicly-funded stop-smoking treatment opportunity for every Minnesota smoker who wants to quit. This fund is unprecedented.

The World's Best Tobacco Control Program

Under the settlement plan, a non-profit foundation, run by a board of directors drawn mainly from prominent public health groups, will develop the world's largest and most comprehensive program to reduce teen smoking and combat the social and economic harm caused by tobacco. Subject to the approval of the legislature, this foundation could receive a permanent endowment of more than \$650 million. An additional \$100 million will be paid by the industry for research to get at the roots of the tobacco epidemic. The interest on this endowment will fund a sustained counter-advertising campaign; classroom education; community partnerships; research; advocacy and innovative prevention programs. This will be the world's best-funded and, we hope, most effective campaign to save future generations from becoming addicted to the world's deadliest consumer product.

Tobacco Billboards Come Down

Cigarettes are the number one item advertised on billboards in Minnesota. But not for long. Under the settlement, all tobacco billboards come down. Fifty come down within a month, and the remainder will be phased out in less than six months. Tobacco advertising on buses, bus shelters and taxis will also end.

No More Branded Merchandise

Tobacco companies spend almost \$1 billion annually on T-shirts, hats, gym bags, backpacks, CD players and other merchandise with cigarette logos, making our children "walking billboards" for cigarettes. An amazing one-third of kids from 12 to 17 years old--including nonsmokers--own these items. New research shows that this promotional merchandise may be one of the most powerful influences in encouraging kids to smoke: children who own these items are four times more likely to start smoking than those who don't. More than 78 percent of Americans think this type of advertising should be stopped. Now it will be. Under the settlement, this distribution of branded merchandise and all branded promotional items, down to napkins and matchbooks, will be banned in Minnesota. This is unprecedented.

No More Secret Payoffs to Movie Producers--Nationwide

Some critics have questioned whether state legal cases can help force nationwide changes in the tobacco industry. This provision does just that. One of the most insidious tobacco marketing techniques has been the secret payment of fees to movie producers to feature cigarettes and smoking in popular films, sometimes in ways that showcase particular brands. The industry claims it discontinued this practice many years ago, but a document uncovered in the Minnesota case shows that Philip Morris provided products for use in movies as recent, and as youth-oriented, as "The Muppet Movie" and "Who Framed Roger Rabbit?" Speculation abounds about whether secret payoffs may have been made to the makers of such recent, smoking-intensive movies as "Titanic" and "My Best Friend's Wedding." Under this settlement, the companies are barred from making such payments, directly or indirectly. In fact, it covers not only movies, but other entertainment media as well, from music videos to computer games to live musical performances and television shows. Notably, this unprecedented provision applies nationwide, demonstrating that state litigation can contribute significantly to national solutions to the tobacco epidemic.

Tobacco Trade Group Must Disband

In its lawsuit, the State had alleged that the tobacco industry used its so-called “scientific research” arm, the “Council For Tobacco Research” (or CTR) as a tool in its conspiracy to mislead Americans and suppress research and development of safer cigarettes. The State alleged that this “research” effort provided the industry with “cover” by mounting costly and endless research tailored to avoid learning anything about the link between smoking and disease, and designed to perpetuate the myth that endless additional study was needed. Under the settlement, this trade group -- the industry’s so-called “scientific” arm, is dissolved and all its health research forwarded to the FDA. The industry is permanently barred from reviving the CTR or anything similar.

Expanded Lobbying Disclosure

The tobacco industry is notorious for manipulating the political process and wielding its considerable clout through front-groups, highly paid lobbyists and secret surrogates. The settlement imposes new disclosure requirements on the industry, beyond those of Minnesota’s lobbying and campaign finance laws, to shine the light of public scrutiny on the industry’s efforts to influence Minnesota lawmaking. Among the enhanced disclosures will be requirements that the industry reveal the amounts paid to its lobbyists and to other associations; reveal payments made to third parties to testify in hearings, and so on; and report on the use of controlled foundations to make gifts that benefit Minnesota officials. This is unprecedented.

Protecting the Integrity of the Legislative Process

The settlement contains provisions that help preserve Minnesota’s tobacco laws, and that limit the industry’s ability to block future legislation. The industry is specifically prohibited from bringing any legal challenge against Minnesota’s existing laws against selling tobacco to minors; the Clean Indoor Air Act; the law against distribution of free tobacco samples; or the new ingredient disclosure law adopted in 1997 and not yet implemented. In addition, the industry is barred from opposing future legislation to reduce tobacco use by children.

Minnesota Benefits From Achievements in Future Cases

The settlement allows Minnesota to receive the benefit of any health gains, injunctive language, or any other non-monetary terms that may be achieved in any future settlements the industry negotiates with other states. This “most favored nation” clause also guarantees Minnesota’s right to take advantage of any attractive public health or reform terms in any national tobacco legislation. In other words, no other state will receive more benefits than Minnesota does.



Minnesota's Tobacco Settlement

Kids

- **First-Ever Court Ordered Ban on Marketing to Kids.** Each year, the tobacco industry pours over \$5 billion dollars into advertising. Evidence in Minnesota's tobacco trial detailed how the industry used this money to hook their new and best customers -- children. Tragically, their advertising has worked: of children who smoke, 86% smoke the most heavily advertised brands - Camel, Marlboro, and Newport. Under the Minnesota Tobacco Settlement, tobacco companies are specifically prohibited, by court order, from using any marketing techniques that target children. We are unaware of any comparable law or order anywhere. In the past, the only way to stop tobacco companies from targeting children has been to argue that they have broken Minnesota's consumer fraud and advertising laws. Now, they will be bound by a specific ironclad order. The court will have the power to do whatever it takes to ensure compliance, including the power to impose fines and penalties.
- **First-Ever Ban on Tobacco Industry Branded Promotional Products.** Tobacco companies spend almost \$1 billion annually on T-shirts, hats, gym bags, backpacks, CD players and other merchandise with cigarette logos, making our children "walking billboards" for cigarettes. An amazing thirty-five percent of kids from twelve to seventeen years old -- including nonsmokers -- own at least one of these promotional items. Research shows that children having these items is one of the most powerful influences on smoking behavior: children who own these items are four times more likely to start smoking than those who don't. More than 78 percent of Americans think this type of advertising should be stopped. Now it will be. Under the settlement, the distribution of branded merchandise and all branded promotional items, down to napkins and matchbooks, will be banned in Minnesota within 90 days. This is unprecedented. Violations of this ironclad order can lead to heavy monetary penalties.
- **Ban on all Cigarette Billboards and Transit Ads.** Cigarettes are the number one item advertised on billboards in Minnesota. These advertisements don't flood only our highways. They have also invaded our neighborhoods -- particularly our poorest neighborhoods. Under this settlement, all tobacco billboards come down. Fifty come down within a month and the remainder will be phased out in less than six months. Tobacco advertising on buses, bus shelters, and taxis will also end.
- **No More Product Placement in Movies Anywhere in the U.S.** People said that individual state cases couldn't force industry changes nationwide. But Minnesota's settlement does just that. One of the most insidious tobacco marketing techniques has been the secret payment of fees to movie producers to feature cigarettes and smoking in popular films, sometimes in ways that showcase particular brands. The industry claims it discontinued this practice many

years ago, but a document uncovered in the Minnesota case shows that Philip Morris paid to have cigarettes used in movies as youth-oriented as the “Muppet Movie” and “Who Framed Roger Rabbit?” Speculation abounds about whether secret payoffs may have been made to the makers of recent, smoking-intensive movies as “Titanic” and “My Best Friend’s Wedding.” Under this settlement, the defendants are barred from making such payments, directly or indirectly. This provision is nationwide, demonstrating that state litigation can contribute significantly to national solutions to the tobacco epidemic.

- **Tobacco Industry Can’t Oppose Stronger Laws to Reduce Youth Tobacco Use.** Because the tobacco companies have unrivaled lobbying power at the State Capitol, it is very difficult to pass even the smallest provisions to reduce youth tobacco use. This unprecedented provision bars the industry from opposing, directly or indirectly, legislative proposals and administrative rules to reduce youth tobacco use.
- **Unprecedented Cessation Programs Targeted to Children.** In Minnesota, 60 teens begin smoking each day. Tragically, half of them will eventually die from a habit they develop as children. Eighty percent of those teen smokers want to and have tried to stop smoking. However, only 1.2% succeed. The Minnesota settlement appropriates \$102 million dollars to a cessation fund so that all Minnesota smokers - including teenagers -- have the opportunity for help to quit smoking.
- **The Best Prevention Program: Keeping Kids from Becoming Addicted.** The industry’s own documents state that nicotine is harder to quit than alcohol, heroin, or cocaine. When kids start smoking, they think they will be able to stop. To their own and society’s consternation, they are hooked before they know it. Seventy-three percent of teen smokers who think they won’t be smoking in five years are still smoking five years later. And, almost three-quarters of teen smokers say that given the chance to do things differently, they never would have started to smoke. Prevention measures work to keep kids from ever starting a life of addiction to tobacco. Subject to legislative approval, the Minnesota Tobacco Settlement earmarks more than \$650 million to an endowment that focuses on preventing tobacco use by teens. This effort will include, for example: counter-advertising; community partnerships to reduce tobacco use; tobacco education in schools; enforcement of youth access policies; work site interventions; and other innovative programs to meet prevention goals.



Minnesota's Tobacco Settlement

Truth

- **Millions of Pages of Industry Documents Remain Public Forever.** One of the three major goals of Minnesota's litigation was to uncover the truth about the tobacco industry's forty-year conspiracy of lies. During four years of bitter litigation, the State forced the industry to turn over their secret documents on science and health, safer cigarettes, manipulating nicotine, manipulating kids, and manipulating public policy. Pressure brought by Minnesota forced the industry to open the Minnesota Document Depository and start putting the documents on the Internet. With this agreement, health professionals, scientists and members of the general public are assured access to the millions of pages of industry secrets at the Minnesota Depository. These documents will be maintained for at least ten years at the industry's expense, and by the State thereafter.
- **Selected Guildford, England Documents Will Be Sent to Minnesota and the Guildford Depository Will be Maintained for Ten Years.** Millions of pages of documents that BAT Industries PLC and its subsidiary British-American Tobacco Company produced in the Minnesota case are housed in a depository in Guildford, England. BAT Industries and its affiliates (including subsidiary Brown & Williamson), make up the world's second largest tobacco manufacturing business. Under this settlement, copies of the BAT documents selected for use in Minnesota's case will be placed in the Minnesota Document Depository, where, like all the other documents there, they will be public forever. In addition, the Guildford Document Depository will be maintained, at the industry's expense, for ten years.
- **Subject to Court Approval, More "Privileged" Documents Will Be Public.** During the litigation, Minnesota alleged that the tobacco industry misused and abused the attorney-client privilege in an attempt to hide the most incriminating evidence. Time and again, the Judge ruled in the State's favor and ordered documents produced. The industry just lost its battle to keep secret 39,000 of these documents, a battle they fought all the way to the United States Supreme Court. While some of these formerly "privileged" documents are now available on the Internet, under this agreement, the State will seek the approval of the Court to make all of the "privileged" documents produced to the State public.
- **The Industry's Road Maps to All the Documents Now Available to All.** Finally, the public will have the road maps (computerized databases known as the "4A indices") that the tobacco companies made for themselves to navigate through the millions of pages of documents that will be housed in the Minnesota Document Depository. No longer will researchers, reporters and others have to struggle with the cryptic, vague indices that the industry has already made public.

- **All Industry “Formulas” go to the FDA for the First Time.** Prior to this settlement, the tobacco industry has never revealed how much, or in what combinations, they employ any of the almost 700 additives they have publicly admitted may be present in cigarettes. When all cigarette “Secret Formulas” are turned over, the U.S. Food and Drug Administration (FDA), which has major responsibility for regulating product safety, will finally be able to create a complete list of substances present in tobacco products and explore how they react in combination with each other and in the ways they are actually used. The FDA will be able to see, for example, which cigarettes contain substances like ammonia (toilet bowl cleaner), formaldehyde (embalming fluid), and arsenic (rat poison), and act if it finds these or other ingredients pose a health threat.
- **No More Tobacco Industry Agreements to Suppress Research, Limit New Products, or Withhold Information About Tobacco Use Consequences.** One of the main charges in Minnesota’s case against the tobacco industry was that beginning in 1954, the industry joined together in a conspiracy to keep smoking and health research, and information about the health hazards of their products, from ever seeing the light of day. The State also alleged that the companies conspired to see that discoveries they had made about how to make safer cigarettes were never revealed or put into practice. Under this settlement, these industry practices must stop or tobacco companies will face contempt of court charges, including monetary penalties.
- **No More Lying about Health Issues.** When the CEOs of the major tobacco companies told Congress in 1994 that nicotine was not addictive, people were incredulous. When they said it again in 1998, after documents presented in the Minnesota trial showed that the companies had known for 30 years how nicotine addiction works and had manipulated the levels and potency of nicotine to keep smokers hooked, people were outraged. The tobacco industry has also publicly stated for decades that their products do not cause lung cancer, emphysema, heart disease or other health problems. Under this settlement, the tobacco companies are prohibited from making any material misrepresentation of fact about the health consequences of using any tobacco product. This means they cannot say, for example, that nicotine has not been proven to be addictive, or that smoking has not been proven to cause disease.



Minnesota's Tobacco Settlement

Health

- **Smoking Cessation For Every Smoker.** About 750,000 Minnesotans smoke - even though 50,000 of them are under 18. Even teen smokers want to quit--of every 100 teen smokers, 80 have tried to stop, and yet, in any given year, only 1 out of 100 succeed. The vast majority of adult smokers also want to stop smoking, but because nicotine is more addictive than heroin or cocaine, many people relapse. Treatment of tobacco dependence is the most cost-effective clinical preventive service in all of health care. Under the settlement, \$102 million, to be paid in January 1999, will be set aside for a smoking cessation fund to make at least one state-funded opportunity for smoking cessation treatment available to every Minnesota smoker who wants to quit.
- **A Permanent Endowment for Tobacco Prevention and Control.** As recommended by the Koop-Kessler Advisory Committee on Tobacco Policy and Public Health, the settlement calls for the creation of an endowed foundation that will develop the world's largest and most comprehensive tobacco prevention and control program. Run by a board drawn mainly from scientific and public health organizations, its purpose will be to reduce teen smoking and combat the social and economic harms caused by tobacco. Subject to the approval of the legislature, over a six-year period this foundation will receive more than \$650 million to be used to finance a large and sustained counter-advertising campaign, community partnerships to reduce tobacco use, tobacco education in schools, enforcement of youth access policies, worksite interventions, innovative prevention programs, and any other efforts deemed appropriate to meet the goal. This foundation offers the best hope for saving future generations from becoming addicted to the world's deadliest consumer product.
- **\$100 Million for Research to Get at the Roots of the Tobacco Epidemic.** Each year for the next ten years, the tobacco industry will pay \$10 million into an account to fund research to learn why kids start smoking and how best to target prevention strategies, how to help kids and adults stay off this highly addictive and harmful substance, and how to end the tobacco epidemic.
- **No More Tobacco Industry Agreements to Suppress Research, Limit New Products, or Withhold Information About Tobacco Use Consequences.** One of the main charges in Minnesota's case against the tobacco industry was that, beginning in 1954, the industry joined together in a conspiracy to keep smoking and health

research, and information about the health hazards of their products, from ever seeing the light of day. The State also alleged that the companies conspired to see that discoveries they had made about how to make safer cigarettes were never revealed or put into practice. Under this settlement, these industry practices must stop or tobacco companies will face contempt of court charges, including monetary penalties, injunctions or fines.

- **No More Lying about Health Issues.** To this day, tobacco companies claim nicotine is not addictive. Documents presented in the Minnesota trial showed that they have known for 30 years how nicotine addiction works, and have manipulated the levels and potency of nicotine to keep smokers hooked. People were outraged. The tobacco industry has also publicly stated for decades that their products do not cause lung cancer, emphysema, heart disease or other health problems. Under this settlement, the tobacco companies are prohibited from making any material misrepresentation of fact about the health consequences of using any tobacco product. This means they cannot say, for example, that nicotine has not been proven to be addictive, or that smoking has not been proven to cause disease.

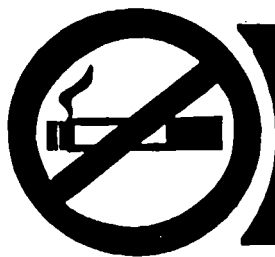


Minnesota's Tobacco Settlement

Reform

- **First-Ever Court Ordered Ban on Marketing to Kids.** Each year, the tobacco industry pours over \$5 billion dollars into advertising. Evidence in Minnesota's tobacco trial detailed how the industry used this money to hook their new and best customers -- children. Tragically, their advertising has worked: of children who smoke, 86% smoke the most heavily advertised brands - Camel, Marlboro, and Newport. Under the Minnesota Tobacco Settlement, tobacco companies are specifically prohibited, by court order, from using any marketing techniques that target children. We are unaware of any comparable law or order anywhere. In the past, the only way to stop tobacco companies from targeting children has been to argue that they have broken Minnesota's consumer fraud and advertising laws. Now, they will be bound by a specific ironclad order. The court will have the power to do whatever it takes to ensure compliance, including the power to impose fines and penalties.
- **Unprecedented Court Ordered Ban Against Misrepresenting Health Hazards of Tobacco Use.** The tobacco companies insist to this day that nicotine is not addictive. Yet documents presented in the Minnesota trial showed that the companies had known for 30 years how nicotine addiction works and had manipulated the levels and potency of nicotine to keep smokers hooked. The tobacco industry has also publicly stated for decades that their products do not cause lung cancer, emphysema, heart disease, or other health problems. Under this settlement, the tobacco companies are prohibited from making any material misrepresentation of fact about the health consequences of smoking. This means they cannot say, for example, that nicotine has not been proven to be addictive, or that smoking has not been proven to be addictive, or that smoking has not been proved to call disease.
- **Unprecedented Court Ordered Ban Against Further Conspiracy to Suppress Health Information.** One of the main charges in Minnesota's case against tobacco industry was that beginning in 1954, the industry joined together in a conspiracy to keep smoking and health research, and information about the health hazards of their products, from ever seeing the light of day. The State also alleged that the companies conspired to see that discoveries they had made about how to make safer cigarettes were never revealed or put into practice. Under this settlement, these industry practices must stop or the industry will face contempt of court charges, including monetary penalties.

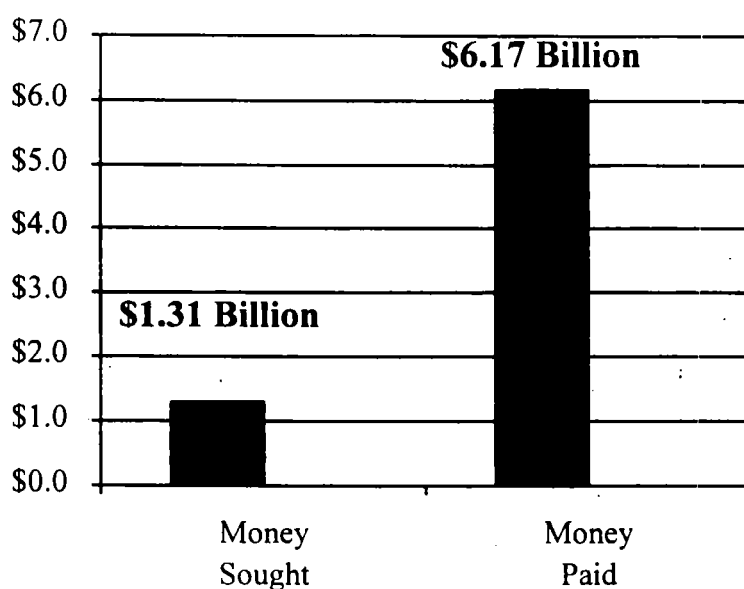
- **Dissolve the Council for Tobacco Research (CTR) -- the Industry's "Health" Propaganda Machine.** In our lawsuit, the State alleged that the tobacco industry used its so-called "scientific arm," the CTR, as a tool in its conspiracy to mislead Americans about the health problems with tobacco and to suppress research and development of safer cigarettes. The state alleged that the CTR provided the industry with "cover" by mounting endless research designed to perpetuate the myth that the link between smoking and disease was still unproved. Under the settlement, this trade group is dissolved. The industry is permanently barred from reviving the CTR or anything similar. The CTR must forward all of its research on smoking and health to the Food and Drug Administration, which has asserted regulatory control over tobacco. Because the CTR is a defendant in numerous state lawsuits against the tobacco industry, a shell will continue to exist solely to represent the CTR in other trials.
- **Protecting the Integrity of the Legislative Process.** The settlement contains a provision that keeps the industry from attacking Minnesota's current tobacco laws. The industry is specifically prohibited from challenging the validity of Minnesota's existing laws including; the youth access to tobacco law; the Clean Indoor Air Act; the law against distribution of free tobacco samples; and a soon-to-be implemented tobacco product ingredient disclosure law adopted in 1997.
- **Tobacco Industry Can't Oppose Stronger Laws to Reduce Youth Tobacco Use.** Because the tobacco companies have unrivaled lobbying power at the State Capitol, it is very difficult to pass even the smallest provisions to reduce youth tobacco use. This unprecedented provision bars the industry from opposing, directly or indirectly, specified legislative proposals to reduce youth tobacco use.
- **Unprecedented New Lobbying and Public Policy Disclosure.** The tobacco industry is notorious for manipulating the political process and wielding its considerable clout through front-groups, highly paid lobbyists and secret surrogates. The settlement imposes new disclosure requirements on the industry, beyond those of Minnesota's lobbying laws, to shine the light of public scrutiny on the industry's efforts to influence Minnesota law making. This provision forces the industry to file quarterly reports; reveal the amounts paid to its lobbyists and to other organizations that lobby; reveal payments made to third parties who testify in hearings; and report on the use of industry controlled or funded foundations, non-profits, firms, or other affiliates that make gifts that benefit Minnesota officials.



Minnesota's Tobacco Settlement

Money

Money Sought by the State vs. Money Paid



How Does Minnesota's Settlement Compare with Settlements in Other States?

Minnesota's settlement recovers:

- Nearly 2 times the amount paid to settle in Texas per state resident in today's dollars
- Nearly twice the amount paid in Florida per state resident in today's dollars
- Over 20 percent more than Mississippi's settlement per state resident in today's dollars¹

¹ Dollars are calculated in today's dollars (or present value) -- the value in today's dollars of the payments to be received over the next 25 years. These numbers are calculated at a 6.5% discount rate.

\$6.17 Billion Dollar Payment Schedule²

June 1998	\$10 Million
September 1998	\$240 Million
December 1998	\$102 Million
January 1999	\$220.8 Million
June 1999	\$10 Million
December 1999	\$114.75 Million
January 2000	\$242.5 Million
June 2000	\$10 Million
December 2000	\$127.5 Million
January 2001	\$242.5 Million
June 2001	\$10 Million
December 2001	\$165.75 Million
January 2002	\$242.5 Million
June 2002	\$10 Million
December 2002	\$165.75 Million
January 2003	\$121.5 Million
Every June from 2003-2007	\$10 Million
Every December from 2003-2023	\$204 Million
Every December Thereafter	\$204 Million

² Payments made after January of 1999 (with the exception of the \$10 million payments each January) will be raised 3% or by the national Consumer Price Index (CPI) for the previous year -- whichever is greater, and will be adjusted downward if profits go down due to falling sales.

Just What Can Minnesota do with \$6.1 Billion? Minnesota Has Lots of Options

Provide health insurance for all uninsured children

\$ 79 million/year

**Provide all-day kindergarten for all incoming
public school students**

\$118.5 million/year

Reduce class sizes so teachers can teach, not just supervise

<u>Grade Grouping</u>	<u>Recommended class size</u>	<u>Number of new teachers</u>	<u>Cost of new teachers</u>
K-3	17	3,444	\$113 million/year
4-6	19	1,894	\$ 62 million/year
7-9	21	2,182	\$ 72 million/year
10-12	23	707	\$ 23 million/year
TOTAL:			\$270 million/year

Source: Minnesota Education Association

**Fully fund Head Start and other early childhood programs
so children enter school ready and able to learn.**

Fund all eligible 3-5 year olds (30,000 kids)

\$118 million/year

Fund all eligible 0-3 year olds (45,000 kids)

\$278 million/year

Fund 250,000 more participants in ECFE (Early Childhood Family Educ.)

\$ 76 million/year

**Fully fund a seamless child care subsidy program so
all families can afford to stay in the workforce.**

\$ 28 million/year

**Provide one year of college free for every needy
high school graduate**

\$87.4 million/year

Buy a home computer for all 850,595 school-age kids in the state

\$935 million

Or, the State Could Use the Money to . . .

Build 94 professional hockey arenas across the State.

Build 17 baseball stadiums for the Twins - with retractable roofs!

Clean up all the environmental waste sites in the State

Fund a perpetual Endowment Fund for Minnesota's children - forever.

Pay Kevin Garnett's \$126 million contract for 290 years - or we could hire 290 Kevin Garnett's for one year.

Make millionaires out of all 5,972 households in Roseau County - and have \$128 million to share with the households in Kittson county.

Just how much money is \$6.1 billion?

If you lined up \$1 bills end- to- end, they would go around the world 23 2/3 times.

Lined up, \$1 bills would form a line that went to the moon and back and still went around the world 4- 1/2 times.

News Austin American-Statesman

CARING FOR THE HEART OF TEXAS

Hollywood deals kept smoking on screen Even children's films had pacts with tobacco

Past story: Local officials seek cut of tobacco deal

By Raja Mishra
Knight Ridder Newspapers

Published: March 20, 1998

WASHINGTON -- The cigar that juts from the mouth of Orson Welles as he eyes Kermit the Frog in "The Muppet Movie" may have been a gift from Philip Morris.

Newly released company documents show that Philip Morris supplied "The Muppet Movie" filmmakers with tobacco products.



Orson Welles smoking a cigar in "The Muppet Movie."

Similar deals were made for "Who Framed Roger Rabbit?," "Die Hard," "Crocodile Dundee" and dozens of other films that had huge youth audiences.

The arrangements continued through at least 1988 despite pledges by the film industry not to deal with tobacco companies. Philip Morris has long said it does not target children, but tobacco industry critics say arrangements such as these have helped the company circumvent legal bans against certain advertising.

"We know the cigarette companies deny paying to have their brand name appear. They deny advertising to kids. But they get the cigarettes in the movies," said Stanton Glantz, a professor at the University of California at San Francisco who has studied smoking in films. "A kid coming away from the movies today will have the impression that everyone smokes."

"The Muppet Movie" arrangement raises eyebrows because it is a movie clearly for children. All the main characters in the 1979 movie -- Kermit the Frog, Miss Piggy, Gonzo the Great -- are colorful puppets. Cigars appear in the mouths of three human characters: a bartender, a used-car salesman and the Hollywood mogul played by Welles.

The Disney Motion Pictures Group now owns the Muppet characters. Officials there refused to comment on use of tobacco in "The Muppet Movie," but did say the company now has a policy against contracting with the tobacco industry to showcase its products.

The documents detailing the Philip Morris movie deals were among millions released during Minnesota's ongoing lawsuit against the tobacco industry. They do not prove that the filmmakers would not have used tobacco on screen without the agreement with Philip Morris. They do show, however, that Philip Morris supplied the filmmakers with tobacco products.



Kermit the Frog stands in front of a man with a cigar in "The Muppet Movie."

The disclosure comes at a time when Congress is trying to figure out how to prevent children from smoking, as part of a settlement with the tobacco industry.

"Surely no member of Congress could possibly vote to provide lawsuit immunity to Big Tobacco after this," said Brian McQuade, executive director of the Coalition for Workers' Health Care Funds, which is seeking to recover money from the tobacco industry.

Restricting advertising, most legislators say, is crucial to combating tobacco use by youths. Smoking on the silver screen could undermine such ad restrictions.

"You can't dictate to studios that they can't put cigarettes in movies," said Sen. John McCain, R-Ariz., the leader of the Senate's tobacco efforts. "But maybe we can do away with the obscene practice of compensation for placement of cigarettes in movies."

The major Hollywood studios refused to comment on any product placement deals. They all said policies against contracting with the tobacco industry have been in place since the early 1980s.

A Philip Morris representative said the company does not pay for product placement. But the Philip Morris documents clearly show that arrangements between the company and Hollywood continued well into 1988, after the movie industry instituted bans.

"Cigarette placement was done. Sure. There's no reason it shouldn't be," said the head of a product placement firm who asked that her name not be used.

Product placement, which provides widespread exposure for a product in exchange for money or free supplies of the product, has become a thriving business. Dozens of firms represent corporate America in dealing with Hollywood to place everything from cars to candy on screen.

The industry trade group, Entertainment Resources and Marketing Association, now forbids its members from representing tobacco companies.

The Philip Morris documents show arrangements for "Jaws II," "Grease," "Rocky II," "Blade Runner," "Mr. Mom," "Crocodile Dundee," "Robocop," "Die Hard," "Who Framed Roger Rabbit?" and "Field of Dreams." All have had large youth audiences, according to industry statistics.

Films that appeal to both children and adults concern legislators because they lend an air of maturity to tobacco.

"When you have the lead actor in 'Titanic' smoking through almost the whole movie and you have Bruce Willis puffing away in 'Die Hard' 1 through 13 or whatever, you're telling me that doesn't influence kids?" McCain said.

Tobacco industry critics said cigarettes and cigars shown in these

What do you think?

Talk Back: What do you think of the tobacco settlement? Should the lawyers be paid the full \$2.3 billion?

Smokey issues

► **Political haze envelops fight on lawyer fees**

● March 15, 1998

► **Bush to get tobacco fee records**

● March 10, 1998

► **Poll shows support for settlement**

● March 7, 1998

► **Poll says Texans back tobacco fees; Bush unconvinced**

● Feb. 26, 1998

► **Bush tobacco proposal cheers Morales**

● Feb. 24, 1998

► **Bush: Laws, not debate, holding up tobacco cash**

● Feb. 19, 1998

movies and others encourage children to associate tobacco with power, autonomy and success.

Glantz recently studied the top-grossing movies from 1960 to 1995 and found that, in the 1990s, the amount of on-screen time for tobacco significantly increased. Glantz blamed the legacy of product placement, in part, for this development.

Congress has questioned the practice of product placement before. After a congressman complained about the 1989 James Bond movie "License to Kill" receiving \$350,000 from Philip Morris, the movie company ran a smoking warning at the end of the film's credits.

As part of the debate on tobacco, members of Congress also have suggested that venues that have significant youth audiences, such as James Bond movies or Sports Illustrated magazine, should be off limits for tobacco ads or placement. Legal action has never been taken, and constitutional scholars doubt that any such bans would hold up in court.

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1998 WL 4252298

St. Petersburg Times
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Friday, March 20, 1998

NATIONAL

Movie industry clings to cigarettes

BILL ADAIR

When actor Will Smith saves Earth from evil aliens in the movie Independence Day, he's chomping on a cigar. In Titanic, the lead characters smoke cigarettes to rebel against the ship's hoity-toity upper class.

Smoking is declining around the country, but it's still rampant in Hollywood films. A new study found 57 percent of leading movie characters in the '90s smoked, which is more than double the rate in the U.S. population.

"A kid going to the movies today will come away thinking everybody smokes, and the more you smoke, the cooler you are," says Stanton Glantz, a researcher who did the study.

On Thursday, the American Lung Association released its annual "Hackademy Awards" to highlight movies that glorify smoking. Titanic, the association said, was "the biggest disaster in the war against tobacco use."

Smoky movies also have been criticized by Vice President Al Gore and members of Congress.

Said Sen. John McCain, R-Ariz., "Any psychiatrist or psychologist will tell you it does have an impact when kids go see their heroes and their role models in movies smoking."

But getting Hollywood to snuff out its cigarettes won't be easy. Bills pending in Congress would prevent tobacco companies from

using
movies to promote smoking. But the tobacco industry maintains the
point is moot, because it stopped paying to put its products in
movies in 1990.

The real power rests with movie producers and directors who
view
cigarettes and cigars as innocent props and have been reluctant
to
cut their use.

"All we can do is jawbone," said McCain about taking on
Hollywood. "It would be unconstitutional for us to try to censor
them."
Thrown through a Marlboro truck

Gore met with producers last December and said they had made a
commitment "to stop glamorizing cigarettes in movies and
television."

But there has been little evidence of action since then because
filmmakers are reluctant to give up their creative freedom.
Cigarettes and cigars, they say, show a character's personality.

Rae Sanchini, Titanic's executive producer, told the Wall
Street
Journal that her movie portrays smoking realistically. The lead
female character, played by Kate Winslet, smoked to rebel from
her
snooty fiance. Leonardo DiCaprio's character smoked because he
was
an artist.

"We certainly did not seek to glamorize" smoking, Sanchini
said.

Actor Christopher Reeve got thrown through a Marlboro truck in
Superman II, but he does not believe Hollywood has been excessive
in
promoting cigarettes.

"If you look back at the movies of the '40s and '50s, everybody
had a cigarette in their hand," Reeve said Thursday. "If you look
at
movies today, there is much less of that. Many actors won't do
scenes where they have to smoke."

But that doesn't satisfy anti-smoking activists.

"Movies don't show the consequences," said Paul Billings,
deputy
director of government relations for the American Lung
Association.
To be realistic, he said, the movies should show characters

coughing
and dying of cancer.
Jealous of the Marlboros

While rehearsing his 1988 movie Doin' Time on Planet Earth, director Charles Matthau noticed a pack of cigarettes on the set. He figured someone had left them there by mistake, so he removed them and walked away.

When he returned, another pack was in exactly the same place. He questioned his crew and got a lesson in what the movie industry calls "product placement." Someone apparently hired by a tobacco company left the cigarettes so they would be shown on camera. Matthau threw them away.

"The whole idea of having smoking glorified in one of my films is absolutely unacceptable," he said.

Getting cigarettes shown in a movie is especially valuable to the tobacco companies because they cannot advertise their products on television. When a movie shows a leading character smoking or displays a cigarette brand prominently, it provides a positive image of smoking.

Documents from the '70s and '80s reveal how tobacco companies paid tens of thousands of dollars to show their products and logos in movies. A European affiliate of Philip Morris paid \$42,500 to the producers of Superman II to have the Marlboro logo appear prominently in the film. The contract spelled out every last detail, promising Philip Morris that the sign would appear in a "major scene in the film involving 'Ursa,' 'General Zod,' and 'Superman.'" In the final version of the 1981 film, Superman is thrown into a truck with a giant Marlboro logo on the side.

In 1983, Brown & Williamson Tobacco Corp. struck a \$500,000 deal with actor Sylvester Stallone to have him smoke and show cigarette signs in five movies. The company was jealous of Philip Morris' success showing packs of Marlboros in Apocalypse Now and wanted more prominent display of B&W brands in the movies.

In addition to those aggressive efforts, tobacco companies also gave free cigarettes and logo signs to virtually any Hollywood producer who wanted them. A newly released document on a Philip Morris Internet Web site lists dozens of movies that were supplied with free cigarettes, including the PG-rated Who Framed Roger Rabbit? and the G-rated The Muppet Movie.

In Who Framed Roger Rabbit?, children smoke cigarettes after mischievously hitching a ride on a streetcar. In The Muppet Movie, a woman smokes as Fozzie Bear does his monologue on stage.

Philip Morris says it did not pay for those placements. Movie producers asked for the cigarettes as props, said company spokeswoman Peggy Roberts.

Philip Morris says it no longer provides free cigarettes for movies and, like other tobacco companies, it no longer pays for cigarette placements.

That promise was part of a voluntary effort in 1990 to show the tobacco companies wanted to reduce teen smoking.

The J.C. Newman Cigar Co. of Tampa gave the same explanation on why its cigars were used in Independence Day.

"We sent one box of cigars," said Stanford J. Newman, the company's chairman. "Somebody asked us for a donation."

Newman said that that was a isolated mistake and that the company does not pay for cigars to appear in movies.

"We are against furnishing any cigars for the entertainment industry," he said. "We always have been."
'A huge amount of power'

The American Lung Association said Thursday that the amount of smoking in major films declined last year. But broader studies by Glantz and researcher Theresa F. Stockwell, which analyzed smoking in movies since the early '60s, say it has increased in the past decade.

"At the very least, I think you can say the people in Hollywood are being unbelievably irresponsible," said Glantz, a professor at the University of California at San Francisco.

But that's exactly what the tobacco industry says about Glantz. The Tobacco Institute, the industry trade group, says his studies are poorly designed and are skewed to exaggerate the amount of on-screen smoking.

"He isn't going to publish anything unless it's anti-tobacco," said Walker Merryman, vice president of the Tobacco Institute.

Regardless of which side you believe, there is no question there is still lots of smoking in movies and the ultimate decisions rest with producers and directors.

"The decision to put these tobacco products in the movies is a conscious one," Glantz said. "They have a huge amount of power. They ought to be exercising that power in a way that is socially responsible."

- Times researcher Kitty Bennett contributed to this report.
Tobacco in Hollywood

A look at smoking in a few movies the past six years:

Year	Film	Rating	Incidents
1990	Hunt for Red October	PG	26
1991	Cape Fear	R	28
1992	Basic Instinct	R	33
1993	Sleepless in Seattle	PG	1
1994	Forrest Gump	PG-13	21
1995	Waterworld	PG-13	64
1996	Independence Day	PG-13	28

Number of times a tobacco product was shown in the movie

Source: Central Coast Tobacco Free Regional Project

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

COLOR PHOTO, Handout photo; BLACK AND WHITE PHOTO, (2); BLACK AND WHITE PHOTO, Touchstone Pictures; BLACK AND WHITE CHART; Caption: Susan Sarandon's character smoking in Twilight.; Sen. John McCain; Christopher Reeve; A scene from Who Framed Roger Rabbit? in which an animated baby is smoking a cigar.; List of a few movies in the past six years and number of smoking incidents in them, includes drawing of a smoking cigar.

----- INDEX REFERENCES -----

KEY WORDS: MOVIE INDUSTRY HEALTH\$ SURVEY CONTROVERSY
AWARD

NEWS SUBJECT: Arts & Entertainment; Health; Politics;
Contests & Awards (ART HLT PLT CNT)

EDITION: 0 SOUTH PINELLAS

Word Count: 1290
3/20/98 STPTFTI 1A
END OF DOCUMENT

List by year of movies for which
product was supplied in connection with
Charles Pomerantz and Andrew Varela.

2025463645

PRODUCT SUPPLIED -- 1978

<u>Movie Title</u>	<u>Rating</u>
1. Opening Night	
2. Jaws II	PG
3. Grease	PG
4. Coma	PG
5. Foot Play	PG
6. American Hot Wax	PG
7. Paradise Alley	PG
8. Magic	R
9. Slinky Dog	PG
10. California Suite	PG

2025863643

PRODUCT SUPPLIED - 1979

<u>Movie Title</u>	<u>Rating</u>
1. The Savagess	PG
2. Nightwing	PG
3. Hurricane	PG
4. The Champ	PG
5. Love At First Bite	PG
6. The Muppet Movie	G

7.	The Fish That Saved Pittsburgh	PG
8.	The Last Embrace	R
9.	The In-Laws	PG
10.	The Amityville Horror	R
11.	Rocky II	PG
12.	A Force Of One	PG
13.	The Jerk	R

- 2 -

202563617

PRODUCT SUPPLIED - 1980

<u>Movie Title</u>	<u>Rating</u>
1. The Baltimore Bullet	PG
2. G.O.R.P.	R
3. Altered States	R
4. Fatso	R
5. Hero At Large	PG
6. Airplane	PG
7. Why Would I Lie? Previously Licked "Trust No"	PG
8. Borderline	PG
9. One Trick Pony	R
10. Stardust Memories	PG
11. Coast To Coast	PG
12. The First Deadly Sin	R

13. Steel PG
 14. Carney R
 15. Pray TV PG
 Previously titled "XGDD" - per MPAA

It is likely that the following films for which product was supplied were also released in this year.

Knives
 One Summer Night - The MPAA cited this movie as being released in 1976 and rated PG.

202563648

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PRODUCT SUPPLIED - 1981

<u>Movie Title</u>	<u>Rating</u>
1. Hard Country	
2. The Postman Always Rings Twice	R
3. The Fan	R
4. Fort Apache, The Bronx	R
5. Night School	R
6. All Night Long	
7. All The Marbles	R
8. Body Heat	R
9. Chu Chu & The Philly Flash	PG
10. Continental Divide	PG
11. Pennies From Heaven	R
12. Only When I Laugh	R
13. Stand By Your Man	
14. Momma's Dearest	PG
15. Coward of the County	TV Movie
16. Zoot Suit	R

It is likely that the following films for which product was supplied were also released in this year.

PG

1025563649

The Hero - Produced by the American Film Institute
November's Light - Produced by the American Film Institute
Reckless
Goodbye Cruel World

025563649

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PRODUCT SUPPLIED - 1982

<u>Movie Title</u>	<u>Rating</u>
1. Box Office - per MPAA	N/R
2. Deadly Games	R
3. Lookin' To Get Out	R
4. Cannery Row	PG
5. Making Love	R
6. The Blade Runner	R
7. White Dog	R
8. Some Kind of Hero	R
9. I Ought To Be In Pictures	PG
10. My Favorite Year	PG
11. Vigilante	R
12. Grease II	PG
13. Night Shift	R
14. Indochina	
15. Still of the Night Previously titled "STAB"	
16. Class Reunion	

It is likely that the following film for which product was supplied was also released in this year.

Trust Me

2025563650

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PRODUCT SUPPLIED - 1981

<u>Movie Title</u>	<u>Rating</u>
1. Jimmy the Kid	PG
2. Halloween 3	R
3. Star 80	R
4. Man With 2 Brains	R
5. Romantic Comedy	PG
6. Going Berserk	R
7. Easy Money	R
8. Deal Of The Century	PG
9. Right Of Way	HBO
10. Dead Zone	R
11. Mr. Mom	PG
12. Staying Alive	R
13. Christine	R
14. Without A Trace Previously titled "Still Missing"	PG
15. National Geographic's Vacation Previously titled "Vacation '81"	R
16. Second Chance	PG
17. Sleepaway Camp	PG
18. Predator	

.....

It is likely that the following play for which product was supplied also has its debut in this year.

Singles - a play

PRODUCT SUPPLIED - 1984

<u>Movie Title</u>	<u>Rating</u>
1. Surf II	R
2. Strangers Kiss	R
3. Love Streams	PG13
4. Fear City	R
5. Cannonball Run 2	R
6. Torch Light	R
7. Clock & Dagger	PG
8. All Of Me Previously titled "Me Two"	
9. Exterminator II	R
10. Heartbreakers	R
11. First Born	PG13
12. Tuff Turf	R
13. So Fine - MTV Video - 10/84*	
14. Are You Experienced - MTV Video - 11/84*	
15. Don't Wait For Heroes - MTV Video - 12/84*	

It is likely that the following films for which product was supplied were also released in this year.

On the Line
Giant Killer
Tales of Meeting & Parting - Produced by the American Film Institute

* MTV noted that although the video was released in this month, it was not necessarily played right away and it may have been several months before the video actually had any air time.

PRODUCT SUPPLIED - 1985

<u>Movie Title</u>	<u>Rating</u>
1. A Slugger's Wife	PG13
2. Alamo Bay Previously titled "Port Alamo"	
3. Desert Hearts	R
4. Girls Just Want To Have Fun	R
5. Year of The Dragon	
6. Death Wish III	R
7. Fool For Love	R
8. First & Ten	R80

It is likely that the following films for which product was supplied were also released in this year.

The Last Seduction - Public Service Film for a Women's Clinic in W.L.A.

Violators

Combination - A music video

Cadillac Kid

Such a Pretty Mess - MTV video*

Guns'n' Roses, Sunset - Music video for release in Japan

* MTV has no record of this video

PRODUCT SUPPLIED - 1986

Movie Title	Rating
1. Hard Choices	
2. The Longshot	PG13
3. At Close Range	R
4. Invaders From Mars	PG
5. Miracles	PG
6. Little Shop of Horrors	PG13
7. Crocodile Dundee	PG13
8. Cobra	R
9. No Mercy	R
10. Deadly Business*	
11. Texas Chainsaw Massacre 2	R
12. Ghost Warrior Previously titled "Swordkill"	R
13. Crossover Previously titled "XYZ Murders"	PG13
14. The Arm	
15. Maricela* Awarded "Best Children's Script" by the Writer's Guild	PBS
16. The Night Before - V	PG13
17. No Man's Land - V	R

* Supplied only product signage.

PRODUCT SUPPLIED - 1986 (continued)

<u>Movie Title</u>	<u>Rating</u>
18. Promised Land - V	R
19. Anna - V	PG13

It is likely that the following films for which product was supplied were also released in this year.

The Creeps
The Spa Movie

2025863655

PRODUCT SUPPLIED - 1987

<u>Movie Title</u>	<u>Rating</u>
1. Sticks	R
2. The Big Easy	R
3. Amazon Women On the Moon	R
4. Robocop*	
5. Summer Heat	
6. Disorderlies	PG
7. Last Innocent Man	
8. Surrender	R
9. Tough Guys Don't Dance	R
10. Near Dark	R
11. Weeds	R
12. The Lion Of Africa	MBO
13. Backly	R
14. Beach Wish IV	R
15. Programmed to Kill (previously titled "Reckitator")	R
16. The Marbles Project	
17. Jocks (Previously titled "Road Trip")	R
18. Danny Irvine Always Has A Good Time	VHS
19. Tapeheads - V	R
20. Tips - V	R

* Supplied only through product signage.

PRODUCT SUPPLIED - 1987 (continued)

<u>Movie Title</u>	<u>Rating</u>
21. Call Me - V	R
22. Truxx - V	R
23. Less Than Zero - V	R
24. Next of Kin - V	
25. Die Hard - V	R
26. Knights in White Cloak - V*	
27. Mystery Train - V	R
28. Freeway - V	R
29. Broadcast News - V	R
30. Love Hurts - V	R

It is likely that the following film for which product was supplied was also released in this year.

Twist of Fate -

Given permission to use cab sign which they had already obtained.

* Video Release Only - Not Rated - Equivalent to an "R" rating per VHS's

PRODUCT SUPPLIED - 1988

<u>Movie Title</u>	<u>Rating</u>
1. Who Framed Roger Rabbit?	PG
2. Bulletproof	R
3. Braddock: Missing In Action III	R
4. The Wrong Guys	PG
5. Miracle Mile	R
6. The Boarder	
7. Con, Inc.	
8. War Party	
9. Going Time On Planet Earth	PG
10. Verne Miller	R
11. Frantic - V	R
12. Physical Evidence - V	R
13. Red Heat - V	R
14. Iron - V	R
15. Tanner '88 - V	KBC
16. Everybody's All American - V	R
17. Tequila Sunrise - V	R
18. Bill Durham - V	R
19. Field of Dreams - V Previously titled "Shoeless Joe"	PG13
20. Dream Team - V	PG
21. Reasonable - V	R

PRODUCT SUPPLIED - 1988 (continued)

<u>Movie Title</u>	<u>Rating</u>
22. Casualties of War - V	R
23. Canine - V	R
24. Mystic Pizza - V	R

Varela also supplied product in 1988 for Speedzone, a movie which has not yet been released (to be rated PG-13 or R).

It is likely that the following films for which product was supplied were also released in this year.

Diary of a Vietnamese Wipeout

NYBC:ZMFROSVPT5



STATE OF MINNESOTA

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HUMPHREY ACHIEVES HISTORIC \$6.1 BILLION SETTLEMENT OF TOBACCO LAWSUIT WITH IRONCLAD BAN AGAINST MARKETING TO CHILDREN

Settlement includes unprecedented industry reforms and full truth revealed to the public

After a four-year legal battle with the tobacco industry, Attorney General Hubert H. Humphrey III announced Friday an historic agreement requiring the industry to pay \$6.1 billion to the State of Minnesota and imposing the strongest ban in the nation against the marketing of cigarettes to children. The landmark agreement requires full disclosure of secret tobacco documents, unprecedented reform of the industry closure of the tobacco research and propaganda arm, The Council For Tobacco Research (CTR), and first-in-the-nation bans on tobacco branded merchandise as well as secret payments for using cigarettes in movies.

"When we launched this historic lawsuit against the tobacco cartel, the critics said we'd never prevail against this powerful industry," Humphrey said. "Today, the tobacco industry has surrendered -- and they have surrendered on our terms. Groundbreaking terms that will expose the full truth to the public, recover record amounts for taxpayers, impose stringent reforms on the industry and, most important, protect future generations of kids."

The final agreement, reached early Friday morning, marks the end of a four-year legal battle to bring the tobacco industry to justice. In August 1994, Humphrey was the first state attorney general in the nation to file a consumer fraud and antitrust lawsuit against the tobacco industry.

The Truth Comes Out

The Minnesota case stood out among all state lawsuits because unprecedented document discovery broke through the industry's 40-year conspiracy to hide what they knew about the health effects of smoking. Now these hard-won documents will become public.

The settlement calls for continued document disclosure and a lifting of the protective order which kept the most important road maps to the industry's decades-long conspiracy from the public. The 33 million documents open to the public at the Minneapolis document depository will remain open at industry expense for the next 10 years. The industry will transfer formerly confidential key documents from England to the Minneapolis depository.

(more)

Facsimile: (612) 297-4193 • TTY: (612) 297-7206 • Toll Free Lines: (800) 657-3787 (Voice), (800) 366-4812 (TTY)



HUMPHREY ACHIEVES HISTORIC SETTLEMENT OF TOBACCO LAWSUIT

Page 2

“The hallmark of our case has been our unwavering search for the truth,” Humphrey said. “Now we intend to expose the remaining secrets of the industry’s 40-year fraud, conspiracy and deception. The settlement unseals virtually all secret documents, including the 4-A indexes that we fought all the way to the Supreme Court to uncover which provides a roadmap to the documents.”

Paying for the Harm Tobacco Caused

The tobacco industry will pay the State \$6.1 billion over the next 25 years, making this the largest recovery in Minnesota history and the third largest in American history. The settlement is more than four times the amount sought in damages, which was \$1.3 billion. The total amount is 20 to 100 percent higher per capita than any other state settlement.

The figure also represents over \$2 billion more than what the state would have received if it had gone along with the proposed June 20, 1997 bailout deal. That deal was supported by most Attorneys General and the industry. But Humphrey led the fight to defeat it, arguing it was too weak and represented a huge financial windfall for the companies because they would have won immunity from lawsuits like the Minnesota case.

“The magnitude of these payments breaks the mold of big tobacco’s sweetheart deal and sends the message to Congress that they must pay much more for the harm they’ve caused,” Humphrey said.

Protecting Kids

- ***A Ban on Marketing to Kids***

For the first time in history, the tobacco companies face an ironclad ban against marketing to children in the form of a permanent injunction. Under the settlement, the tobacco companies are specifically prohibited, by court order, from using any marketing techniques that encourage children to smoke or encourage the illegal sale of tobacco to children. This order is unprecedented. In the past, the only way to stop tobacco companies from targeting children has been to argue they are engaged in deceptive advertising or violation of similar general laws. Now they will be bound by a specific, ironclad order.

“This injunction puts the tobacco industry on parole,” Humphrey said. “If we find new evidence they are marketing their deadly product to kids, we’re going back into court to hold them in contempt and impose fines, imprisonment or damages. It’s ironclad, instant justice -- swift and certain punishment that will save kids’ lives.”

(more)

HUMPHREY ACHIEVES HISTORIC SETTLEMENT OF TOBACCO LAWSUIT

Page 3

- ***Tobacco Billboards Come Down***

Cigarettes are the number one item advertised on billboards in Minnesota. But not for long. Under the settlement, tobacco billboards permanently disappear. Fifty come down within a month, and the rest will be phased out in less than six months. Tobacco advertising on buses, taxis and at bus stops also will end.

“The Marlboro Man and Joe Camel will no longer be hovering over our children near schools, parks and child care centers,” Humphrey said.

- ***No More Branded Merchandise***

Under the settlement, Minnesota will be the first state in the nation to ban branded merchandise and all branded promotional items. Tobacco companies spend hundreds of millions of dollars annually on T-shirts, hats, gym bags, backpacks, CD players and other merchandise with cigarette logos, making our children walking billboards for cigarettes. An amazing 30 percent of kids from 12 to 17 years-old -- including nonsmokers -- have at least one of these promotional items. Recent research shows these products may be one of the most powerful influences on getting teens to smoke.

- ***No More Secret Payoffs to Movie Producers – Nationwide***

One of the most insidious tobacco marketing techniques has been the secret payment of fees to movie producers to feature cigarettes and smoking in popular films, sometimes in ways that showcase particular brands. A document uncovered in the Minnesota case shows that Philip Morris provided products for use in movies as recent and as youth-oriented, as “The Muppet Movie” and “Who Framed Roger Rabbit?” Under this settlement, the companies are barred from making such payments, directly or indirectly, anywhere in the nation.

“This ban on payments to place tobacco products in movies applies nationwide. It shows that state litigation can be used to create national solutions to the tobacco epidemic,” Humphrey said.

(more)

HUMPHREY ACHIEVES HISTORIC SETTLEMENT OF TOBACCO LAWSUIT

Page 4

Protecting Public Health

- ***Cessation for Every Minnesota Smoker***

The settlement provides for money to be set aside for a smoking cessation fund to make treatment available at no expense for every Minnesota smoker who wants to quit. Under the settlement, \$102 million will be earmarked for this first-of-its-kind fund to be operated by health experts.

“Our trial made clear that the tobacco industry lied to the American public to protect their corporate profits. The result has been decades of crippling disease,” Humphrey said. “We can’t quell the heartbreak of those who have lost loved ones. But if we work together, we can and we will save future generations from tobacco addiction and disease.”

- ***The World’s Strongest Tobacco Control Program***

The settlement calls for creation of a non-profit foundation, run by a board of directors drawn mainly from prominent public health groups, to develop the world’s most comprehensive and effective program to reduce teen smoking and combat the social and economic harm caused by tobacco.

Subject to the approval of the legislature, this foundation could ultimately receive an endowment of over \$700 million to fund a large and sustained counter-advertising campaign; classroom education; community partnerships; research, advocacy and innovative prevention programs.

“The endowment represents less than 11 percent of this historic settlement. But with it, Minnesota can create the world’s most comprehensive and effective campaign to save the next generation from becoming addicted to the most deadly consumer product,” Humphrey said.

Reforming the Industry

“The tobacco industry’s 40-year campaign of deception and fraud is the saddest chapter in the history of corporate America,” Humphrey said. “Neither I nor the American people can trust them to reform themselves. So we are using the power of the law to change their corporate conduct.”

(more)

HUMPHREY ACHIEVES HISTORIC SETTLEMENT OF TOBACCO LAWSUIT

Page 5

- ***Tobacco Trade Group Must Disband***

In its lawsuit, the State had alleged that the tobacco industry used a trade group, the Council for Tobacco Research (CTR), as a propaganda machine to mislead Americans on the dangers of smoking and suppress health research. Under the settlement, the CTR is dissolved. The industry is permanently barred from reviving the CTR or anything similar.

- ***Expanded Lobbying Disclosure***

The tobacco industry is notorious for manipulating the political process and wielding its considerable clout through front-groups, highly paid lobbyists and secret surrogates. The settlement imposes new disclosure requirements on the industry, beyond those of Minnesota's lobbying and campaign finance laws, to shine the light of public scrutiny on the industry's efforts to influence Minnesota lawmaking.

Among the enhanced disclosures will be requirements that the industry reveal the amounts paid to its lobbyists and to other associations, reveal payments made to third parties to testify in hearings, and report on the use of controlled foundations to make gifts that benefit Minnesota officials. This is unprecedented.

- ***Protecting the Integrity of the Legislative Process***

The settlement contains provisions that help preserve Minnesota's tobacco laws and limit the industry's ability to block future legislation. The industry is specifically prohibited from bringing any legal or constitutional challenge to Minnesota's existing laws against: selling tobacco to minors; the Clean Indoor Air Act; the law against distribution of free tobacco samples; and a new ingredient disclosure law adopted in 1997 and not yet implemented. In addition, the industry is barred from opposing certain future legislation to reduce tobacco use by children.

Attorneys' Fees

No attorneys' fees will be deducted from the settlement amount. The Robins, Kaplan, Miller and Ciresi law firm will waive its special attorney appointment agreement with the state. The tobacco industry, which deployed 30 law firms and hundreds of lawyers to fight the state, agreed to pay all of the firm's fees for waging this four-year legal battle. The industry will pay attorneys' fees amounting to about 7 percent of the settlement, less than one-third of the original 25 percent agreement.

(more)

HUMPHREY ACHIEVES HISTORIC SETTLEMENT OF TOBACCO LAWSUIT

Page 6

“I’m old-fashioned enough to believe if you stand up for your principles, if you act from your heart, things will work out for the best,” Humphrey said. “Well, we stood firm. And the result is a triumph of truth and justice for taxpayers. It is a monumental advancement for public health. And it’s a bright and healthy future for our children.”

The settlement agreement will be posted on the Attorney General’s web site at: www.ag.state.mn.us. Click on “news,” then click on “tobacco litigation news.”

The Minnesota Case: Transforming the National Debate on Tobacco

“Skip Humphrey’s strong stance has set the stage for us to gain a great deal more, either through tougher legislation or litigation.” - Tom Miller, Jim Doyle, Heidi Heitkamp, attorneys general of Iowa, Wisconsin, and North Dakota.

“While Skip Humphrey and I have not agreed on every issue of tactics and strategy in this arduous, demanding fight, he has demonstrated his courage, conviction and tireless dedication to saving our children and our entire nation from the devastating ravages of the disease and addiction caused by Big Tobacco.”

- Richard Blumenthal, attorney general, state of Connecticut.

“The Minnesota trial is one of the most important things that has ever happened in the tobacco wars.” - C. Everett Koop, former U.S. Surgeon General.

“Even if (Minnesota’s) case were to lose, God forbid, it will have transformed the debate.” - Richard Daynard, law professor, Northwestern University.

“Nothing like this has ever happened in America. No attorney general has ever submitted to the risk of having 30 law firms against him.”

- Frank Kelley, attorney general, state of Michigan.

“The documents that have been disclosed here are just incredible. They’ve had a major impact, of course, on Congress, on the legislative side, but are going to have a major impact on all the cases that are tried.”

- Tom Miller, attorney general, state of Iowa.

“America is watching this trial. Public health needs to have this kind of trial happen to get documents out. Every day new information is coming out that is a surprise to people.”

- John Garrison, Managing Director, American Lung Association.

Minnesota's Landmark Tobacco Litigation

State of Minnesota By Humphrey and Blue Cross Blue Shield of Minnesota

vs.

Philip Morris, Inc., R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, B.A.T. Industries PLC, British-American Tobacco Company Ltd., BAT (UK & EXPORT) Ltd., Lorillard Tobacco Company, The American Tobacco Company, Liggett Group, Inc., The Council for Tobacco Research -USA, Inc. and the Tobacco Institute, Inc.

Ramsey County District Court

Court File No. C1-94-8565

Selected Case Chronology: August, 1994-May, 1998

<u>August, 1994</u>	Minnesota becomes the first state in the nation to sue tobacco companies for consumer and antitrust law violations. Minnesota is also the first and only state in the nation to sue in conjunction with a private, non-profit co-plaintiff, Blue Cross Blue Shield of Minnesota
November, 1994	The tobacco industry's motion to remove or disqualify the law firm of Robins, Kaplan, Miller & Ciresi from representing the State is denied. The District Court cites the long history in Minnesota of Special Attorney Appointments
<u>May, 1995</u>	The Court upholds the antitrust and special duty tort claims alleged by the State and Blue Cross
June, 1995	The Minnesota Document Depository is created in Minneapolis
August, 1995	The Court adopts the Complex Litigation Automated Docket or CLAD system for electronic filing of documents. Over 2,600 filings have been entered on CLAD, including over 200 District Court orders
March, 1996	The smallest tobacco company defendant, the Liggett Group, agrees to a settlement with Mississippi, Maine, Florida, West Virginia and Louisiana. Minnesota is the only litigating state to refuse settlement with Liggett. Attorney General Humphrey cites Liggett's lack of full cooperation with the states as the reason Minnesota refuses to join in the settlement
<u>May, 1996</u>	The United States Supreme Court rejects the industry's efforts to obtain review of orders requiring production of 4A document indices (roadmaps created by the industry for its documents). This is the first of two unsuccessful industry appeals to the United States Supreme Court

July, 1996	The Minnesota Supreme Court rules Blue Cross has standing to join the State of Minnesota in bringing consumer, antitrust and equitable claims against the tobacco industry
<u>March, 1997</u>	The Liggett Group agrees with the conditions Minnesota Attorney General Humphrey demanded when Liggett's initial settlement was rejected by Minnesota and reaches a settlement with a larger group of Attorneys General, including Minnesota
May, 1997	At the request of the State and Blue Cross, the District Court orders American Tobacco and Brown & Williamson to produce documents and provide complete answers on smoking and health research (CLAD 933)
<u>May, 1997</u>	The District Court finds the crime-fraud exception to the attorney-client privilege applies to the tobacco industry's claims of privilege. The Court orders review of the documents by a Special Master (CLAD 943 & 944)
July, 1997	The Special Master conducts three days of hearings on the joint defense claims made by the tobacco industry over approximately 2,400 Liggett documents
August, 1997	The District Court unseals its May, 1997 crime-fraud Findings of Fact in response to a motion by the media (CLAD 1275)
September, 1997	Tobacco manufacturers are required to produce lists which identify on a brand-by-brand and year-by-year basis, the ingredients, chemical formulae and processes for cigarettes sold in Minnesota. The Court orders Philip Morris to produce information about documents in overseas research facilities (CLAD 1300)
October, 1997	The Special Master conducts four days of hearings on the industry's privilege claims over thousands of documents
<u>November, 1997</u>	The Court finds Philip Morris, R.J. Reynolds, Brown & Williamson, BAT Industries, British-American Tobacco Co., Lorillard Tobacco Co. and the American Tobacco Co., along with five of the national law firms representing these companies, willfully disregarded an order to produce joint defense agreements during the privilege hearings (CLAD 1720)
<u>December, 1997</u>	The District Court adopts the Special Master's recommendation and orders that more than 800 Liggett documents be produced to the State and Blue Cross. The Commerce Committee of the U.S. House of Representatives subpoenas the Liggett documents from four of the tobacco companies and posts the documents on the world wide web

<u>December, 1997</u>	The District Court issues an order imposing sanctions on American Tobacco and Brown & Williamson Tobacco for their willful disregard of the Court's orders. The order requires an immediate payment of \$100,000 to the Ramsey County District Court and the production of 1,114 American Tobacco documents pertaining to scientific research
<u>January, 1998</u>	Trial commences in the federal courthouse in St. Paul
February, 1998	The Special Master recommends disclosure of approximately 39,000 documents pertaining to scientific research, the addictiveness and manipulation of nicotine, and public statements by the industry on tobacco and health issues (CLAD 2224)
<u>March, 1998</u>	The District Court adopts the Special Master's recommendations, ordering release of the 39,000 documents to the State and Blue Cross. (CLAD 2345, 2348) The Court of Appeals and the Minnesota Supreme Court deny the industry's requests for further review
March, 1998	The tobacco industry moves for a mistrial and recusal of Judge Fitzpatrick; the motion is denied (CLAD 2398)
<u>March, 1998</u>	The Court imposes sanctions on BAT Industries and BATCo/BATUKE after two BATCo scientific researchers, Alan Heard and Dr. Ray Thornton, fail to appear for depositions as ordered. Sanctions include production of over 2,000 more secret industry documents (CLAD 2429)
March, 1998	The District Court orders public access to the Minnesota Depository. (CLAD 2457). The State and Blue Cross maintain that still more information should be public
<u>April, 1998</u>	The United States Supreme Court denies the industry's request for a stay of the orders requiring production of 39,000 formerly "privileged" documents. The Commerce Committee of the U.S. House of Representatives posts many of 39,000 documents on its website
April, 1998	Chief District Judge Cohen denies the tobacco industry's request for reconsideration/removal of Judge Fitzpatrick. Judge Cohen finds Judge Fitzpatrick has been fair; that his rulings have been based on the evidence; and that there is no basis for a mistrial in the middle of the case (CLAD 2555)
May, 1998	The District Court orders production of 458 additional "privileged" documents on nicotine and addiction. (CLAD 2625)
<u>May, 1998</u>	Testimony concludes after 15 weeks of evidence, including thousands of exhibits and 40 witnesses



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Tuesday February 17 12:52 PM EST

Cigarette Ads Influence Teen Smoking

NEW YORK (Reuters) -- Cigarette advertising and promotional items do appear to play a role in an adolescent's or teenager's decision to begin smoking, two new reports suggest. A survey of adolescents, aged 12 to 17, who said they had no intention of trying a cigarette found that those who had a favorite cigarette advertisement at the time were nearly twice as likely as their peers to begin smoking over the next two years.

What's more, those youngsters who possessed or were willing to use a promotional item (such as a hat, T-shirt, or other item with a cigarette logo) were 2.89 times as likely to start smoking, according to a report in the February 18th issue of The Journal of the American Medical Association.

"From these data, we estimate that 34% of all experimentation in California between 1993 and 1996 can be attributed to tobacco promotional activities," concluded Dr. John Pierce and colleagues from the Cancer Prevention and Control Program at the University of California, San Diego. "Nationally, this would be over 700,000 adolescents each year."

The study included 1,752 adolescents who had never smoked. More than half had a favorite cigarette advertisement and though only 5% had a promotional item for cigarettes, another 10% were willing to use such an item.

The second report found that certain brands of cigarettes more likely to be used by young smokers -- Marlboro, Newport, Camel, Kool, and Winston -- were more likely to be advertised in youth-oriented magazines, according to the analysis of 12 cigarette brand advertising in 39 magazines.

"Youth brands" were considered those used by more than 2.5% of adolescents aged 10 to 15, and when that age group made up only 4% of a magazine's reading audience, such brand advertising was half as likely to be found as "adult brand" advertising.

When youth readership was 14%, the magazine had equal mixes of "adult" and "youth" advertising. But when the young readers increased to 34%, "young" brand advertising was five times more likely than "adult" brand advertising.

"Cigarette brands popular among young adolescents are more likely than adult brands to advertise in magazines with high youth readerships," reported the researchers from Harvard University, Boston University School of Public Health, and the Massachusetts Department of Public Health.

However, the study could not demonstrate intent on the part of cigarette manufacturers to lure youngsters into smoking, and the advertising pattern may have been partly complicated by the reading habits of 18 to 24 year olds, a group that is clearly targeted by tobacco companies. SOURCE: The Journal of the American Medical Association (1998;279:516-520, 511-515)

Report links promo items to youth smoking

Cigarette-related merchandise may function as form of stealth advertising

Los Angeles Times

School kids who sport clothing and gear emblazoned with cigarette names and logos are four times more likely to smoke, according to a study suggesting that such promotional items may foster youth smoking.

Although tobacco companies are prohibited by federal law from selling or giving cigarette-related merchandise to people under 18, minors still acquire hats, T-shirts, backpacks and other gear displaying cigarette brand names and trademarks.

Public health experts and anti-smoking advocates have sharply criticized the promotions, saying the items might function as a sort of stealth advertising.

In recent years, the tobacco industry has boosted spending on merchandise giveaways and catalog sales, from \$307 million in 1990 to \$665 million in 1995, according to the most recent Federal Trade Commission records. Additional hundreds of millions have been invested annually in items sold at retail stores or "purchased" with cigarette pack coupons.

Meanwhile, national youth smoking rates have risen 1 to 2 percentage points annually since 1992. In 1996, it was estimated that 34 percent of 12th-graders smoked.

The new study, which is the largest to test the correlation between smoking rates and ownership of cigarette merchandise among public school students, was based on a survey of 1,265 youngsters in grades six through

Health & medicine roundup

12 at five schools in rural Vermont and New Hampshire.

The researchers found that 32 percent of those surveyed owned promotional merchandise. Most of the items came from parents or adult friends, but 22 percent of the kids with items said that stores or cigarette company catalogs sold it to them directly, in violation of federal laws.

Moreover, 4.8 percent of the kids said they had a promotional item with them on the day of the survey, in October 1996. And because the results indicated that each item taken to school was seen by 10 other kids, the findings "raised the possibility that children were becoming the means through which cigarettes were being promoted to other children," wrote the physician-researchers, who are based at Dartmouth Medical School in Hanover, N.H., and the Veterans Affairs Medical Center in White River Junction, Vt.

A youngster was more likely to smoke if he or she owned a promotional item, the researchers said. Among the 12th-graders, 32 percent overall were classified as smokers, meaning they had smoked more than 100 cigarettes. But 58 percent of those who owned a promotional item smoked, compared with 23 percent of those who did not own one.

The association was strongest

in the lower grades, a finding that especially concerned the researchers because that is when crucial attitudes toward smoking are being formed. Only 3 percent of sixth-graders were classified as smokers, but all of them said they owned a promotional item.

"After controlling for confounding factors [in the survey results] such as having friends who smoke, students who owned cigarette promotional items were 4.1 times more likely to be smokers than those who did not own [them]," the report said.

Tobacco companies disputed the findings, which were made public Sunday in an American Medical Association journal, the Archives of Pediatric and Adolescent Medicine. The tobacco companies pointed out that cigarette promotional items were around long before the recent increase in youth smoking. Peggy Carter, a spokesperson for R.J.R. Reynolds, maker of Camel, said that the "bottom line" was that the research did not establish causality. Beyond that, she said, the company takes numerous steps to prevent minors from purchasing promotional items.

The report's lead author, Dartmouth pediatrician Dr. James Sargent, said that a survey cannot prove whether the promotional

items caused the children to start smoking. Still, he said, the results clearly show that the merchandise appears to put very young children at greater risk of experimenting with cigarettes.

Explosive temper: Prozac may reduce aggressiveness

People who explode in fits of rage frequently may do so because of low levels of a natural brain chemical called serotonin, and the antidepressant Prozac often reduces their aggressiveness, researchers reported.

Forty people who considered their explosive tempers a problem enrolled in a study led by a psychiatry professor at Allegheny University of the Health Sciences in Philadelphia.

Prozac significantly reduced aggression for some subjects, although not everyone was helped, the researchers reported in the December issue of the Archives of General Psychiatry, published by the American Medical Association.

The drug helps maintain levels of serotonin, a brain chemical that helps regulate mood and has been linked with controlling aggression in previous studies.

— *The Associated Press contributed to this report.*

Tobacco Industry Promotion of Cigarettes and Adolescent Smoking

John P. Pierce, PhD; Won S. Choi, PhD; Elizabeth A. Gilpin, MS; Arthur J. Farkas, PhD; Charles C. Berry, PhD

Context.—Whether tobacco advertising and promotion increases the likelihood that youths will begin smoking has important public policy implications.

Objective.—To evaluate the association between receptivity to tobacco advertising and promotional activities and progress in the smoking uptake process, defined sequentially as never smokers who would not consider experimenting with smoking, never smokers who would consider experimenting, experimenters (smoked at least once but fewer than 100 cigarettes), or established smokers (smoked at least 100 cigarettes).

Design.—Prospective cohort study with a 3-year follow-up through November 1996.

Setting and Participants.—A total of 1752 adolescent never smokers who were not susceptible to smoking when first interviewed in 1993 in a population-based random-digit dial telephone survey in California were reinterviewed in 1996.

Main Outcome Measure.—Becoming susceptible to smoking or experimenting by 1996.

Results.—More than half the sample ($n=979$) named a favorite cigarette advertisement in 1993 and Joe Camel advertisements were the most popular. Less than 5% ($n=92$) at baseline possessed a promotional item but a further 10% ($n=172$) were willing to use an item. While having a favorite advertisement in 1993 predicted which adolescents would progress by 1996 (odds ratio [OR] = 1.82; 95% confidence interval [CI], 1.04-3.20), possession or willingness to use a promotional item was even more strongly associated with future progression (OR=2.89; 95% CI, 1.47-5.68). From these data, we estimate that 34% of all experimentation in California between 1993 and 1996 can be attributed to tobacco promotional activities. Nationally, this would be over 700 000 adolescents each year.

Conclusion.—These findings provide the first longitudinal evidence to our knowledge that tobacco promotional activities are causally related to the onset of smoking.

JAMA. 1998;279:511-515

A NUMBER of studies have implicated tobacco industry advertising and promotional activities as possible causal agents in the stimulation of demand for cigarettes among adolescents.^{1,3} The effectiveness of promotional activities over the past 10 years has been postulated as a major reason for the recent increases in adolescent smoking behavior.^{4,6} There is abundant evidence that adolescents are exposed to and have high recall of tobacco industry promotional messages.^{2,7,8} Studies of smoking initiation rates in population samples demonstrate that sharp increases in adolescent smoking coincide with the conduct of effective tobacco pro-

motional campaigns.^{9,10} Since the first Surgeon General's report on smoking and health in 1964,¹¹ these increases appear to be specific to adolescents aged 14 to 17 years; there were no similar increases among adults.^{6,9,10}

A summary of over 2 decades of psychological research on audience receptivity to persuasive communications identifies 3 elements: (1) exposure to the message, (2) attendance to and understanding of the message, and (3) development of a cognitive or affective response to the message.¹² The first goal of any persuasive communication is to ensure that a target audience is effectively exposed. This audience needs to both attend to and understand the message before it can have persuasive impact. To characterize individuals as receptive to the communication, however, requires evidence that they have internalized positive affect or cognitions related to the

communication. While these internalizations may facilitate the purchase of a product that is the subject of the persuasive communication, an additional incentive (such as a promotional item or free sample) is often needed to maximize the likelihood that the persuasive communication will lead to actual consumer behavior.¹³

Using this conceptual framework, we previously found measures of adolescent receptivity to tobacco industry promotional activities to be associated with susceptibility to smoking among adolescent never smokers.^{5,14,15} This longitudinal study addresses whether the receptivity to tobacco advertising and promotional activities actually precedes the first steps in the smoking uptake process.

See also pp 516 and 550.

The concept of susceptibility to smoking comes from previous research, which showed an increased likelihood of future smoking among never smokers who do not adamantly rule out the possibility of smoking a cigarette in the near future.¹⁶ During the elementary and early middle school years, most children have not yet tried a cigarette and strongly assert that they will not be future smokers.^{17,18} Then, as they get older, many change and are no longer prepared to rule out this possibility. When the opportunity presents itself, some young adolescents might respond "why not?" and begin to experiment. While not all adolescents who experiment with smoking will go on to become addicted, experimentation is a necessary step and is a key early marker of eventual smoking uptake.¹⁷⁻²¹ To prevent addiction to smoking it is necessary to understand the influences encouraging adolescents to take these early steps in the smoking uptake process.

In this article, which reports on the findings from a longitudinal study, we consider adolescents who were nonsusceptible never smokers at baseline in 1993. As our outcome measure, we use any progression in the smoking uptake process by follow-up in 1996, and investigate the independent influence of

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receptivity to tobacco industry promotional activities on movement toward addiction to smoking.

METHODS

Data Sources

We report data on a representative sample of California adolescents who were 12 to 17 years old at baseline in 1993. These adolescents were identified using a random-digit dialed computer-assisted telephone interviewing (CATI) method as part of the California Tobacco Surveys, which are designed to provide population data on tobacco use in California, as part of the evaluation of the Statewide Tobacco Control Program funded from a voter-initiated constitutional amendment (Proposition 99).²² In 1993, Westat, Inc. enumerated the members of a total of 30 910 households in California, and identified 6892 adolescents who represent the baseline sample. With parental permission, in-depth interviews on tobacco issues were completed for a total of 5531 (response rate, 80.3%) of these adolescents. Initially, there was no funding support for a follow-back survey and parents were informed only that we might contact them again in the future. When separate funding was obtained, we attempted to contact the parents of all adolescent respondents to the 1993 survey. Those who were not at the same telephone number were traced through online directory assistance, the national change of address database, and national credit reference services using information provided by the parent in 1993. Even with these tracing methods, we were unable to locate 26.5% of the 1993 respondents. Of those we did locate, we completed detailed follow-up interviews on 3376 (response rate, 85%), with 1.2% of parents and 5.8% of adolescents refusing to participate, for a total 7% refusal rate. Accounting for both the initial and follow-up response rates, the overall response rate for the longitudinal study was 61.5%. Considering only the subgroup of this research, the nonsusceptible never smokers at baseline, the overall response rate was 66%, for a total sample of 1752 adolescents.

Measures of Smoking Initiation

Based on our previous research,^{16,18} we categorize adolescents into 4 mutually exclusive categories: nonsusceptible never smokers, susceptible never smokers, experimenters, and established smokers. An established smoker is defined as an adolescent giving a positive response to the question, "Have you smoked at least 100 cigarettes in your life?" An experimenter is defined as an adolescent giving an affirmative response to either of the

following 2 questions: (1) "Have you ever smoked a cigarette?" or (2) "Have you ever tried or experimented with cigarette smoking, even a few puffs?" A negative response to both of these questions categorizes an adolescent as a never smoker. A nonsusceptible never smoker is distinguished from other never smokers by responses to the following 3 questions about future smoking: (1) "Do you think that you will try a cigarette soon?" (response choices: yes or no), (2) "If one of your best friends were to offer you a cigarette, would you smoke it?" and (3) "At any time during the next year do you think you will smoke a cigarette?" The response choices to the latter 2 questions were: "definitely yes," "probably yes," "probably not," or "definitely not." To be classified as a nonsusceptible never smoker, the adolescent needed to respond in the negative to the first question and "definitely not" to the other 2. Any other response led to the adolescent being categorized as susceptible to smoking. Previous findings from a national longitudinal survey¹⁶ and the results of the current one have validated this measure by showing that susceptible never smokers have about twice the risk of future smoking as nonsusceptible never smokers.

Receptivity to Tobacco Promotional Activities

In the persuasive communication theoretical framework, receptivity to tobacco industry advertising and promotional activities involves a basic exposure to a communication and a cognitive response entailing an understanding of the communication and agreement with the message. The development of a positive affective response to the communication (eg, having a favorite advertisement or being willing to use a promotional product) indicates a greater degree of receptivity.^{12,13,23} We defined the highest level of receptivity as having or being prepared to use a tobacco promotional item, and accordingly asked: (1) "Some tobacco companies provide promotional items to the public that you can buy or receive for free. Have you ever bought or received for free any product which promotes a tobacco brand or was distributed by a tobacco company?" and (2) "Do you think that you would ever use a tobacco industry promotional item, such as a t-shirt?" Those who had an item or who would be willing to use one were considered highly receptive to tobacco promotional activities. To characterize a minimal level of receptivity among the remaining respondents, we asked for unaided recall of tobacco advertising with the question: "Think back to the cigarette advertisements you have recently seen on billboards or in magazines. What brand of cigarettes was advertised

the most?" Respondents who did not name a brand were considered minimally receptive to tobacco advertising and promotional activity.

To define intermediate levels of receptivity among those not in either the highly or minimally receptive categories, we asked: "What is the name of the cigarette brand of your favorite advertisement?" For the few respondents who hesitated in their response, we probed with the question: "Of all the cigarette advertisements you have seen, which do you think attracts your attention the most?" Naming a brand as most advertised (see previous paragraph) but not having a favorite advertisement classified a respondent as having low receptivity, whereas having a favorite advertisement classified a respondent as having moderate receptivity.

Exposure to Peer and Family Smokers

Adolescents were queried about smokers in the family with the questions: "Do any of your parents, stepparents or guardians now smoke cigarettes?" and "Do you have any older brothers or sisters who smoke cigarettes?" Negative responses to both questions classified an adolescent as having no family exposure to smokers. To determine exposure to peer smokers, respondents were asked: "About how many best friends do you have who are male?" and "Of your best friends who are male, how many of them smoke?" The same 2 questions were asked concerning female best friends. Those who indicated that none of their male or female best friends smoke were classified as unexposed to peer smokers.

Analytic Procedures

All percentages are weighted to represent the population of California according to age, sex, race or ethnicity, and education. We derived variance estimates and 95% confidence intervals (CIs) using the jackknife procedure²⁴ contained in the WesVar PC program.²⁵ This program provides an estimate of variance in the setting of large-scale population surveys that are not completely random. We used the WesVar PC χ^2 procedure to evaluate differences in the demographic distribution of who progressed to various levels in the uptake continuum among adolescents who had never tried a cigarette at baseline and who were nonsusceptible to smoking. Then, we used the logistic regression procedure to identify the independent predictors of any progression in the uptake process by follow-up. Demographic variables, exposure to other smokers, the tobacco promotional activities receptivity index, and interactions between exposure to smokers and the index were the independent variables.

Table 1.—Baseline (1993) Distribution of Adolescent, Nonsusceptible Never Smokers and Progression Through the Smoking Uptake Continuum by 1996

Demographics, 1993	1993, %*	Level on Uptake Continuum in 1996			Total Progressed, % (95% CI)*
		Susceptible, % (95% CI)*	Experimenters, % (95% CI)*	Established, % (95% CI)*†	
Overall	1752	16.6 (14.1-19.1)	29.5 (25.8-33.2)	3.6 (2.5-4.7)	49.7 (45.9-53.5)
Sex					
Male	48.5	17.3 (13.4-21.2)	28.6 (23.0-34.2)	4.1 (2.4-5.8)	50.5 (45.1-55.9)
Female	51.5	16.1 (12.6-19.6)	30.3 (26.0-34.6)	3.1 (1.7-4.5)	49.5 (44.4-54.6)
Age group, y					
12-13	45.5	21.2 (17.2-25.2)	29.4 (23.5-35.3)	3.3 (1.8-4.8)	53.9 (48.9-58.9)
14-15	31.3	15.9 (10.5-21.3)	26.3 (20.6-32.0)	4.8 (2.4-7.2)	47.0 (39.7-54.3)
16-17	23.1	8.9 (5.3-12.5)	33.9 (25.9-41.9)	2.5 (1.2-3.8)	45.3 (37.7-52.9)
Race/ethnicity					
White	48.7	12.4 (10.1-14.7)	28.6 (24.4-32.8)	5.8 (3.7-7.9)	46.8 (42.3-51.3)
African American	10.2	22.4 (10.5-34.3)	25.8 (13.6-38.0)	1.9 (0.0-4.2)	50.1 (33.3-66.9)
Hispanic	28.9	18.9 (12.8-25.0)	34.2 (26.7-41.7)	1.3 (0.3-2.3)	54.4 (47.7-61.1)
Asian/other	12.2	23.5 (16.1-30.9)	24.5 (16.2-32.8)	1.6 (0.3-2.9)	49.8 (40.6-59.0)
School performance					
Much better	25.4	15.6 (10.8-20.4)	26.8 (18.8-34.8)	2.0 (0.0-4.2)	44.4 (36.9-51.9)
Better than average	40.5	17.4 (12.8-22.0)	29.5 (24.6-34.4)	3.0 (1.3-4.7)	49.9 (44.7-55.1)
Average/below	34.1	16.6 (11.8-21.4)	31.4 (25.1-37.7)	5.5 (3.4-7.6)	53.5 (46.9-60.1)

*Weighted percentages; CI indicates confidence interval.

†Smoked at least 100 cigarettes.

The attributable risk is a standard epidemiological index for assessing the strength of association between 2 measures.²⁶ In the current setting, the attributable risk can be interpreted as the proportionate excess risk of future experimentation that is associated with receptivity to tobacco promotional activities. The formula used to calculate the attributable risk percent for receptivity to tobacco promotional activities is: $AR\% = [(I_a - I_o) / I_a] \times 100$, where I_a is the incidence rate of experimentation among those receptive to tobacco promotional activities and I_o is the incidence rate of experimentation among those minimally receptive to tobacco promotional activities.

RESULTS

Characteristics of the Study Population

Table 1 presents the baseline demographic distribution of the nonsusceptible never smokers (left column of data) as well as the proportion of each group who progressed toward smoking by the 1996 follow-up survey. The sample contained slightly more girls than boys and almost half (45%) of the nonsusceptible never smokers were aged 12 to 13 years. Minority groups make up more than half the sample, and two thirds of the sample considered their performance in school better than average.

A total of 49.7% of these nonsusceptible never smokers progressed toward smoking within the 3-year follow-up period: 16.6% by becoming susceptible to smoking, 29.5% by experimenting, and 3.6% by reaching a lifetime consumption level of at least 100 cigarettes.

There were no sex differences for becoming susceptible, experimenting, or becoming an established smoker. Although

the percentage experimenting did not vary much by age, the percentage becoming susceptible did; 16- to 17-year-olds were about half as likely to become susceptible by follow-up than the younger adolescents. In African Americans and in the Asian or other group, the rate of susceptibility was higher, but the rate of experimentation was lower than for whites. Perceived school performance was related to future experimentation (but not to susceptibility), with those who reported much better than average school performance showing a lower rate of future cigarette use than those who reported average or below average school performance.

Cigarette Advertisements and Tobacco Promotional Items

Overall, 8.9% of nonsusceptible never smokers in 1993 were at the minimal level of the receptivity index (could not name a brand as most advertised). The percentage at this level did not vary much with age; 9.8% of those aged 12 to 13 years, 7.1% of 14- to 15-year-olds, and 9.3% of 16- to 17-year-olds were at this level.

Over half (56.5%) of nonsusceptible never smokers in 1993 had a favorite cigarette advertisement, and 83% of those who did nominated either Camel (R. J. Reynolds) or Marlboro (Phillip Morris) as the brand of their favorite advertisement. Camel was the clear favorite of young adolescents aged 12 to 13 years (67.8% for Camel vs 16.8% for Marlboro), but Marlboro was named almost as frequently as Camel by older adolescents aged 16 to 17 years (46.6% for Camel vs 33.9% for Marlboro).

The percentage of adolescents who had a tobacco promotional item increased with age among the nonsusceptible never smokers in 1993 from a low of 2.9% among

12- to 13-year-olds to 8.5% among 16- to 17-year-olds; overall, less than 5% (n=92) possessed an item. However, about 10% (n=172) of each age group responded that they would be willing to use a promotional item. It is of interest that among those without a promotional item in 1993, those who were willing to use an item were twice as likely to have obtained one by 1996 than those who were not willing to use a promotional item.

Predicting Future Experimentation

The results of the logistic regression analysis of predictors of which adolescents progressed toward smoking are presented in Table 2. This model included the demographic variables (see Table 1), and the odds ratios (ORs) presented are adjusted for any effects of these variables and the others in the model. Both exposure to family or peers who smoke appeared to increase the probability that a nonsusceptible never smoker would progress toward smoking by approximately 20%; however, the sample size was not sufficient to demonstrate this level of difference to be statistically significant.

The baseline receptivity to tobacco industry promotional activities was strongly related to which adolescents progressed toward smoking. Among those who were assessed as having a minimal level of receptivity, 37.7% progressed toward smoking. Compared with this group, those who had a favorite advertisement but who were not willing to use a promotional item (the moderate level) were 82% more likely to progress toward smoking, which is a statistically significant increase compared with those at the minimal level. Those with a high level of receptivity (at least willing to use a promotional item) were almost 3 times more likely to progress toward

Table 2 —Logistic Regression Predicting Progression Along the Uptake Continuum by 1996 Among Non-susceptible Never Smokers in 1993 (n=1752)

Independent Variables	Progressed Toward Smoking, % (95% CI)*	Adjusted Odds Ratios (95% CI)†
Exposure to familial smoking		
No	48.0 (43.5-52.6)	1.00
Yes	53.5 (47.1-59.9)	1.19 (0.88-1.59)
Exposure to peer smoking		
No	48.7 (44.2-53.2)	1.00
Yes	52.7 (45.8-59.5)	1.19 (0.85-1.66)
Exposure to tobacco promotions advertising		
Minimal (no brand, not willing)	37.7 (25.8-49.6)	1.00
Low (brand, not willing)	43.9 (37.2-50.6)	1.32 (0.73-2.41)
Moderate (favorite advertisement, not willing)	51.7 (46.3-57.1)	1.82 (1.04-3.20)
High (willing/has item)	62.1 (52.6-71.6)	2.89 (1.47-5.68)

*Weighted percentages; CI indicates confidence interval.

†Adjusted for age, sex, race or ethnicity, and school performance.

smoking, which was highly statistically significant. Preliminary analyses showed no significant interactions between the index of receptivity and the exposure to smoking variables and these interactions were not retained in the final model.

Percentage of Experimentation Attributable to Tobacco Promotional Activities

From our representative sample survey in 1993, we estimate that there were about 1.18 million 12- to 17-year-old adolescents in California who were nonsusceptible never smokers. The incidence rate of experimentation among those receptive to tobacco advertising and promotion activities was 34%. The incidence rate among those who were minimally receptive was 22%. Thus, using the standard formula, the percentage of experimentation attributable to tobacco advertising and promotional activities is 34.3%. Over half (50.7%) of the 17-year-old California adolescents in the full 1993 cross-sectional sample had already experimented with cigarettes, which represents a total of 158 758 adolescents. Using our attributable risk calculation, we estimate that tobacco promotional activities influenced 54 454 (34.3%) of 158 758 of these adolescents (or 17% of the total population of this age) to experiment with cigarettes before they reached the age of 18 years. This translates to over 200 000 adolescents nationally.

COMMENT

This longitudinal study provides clear evidence that tobacco industry advertising and promotional activities can influence nonsusceptible never smokers to start the process of becoming addicted to cigarettes. The strength of this association is consistent with estimates from other cross-sectional studies^{2,27} and with previous studies that have demonstrated a coincidence of increases in the incidence of addiction with the conduct of effective promotional campaigns.²⁸ Our data es-

tablish that the influence of tobacco promotional activities was present before adolescents showed any susceptibility to become smokers.

Exposure to other smokers in this analysis does not appear to significantly influence which adolescents begin the smoking uptake process, which is somewhat contradictory to previous studies.^{5,29} Although theories of how adolescents become smokers have included a stage prior to experimentation,^{20,30-32} most analyses of smoking uptake use smoking within the last month before follow-up as the outcome. This measure underestimates the proportion of people who are in the early stages of the smoking uptake process. The influence of other smokers in facilitating and possibly encouraging adolescents to smoke may be most apparent after first experimentation,¹⁸ rather than influencing the adolescent to experiment for the first time.⁵

We used a communication persuasion framework to assess adolescent receptivity to tobacco promotional activities.¹² This generally accepted framework postulates that the higher the level of receptivity to a persuasive communication, the higher the likelihood that it will have an effect on behavior. Our findings are consistent with this hypothesis. Progress toward smoking by follow-up among these nonsusceptible never smokers was significantly associated with receptivity to tobacco industry advertising and promotional activities at baseline. Indeed, each higher level on the receptivity index was associated with a greater degree of movement toward smoking over the study period.

The results presented here support findings from previous studies showing R. J. Reynold's advertising of their Camel brand to be very effective with children and adolescents throughout the 1990s.^{14,27} Camel advertising was clearly the favorite among adolescents, particularly those aged between 12 and 15 years. Since the popularity of Camel advertisements was highest in the youngest age group, the peak effect of this advertising probably occurs at

an even younger age than has previously been suggested.^{33,34}

Our findings that willingness to use a promotional item is more effective in predicting progression than having a favorite advertisement is consistent with Ray's theory of how promotion works to build consumer behavior.¹³ The majority of the progression that we observe involves actual experimentation with cigarettes. Ray¹³ hypothesizes that advertising creates a structure of attitudes and beliefs about a product that will facilitate its purchase. But a promotional item or a free sample is often needed to maximize the probability that the behavior will be performed. We have previously reported that the majority of adolescents who purchase cigarettes buy Marlboros.¹⁴ The most common promotional item possessed by adolescents was for the Marlboro brand. Hence, even though Camel advertising may be the most influential in getting adolescents interested in smoking, the success of Phillip Morris promotional activities would appear to have reduced substantially the potential market share achieved by R. J. Reynolds in young people.

The demographic differences that we observed in progression toward smoking deserve comment. First of all, in this 3-year period, over 16% of adolescents had started on the uptake continuum but had not yet experimented with cigarettes. This was particularly the case in the youngest age groups, suggesting that the duration of the smoking uptake process for many adolescents may be much more extended than previously believed.^{20,35} Minority youth were much more likely to only progress to susceptibility than non-Hispanic whites. This suggests that the duration of the uptake process among minority groups is more extended, or that they begin the process at a later age. The decline in the proportion of older adolescents who were at the susceptible stage of the uptake process at baseline is consistent with other studies suggesting that there may be a time window during which adolescents begin the smoking uptake process.²⁰ Once people are old enough to rationally evaluate the well-known health risks of smoking, they choose not to start smoking.

One limitation of our study is that not all of the 1993 sample were contacted again in 1996. We compared the nonsusceptible never smokers in 1993 with a follow-up interview to the nonsusceptible never smokers in 1993 who were not interviewed again. The group contacted again in 1996 had slightly more males (49% contacted vs 45% not recontacted), and the oldest age group was less represented (23% vs 27%). African Americans and Hispanics were less successfully followed, so that whites comprised 49% of those followed and only 35% of those not inter-

viewed again. The group followed had about a 4% higher rate (56% vs 52%) of naming a brand of cigarette as most advertised or having a favorite advertisement, but the rates for possession or willingness to use promotional items were nearly identical, regardless of follow-up status. The sample weights are constructed to adjust for demographic disparities in the population, so bias from these differences should be minimal. The potential bias from the slight difference in advertising recall rates is difficult to assess but should be minimal.

Our study estimates that tobacco industry promotional activities in the mid 1990s will influence 17% of those who turn 17 years old each year to experiment with cigarettes. We feel that this is a conservative estimate, as there was a 3-year period between the 2 surveys that offered a considerable time period for adolescents who were not receptive to these tobacco industry activities at baseline to become receptive prior to progressing toward smoking. However, the finding that one third of the nonsusceptible never smokers with

minimal receptivity at baseline in 1993 did progress, suggests influences other than tobacco advertising and promotions are likely acting to cause smoking as well. It is important to note that not all adolescents who experiment with cigarettes go on to become addicted smokers. Previous national data suggest, very conservatively, that 30% of experimenters become established smokers.¹⁸ We have previously estimated that it will take an average of 16 to 20 years of addicted smoking before the average adolescent, who reaches a lifetime consumption of 100 cigarettes or 5 packs, will be able to successfully quit.³⁶

This study only considered the influence of tobacco promotional activities on nonsusceptible never smokers. It is possible that these influences also encourage experimenters to continue smoking until they become addicted and act to prevent addicted adolescent smokers from quitting. These potential influences of tobacco industry advertising and promotions need to be investigated further.

In conclusion, this longitudinal study adds a crucial piece of evidence to the

contention that tobacco industry advertising and promotional activities are causally associated with young people starting to smoke. The 5 criteria for assessing causality of a suspected agent from epidemiological studies³⁷ are that (1) it must clearly precede the hypothesized effect; (2) the association should be strong; (3) consistent; and (4) specific; and (5) it should be expected from theory. From this study it is clear that the effect of advertising and promotional activities precedes the development of susceptibility to smoking. The effect is strong and specific, with at least 34% of experimentation with cigarettes attributed to these activities. The association is consistent with other studies.^{3,8,15,27} Finally, such a causal effect is expected from theoretical considerations of how persuasive communications work.

The 1993 California Tobacco Survey was funded by the California Department of Health Services under contract 95-23211. The 1996 follow-up survey was funded by the Robert Wood Johnson Foundation under grant 028042. Dr Pierce was partially supported by an established investigator award of the American Heart Association.

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Citation		Database	Mode
12/1/97 ARCHPAM 1189	FOUND DOCUMENT	ARCHPAM	Page
12/1/97 Archives Pediatrics & Adolescent Med. 1189			
1997 WL 10189676			

Archives of Pediatrics & Adolescent Medicine
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Monday, December 1, 1997

Vol. 151, No. 12, ISSN: 1072-4710

Cigarette promotional items in public schools.

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The Prevalence of tobacco use is decreasing among adults in the United States[1] but has increased by 1% to 2% each year among children since 1992.[2] At the same time (1990-1994), expenditures for the advertising and promotion of cigarettes climbed from \$3.99 to \$4.83 billion.[3,4] One category of cigarette promotional activity, cigarette promotional item (CPI) distribution, has experienced massive growth since 1990. Cigarette promotional item distribution comprises expenditures for promotional gear and clothing campaigns in which catalogs for these items are distributed by vendors. Through catalogs, items such as clothing, camping and sports equipment, cigarette lighters, and electronics bearing cigarette logos can be purchased with cash or added-value coupons that are included with cigarettes. Money spent by the tobacco industry for this category of promotion has increased each year in this decade, from \$0.31 billion and 7.7% of the cigarette advertising budget in 1990 to \$1.25 billion and 25.8% of the advertising budget in 1994.[3] Thus, the possibility exists that the recent increase in tobacco use among teenagers is, in part, the result of a successful cigarette promotional campaign aimed at children.

Historically, the tobacco industry has denied intent to advertise and promote cigarettes to children.[5] However, as part of a legal settlement, 1 cigarette manufacturer has recently admitted publicly to marketing cigarettes to children as young as 14 years of age.[6] Moreover, available evidence points to a high sensitivity to advertising among youth. Children are more receptive to cigarette advertising than adults[7]; the "Joe Camel" character has been shown to have high name recognition, even among children in primary school.[8] Market shares for heavily advertised cigarette brands are much larger among smoking children than market shares for these brands in smoking adults.[7,9-11] Increases in the initiation of cigarette use among adolescents are associated with advertising campaigns aimed at these groups.[12,13] For example, the RJR Nabisco Joe Camel advertising campaign heralded a 10-fold increase in the market share among youth for Camel cigarettes.[9] Finally, sensitivity to advertising and promotional messages has been linked to susceptibility to initiation of smoking among never-smoking children in crosssectional studies.[14,15]

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We observed CPIs in school while conducting focus groups on tobacco use in children attending a rural Vermont school (kindergarten through eighth grade), where there were promotional clothing and backpacks in a seventh- and eighth-grade classroom. We were surprised that the teachers and principal in this school had not noticed these items. We informally polled the students and found that 40% of them owned CPIs. Later, we observed caps, T-shirts, windbreakers, and backpacks bearing cigarette logos in other rural Vermont schools. These observations extended from the high school grades down to the early primary school grades. For example, 3 children from 1 first-grade class brought their personal items to school in Marlboro backpacks, which were hanging in the back of the classroom.

These observations raised the possibility that children were becoming the means through which cigarettes were being promoted to other children, and that promotional activity was occurring in the public school setting. To confirm these observations in a larger sample of rural children, we selected 5 rural Vermont and New Hampshire middle and high schools and conducted in-school surveys of students to determine the prevalence of CPI ownership, the extent of CPI presence and visibility in the public school setting, and the association between CPI ownership and smoking behavior in students.

RESULTS

WHO OWNS CPIs?

The student population was drawn from grades 6 through 12, with most students attending grades 9 and above (Table 1). Environmental exposure to tobacco use was high in this sample; only 11.5% of students did not have family members or friends who smoke. Approximately one third of students owned CPIs, with ownership being evenly distributed across grade and sex. There was significantly higher CPI ownership among students with lower school performance (45.0% vs 21.0% for excellent students, P [is less than] .001), and in students whose family members and friends smoked (43.4% vs 13.8% for students whose friends and family members did not smoke, P [is less than] .001).

Table 1. Cigarette Promotional Item Ownership
by Student Characteristics(*)

Own Cigarette		95%		
Promotional	Odds	Confidence		
Characteristic	N	Items, %	Ratio	Interval

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Total	1265	31.7		
Grade				
6	67	34.3	Reference	...
7	164	27.4	0.7	0.4-1.3
8	148	37.2	1.1	0.6-2.1
9	245	31.0	0.9	0.5-1.5
10	230	37.0	1.1	0.6-2.0
11	219	29.2	0.8	0.4-1.4
12	192	27.6	0.7	0,4-1.3
School				
performance				
Excellent	372	21.0	Reference	...
Good	517	29.8	1.6	1.2-2.2
Average or	376	45.0	3.1	2.2-4.3
below				
average				
Sex				
F	662	30.1	Reference	...
M	603	33.5	1.2	0.9-1.5
Environmental				
smoking				
None	145	13.8	Reference	...
Family only	104	22.1	1.8	0.9-3.4
Friends only	343	19.2	1.5	0.9-2.6
Family and	673	43.4	4.8	2.9-7.9

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friends

(*) Ellipse indicate not applicable

TYPE AND SOURCE OF CPI

Clothing was the largest category of CPI in this sample of children (Table 2), with T-shirts being the most common item, followed by hats, backpacks, and jackets. Ownership of smoking paraphernalia was also common. Fewer students owned camping gear and electronic items such as watches, cameras, and CD players. Marlboro was the brand logo that appeared on the majority of CPIs (58.2%); the Camel logo was also common, appearing on 31.7%. Although most CPIs were obtained from a family member or another adult, 17.0% were obtained directly from a catalog and 5.4% from a retailer.

Table 2. Types, Brands, and Sources of CPIs Owned by 401 Students(*)

Characteristic	No. (%)
Type of CPI	
Clothing	
T-shirt	240 (30.2)
Hat	149 (18.7)
Backpack	73 (9.2)
Jacket	69 (8.7)
Other clothing	14 (1.8)
Smoking paraphernalia	
(lighter, ashtray)	176 (22.1)
Camping gear (sleeping bag, pocketknife, etc)	41 (5.1)
Electronics (watches, clocks, cameras, CD players)	14 (1.8)
Other miscellaneous items	19 (2.4)
Total	795 ([dagger]) (100.0)

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Brand of CPIs

Marlboro	292 (58.2)
Camel	159 (31.7)
Other[double dagger]	51 (10.2)
Total	502 ([sections]) (100.0)

Source of CPI

Parents	153 (30.9)
Obtained it themselves from	
a catalog	84 (17.0)
Friend	83 (16.8)
Another adult	82 (16.6)
Sibling	34 (6.9)
Store	27 (5.4)
Other	32 (6.4)
Total	495 ([paragraph]) (100.0)

(*) CPIs indicates cigarette promotional items.

([dagger]) Total number of CPIs owned by 401 students.

([double dagger]) Other brands include Winston, Basic, Merit, Jacks, Newport, Kool, GPC, Virginia Slims, and Parliament.

([sections]) Total number of brands reported by 373 students; 28 students did not specify a brand name for the CPIs they own.

([paragraph]) Total number of sources reported by 401 students who own CPIs.

CPIs IN THE SCHOOL

Fifty-seven children (4.8%) brought a CPI to school with them the day of the survey, while 563 (44.6%) reported seeing one at school the day of the survey. These percentages did not vary substantially across grades or schools (Figure 1), but boys were significantly more likely than girls to bring (7.3 vs 2.0%, respectively) and observe (49.9% vs 39.9%, respectively).

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39.6%, respectively) CPIs at school. Thus, these items are highly visible, with almost 10 students seeing a CPI for each 1 who brings it into the school environment.

ASSOCIATION OF CPI OWNERSHIP WITH SMOKING

The proportion of students who were smokers (lifetime use of [is greater than or equal to] 2:100 cigarettes) increased by grade, from 3.0% of sixth graders to 31.8% of students in grade 12. Within each grade (Figure 2), the prevalence of smoking was

RELATED ARTICLE: SUBJECTS AND METHODS

Five rural schools in Vermont and New Hampshire participated in this survey. Selection of the schools was based on the following criteria: (1) schools enrolled students in grades 6 through 12; (2) schools were located in rural communities in Vermont or New Hampshire, within a 2-hour driving distance from Lebanon, NH; and (3) schools served communities that were in the lowest quartiles for median household income and percentage of adults who completed high school for each state. We chose low-income rural communities because they represent the populations at highest risk of tobacco use.[4] of 13 schools initially contacted and asked to participate, 3 schools declined, 4 schools could not accommodate our schedule of survey dates, and 1 school was surveyed but the data were discarded because of inadequate implementation of consent procedures. Of 5 schools surveyed in October 1996, 3 were in New Hampshire (school A, grades 9-12, 469 students; school B, grades 6 and 7, 169 students; school C, grades 8-12, 378 students) and 2 were in Vermont (school D, grades 7-12, 288 students; school E, grades 7-12, 543 students).

Participating students were asked to voluntarily complete an anonymous, self-administered questionnaire in a classroom or assembly setting. Study personnel were present to give instructions, answer questions, and maintain order while students filled out the questionnaires. Teachers were present during the survey but were asked to remain at the front of the room and not to answer any questions about the survey. Fewer than 10 students required assistance in reading the questionnaire; for these students, either a teacher's aide or 1 of the survey administrators read the questions and answers aloud and the students marked their answers on their own questionnaire. Passive parental consent was obtained for the administration of this survey in school by mailing consent forms to students homes 1 to 2 weeks prior to the survey date. Parents were responsible for contacting the school only if they did not want their child to participate in the survey. The study and consent procedures were approved by the Dartmouth College Committee for the Protection of Human Subjects, Hanover, NH.

STUDENT SAMPLE

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Completed questionnaires were obtained from 1543 students, representing between 79% and 95% of the students in each school. Following the procedures of Stevens et al, [16] 107 (6.9%) questionnaires were discarded because the students indicated that they did not answer all the questions honestly or because there were 5 or more logically inconsistent answers or extreme values on the questionnaire. An additional 171 (11%) questionnaires were omitted from this analysis because of incomplete data for 1 or more of the variables examined in this report. Therefore, results are reported for 1265 students.

The age of the student sample ranged from 10 to 19 years, with fewer than 10% of respondents being younger than 12 or older than 18 years. More than 95% of the respondents were white, which reflects the racial composition of rural New Hampshire and Vermont. Data on socioeconomic status were not collected from individual students because schools were selected based on the low socioeconomic status of the communities they served.

VALIDITY AND RELIABILITY

To increase the validity of self-reported data, we assured the students anonymity [17] and employed a bogus pipeline procedure, [18] in which students were asked to give a saliva sample by licking a piece of filter paper once and sealing it in an envelope that had the same identification number as the one on their questionnaire. Students were told that saliva could be tested to verify their reports of tobacco use.

We measured the external validity of reported tobacco use among this sample of students by comparing our results with those from a nationally representative sample of students surveyed in the 1996 Monitoring of the Future Survey (MTFS). [2] For the prevalence of lifetime tobacco use, the 95% confidence intervals (CIs) for our sample overlapped those of the MTFS results among eighth (49.2% vs 50.0% for MTFS) and 10th graders (59.6% vs 61.2% for MTFS); lifetime use was significantly higher for 12th graders in our study (74.0% vs 63.5% for MTFS). For 30-day use of tobacco, the 95% CIs of our results overlapped those of the MTFS for all grades.

To evaluate test-retest reliability of the questions, we surveyed 114 students at a school that was selected in the same manner as the ones that participated in the survey. The students completed the questionnaire twice, with a 5-week interval between the 2 surveys. Procedures for the test-retest survey were identical to those listed above, except we obtained active informed consent, were unable to survey the children anonymously, and did not use a bogus pipeline procedure. The [Kappa] statistic [19] was used to measure agreement between test-retest answers for categorical and ordinal data. All variables reported herein have a Minimum [KAPPA] statistic of 0.70,

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which indicates very good reliability for these items; it was unnecessary to exclude any variable because of an unacceptably low [KappA] value.[20]

SMOKING EXPERIENCE AND SUSCEPTIBILITY TO SMOKING

In our analyses, we categorized students based on 2 variables that describe smoking attitudes and behavior and have been shown to predict later smoking in prospective cohort studies of adolescents. Data from Collins et al[21] indicate that the best predictor of future smoking is experience with cigarette use at baseline. Lifetime smoking experience was determined by students' answers to 2 questions: "Have you ever tried smoking cigarettes, even a few puffs?" and "How many cigarettes have you smoked in your whole life?" "Never smokers" were defined as those who answered "no" and "none," respectively. "Experimental smokers" were those who had smoked fewer than 100 cigarettes, and "smokers" were those who had smoked 100 cigarettes or more. Lifetime use of more than 100 cigarettes has been used to classify ever smokers in studies of adults and is used in the United States to define an individual who has been dependent on cigarettes in the past.[22]

Pierce and colleagues" have shown that a variable that describes attitudes toward smoking (termed "susceptibility to smoking") can be combined with measures of experience to more accurately predict later smoking behavior. Susceptibility to smoking is determined from responses to "How likely are the following? (1) I will smoke a cigarette in the next 6 months; (2) I would smoke a cigarette if a friend offered me one." Any individual who cannot definitely rule out smoking in the future by answering "definitely not" for both of these statements is susceptible. Prospective studies show that susceptible individuals are more likely to increase their consumption of cigarettes in the future, regardless of their current experience category.[24]

We modeled smoking based on lifetime smoking experience, comparing smokers with all others. The finding of an association between CPI ownership and being a smoker could easily be an expression of an adolescent who acquired these items after having made the decision to become a smoker. Of greater concern would be an association between CPI ownership and a higher level of smoking uptake among never smokers and experimental smokers, especially during the critical period of adolescent initiation (grades 6-9).[16] For students in the initiation phase of smoking (lifetime use of 0-99 cigarettes), we modeled phases of smoking uptake by creating a 4-category ordinal measure that categorized individuals based on their lifetime smoking experience and susceptibility to smoking. The categories for this smoking uptake index are: never smoker and not susceptible, never smoker and susceptible, experimental smoker and not susceptible, and experimental smoker and susceptible. Choi and colleagues[25] describe a similar variable as the "uptake continuum" and have shown in prospective studies that adolescents in higher categories are at progressively greater risk of

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becoming smokers in the future. A variable similar to our smoking uptake index was also used by Altman et al[15] in an analysis examining the association of tobacco promotion with smoking uptake in adolescents using proportional odds models.

EXPOSURE VARIABLES

Social environment is a key element in adolescents' decisions to smoke. In evaluating the relationship between CPI ownership and smoking behavior, we controlled for the effects of other individual and environmental characteristics known to be associated with smoking: friends and family smoking as constructed by Evans et al[14] (none, family only, friends only, or family and friends), grade in school, sex, and school performance. School attended was also included as a variable in all models.

STATISTICAL ANALYSIS

We evaluated the link between CPI ownership and smoking behavior in 2 separate analyses. In the first analysis, we classified students as being either smokers (lifetime use of [is greater than or equal to] 100 cigarettes) vs all others (lifetime use of 0-99 cigarettes) and modeled the probability of being a smoker using "overdispersed" logistic regression.[26] Overdispersion is a technique that relaxes the variance restriction imposed by standard logistic regression and allows for models in which student behavior may cluster. Compared with standard logistic regression, use of this technique often results in conservative significance tests for all estimates, widening the 95% CI.

A second analysis used responses from only the 1003 students who were never or experimental smokers (lifetime use of 0-99 cigarettes). These students were classified into 4 ordered categories based on the smoking uptake index described earlier. Proportional odds models were used to model the likelihood of being further along the smoking uptake process given CPI ownership, after adjusting for confounders. Proportional odds models give cumulative odds ratios (ORs) modeling the probability of being in any higher category on the smoking uptake index, not just the adjacent one. With an ordered dependent variable, these models have the advantage of retaining information that would be lost by combining the data into 2 arbitrary groups. We modeled CPI ownership by grade in school using interaction terms, to determine if the association between ownership and smoking uptake was strongest during the period of smoking initiation (grades 6-9). In all models, changes in deviance and residual plots were used to assess model fit, and SEs were scaled using the square root of deviance-based dispersion.

A sensitivity analysis was undertaken to assess the robustness of the association between CPI ownership and smoking behavior. The strength of this association was examined with the addition and deletion of a number of covariates. The influence of an unmeasured but potentially

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influential covariate on the association between CPI ownership and smoking behavior was tested by including a simulated covariate with various degrees of association between both CPI ownership and smoking behavior.

Editor's Note: If CPIs were bacteria, no one would be opposed to eradication. So why can't we eliminate this pathogen?

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---- INDEX REFERENCES ----

KEY WORDS: SMOKING AND YOUTH TOBACCO INDUSTRY PREMIUMS (RETAIL)

Word Count: 3018

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