

Remarks
Vice President Al Gore

Tobacco Free-Kids Event
Presentation of the Mike Synar Award for Public Service
Hardy Middle School
April 10, 1997

(Acknowledgments from advance)

Thank you and good morning. It's great to be here at the Hardy Middle School -- home of the **Hardy Hawks!**

And it's great that here also are the **Takoma Falcons** (Takoma Middle School). . .
the **Janney Jaguars** (Janney Elementary School). . .
the **Francis Tigers** (Francis Jr. High School). . .
the **Patterson Mighty Panthers** (Patterson Middle School). . .
the **Cardozo Clerks** (Cardozo Senior high School). . .
and students from the **Duke Ellington School of Performing Arts.**

Thank you for coming today and for making the ultimate sacrifice . . . missing class.
Don't worry, I won't tell. But let me ask you something

Are you ready to "Kick Butts?"

This is a very special day for me. Mike Synar -- who this award is named after -- was a close and dear friend of mine. He was in many ways a breath of fresh air in Washington because he understood that to make a difference, people sometimes have to make waves.

So that's what he did -- he made waves. At a time when so few were willing to take a stand, Mike Synar stood tall and said we need to protect our children against the dangers of tobacco. And because he did, he made a difference.

Standing up no matter what anyone else says and doing what's right -- that's what "Kick Butts Day" is all about.

Of course, doing what's right isn't always easy. I know that it's hard to say "no" when some of your friends want you to light up. I know it's hard to say "no" when too many people, who ought to know better, are telling you that smoking is the "cool" thing to do.

But President Clinton and I are very proud of you. And you should be very proud of yourselves. You're standing up to the pressure. You're doing what's right.

I'm here today because the President and I are on your side.

We want to help you educate other young people about the devastating effects of smoking. We want to help you "Kick Butts."

The President and I know first-hand of the dangers of smoking. I have spoken before of how my sister died of lung cancer a fairly young age. She began smoking when she was 13 years old. We all knew it was wrong. We all tried to get her to stop. She tried to quit but couldn't. And it eventually caused her death.

Tragically, there are millions of other families who have similar stories. Too many Americans have had to bear the loss of people we loved dearly because of diseases caused by smoking.

Too many adults, who started smoking as kids, want nothing more than to kick the habit, but they just can't . . . and they suffer because of it.

And so much of it starts because it's been too easy for many of our children to get cigarettes after being drawn in by the fancy advertising of the tobacco companies.

Some of you know there's a comic strip called "Doonesbury."

This week, the main character has been a gigantic talking cigarette with arms and legs and even a personality. His name is "Butt Man." As a matter of fact, he's the same guy in the "Kick Butts" logo.

One of the strips from earlier in the week started with "Butt Man" reading the newspaper, looking a little depressed.

It turns out, he was feeling a little blue because the tobacco industry has been getting a lot of bad news lately.

The next frame has "Butt Man" -- still very depressed -- saying: "It's at times like this -- when the world turns dark and ugly -- that I turn to my truest source of comfort . . . the only hope for the future . . ."

"KIDS!"

Now that sounds pretty crazy. But let me tell you: that's really how some of those tobacco company executives think. Cigarette sales to adults are declining . . . so who do the tobacco companies target?

That's right. They take dead aim at all of you. Just look at the results of the survey you presented me. Virtually everywhere you look, you can find tobacco advertisements.

Glossy photos of models and athletes with a cigarette in their hand. Offers of free T-shirts and concert tickets in magazines. Posters and hats with the cigarette brand and logo plastered on. The tobacco companies will spend billions of dollars and do whatever it takes to make you think that lighting up a cigarette is the cool thing to do.

But I have a message for them. They've underestimated you. The young people who "Kick Butts" know that Joe Camel is definitely not Joe Cool.

And I can't stress enough how important that is.

We all have a role to play in stopping these companies and helping young people resist the temptation to start smoking. As a parent I warned my children of the dangers of smoking. As an elected official -- along with the President and others -- I have tried to provide government policies that will protect our children . . . like banning tobacco billboards near schools and playgrounds. *And you all,*

But ultimately the power to win this battle rests with you.

Now, that might surprise you. But it's true. You might not be old enough to drive a car . . . but you have the power to drive these tobacco companies away from our schools and to drive Joe Camel and the Marlboro Man away from kids!

You're off to a great start. Keep exposing what's behind the smoke screen that tobacco companies have put up. Keep throwing away the trash they try to give you and keep busting illegal sales. Keep telling your friends that smoking is uncool.

Because if you do, we can -- once and for all -- "Kick Butts." *out of our lives.*

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So that's what he did -- he made waves. At a time when so few were willing to take a stand, Mike Synar stood tall and said we need to protect our children against the dangers of tobacco.

And because he did, he made a difference.

Standing up no matter what anyone else says and doing what's right -- that's what "Kick Butts Day" is all about.

Of course, doing what's right isn't always easy. I know that it's hard to say “no” when some of your friends want you to light up. I know it's hard to say “no” when too many people, who ought to know better, are telling you that smoking is the “cool” thing to do.

But President Clinton and I are very proud of you. And you should be very proud of yourselves. You -- and other young people participating in "Kick Butts" events all over the county -- are standing up to the pressure. You're doing what's

right.

I'm here today because the President and I are on your side.

We want to help you educate other young people about the devastating effects of smoking. We want to, help you "Kick Butts."

The President and I know first-hand of the dangers of smoking. I have spoken before of how my sister died of lung cancer a fairly young age. She began smoking when she was 13 years old. We all knew it was wrong. We all tried to get her to stop. She tried to quit but couldn't. And it eventually caused her death.

Tragically, there are millions of other families who have similar stories. Too many Americans have had to bear the loss of people we loved dearly because of diseases caused by smoking.

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The next frame has "Butt Man" -- still very depressed -- saying: "It's at times like this -- when the world turns dark and ugly -- that I turn to my truest source of comfort ... the only hope for the future ... KIDS!"

Now that sounds pretty crazy. But let me tell you: that's really how some of those tobacco company executives think. Cigarette sales to adults are declining ... so who do the tobacco companies target?

That's right. With no regard for the consequences, they take dead aim at all of you. Just look at the results of the survey you just told me about -- over 3,400 pro-smoking messages in only four short days.

You were exactly right. That's over 3,400 too many.

Virtually everywhere you look, you can find tobacco advertisements.

Glossy photos of models and athletes with a cigarette in their hand. Offers of free T-shirts and concert tickets in magazines. Posters and hats with the cigarette brand and logo plastered on. You name it.

The tobacco companies have spent billions of dollars not just on advertising but on researching exactly what appeals most to young people. That's why you see Joe Camel snowboarding and the people in Marlboro ads white water rafting and mountain climbing. When it comes to marketing, these tobacco companies will do whatever it takes to manipulate you and make you think that lighting up a cigarette is the cool thing to do.

But I have a message for them. They've underestimated you. The young people who "Kick Butts" know that Joe Camel is definitely not Joe Cool.

And I can't stress enough how important that is.

We all have a role to play in stopping these companies and helping young people resist the temptation to start smoking. As a parent I warned my children of the dangers of smoking. As an elected official -- along with the President and others -- I have tried to provide government policies that will protect all of you ... like banning tobacco billboards near schools and playgrounds.

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Now, that might surprise you. But it's true. You might not be old enough to drive a car ... but you have the power to drive these tobacco companies away from our schools and to drive Joe Camel and the Marlboro Man away from kids!

You're off to a great start. Keep exposing what's behind the smoke screen that tobacco companies have put up. Keep throwing away the trash they try to give you and keep busting illegal sales. Keep telling your friends that smoking is not only uncool ... it also kills.

Because if you do, we can "Kick Butts" for good.

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**TALKING POINTS FOR VICE PRESIDENT GORE
CANCER/TOBACCO EVENT
LOS ANGELES, CA, FEBRUARY 19, 1997**

draft as of 2/17/97 8pm

- THANK YOU. ACKNOWLEDGMENTS.
- I KNOW THAT MANY OF YOU IN THIS ROOM HAVE BEEN TOUCHED BY CANCER: EITHER DIRECTLY OR BECAUSE OF A CLOSE RELATIVE OR FRIEND. THE SUFFERING CAUSED BY CANCER IS FAR-REACHING AND IT IS VERY REAL. I WOULD LIKE TO THANK EACH OF YOU FOR YOUR COMMITMENT TO CANCER RESEARCH, TREATMENT AND PREVENTION.
- TODAY, I WOULD LIKE TO TALK TO YOU ABOUT A CERTAIN CANCER THAT IS CLOSE TO ME AND MY FAMILY, LUNG CANCER. I WOULD LIKE TO TALK TO YOU ABOUT HOW MANY AMERICANS ARE AFFECTED BY THIS TERRIBLE DISEASE AND WHY SMOKING-RELATED CANCERS HAVE REACHED EPIDEMIC PROPORTIONS. AND FINALLY, I WOULD LIKE TO TALK TO YOU ABOUT THE STEPS THAT EACH OF US CAN TAKE -- AND MUST TAKE -- IN ORDER TO PROTECT OUR CHILDREN.
- AS YOU MAY KNOW, MY SISTER NANCY DIED OF LUNG CANCER WHEN SHE WAS ONLY 46 YEARS OLD. SHE BEGAN SMOKING WHEN SHE WAS 13 YEARS OLD. WE ALL KNEW IT WAS WRONG. WE ALL TRIED TO GET HER TO STOP. SHE TRIED TO QUIT, BUT COULDN'T. AND IT EVENTUALLY CAUSED HER DEATH.
- I HAVE TOLD HER STORY BEFORE . . . BECAUSE MY FAMILY IS NOT THE ONLY FAMILY WHO HAS DEALT WITH THE TRAGEDY OF SMOKING AND CANCER. MILLIONS OF FAMILIES IN THE UNITED STATES LIVE WITHOUT LOVED ONES BECAUSE OF SMOKING-RELATED DEATHS.
- TOO MANY OF OUR CHILDREN HAVE BEEN LURED INTO SMOKING BY FANCY ADVERTISING, AND HAVE FOUND IT ALL TOO EASY TO GET CIGARETTES. TOO MANY KIDS AND ADULTS, WHO STARTED SMOKING IN THEIR TEENS, WANT NOTHING MORE THAN TO KICK THE HABIT, BUT THEY CAN'T . . . AND THEY SUFFER BECAUSE OF IT. AND TOO MANY AMERICANS HAVE TO BEAR THE LOSS OF PEOPLE WE LOVED DEARLY BECAUSE OF THE DISEASES CAUSED BY SMOKING.

THE NUMBERS

- LUNG CANCER KILLS MORE THAN 400,000 PEOPLE IN THIS COUNTRY EVERY YEAR. IT IS THE LARGEST PREVENTABLE CAUSE OF ILLNESS AND PREMATURE DEATH IN THE UNITED STATES.
- WE KNOW 90% OF LUNG CANCER IS CAUSED BY ONE THING -- TOBACCO.
- THE NOVELIST ARTHUR LOESTLER ONCE SAID, "STATISTICS DON'T BLEED." BUT THEY DO TELL A LOT MORE PEOPLE DIE EACH YEAR FROM CIGARETTE SMOKING THAN AIDS, ALCOHOL, CAR ACCIDENTS, MURDER, SUICIDES, DRUGS AND FIRE COMBINED. (*Slide #1*)
- TO PUT THE NUMBERS IN PERSPECTIVE, MORE AMERICANS ARE KILLED EACH YEAR BY CIGARETTES THAN WERE KILLED DURING WORLD WAR TWO. (*Slide #2*)
- WHILE IT'S EASY TO THINK OF SMOKING AND LUNG CANCER AS AN ADULT PROBLEM, IT IS NOT AND ADULT PROBLEM. THE AVERAGE AGE OF SMOKERS WHEN THEY FIRST START SMOKING IS 14 ½ YEARS OLD.
- EACH AND EVERY DAY 3,000 TEENAGERS BECOME SMOKERS. NEARLY ONE THOUSAND OF THOSE TEENAGERS WILL HAVE THEIR LIVES SHORTENED BY TOBACCO-RELATED DISEASES.
- AND THE NUMBER OF TEENS WHO SMOKE IS INCREASING. IN 1991 27.5% OF TEENS SMOKED, IN 1995, IT SHOT UP TO 34.8%. THE NUMBER OF SMOKERS IS INCREASING AMONG 8TH GRADERS, 10TH GRADERS AND 12TH GRADERS. (*Slide #3*) IN CONTEXT, TO THE NEARLY 35% OF TEENS WHO SMOKE, ONLY 25% OF ADULTS SMOKE.
- IF WE ARE TO CONTINUE TO LEAD THE WORLD, WE NEED TO BE HEALTHY ENOUGH TO MAKE THE MOST OF OUR OWN LIVES. AND THAT STARTS WITH OUR CHILDREN.
- ONE FACT THAT I ALWAYS TRY TO REMEMBER AND STRESS TO PEOPLE IS THAT A PERSON WHO HASN'T STARTED SMOKING BY THE AGE OF 19, IS UNLIKELY EVER TO BECOME A SMOKER.
- SINCE NICOTINE ADDICTION BEGINS WHEN MOST TOBACCO USERS ARE TEENS: WE ARE BEGINNING TO RECOGNIZE WHAT SMOKING REALLY IS: A PEDIATRIC DISEASE.

- IF KIDS DON'T START SMOKING IN THEIR TEENS, THEY ARE HIGHLY UNLIKELY TO EVER BECOME SMOKERS. 82% OF ADULT SMOKERS HAD THEIR FIRST CIGARETTE BEFORE THEY WERE 18 YEARS OLD, WHILE ONLY 6% OF ADULT SMOKERS HAD THEIR FIRST CIGARETTE AFTER 20 YEARS OF AGE. ABOUT HALF OF ADULT SMOKERS BECOME ADDICTED BEFORE THEY ARE 18, WHILE LESS THAN 15% OF ADULT SMOKERS BECOME ADDICTED AFTER THEY ARE 20 YEARS OLD. *(Slide #4)*
- IF WE COULD CHANGE THE SMOKING HABITS OF JUST ONE GENERATION, WE COULD RADICALLY REDUCE THE INCIDENCE OF SMOKING-RELATED DEATH AND DISEASE, AND A SECOND UN-ADDICTED GENERATION COULD SEE NICOTINE ADDICTION GO THE WAY OF SMALLPOX AND POLIO.

CHILDREN -- THE TARGET OF ADVERTISING

- THE FORCES OUT THERE TO ENCOURAGE OUR KIDS TO SMOKE ARE MASSIVE AND RELENTLESS.
- IN 1992, THE TOBACCO INDUSTRY SPENT MORE THAN \$5.2 BILLION IN ADVERTISING AND PROMOTION. THIS MADE TOBACCO THE SECOND MOST HEAVILY ADVERTISED COMMODITY IN THE UNITED STATES, SECOND ONLY TO AUTOMOBILES. *(Slide #5)*
- 86% OF UNDERAGE SMOKERS BUY ONE OF THE THREE MOST HEAVILY ADVERTISED BRANDS OF CIGARETTES, WHILE MOST ADULT SMOKERS BUY THE PRIVATE LABEL, PRICE VALUE AND PLAIN PACKAGE BRANDS. *(Slide #6 and #7)*. SO IT SEEMS THAT MUCH OF THE \$5.2 BILLION IN ADVERTISING IS TARGETED AT THE YOUTH OF AMERICA -- THE FIRST TIME SMOKERS.
- THE TOBACCO INDUSTRY IS REACHING OUT TO GET TO KIDS THROUGH ALL KINDS OF ADVERTISING AND PROMOTIONS. FOR ONE, JOE CAMEL. BEFORE THE JOE CAMEL CARTOON CAMPAIGN, CAMEL CIGARETTES COMMANDED 2% - 3% OF THE UNDER 18 YEAR OLD MARKET AND 3% - 4% OF THE OVERALL MARKET. A FEW YEARS INTO THE "JOE CAMEL" CAMPAIGN, CAMEL COMMANDS 13% OF THE UNDER 18 YEAR-OLD MARKET AND THE SAME 4% OF THE OVERALL MARKET SHARE. *(Slide #8 or Slide #9)*
- I'D LIKE TO SHOW YOU SOME OF THE MARKETING TOOLS THE ADVERTISING INDUSTRY USES TO HOOK KIDS ON CIGARETTES.
- *VICE PRESIDENT SHOWS TOBACCO MERCHANDISING PROPS.*

- THE TOBACCO INDUSTRY HEAVILY ADVERTISES IN MAGAZINES THAT APPEAL TO YOUTH READERSHIPS FOR EXAMPLE, *SPIN*, *ROLLING STONE*, *CYCLE WORLD*, *MADemoiselle* AND *GLAMOUR*. THEY GIVE AWAY FREE TICKETS TO CONCERTS AND THEY SPONSOR SPORTING EVENTS. AND THEY POUR ANYWHERE FROM \$100 MILLION TO \$250 MILLION EVERY YEAR ON SPORTING EVENTS.
- ALL OF THIS PROMOTION BY THE TOBACCO COMPANIES SEEMS TO BE WORKING. ACCORDING TO A 1992 GALLUP POLL, ONE-HALF OF ADOLESCENT SMOKERS AND ONE-QUARTER OF ADOLESCENT NON-SMOKERS OWNED AT LEAST ONE PROMOTIONAL ITEM FROM A TOBACCO COMPANY. *(Slide # 10)*
- THE BOMBARDMENT OF TOBACCO ADVERTISING AND PROMOTION HAS BEEN SUCCESSFUL IN COVERING UP THE TRUTH ABOUT SMOKING. MOST KIDS HAVE MISPERCEPTIONS ABOUT HOW MANY PEOPLE SMOKE, HOW ACCEPTABLE IT IS AND WHAT THE RISKS ARE.
- **KIDS BELIEVE SMOKING IS THREE TIMES MORE PREVALENT IN SOCIETY THAN IT ACTUALLY IS.**
- THE NINTH GRADERS SURVEYED ESTIMATED MUCH HIGHER INCIDENCE OF SMOKING IN ADULTS AND AMONG THEIR PEERS. *(Slide #11)*
- 12% OF NINTH GRADERS ARE REGULAR SMOKERS, YET NINTH GRADERS WHO ARE REGULAR SMOKERS ESTIMATED THAT 55% OF THEIR PEERS ARE ALSO REGULAR SMOKERS. *(Slide #12)*
- ADDITIONALLY, NINTH GRADERS WHO SAY THEY ARE REGULAR SMOKERS ESTIMATED MORE THAN DOUBLE THE REAL NUMBER OF ADULT SMOKERS. *(Slide #13)*
- THE TRENDS ARE DISTURBING: SINCE 1989, FEWER TEENS ARE SAYING THEY DISAPPROVE OF SMOKING ONE OR MORE PACKS OF CIGARETTES A DAY *(Slide #14)*; MORE TEENS ARE SAYING IT IS "FAIRLY EASY" OR "VERY EASY" TO GET CIGARETTES *(Slide #15)*; AND ONLY 50% OF EIGHTH GRADERS SURVEYED SAID THAT A PACK-A-DAY SMOKER RUNS A GREAT RISK OF HARMING HIMSELF OR HERSELF. *(Slide #16)*

- KIDS BELIEVE SMOKING WILL MAKE THEM COOL, IT WILL MAKE THEM POPULAR, IT WILL MAKE THEM SUCCESSFUL. IN REALITY, IT WILL ONLY MAKE THEM ADDICTED, AND, FOR 70% OF 12 TO 17 YEAR OLDS SURVEYED, IT WILL MAKE THEM REGRET BEGINNING TO SMOKE.
- KIDS BELIEVE THEY ARE YOUNG AND FEARLESS AND THAT THEY WILL BE ABLE TO QUIT BEFORE THEY BECOME ADDICTED TO NICOTINE. UNFORTUNATELY FOR THEM, THEY ARE WRONG. BETWEEN ONE-THIRD AND ONE-HALF OF ADOLESCENTS WHO TRY SMOKING A FEW CIGARETTES SOON BECOME REGULAR SMOKERS, AND ALTHOUGH MOST TRY TO QUIT, THEY ARE UNABLE TO DO SO.

OUR MORAL RESPONSIBILITY

- WE ALL HAVE A PART TO PLAY IN REDUCING TOBACCO USE BY KIDS. I TRIED AS A BROTHER TO HELP MY SISTER QUIT, AS A PARENT I HAVE TOLD MY CHILDREN OF THE DANGERS OF SMOKING, AS A PUBLIC SERVANT I HAVE TRIED TO PROVIDE GOVERNMENT POLICIES THAT WILL LIMIT KIDS' EXPOSURE TO THE RAMPANT CIGARETTE ADVERTISING AND PROMOTION.
- THE FEDERAL GOVERNMENT HAS MADE MANY EFFORTS TO KEEP CIGARETTES AWAY FROM KIDS. WE PUT WARNING LABELS ON CIGARETTES, WE ELIMINATED TOBACCO ADVERTISEMENTS FROM TELEVISION. WE HAVE NEW RULES THAT WILL: BAN VENDING MACHINES WHERE KIDS CAN HAVE ACCESS TO THEM; BAN TOBACCO BILLBOARDS NEAR SCHOOLS AND PLAYGROUNDS; BAN TOBACCO BRAND NAMES ON HATS, T-SHIRTS, GYM BAGS AND OTHER MERCHANDISE; BAN TOBACCO BRANDS FROM SPONSORING SPORTS, MUSICAL OR CULTURAL EVENTS.
- MANY STATES HAVE THEIR OWN EFFORTS TO REDUCE TEEN SMOKING. CALIFORNIA, FOR ONE, INCREASED CIGARETTE TAXES TO PAY FOR AN ANTI-TOBACCO MEDIA CAMPAIGN.
- HEALTH ADVOCACY GROUPS ALL ACROSS THE COUNTRY HAVE BEEN WORKING TIRELESSLY TO GET INFORMATION OUT TO TEENS ABOUT THE DANGERS OF SMOKING.

THE ENTERTAINMENT INDUSTRY:

- SO WHAT CAN ALL OF YOU DO? YOU IN THE ENTERTAINMENT INDUSTRY HAVE AN THE INCREDIBLE ABILITY TO REACH MILLIONS OF PEOPLE.

- TEENS ACROSS THIS COUNTRY LOOK UP TO MOVIE STARS LIKE THEY DO TO NO OTHERS. WHILE ONLY 40% OF PEOPLE IN A WASHINGTON POST SURVEY LAST YEAR COULD IDENTIFY WHO THE VICE PRESIDENT OF THE UNITED STATES WAS, I'LL BET 99% OF TEENS CAN TELL YOU ALL ABOUT THE LATEST TOM CRUISE MOVIE.
- YOU, HERE IN HOLLYWOOD HAVE AN ENORMOUS AMOUNT OF POWER TO SHAPE THE IDEALS OF A GENERATION. I ASK YOU TO JOIN ME IN AN EFFORT TO REDUCE THE WAYS IN WHICH THE TOBACCO INDUSTRY MESSAGE THAT SMOKING IS COOL IS PROMOTED.
- I HAVE SEEN REPORTS THAT SMOKING IS ON THE RISE IN MOVIES. IT USED TO BE THAT EVERYONE SMOKED IN THE MOVIES, WHO CAN FORGET HUMPHREY BOGART AND LAUREN BCCALL SMOKING COOLY AND SEDUCTIVELY IN THEIR MOVIES. HOWEVER, FOLLOWING THE SURGEON GENERAL'S REPORT IN 1964 THAT LINKED SMOKING TO CANCER, SMOKING CAME OUT OF MANY MOVIES. IN THE 1970s AND 1980s, THE CHARACTERS WHO SMOKED IN MOVIES WERE USUALLY THE "BAD GUYS."
- BUT NOW WE SEEM TO BE SEEING SMOKING IN THE MOVIES BY THE MOST POPULAR ACTORS AND ACTRESSES IN REGULAR SITUATIONS WITH NO EXPLANATIONS OR CONSEQUENCES RAISED.

A CALL TO ACTION

- I WOULD NEVER WANT YOU, AS LEADERS IN THIS INDUSTRY, TO EVER COMPROMISE YOUR ARTISTIC EXPRESSION, BUT I ASK YOU TO CONSIDER THE DANGEROUS SIGNAL MOVIES CAN SEND TO TEENS IN THIS COUNTRY: SMOKING IS COOL, YOU SHOULD TRY IT.
- EVERY DAY THIS MESSAGE THAT SMOKING IS COOL IS REINFORCED TO KIDS, THROUGH MAGAZINES, BILLBOARDS, PROMOTIONAL GIVE-AWAYS, BY THEIR PEERS AND OTHERS. I ASK YOU IN THE ENTERTAINMENT INDUSTRY TO STOP FOR A MOMENT AND EXAMINE WHAT MESSAGE MOVIES AND TV SHOWS ARE SENDING TO KIDS ABOUT THE MOST DEADLY ADDICTION IN THIS COUNTRY.
- IF A TEENAGER SEES HIS OR HER FAVORITE ACTOR OR ACTRESS CASUALLY LIGHTING UP A CIGARETTE IN EVERY MOVIE, THAT MAY HAVE AN IMPACT ON THAT CHILD'S PERCEPTION OF SMOKING.

- PLEASE REMEMBER THAT YOUR VOICES, YOUR IMAGES RESONATE WITH PEOPLE LONG AFTER THE LIGHTS COME UP OR THE TELEVISION PROGRAM IS OVER.
- THE WORDS AND IMAGES ENCOURAGING KIDS TO SMOKE ARE MANY, THEY ARE VARIED AND THEY ARE PERVASIVE. LET'S WORK TOGETHER TO TRY TO DISCOURAGE KIDS FROM STARTING A HABIT THAT WILL SURELY LEAD TO ADDICTION AND POSSIBLY TO ILLNESS, DISEASE AND A PREMATURE DEATH.
- I LOOK TO YOU AS THE LEADERS IN THE ENTERTAINMENT INDUSTRY FOR YOUR INSIGHT, YOUR GUIDANCE OR YOUR ASSISTANCE IN THIS EFFORT TO DRAMATICALLY REDUCE THE NUMBER OF PEOPLE WHO DEVELOP LUNG CANCER FROM CIGARETTES IN THIS COUNTRY AND AROUND THE WORLD.
- AS DR. KLAUSNER SAID IN HIS REMARKS, IT IS NOT ENOUGH FOR US TO KNOW THE ANSWER, BUT WE MUST ACT ON IT. JUST IMAGINE IF TOMORROW I TOLD YOU THAT WE FOUND A CURE FOR THIRTY PERCENT OF CANCER DEATHS. WELL, WE HAVE. WE CAN DROP CANCER DEATHS BY ONE-THIRD IF WE GREATLY REDUCE SMOKING. SMOKING IS THE SINGLE BIGGEST CAUSE OF CANCER AND THE ONLY ONE WE ARE SURE HOW TO PREVENT.
- THANK YOU.

Smoking in the Movies

Tobacco Product Placement

- Internal memos say that Brown & Williamson Tobacco Corporation spent more than \$950,000 in a span of four years to feature its cigarette brands in more than 20 movies.
- In 1983, Sylvester Stallone promised to use Brown & Williamson cigarettes in five feature films for a fee of \$500,000.
- Philip Morris paid approximately \$42,500 to have the Marlboro brand displayed in "Superman II."
- In 1989, Philip Morris contributed approximately \$350,000 to the production and promotional costs of the James Bond movie, "License to Kill," where their Lark brand of cigarettes were featured.
- Tobacco companies insist that paying for tobacco product placement stopped in 1990. 60 Minutes new program could not find any evidence that paying for tobacco product placement is still going on.

Movies where smoking is figured prominently

- "The Mask," "Milk Money," "She's the One," "Feeling Minnesota," "Waiting to Exhale," "Thelma and Louise" and "A Time to Kill." (60 Minutes 11/24/1996)

Actors who smoke in movies

- Jim Carey, Sharon Stone, Gwyneth Paltrow, Uma Thurman, Winona Ryder, Bruce Willis, John Travolta, Keannu Reaves. (60 Minutes 11/24/1996)

History of Smoking in the Movies

- Cigarette smoking was prominent in movies before the Surgeon General report in 1964.
- Following the Surgeon General report in 1964, the 1970s and 80s featured few characters who smoked. Most of those who smoked were perceived as bad people, sick people, polluters or idiots.
- In the 1990s smoking in movies is on the rise and most smokers are there is no longer a stigma attached to smoking.

Smoking in the Movies Today

- “Smoking in the movies today is almost as common as it was 35 years ago before the Surgeon General’s report that linked cigarettes to lung cancer.” (Nightline, 5/3/96)
- “While smoking in the movies by adults age 30 to 45 dropped by nearly half from the 1960s to the end of the 1980s, smoking by younger characters, aged 18 to 29 more than doubled.” (Nightline 5/3/96)
- “In a study released in March [1995], teenage reviewers overseen by a regional division of the Lung Association, found that 77% of the 133 current movies analyzed portrayed tobacco use.” (LA Times, 9/5/95)
- In a random sample, of 62 of the top-grossing films of the last three decades, it was found that 32% of the smokers in films were youthful characters. (L.A. Times, November 12, 1992)
- “While only 3% of the American population smokes cigars, the product was depicted in over half of those movies with tobacco use.” (LA Times, 9/5/95)
- “Cigar sales are up 30% since 1994.” (The San Francisco Chronicle, 12/26/96)
- Some say that not only are they showing smoking in an exaggerated fashion, but that it is inappropriate situations ie: in a submarine in “Crimson Tide” (that is not allowed under military rules) and by a police officer in a Bruce Willis movie (many policemen and women are barred from smoking while on duty (**check))

Perceptions from Smoking in the Movies

- According to Professor Stanton Glantz from the University of California, who led a study of 30 years of smoking in the movies said, “While the use of cigarettes and other tobacco products fell over that time, it was still about three times more prevalent among the people in the films as it was comparable [to] people in the real world.” (Nightline, 5/3/96)
- Stanton Glantz also said “movies bear more resemblance to tobacco advertising than they do to reality. Kids come away thinking that the habit is widely accepted, practiced by people in positions of power, when it’s actually a minority behavior concentrated among the less-educated and the poor.” (LA Times, 9/5/95).
- According to Stanton Glantz, an overwhelmingly number of movie characters who smoke were in upper socioeconomic strata, compared to the real numbers of smokers in those groups. Films portrayed the smoker in the same way that tobacco advertising does, said Stanton Glantz. The dominant themes of cigarette

advertising were that smoking is associated with youthful vigor, good health, good looks, personal and professional acceptance. Films consistently reinforce the same misleading images created by tobacco advertising, which is designed to convince children to smoke.” (Los Angeles Times, 11/12/1992)

Smoking on Television

- While tobacco advertisements were banned from television in 1971, some television shows feature people smoking, including “3rd Rock from the Sun ” and “ER.” Cigar smoking were seen on the following television shows this season “Friends,” “Seinfeld” and “Suddenly Susan.” One show that has been credited with virtually never showing anyone smoking is the show “Cheers” which in fact took place in bar.
- “Feature films are five times more likely to depict the habit [smoking] than TV, the Lung Association study found.” (LA Times, 9/5/95)
- “Smoking occurred in 25% of the 230 television episodes review during the last year by the Lung Association, although almost never by a main character.” (The Los Angeles Times, 9/5/95).
- Even if television shows are successful in keeping smoking out of their shows, many movies are eventually shown on television.
- “The children’s cable channel Nickelodeon has a no-smoking policy for its original programming.” (The Los Angeles Times, 9/5/95).

Entertainment Industry Response

- The entertainment industry defends the use of smoking in movies and on television on the following grounds: it’s artistic freedom, any attempt to end it would be seen as censorship, they are showing what’s really out there, they are mirroring reality.

Michael/Elena - I have most - but not all - of this
stuff on hand and can get the rest.

LIST OF TOBACCO INDUSTRY TRINKETS AND TRASH

1. Joe Camel backpack (black)
2. Marlboro gym bag (red and white)

In the Marlboro Bag

3. Smokin' Joe's Racing baseball hat (purple and yellow)
4. Kodiak (smokeless tobacco) baseball hat (black and white)
5. Joe Camel "Beach Club" plastic mug
6. Joe Camel head cup holder
7. Family Channel sponsored toy racing car ("not suitable for children under 36 months")
- ~~8. Smokin' Joe's sponsored toy racing car ("not suitable for children under 21 years of age")~~
- ~~9. Four (4) Joe Camel "Collector Packs"~~

~~Joe at the beach~~

~~Joe on a motorcycle~~

~~Joe shooting pool~~

~~Joe hanging out in a leather jacket~~

10. Joe Camel coaster
11. Joe Camel designer matches
- ~~12. Camel Cash catalog~~
- ~~13. Marlboro gear catalog~~

In the Camel Backpack

14. Newport tube socks
15. Virginia Slims headbands
16. 3 part Marlboro - Penske shirts
 - Penske toddler shirt and shorts
 - Marlboro grand prix hat
 - Marlboro grand prix t-shirt
19. Joe Camel fleece shorts (white with cartoon characters)
20. Marlboro adventure team shorts (black)
21. Smokin' Joe Camel Racing t-shirt (white with multi-colors)
22. Joe Camel smooth moves advertisement
 - How to impress someone at the beach
 - If you don't like redeeming coupons, have a stranger do it for you.
- ~~23. Joe Camel advertisement in Rolling Stone magazine~~
 - ~~- \$25-off any rock concert~~

BUSINESS

TOBACCO

Stealth Marketing

Cigarette makers are already dodging new restrictions on advertising

BY LESLIE KAUFMAN

SO YOU ARE A 14-YEAR-OLD WEB surfer dying to get the latest buzz on a new band called Seven Sins. After a quick search you find yourself at a funky, steel gray Web site filled with reviews of European rock concerts. Sure, it's mostly in German, but with plentiful English headings like "party previews," "love parade" and "Berlin fashion," you can get around easily enough. And that picture of the members of a mixed-sex band fondling each other nude—OK, they're ing nuns' wimples—is pretty captivating. In passing, you register the sponsor of the page: Camel cigarettes. "Cool!" you muse before clicking off. "Camel knows its music." Which is exactly, some say, what the makers of the fastest-growing brand in the United States would like you to think—especially if you've given some thought to taking up smoking.

Just last summer it seemed that the anti-smoking forces had finally figured out how to the tobacco giants from pitching to kids. In August the Food and Drug Administration declared nicotine a drug and issued sweeping regulations to restrict the sorts of smoking ads that most appeal to minors. Big tobacco is hardly giving up. Earlier this month the cigarette companies asked a federal court to suspend the new rules, most of which are scheduled to take effect this summer. While legal maneuvering will probably delay the regs, the companies are mounting aggressive traditional ad campaigns to keep the customers they have and win new ones. And in preparation for a stricter future, the industry is fast invading the marketing niches the FDA hasn't thought to regulate or can't reach—from Internet sites to jazzy packaging. As Bill Novelli, a former ad-man now with the Campaign for Tobacco-Free Kids, concedes of his foes: "They are damned good."

Clever marketers in many industries have been shifting away from conventional ad campaigns and toward subtler promotions: corporate America now does everything from sponsoring sports

Microsmokes: For young rebels



Smoldering problem: Despite government efforts, a quarter of American teens smoke

events (think Tostitos Fiesta Bowl) to producing record labels (classical CDs from Victoria's Secret, anyone?). And no one has been more adept at this backdoor marketing than the cigarette companies. Since 1964, when the surgeon general declared smoking a health hazard, the government has progressively restricted the venues in which Big Tobacco can ply its wares, going after comic-strip pages first, then radio and television. But each time, Big Tobacco has found new outlets, splattering its brand names across the likes of race cars, T shirts and baseball

caps. Last year, with a quarter of all American teens still smoking, the FDA decided to crack down on all ad tactics known to influence high-school kids. It has proposed prohibiting billboards near schools, color ads in publications with a large youth readership and brand-name sponsorship of entertainment events and clothing. While the tobacco

Moonlighting: RJR gets hip



companies / they're trying to circumvent the new rules, ad-agency insiders believe that the industry, with a total annual ad budget of \$5 billion, is still one step ahead of Uncle Sam.

Jeffrey Chester, executive director of the Center for Media Education, is monitoring the cigarette companies' expansion into cy-



Joe Cool

berspace. He argues that the online world "dramatically increases the ability to reach underage smokers." In March his organization will release a report detailing tobacco-related material on the Web and ask the FDA to act. But how can the Feds stop a foreign subsidiary of a tobacco company from launching a site

overseas—like Camel's Web page, for example? "U.S. regulations do not cross international lines," asserts Peggy Carter, a spokesperson for Camel.

Marlboro has taken a less high-tech but no less inventive approach by producing a new Rolling Stone-size quarterly magazine called Unlimited. Its first issue, published last October, featured articles on arm-wrestling, road trips and slinky young starlets. But you can't find Unlimited at any store. Marlboro mails it to some 2 million smokers on the company's state-of-the-art databases. The company claims that everyone on the list is at least 21. Since all its readers are adults, Marlboro argues, Unlimited's ads don't have to be restricted to black-and-white. Of course, once the magazine has made it to the coffee table, there's nothing to stop a minor from picking it up.



Marlboro mag

Perhaps the cigarette companies' most creative moves have been in packaging. Much of the industry still clings to plain-vanilla graphics on the top brands, because they are familiar to longtime customers. But in a trend likely to catch on, RJR has launched a line of artily wrapped "microsmokes," which, like microbrews, are aimed at young trendies who disdain megabrands. Jumbos, for example, a brand of wide-gauge filters, features a stylized elephant. Dirk Herman, who launched RJR's Moonlight brands, brags that "the packaging alone sells the product."

Over at the FDA, associate commissioner Mitch Zeller is monitoring the new developments with concern. "This is a big challenge," he says. He also admits that in areas like packaging, the law gives him no recourse. Government authority has its limits, and it seems that Big Tobacco is finally on the verge of discovering them.

With JOLIE SOLOMON and STEVE RHODES

5

CAMPAIGN for TOBACCO-FREE Kids

FOR IMMEDIATE RELEASE

Contact: Jennifer Thorp
(202) 296-5469
Don Marshall
(202) 289-5900

FIRST POLL SINCE LIGGETT SETTLEMENT SHOWS ANGER AT TOBACCO INDUSTRY SKYROCKETING

*Nearly Three-Quarters of Americans Now Want Congress to Hold Hearings,
and FDA to Regulate Tobacco Marketing*

Washington, D.C. (March 27, 1997) -- A nationwide poll taken just after the Liggett Group settlement reveals that more Americans now believe tobacco companies are deliberately marketing to children, and that tough action -- including FDA regulation -- should be taken against the industry. Americans also overwhelmingly feel that Congress should hold hearings to investigate the tobacco industry.

The poll, which was commissioned by the CAMPAIGN FOR TOBACCO-FREE KIDS and released today, shows that 69 percent of Americans believe that the tobacco companies deliberately market their products to kids -- up from 54 percent in a June 1996 poll. Seventy-three percent of respondents say that tobacco is an addictive drug that should be regulated -- up from 65 percent in the earlier poll. And 70 percent agree that the FDA should have the authority to regulate the sale and marketing of tobacco products.

On March 20, the Liggett Group tobacco company announced an agreement to settle lawsuits with 22 states seeking to recoup the cost of treating tobacco-related diseases. As part of the settlement, Liggett broke ranks with the rest of the tobacco industry in admitting that tobacco companies target children in their marketing, that tobacco is addictive, and that tobacco causes cancer and other diseases. Liggett also agreed to release hundreds of sensitive industry documents that could prove damaging to the other tobacco companies.

"The anger with the deceptions of the tobacco industry is hitting record levels," CAMPAIGN President Bill Novelli said. "Americans clearly feel that the tobacco companies have conspired to lie to the public about everything from marketing to children to claiming tobacco is not addictive."

Novelli continued, "The public was already fed up with the tobacco industry before the Liggett settlement; now they're ready to take the gloves off. Americans overwhelmingly think that the time has come for the tobacco companies to be investigated, regulated, and even prosecuted."

- more -

1707 L Street, NW Suite 800 Washington, DC 20036
Phone (202) 296-5469 Fax (202) 296-5427

Tobacco Poll / 2

The poll shows that 77 percent of Americans believe the tobacco industry lies about the health effects of tobacco, 81 percent believe it lies about the addictive nature of tobacco, and 75 percent believe it lies about the marketing of tobacco products to kids. Of the people surveyed, 70 percent said they had seen, heard, or read something about the Liggett settlement.

"With the alarming rise in tobacco use among young people, every effort must be made to eradicate all tobacco marketing targeted to youth, and hold the tobacco companies responsible for this unacceptable behavior," said Timothy J. Dyer, executive director of the National Association of Secondary School Principals. "We urge Congress and the American people to take action and ensure the healthy futures of all of our young people."

"These results reveal that the tobacco companies have lost all credibility with the American people," Novelli said. "But it doesn't stop there. The public clearly wants action to stop the tobacco conspiracy and protect children from cigarette marketing. There is tremendous support for the FDA rule to stop tobacco marketing to kids, and for Congressional action to call the tobacco companies on their deceptions."

Seventy-three percent of those polled agreed that the U.S. Congress should hold hearings on whether the tobacco companies have lied about the health effects of tobacco and their marketing of tobacco products to kids. Seventy-five percent feel that politicians who accept contributions from tobacco companies are less likely to take steps to protect the health of children -- up from only 50 percent in the June poll.

"People feel strongly that it's time for Congress to step up to the plate and investigate the lies of the tobacco companies," Novelli said. "Many Americans probably remember the scene three years ago when the top cigarette company executives swore -- under oath -- before Congress that tobacco is not addictive."

The survey also found that 66 percent of the people agree that tobacco company executives should be criminally prosecuted for their lying about the health effects of tobacco.

The random telephone survey of 1,000 people, evenly split between men and women from across the nation, was conducted by TELENATION from March 21 to March 23. The survey has a margin of error of +/- 3.1 percentage points.

The CAMPAIGN FOR TOBACCO-FREE KIDS is the largest initiative ever undertaken to decrease youth tobacco use in the United States. Its mandate is to focus the nation's attention and action on keeping tobacco marketing from seducing children, and making tobacco less accessible to kids. The CAMPAIGN'S 100-plus member organizations include the National Association of Secondary School Principals, American Medical Association, American Heart Association, American Lung Association, American Cancer Society, American Academy of Pediatrics, National Association of Elementary School Principals and National PTA.

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Note to editors: A one-page summary of the findings is attached.

PUBLIC OPINIONS ON TOBACCO – NATIONAL SURVEY
(Data Collected March 21-23, 1997)

Changes in public attitudes since June of 1996:

<u>Percent who agree somewhat or strongly that</u>	<u>June 1996</u>	<u>March 1997</u>
The tobacco companies deliberately market cigarettes to underage kids	54%	69%
Politicians who accept contributions from tobacco companies are less likely to take steps to protect the health of children	50%	75%
Tobacco is an addictive drug that should be regulated like other drugs	65%	73%

Percent who say the tobacco industry lies about:

- The health effects of tobacco: 77%
- The addictive nature of tobacco: 81%
- The marketing of tobacco products to teens: 75%

Percent who agree strongly or somewhat that:

The FDA should have authority to regulate the sale and marketing of tobacco products: 70%

The U.S. Congress should hold hearings about whether the tobacco companies have lied about the health effects of tobacco and their marketing of tobacco products to kids: 73%

State legislatures should hold such hearings: 69%

The tobacco companies should have to pay the government health care costs that result from smoking: 63%

Tobacco company executives should be criminally prosecuted for lying about the health effects of tobacco: 66%

The tobacco companies have internal documents that prove they knew the harmful effects of tobacco: 84%

The tobacco companies have internal documents that prove they intentionally market their products to kids: 64%

Who is to blame for the sale and marketing of tobacco products to teens?

	<u>Tobacco Companies</u>	<u>Advertising Agencies</u>	<u>Media Taking Ads</u>	<u>Retailers</u>
Very much to blame	55%	43%	33%	28%
Somewhat to blame	32%	45%	50%	49%
Not at all to blame	12%	12%	17%	23%

70 percent of those surveyed claim to have seen, heard, or read something about the Liggett settlement.



CME

C E N T E R F O R M E D I A E D U C A T I O N

FOR IMMEDIATE RELEASE
March 6, 1997

CONTACT: Jeff Chester
202-628-2620

NEW REPORT DOCUMENTS THREATS TO YOUTH FROM ALCOHOL AND TOBACCO WEB SITES

WASHINGTON, DC, March 6 -- Alcohol and tobacco companies are using the Internet to market and promote their products, capitalizing on the unique features of the World Wide Web to create captivating, fun, interactive sites that are very appealing to underage youth, according to a study released today by the non-profit, Center for Media Education (CME). To address the problem, CME called for a combination of Congressional Hearings, new Federal investigations, enforcement of the Cigarette Act, and action by parents and educators to instruct young people about online promotion of these products.

"This new medium, with its vivid graphics and engaging interactivity, is quickly becoming a powerful presence in the lives of children and youth," explained CME's president, Kathryn Montgomery, Ph.D. "That the promoters of alcohol and tobacco have seized upon the Web so quickly is a troubling sign. In these realms of cyberspace, dangerous new behaviors can be fostered and reinforced at a particularly vulnerable period in the lives of young people."

Nearly five million children between the ages of two and seventeen used the Internet or an online service at home or school in 1996 and their numbers are expected to increase dramatically in the next few years. And nearly 9.1 million college students are regular users of the Internet.

CME examined more than 300 Web sites and reviewed the most recent available research on marketing and the Internet. The study found hundreds of Web sites indiscriminately promoting the use of alcohol and tobacco products. Major alcohol beverage companies are a growing commercial presence on the Internet, with Web sites established for several dozen brands.

While regulatory restraints and the political climate have so far kept the big tobacco companies from launching online cigarette marketing campaigns, the study indicated that these companies could be poised to move more aggressively online. Brown & Williamson Tobacco Corporation, for instance, recently began running Lucky Strike print ads to attract visitors to an online Web magazine that collects information and offers free T-shirts. Some tobacco companies have launched advertising Web sites in other countries. Given the global nature of the Internet, these sites are easily accessed in the United States.

The study identified a variety of techniques used to market and promote alcohol and tobacco products. Using the colorful, interactive, community-building features of the Web, many of the techniques are particularly appealing to youth.

The Budweiser online radio network, "KBUD," hosted by DJ, BuddyK, intersperses music, interviews with rock stars, and reviews of albums with a steady stream of promotions for the beer.

A number of the beer and liquor Web sites have interactive games featuring brand characters, including Molson Beer's "Berserk in Banff" and Cuervo Tequila's "J.C. Roadhog Adventure," an off-road wild ride with a red "Cyber rodent" who zooms across a desert littered with empty tequila bottles and other Cuervo merchandising icons.

The promotion of "bridge drinks," is another common online practice. Many liquor Web sites offer recipes for these sweet concoctions that disguise the taste of alcohol and are more appealing to novice drinkers, such as the Malibu Rum site's "Radical Party Recipes" and "Bartenders' Favorite Recipes."

Chat rooms, in the form of virtual bars and graffiti walls, are present on most of the Web sites. At Smokey's Cafe, on the Smoker's Home Page, visitors can view glamorous photos of famous celebrities smoking, chat with other smokers, read pro-smoking articles, and consult lists of cigarette and cigar vendors. This site is just one example of home pages dedicated to fostering an online "Smoking is Cool" culture.

The study also identified numerous sites offering wine, beer, distilled spirits and tobacco products for sale on the Internet with few or no questions asked.

The Center for Media Education made a number of recommendations for immediate action to address the growing problem of alcohol and tobacco promotion on the Web. In addition to Congressional hearings, CME called on the Federal Trade Commission to launch an investigation. The organization urged Federal agencies such as the National Cancer Institute and the Centers for Disease Control, to look into the issue.

"The cigarette industry should refrain from moving onto the Internet to market and promote its products," said Jeff Chester, CME's Executive Director. "If companies fail to comply with the Cigarette Act, appropriate legal action should be taken." The Cigarette Act, which has kept advertising of cigarettes off of radio and television since 1971, applies to "any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission" and thus would be applicable to the Internet as well.

The 1995 proposed rule provided a 90-day comment period (extended to 144 days in the *Federal Register* of October 16, 1995, 60 FR 53560). As discussed previously, the revised burden hour estimates in the final rule are based partially on comments received.

The information collection provisions in the proposed rule were approved under OMB no. 0910-0312. Because of changes made since the proposed rule, FDA has submitted the information collection provisions of the final rule to OMB for review. Prior to the effective date of this final rule, FDA will publish a notice in the *Federal Register* of OMB's decision to approve, modify, or disapprove the information collection provisions in the final rule.

XVII. Congressional Review

This final rule has been determined to be a major rule for purposes of 5 U.S.C. 801 *et seq.*, Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121). FDA is submitting the information and reports as required by that statute.

List of Subjects

21 CFR Part 801

Labeling, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 803

Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 804

Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 807

Confidential business information, Imports, Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 820

Medical devices, Reporting and recordkeeping requirements.

21 CFR Part 897

Advertising, Cigarettes, Labeling, Sale and distribution, Smokeless tobacco.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 801, 803, 804, 807, and 820 are amended and a new part 897 is added as follows:

PART 801—LABELING

1. The authority citation for 21 CFR part 801 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 507, 519, 520, 701, 704 of the Federal Food, Drug,

and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 357, 360i, 360j, 371, 374).

2. Section 801.126 is added to subpart D to read as follows:

§ 801.126 Exemptions for cigarettes and smokeless tobacco.

Cigarettes and smokeless tobacco as defined in part 897 of this chapter are exempt from section 502(f)(1) of the Federal Food, Drug, and Cosmetic Act.

PART 803—MEDICAL DEVICE REPORTING

3. The authority citation for 21 CFR part 803 continues to read as follows:

Authority: Secs. 502, 510, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 360, 360i, 360j, 371, 374).

4. Section 803.19 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 803.19 Exemptions, variances, and alternative reporting requirements.

* * * * *

(f) Manufacturers as defined in part 897 of this chapter shall submit medical device reports concerning cigarettes and smokeless tobacco under this part only for serious adverse events that are not well-known or well-documented by the scientific community, including events related to contamination, or a change in any ingredient or any manufacturing process.

(g) User facilities are exempt from submitting medical device reports concerning cigarettes and smokeless tobacco under this part.

PART 804—MEDICAL DEVICE DISTRIBUTOR REPORTING

5. The authority citation for 21 CFR part 804 continues to read as follows:

Authority: Secs. 502, 510, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 360, 360i, 360j, 371, 374).

6. Section 804.25 is amended by adding a new paragraph (c) to read as follows:

§ 804.25 Reports by distributors.

* * * * *

(c) Distributors as defined in part 897 of this chapter shall submit medical device reports concerning cigarettes and smokeless tobacco under this part only for adverse events related to contamination.

PART 807—ESTABLISHMENT REGISTRATION AND DEVICE LISTING FOR MANUFACTURERS AND DISTRIBUTORS OF DEVICES

7. The authority citation for 21 CFR part 807 continues to read as follows:

Authority: Secs. 301, 501, 502, 510, 513, 515, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331, 351, 352, 360, 360c, 360e, 360i, 360j, 371, 374).

8. Section 807.65 is amended by adding a new paragraph (j) to read as follows:

§ 807.65 Exemptions for device establishments.

* * * * *

(j) Distributors of cigarettes or smokeless tobacco as defined in part 897 of this chapter.

PART 820—GOOD MANUFACTURING PRACTICE FOR MEDICAL DEVICES: GENERAL

9. The authority citation for 21 CFR part 820 continues to read as follows:

Authority: Secs. 501, 502, 515, 518, 519, 520, 701, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360e, 360h, 360i, 360j, 371, 374).

10. Section 820.1 is amended by adding and reserving new paragraph (e) and adding new paragraph (f) to read as follows:

§ 820.1 Scope.

* * * * *

(e) [Reserved]

(f) This part does not apply to distributors of cigarettes or smokeless tobacco as defined in part 897 of this chapter.

11. New part 897 is added to read as follows:

PART 897—CIGARETTES AND SMOKELESS TOBACCO

Subpart A—General Provisions

Sec.

897.1 Scope.

897.2 Purpose.

897.3 Definitions.

Subpart B—Prohibition of Sale and Distribution to Persons Younger Than 18 Years of Age

897.10 General responsibilities of manufacturers, distributors, and retailers.

897.12 Additional responsibilities of manufacturers.

897.14 Additional responsibilities of retailers.

897.16 Conditions of manufacture, sale, and distribution.

Subpart C—Labels

897.24 Established names for cigarettes and smokeless tobacco.

897.25 Statement of intended use and age restriction.

Subpart D—Labeling and Advertising

897.30 Scope of permissible forms of labeling and advertising.

897.32 Format and content requirements for labeling and advertising.

897.34 Sale and distribution of nontobacco items and services, gifts, and sponsorship of events.

Authority: Secs. 502, 510, 518, 519, 520, 701, 704, 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352, 360, 360h, 360i, 360j, 371, 374, 393).

Subpart A—General Provisions**§ 897.1 Scope.**

(a) This part sets out the restrictions under the Federal Food, Drug, and Cosmetic Act (the act) on the sale, distribution, and use of cigarettes and smokeless tobacco that contain nicotine.

(b) The failure to comply with any applicable provision in this part in the sale, distribution, and use of cigarettes and smokeless tobacco renders the product misbranded under the act.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to chapter I of Title 21, unless otherwise noted.

§ 897.2 Purpose.

The purpose of this part is to establish restrictions on the sale, distribution, and use of cigarettes and smokeless tobacco in order to reduce the number of children and adolescents who use these products, and to reduce the life-threatening consequences associated with tobacco use.

§ 897.3 Definitions.

(a) *Cigarette* means any product which contains nicotine, is intended to be burned under ordinary conditions of use, and consists of:

(1) Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

(2) Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a)(1) of this section.

(b) *Cigarette tobacco* means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette. Unless otherwise stated, the

requirements pertaining to cigarettes shall also apply to cigarette tobacco.

(c) *Distributor* means any person who furthers the distribution of cigarettes or smokeless tobacco, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for the purposes of this part.

(d) *Manufacturer* means any person, including any repacker and/or relabeler, who manufactures, fabricates, assembles, processes, or labels a finished cigarette or smokeless tobacco product.

(e) *Nicotine* means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl)pyridine or $C_{10}H_{14}N_2$, including any salt or complex of nicotine.

(f) *Package* means a pack, box, carton, or container of any kind in which cigarettes or smokeless tobacco are offered for sale, sold, or otherwise distributed to consumers.

(g) *Point of sale* means any location at which a consumer can purchase or otherwise obtain cigarettes or smokeless tobacco for personal consumption.

(h) *Retailer* means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption, or who operates a facility where vending machines or self-service displays are permitted under this part.

(i) *Smokeless tobacco* means any product that consists of cut, ground, powdered, or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.

Subpart B—Prohibition of Sale and Distribution to Persons Younger Than 18 Years of Age**§ 897.10 General responsibilities of manufacturers, distributors, and retailers.**

Each manufacturer, distributor, and retailer is responsible for ensuring that the cigarettes or smokeless tobacco it manufactures, labels, advertises, packages, distributes, sells, or otherwise holds for sale comply with all applicable requirements under this part.

§ 897.12 Additional responsibilities of manufacturers.

In addition to the other responsibilities under this part, each manufacturer shall remove from each point of sale all self-service displays, advertising, labeling, and other items that the manufacturer owns that do not comply with the requirements under this part.

§ 897.14 Additional responsibilities of retailers.

In addition to the other requirements under this part, each retailer is responsible for ensuring that all sales of cigarettes or smokeless tobacco to any person comply with the following requirements:

(a) No retailer may sell cigarettes or smokeless tobacco to any person younger than 18 years of age;

(b)(1) Except as otherwise provided in § 897.16(c)(2)(i) and in paragraph (b)(2) of this section, each retailer shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing the product is younger than 18 years of age;

(2) No such verification is required for any person over the age of 26;

(c) Except as otherwise provided in § 897.16(c)(2)(ii), a retailer may sell cigarettes or smokeless tobacco only in a direct, face-to-face exchange without the assistance of any electronic or mechanical device (such as a vending machine);

(d) No retailer may break or otherwise open any cigarette or smokeless tobacco package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the quantity in the minimum cigarette package size defined in § 897.16(b), or any quantity of cigarette tobacco or smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use; and

(e) Each retailer shall ensure that all self-service displays, advertising, labeling, and other items, that are located in the retailer's establishment and that do not comply with the requirements of this part, are removed or are brought into compliance with the requirements under this part.

§ 897.16 Conditions of manufacture, sale, and distribution.

(a) *Restriction on product names.* A manufacturer shall not use a trade or brand name of a nontobacco product as the trade or brand name for a cigarette or smokeless tobacco product, except for a tobacco product whose trade or brand name was on both a tobacco product and a nontobacco product that were sold in the United States on January 1, 1995.

(b) *Minimum cigarette package size.* Except as otherwise provided under this section, no manufacturer, distributor, or retailer may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than 20 cigarettes.

(c) *Vending machines, self-service displays, mail-order sales, and other "impersonal" modes of sale.* (1) Except as otherwise provided under this section, a retailer may sell cigarettes and smokeless tobacco only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays.

(2) Exceptions. The following methods of sale are permitted:

(i) Mail-order sales, excluding mail-order redemption of coupons and distribution of free samples through the mail; and

(ii) Vending machines (including vending machines that sell packaged, single cigarettes) and self-service displays that are located in facilities where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.

(d) *Free samples.* No manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes or smokeless tobacco.

(e) *Restrictions on labels, labeling, and advertising.* No manufacturer, distributor, or retailer may sell or distribute, cigarettes or smokeless tobacco with labels, labeling, or advertising not in compliance with subparts C and D of this part, and other applicable requirements.

Subpart C—Labels

§ 897.24 Established names for cigarettes and smokeless tobacco.

Each cigarette or smokeless tobacco package shall bear, as provided in section 502 of the act, the following established name: "Cigarettes", "Cigarette Tobacco", "Loose Leaf Chewing Tobacco", "Plug Chewing Tobacco", "Twist Chewing Tobacco", "Moist Snuff", or "Dry Snuff", whichever name is appropriate.

§ 897.25 Statement of intended use and age restriction.

Each cigarette or smokeless tobacco package, that is offered for sale, sold, or otherwise distributed shall bear the following statement: "Nicotine-Delivery Device for Persons 18 or Older".

Subpart D—Labeling and Advertising

§ 897.30 Scope of permissible forms of labeling and advertising.

(a)(1) A manufacturer, distributor, or retailer may, in accordance with this subpart D, disseminate or cause to be

disseminated advertising or labeling which bears a cigarette or smokeless tobacco brand name (alone or in conjunction with any other word) or any other indicia of tobacco product identification, in newspapers; in magazines; in periodicals or other publications (whether periodic or limited distribution); on billboards, posters, and placards; in nonpoint-of-sale promotional material (including direct mail); in point-of-sale promotional material; and in audio or video formats delivered at a point-of-sale.

(2) A manufacturer, distributor, or retailer intending to disseminate, or to cause to be disseminated, advertising or labeling for cigarettes or smokeless tobacco in a medium that is not listed in paragraph (a)(1) of this section, shall notify the agency 30 days prior to the use of such medium. The notice shall describe the medium and discuss the extent to which the advertising or labeling may be seen by persons younger than 18 years of age. The manufacturer, distributor, or retailer shall send this notice to the Division of Drug Marketing, Advertising, and Communications, 5600 Fishers Lane (HFD-40), rm. 17B-20, Rockville, MD 20857.

(b) ~~No outdoor advertising for cigarettes or smokeless tobacco, including billboards, posters, or placards, may be placed within 1,000 feet of the perimeter of any public playground or playground area in a public park (e.g., a public park with equipment such as swings and seesaws, baseball diamonds, or basketball courts), elementary school, or secondary school.~~

(c) This subpart D does not apply to cigarette or smokeless tobacco package labels.

§ 897.32 Format and content requirements for labeling and advertising.

(a) Except as provided in paragraph (b) of this section, each manufacturer, distributor, and retailer advertising or causing to be advertised, disseminating or causing to be disseminated, any labeling or advertising for cigarettes or smokeless tobacco shall use only black text on a white background. This section does not apply to advertising:

(1) In any facility where vending machines and self-service displays are permitted under this part, provided that the advertising is not visible from outside the facility and that it is affixed to a wall or fixture in the facility; or

(2) Appearing in any publication (whether periodic or limited distribution) that the manufacturer,

distributor, or retailer demonstrates is an adult publication. For the purposes of this section, an adult publication is a newspaper, magazine, periodical, or other publication:

(i) Whose readers younger than 18 years of age constitute 15 percent or less of the total readership as measured by competent and reliable survey evidence; and

(ii) That is read by fewer than 2 million persons younger than 18 years of age as measured by competent and reliable survey evidence.

(b) Labeling and advertising in an audio or video format shall be limited as follows:

(1) Audio format shall be limited to words only with no music or sound effects.

(2) Video formats shall be limited to static black text only on a white background. Any audio with the video shall be limited to words only with no music or sound effects.

(c) Each manufacturer, distributor, and retailer advertising or causing to be advertised, disseminating or causing to be disseminated, advertising permitted under this subpart D, shall include, as provided in section 502 of the act, the product's established name and a statement of its intended use as follows: "Cigarettes—A Nicotine-Delivery Device for Persons 18 or Older", "Cigarette Tobacco—A Nicotine-Delivery Device for Persons 18 or Older", or "Loose Leaf Chewing Tobacco", "Plug Chewing Tobacco", "Twist Chewing Tobacco", "Moist Snuff" or "Dry Snuff", whichever is appropriate for the product, followed by the words "A Nicotine-Delivery Device for Persons 18 or Older".

§ 897.34 Sale and distribution of nontobacco items and services, gifts, and sponsorship of events.

(a) No manufacturer and no distributor of imported cigarettes or smokeless tobacco may market, license, distribute, sell, or cause to be marketed, licensed, distributed, or sold any item (other than cigarettes or smokeless tobacco) or service, which bears the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of cigarettes or smokeless tobacco.

(b) No manufacturer, distributor, or retailer may offer or cause to be offered any gift or item (other than cigarettes or smokeless tobacco) to any person

2/28/98 purchasing cigarettes or smokeless tobacco in consideration of the purchase thereof, or to any person in consideration of furnishing evidence, such as credits, proofs-of-purchase, or coupons, of such a purchase.

(c) No manufacturer, distributor, or retailer may sponsor or cause to be sponsored any athletic, musical, artistic, or other social or cultural event, or any entry or team in any event, in the brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, those used for any

brand of cigarettes or smokeless tobacco. Nothing in this paragraph prevents a manufacturer, distributor, or retailer from sponsoring or causing to be sponsored any athletic, musical, artistic, or other social or cultural event, or team or entry, in the name of the corporation which manufactures the tobacco product, provided that both the corporate name and the corporation were registered and in use in the United States prior to January 1, 1995, and that the corporate name does not include any brand name (alone or in conjunction with any other word), logo, symbol, motto, selling message, recognizable color or pattern of colors,

or any other indicia of product identification identical or similar to, or identifiable with, those used for any brand of cigarettes or smokeless tobacco.

Dated: August 22, 1996.

William B. Schultz,

Deputy Commissioner for Policy.

David A. Kessler,

Commissioner of Food and Drugs.

Donna E. Shalala,

Secretary of Health and Human Services.

NOTE: The following Annex will not appear in the Code of Federal Regulations.

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 801, 803, 804, 807, 820, and 897

[Docket No. 95N-0253]

RIN 0910-AA48

Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing regulations governing access to and promotion of nicotine-containing cigarettes and smokeless tobacco to children and adolescents.

The regulations prohibit the sale of nicotine-containing cigarettes and smokeless tobacco to individuals under the age of 18; require manufacturers, distributors, and retailers to comply with certain conditions regarding the sale and distribution of these products; require retailers to verify a purchaser's age by photographic identification; prohibit all free samples and prohibit the sale of these products through vending machines and self-service displays except in facilities where individuals under the age of 18 are not present or permitted at any time; limit the advertising and labeling to which children and adolescents are exposed to a black-and-white, text-only format; prohibit the sale or distribution of brand-identified promotional nontobacco items such as hats and tee shirts; prohibit sponsorship of sporting and other events, teams, and entries in a brand name of a tobacco product, but permit such sponsorship in a corporate name; and require manufacturers to provide intended use information on all cigarette and smokeless tobacco product labels and in cigarette advertising.

These regulations will address the serious public health problems caused by cigarettes and smokeless tobacco products. They will reduce children's and adolescents' easy access to cigarettes and smokeless tobacco and will significantly decrease the amount of positive imagery that makes these products so appealing to that age group.

The regulations are predicated on the agency's assertion of jurisdiction under the Federal Food, Drug, and Cosmetic Act over cigarettes and smokeless

tobacco as delivery devices for nicotine, incorporated as part of the regulations for purposes of, and to facilitate, congressional review under the Small Business Regulatory Enforcement Fairness Act of 1996.

DATES: *Effective date.* The regulation is effective August 28, 1997, except that § 897.14(a) and (b) are effective February 28, 1997 and § 897.34(c) is effective February 28, 1998.

Compliance dates. Manufacturers and distributors are required to comply with the requirements of 21 CFR parts 803 and 804 August 28, 1997; manufacturers are required to comply with the requirements of 21 CFR parts 807 and 820 February 28, 1998.

ADDRESSES: References listed in the footnotes of this document have been placed on public display at the Dockets Management Branch (HFA-305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1-23, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Nancy Yeates, Office of Policy (HF-26), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-0867.

SUPPLEMENTARY INFORMATION:

Preamble Outline

I. Introduction

- A. Purpose and Overview of the Rule
- B. Background
- C. Provisions of the Rule

II. Legal Authority

- A. Legal Principles Applicable to Combination Drug/Device Products
 1. The SMDA Recognized Combination Products for the First Time
 2. The SMDA Leaves to FDA's Discretion the Determination of Which Regulatory Authorities to Apply to Particular Combination Products
 3. Interpreting the SMDA to Allow the Agency to Determine Which Regulatory Scheme Best Serves the Public Health is Consistent With 50 Years of Case Law

4. The Implementing Regulations and the Delegations of Authority Reflect FDA's Interpretation That Section 503(g) of the Act Authorizes the Agency to Determine the Appropriate Regulatory Authorities
5. The Intercenter Agreements and Administrative Precedent Recognize That FDA May Determine Which Regulatory Authority to Apply to a Particular Product

- B. Cigarettes and Smokeless Tobacco Have Both a Drug and a Device Component and Are Therefore Combination Products
- C. FDA's Choice of Legal Authorities
 1. FDA Will Regulate Cigarettes and Smokeless Tobacco Under the Act's Device Authorities
 2. Cigarettes and Smokeless Tobacco Will be Subject to the Full Range of Device Authorities

3. The Restricted Device Provision Authorizes FDA to Establish Access and Advertising Restrictions
4. Application of Other Device Authorities

5. FDA Will Classify Cigarettes and Smokeless Tobacco Under Section 513 of the Act
- D. The Fact That the Act's Drug Authorities Authorize the Imposition of Similar Restrictions Supports the Reasonableness of the Restrictions That the Agency Has Imposed

- E. Constitutional Issues Regarding Authority
 1. Separation of Powers
 2. Nondelegation Doctrine

- III. Overview of Comments, Smoking Prevalence Rates Among Minors, Scope, Purpose, and Definitions
 - A. Overview of Comments
 - B. Smoking Prevalence Rates Among Minors
 - C. Scope
 - D. Purpose (§ 897.2)
 - E. Definitions (§ 897.3)

- IV. Access
 - A. General Comments
 - B. General Responsibilities of Manufacturers, Distributors, and Retailers (§ 897.10)
 - C. Additional Responsibilities of Manufacturers (§ 897.12)

1. Removal of Manufacturer-Supplied or Manufacturer-Owned Items That Do Not Comply With the Regulations
2. Visual Inspections by a Manufacturer's Representative at Each Point of Sale
- D. Additional Responsibilities of Retailers (§ 897.14)
 1. Use of Photographic Identification to Verify Age
 2. Minimum Age
 3. Restrictions Against "Impersonal" Modes of Sale
 4. Restrictions Against the Sale of Individual Cigarettes
 5. Additional Comments

- E. Conditions of Manufacture, Sale, and Distribution (§ 897.16)
 1. Restrictions on Nontobacco Trade Names on Tobacco Products
 2. Minimum Package Size
 3. Maximum Package Size
 4. Impersonal Modes of Sale

- V. Label
 - A. Established Name (§ 897.24)
 - B. Package Design
 - C. Ingredient Labeling
 - D. Labeling for Intended Use
 - E. Adequate Directions for Use and Warnings Against Use (Section 502(f) of the act)
 - F. Package Inserts

- VI. Advertising
 - A. Subpart D—Restrictions on Advertising and Labeling of Tobacco Products
 - B. The Need for Advertising Restrictions
 1. Advertising and Young People
 2. Advertising and Adults
 - C. The Regulations Under the First Amendment
 1. Introduction



C E N T E R F O R M E D I A E D U C A T I O N

FOR IMMEDIATE RELEASE
March 6, 1997

CONTACT: Jeff Chester
202-628-2620

NEW REPORT DOCUMENTS THREATS TO YOUTH FROM ALCOHOL AND TOBACCO WEB SITES

WASHINGTON, DC, March 6 -- Alcohol and tobacco companies are using the Internet to market and promote their products, capitalizing on the unique features of the World Wide Web to create captivating, fun, interactive sites that are very appealing to underage youth, according to a study released today by the non-profit, Center for Media Education (CME). To address the problem, CME called for a combination of Congressional Hearings, new Federal investigations, enforcement of the Cigarette Act, and action by parents and educators to instruct young people about online promotion of these products.

"This new medium, with its vivid graphics and engaging interactivity, is quickly becoming a powerful presence in the lives of children and youth," explained CME's president, Kathryn Montgomery, Ph.D. "That the promoters of alcohol and tobacco have seized upon the Web so quickly is a troubling sign. In these realms of cyberspace, dangerous new behaviors can be fostered and reinforced at a particularly vulnerable period in the lives of young people."

Nearly five million children between the ages of two and seventeen used the Internet or an online service at home or school in 1996 and their numbers are expected to increase dramatically in the next few years. And nearly 9.1 million college students are regular users of the Internet.

CME examined more than 300 Web sites and reviewed the most recent available research on marketing and the Internet. The study found hundreds of Web sites indiscriminately promoting the use of alcohol and tobacco products. Major alcohol beverage companies are a growing commercial presence on the Internet, with Web sites established for several dozen brands.

While regulatory restraints and the political climate have so far kept the big tobacco companies from launching online cigarette marketing campaigns, the study indicated that these companies could be poised to move more aggressively online. Brown & Williamson Tobacco Corporation, for instance, recently began running Lucky Strike print ads to attract visitors to an online Web magazine that collects information and offers free T-shirts. Some tobacco companies have launched

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The study identified a variety of techniques used to market and promote alcohol and tobacco products. Using the colorful, interactive, community-building features of the Web, many of the techniques are particularly appealing to youth.

The Budweiser online radio network, "KBUD," hosted by DJ, BuddyK, intersperses music, interviews with rock stars, and reviews of albums with a steady stream of promotions for the beer.

A number of the beer and liquor Web sites have interactive games featuring brand characters, including Molson Beer's "Berserk in Banff" and Cuervo Tequila's "J.C. Roadhog Adventure," an off-road wild ride with a red "Cyber rodent" who zooms across a desert littered with empty tequila bottles and other Cuervo merchandising icons.

The promotion of "bridge drinks," is another common online practice. Many liquor Web sites offer recipes for these sweet concoctions that disguise the taste of alcohol and are more appealing to novice drinkers, such as the Malibu Rum site's "Radical Party Recipes" and "Bartenders' Favorite Recipes."

Chat rooms, in the form of virtual bars and graffiti walls, are present on most of the Web sites. At Smokey's Cafe, on the Smoker's Home Page, visitors can view glamorous photos of famous celebrities smoking, chat with other smokers, read pro-smoking articles, and consult lists of cigarette and cigar vendors. This site is just one example of home pages dedicated to fostering an online "Smoking is Cool" culture.

The study also identified numerous sites offering wine, beer, distilled spirits and tobacco products for sale on the Internet with few or no questions asked.

The Center for Media Education made a number of recommendations for immediate action to address the growing problem of alcohol and tobacco promotion on the Web. In addition to Congressional hearings, CME called on the Federal Trade Commission to launch an investigation. The organization urged Federal agencies such as the National Cancer Institute and the Centers for Disease Control, to look into the issue.

"The cigarette industry should refrain from moving onto the Internet to market and promote its products," said Jeff Chester, CME's Executive Director. "If companies fail to comply with the Cigarette Act, appropriate legal action should be taken." The Cigarette Act, which has kept advertising of cigarettes off of radio and television since 1971, applies to "any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission" and thus would be applicable to the Internet as well.

"In the hands of the tobacco industry, the captivating wild west imagery of TV's Marlboro commercials could be reincarnated in a 21st century interactive cyberspace world," added Shelley Pasnik, CME's Director of Children's Policy. "Or, the controversial larger-than-life Joe Camel spokescharacter could become the animated star of an online virtual reality adventure."

"As the nation prepares to link all schools and libraries to the Internet, and parents send their teens off to college packing a computer, we must meet head-on the new challenge that online promotion of alcohol and tobacco presents to the health of our young people," Dr. Montgomery asserted. "These campaigns are being launched at a time when drinking and smoking among youth are at alarmingly high levels. While smoking among adults is declining, smoking among youths is on the rise, and alcohol is a factor in all leading causes of death for young people, ages 15 to 24."

"In reporting these research findings," explained Jeff Chester, "I want to underscore CME's support for policies to ensure all children are connected to the Internet, which will be an essential link to education, health, and commerce in the 21st century. But we also believe it is important to establish effective safeguards against marketing practices that could pose harms to the healthy development of children and adolescents."

Presenting the report's findings were CME President Kathryn Montgomery, Ph.D.; Shelley Pasnik, CME's Director of Children's Policy; Jeff Chester, CME's Executive Director; and Professor Wendy Williams of American University, who conducted much of the research for the study. Also participating in the press conference were George Hacker, Director of Alcohol Policy at the Center for Science in the Public Interest; Matt Myers, Executive Vice President and General Counsel, Campaign for Tobacco-Free Kids; Jeannette Noltenius, Ph.D., Executive Director, Latino Council on Alcohol and Tobacco; and Deborah A. Zarin, M.D., child psychiatrist and a Deputy Medical Director of the American Psychiatric Association. (Copies of their statements are available.)

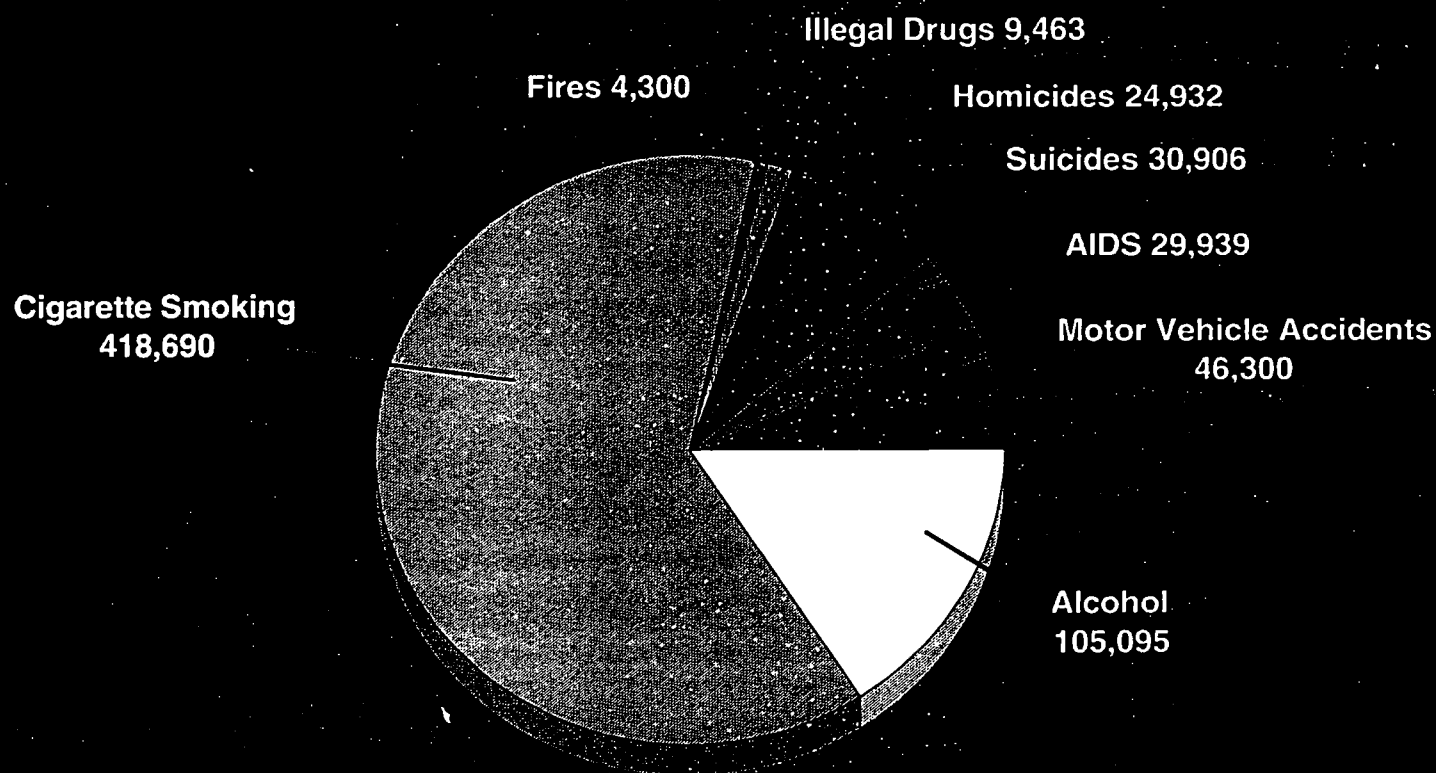
The National PTA released a strong statement in support of the study, calling for "safeguards to protect children from this blatant promotion of unhealthy products."

The Center for Media Education (CME) is a national, non-profit organization dedicated to improving the quality of the electronic media, especially on behalf of youth. The report released today is part of CME's *Action for Children in Cyberspace* project, a research, organizing, and public education initiative on youth and the media.

**SLIDES FOR MEETING WITH ENTERTAINMENT INDUSTRY
WEDNESDAY, FEBRUARY 19, 1997**

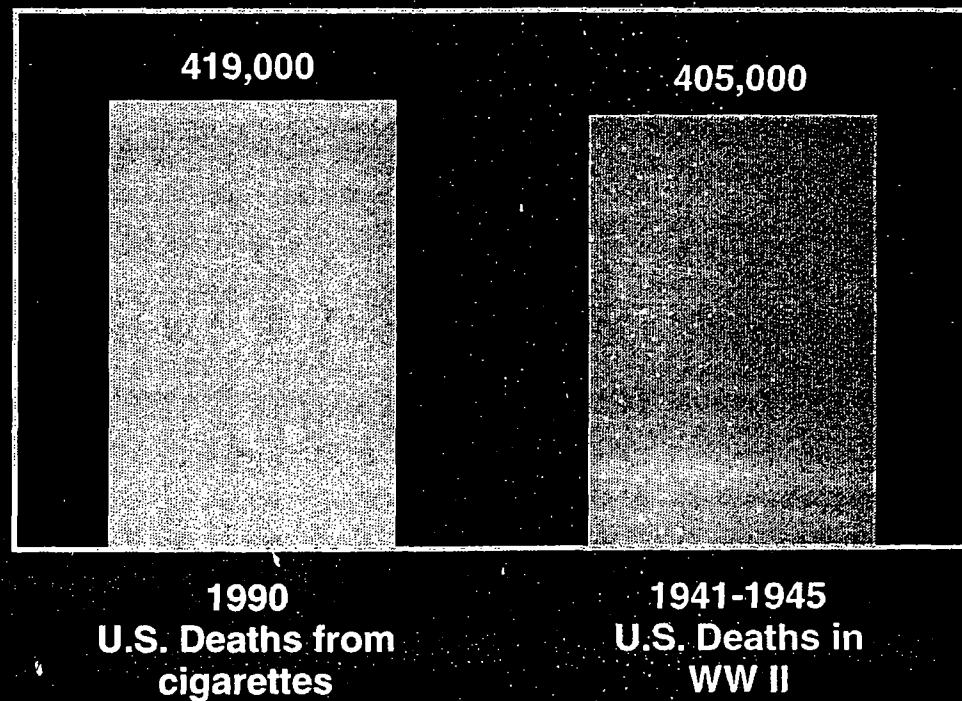
1. Cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, drugs and fires combined.
2. Comparison of cigarette and WWII deaths.
3. Trends in thirty-day prevalence of cigarette smoking for eighth, tenth and twelfth graders.
4. Nicotine addiction: a pediatric disease.
5. Cigarette advertising and promotion expenditures in the United States quintupled in 18 years.
6. Impact of advertising on adolescents.
7. U.S. 1993 percent who smoke the most advertised brands (Marlboro, Camel, Newport).
8. Joe Camel marketing: the rise of young smokers.
9. or The effect of advertising on the youth market.
10. Picture of a child in a Marlboro hat and carrying a Marlboro bag.
11. Fact vs. perception: ninth graders estimate smoking prevalence among their peers and adults.
12. Fact vs. perception: ninth graders estimate smoking prevalence among their peers.
13. Fact vs. perception: ninth graders estimate smoking prevalence among adults.
14. Trends in disapproval of smoking for eighth, tenth and twelfth graders.
15. Trends in perceived availability of cigarettes for eighth, tenth and twelfth graders.
16. Trends in perceived harmfulness of smoking for eighth, tenth and twelfth graders.

Cigarettes kill more Americans than AIDS, alcohol, car accidents, murders, suicides, drugs, and fires combined.



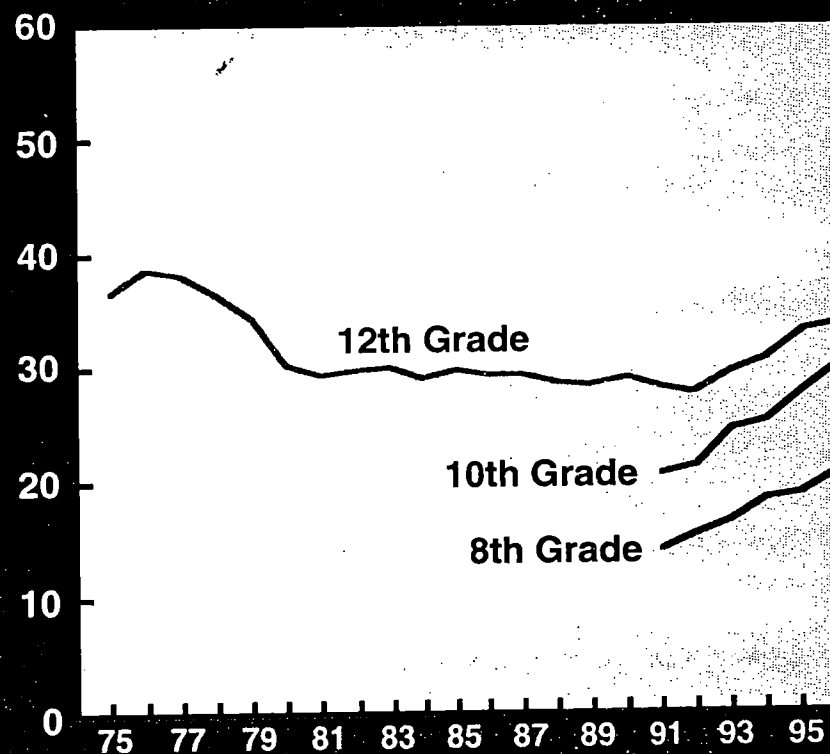
Number of deaths per year, 1990. Source: Office of Smoking and Health. Centers for Disease Control and Prevention.

Comparison of Cigarette and WW II Deaths



Trends in Thirty-Day Prevalence of Cigarette Smoking for Eighth, Tenth, and Twelfth Graders

Percentage

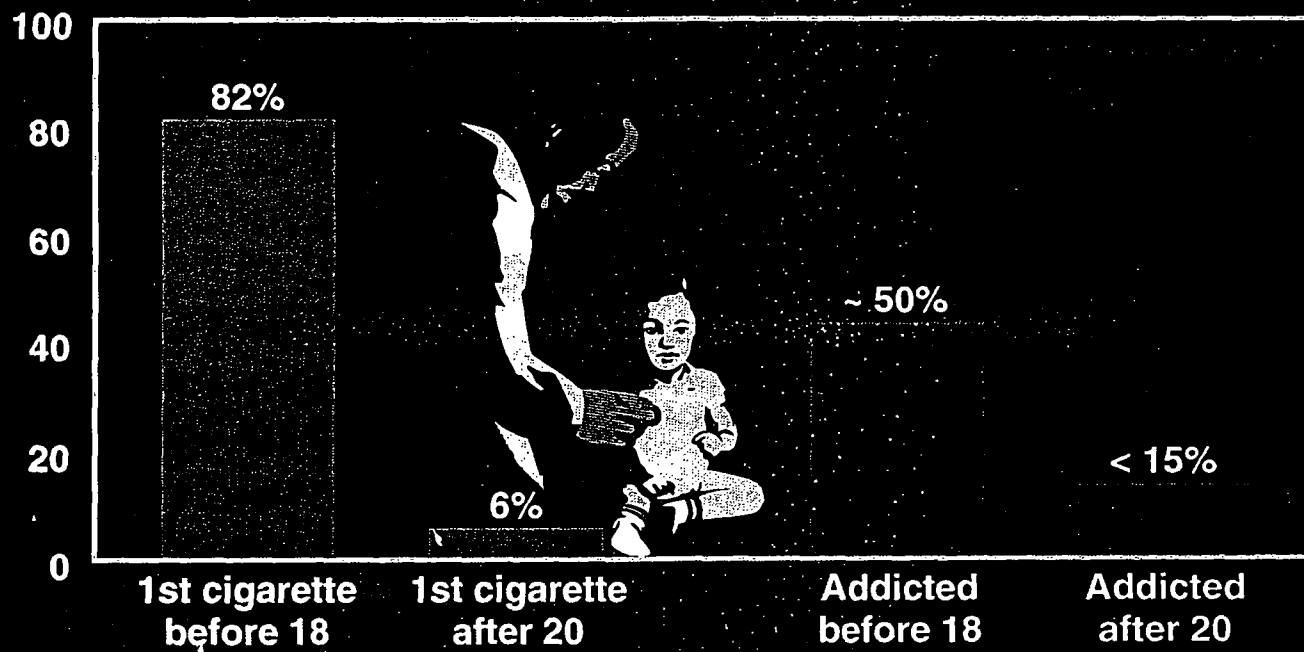


Source: The Monitoring the Future Study, The University of Michigan.

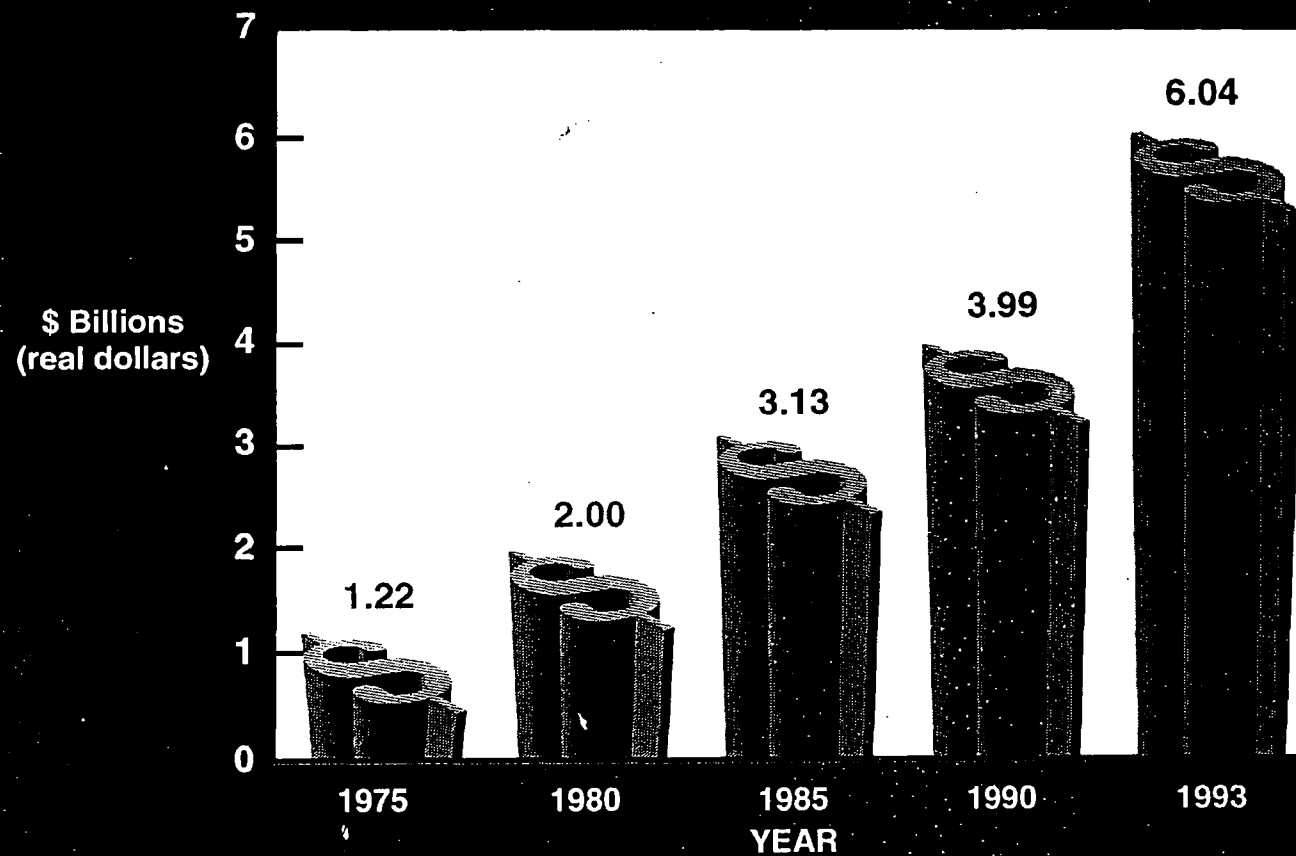
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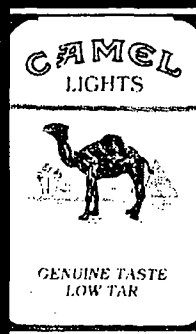
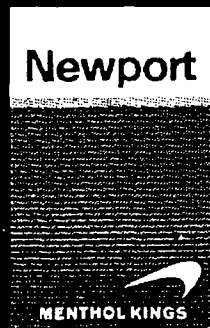
Cigarette advertising and promotion expenditures in the United States quintupled in 18 years.



Source: Federal Trade Commission. Washington, D.C.

Impact of Advertising on Adolescents

Most Advertised vs. Less Advertised



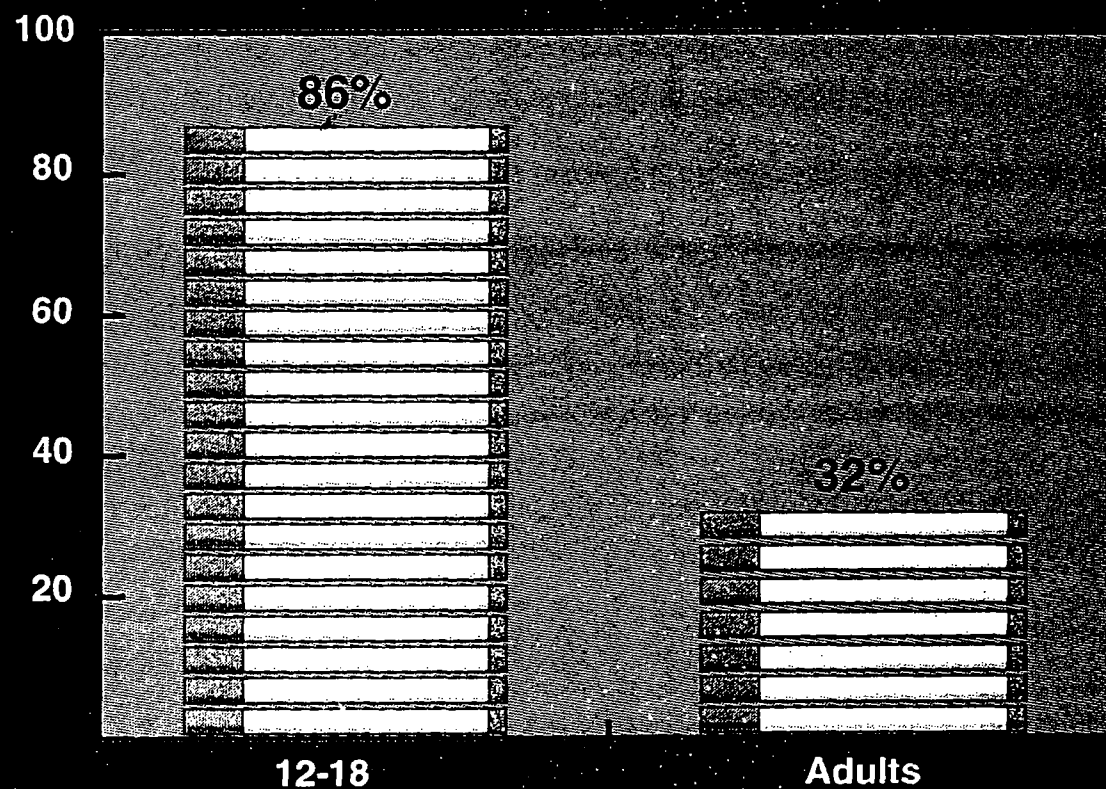
**Brands Purchased
by Adolescents**



**Brands Purchased
by Adults**

A 1994 report by the Centers for Disease Control and Prevention

U.S. 1993 Percent Who Smoke Most Advertised Brands (Marlboro Camel Newport)

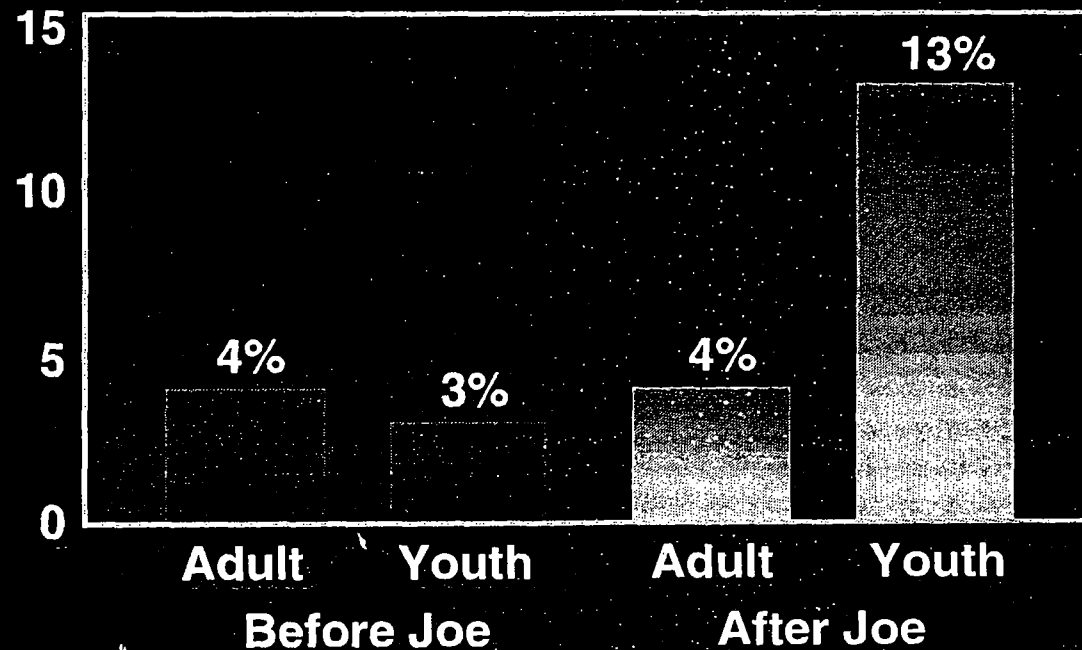


Source: CDC, 1993 TAPs II, Maxwell Consumers Report 1994, LNA Ad Dollars Summary 1994.

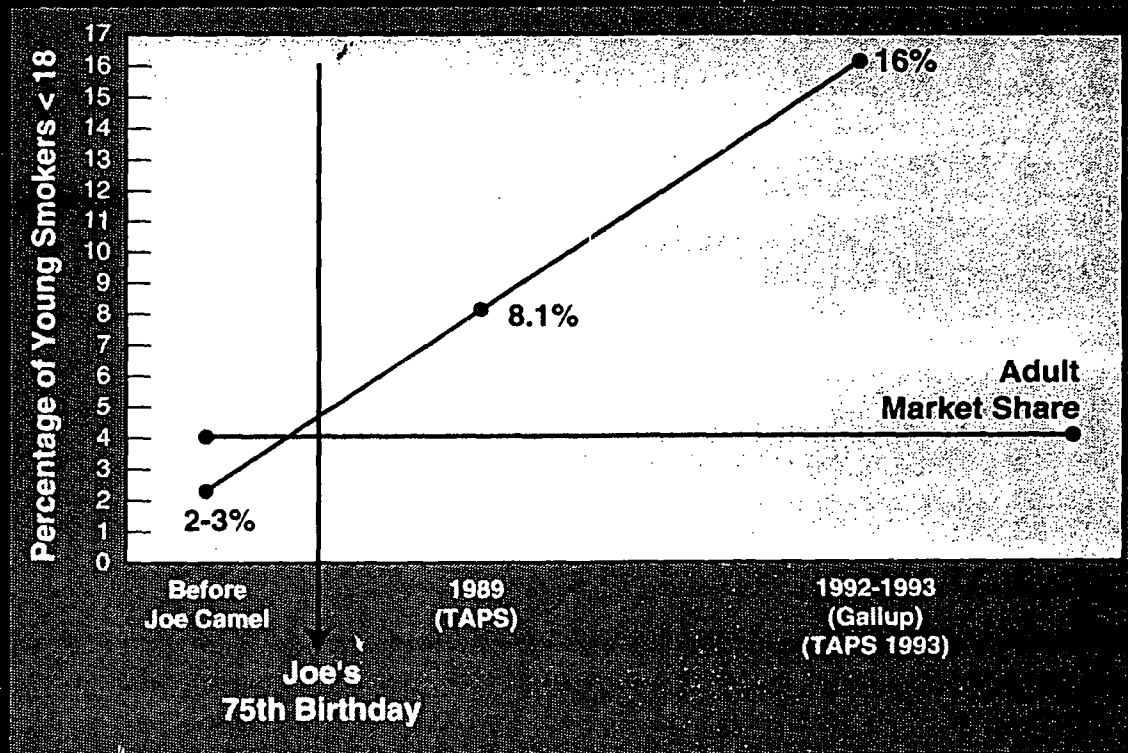
Joe Camel Marketing

The Rise of Young Smokers

Percent of Market

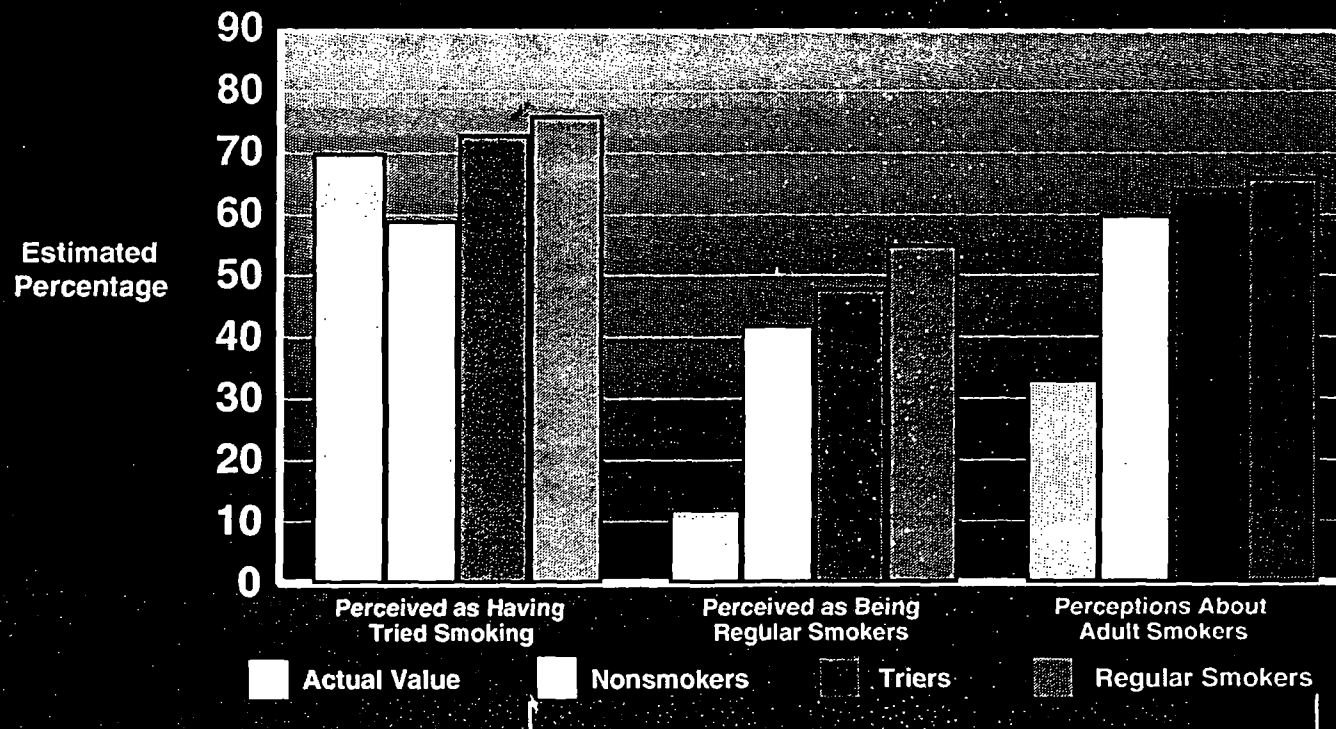


The Effect of Advertising on the Youth Market





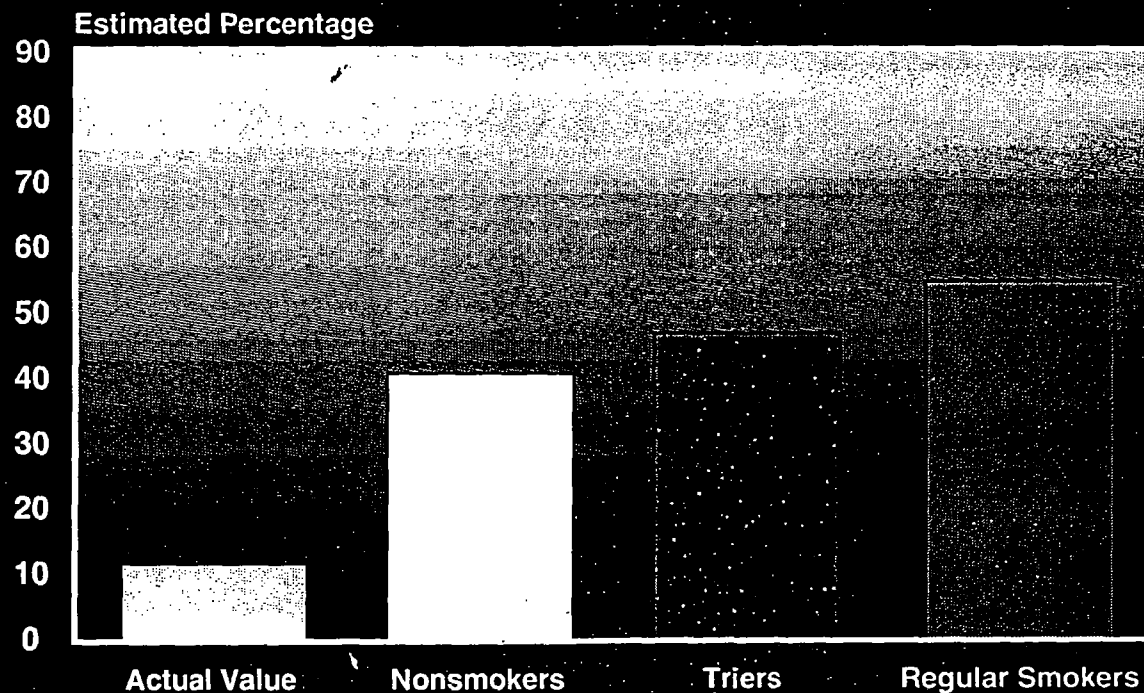
Fact vs. Perception: ninth graders estimate smoking prevalence among their peers and adults.



Target Groups - 9th graders' self-reported smoking status:

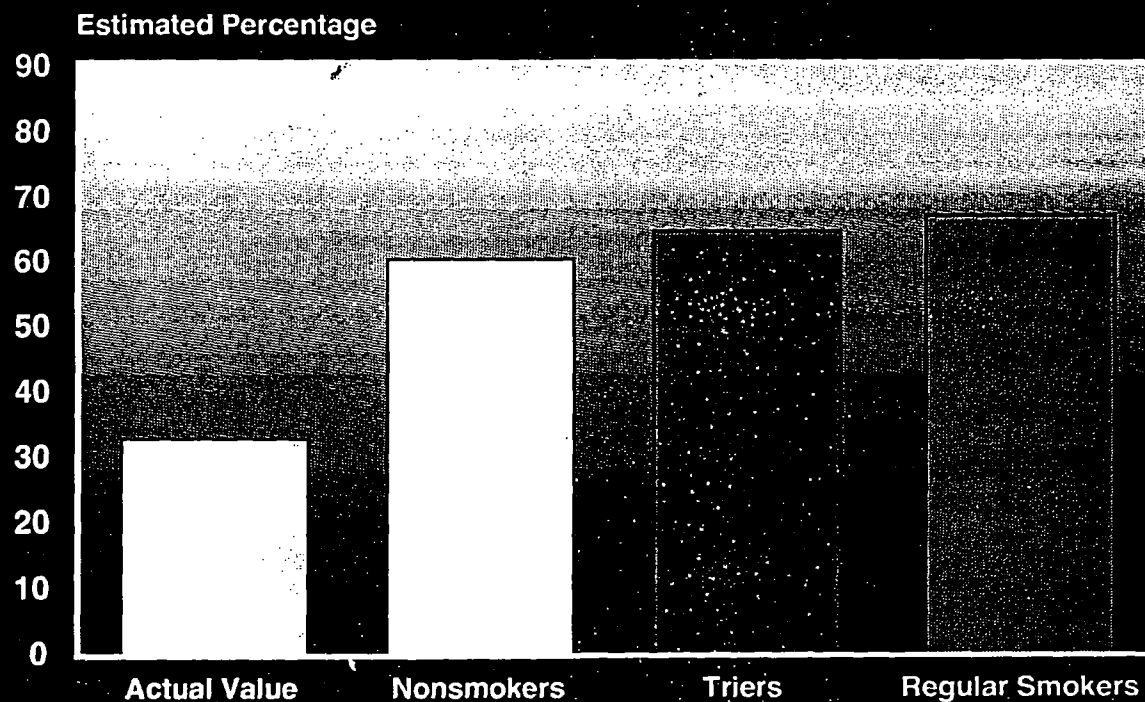
Fact 12% of 9th graders are regular smokers. Perception: 9th graders who are regular smokers estimate that 55% of their peers are also regular smokers.
 Source: Adapted from Sussman, S., C. W. Dent, J. Mestel-Rauch, et al. "Adolescent Nonsmokers, Triers, and Regular Smokers' Estimates of Cigarette Smoking Prevalence: When Do Overestimations Occur and by Whom?" *Journal of Applied Psychology* 18(7) (1988): 542-543

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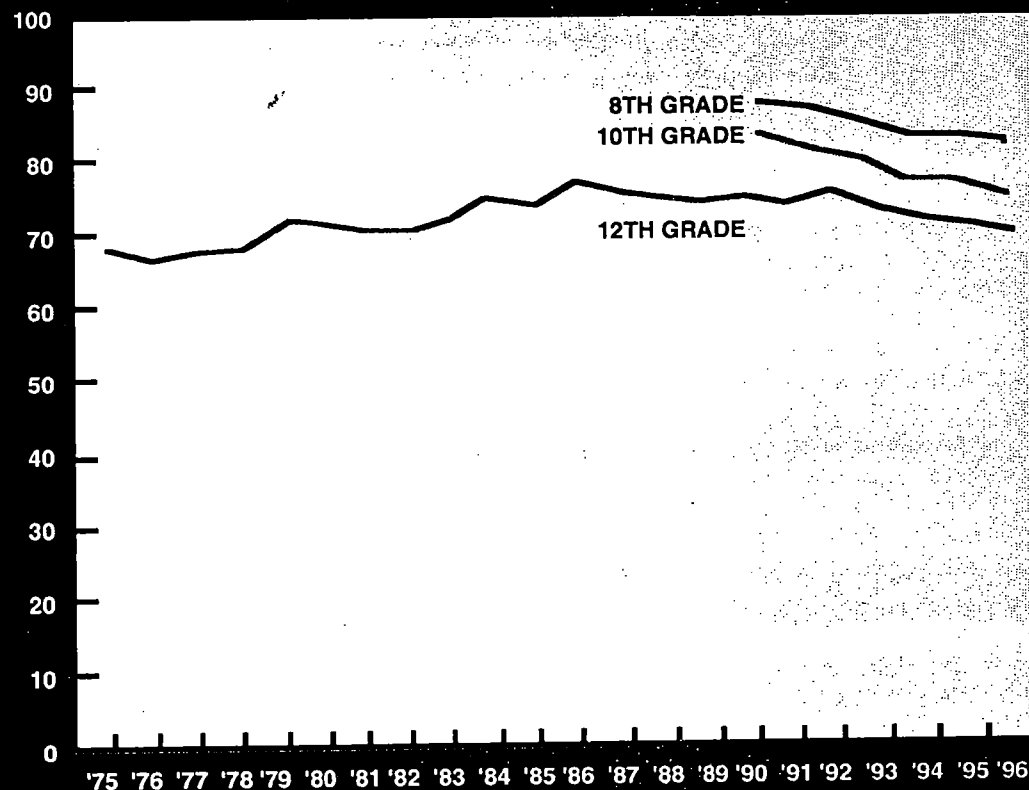
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Trends in Disapproval of Smoking for Eighth, Tenth, and Twelfth Graders

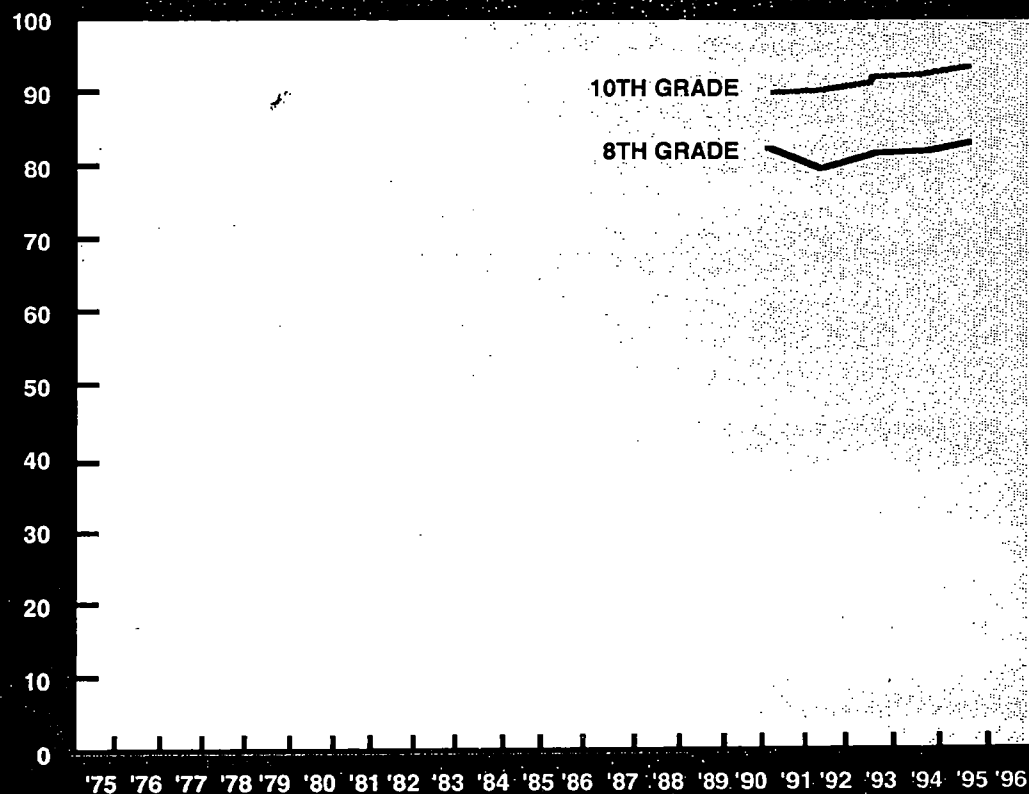
Percent saying they "disapprove" of smoking one or more packs per day...



Source: The Monitoring the Future Study, The University of Michigan.

Trends in Perceived Availability of Cigarettes for Eighth and Tenth Graders

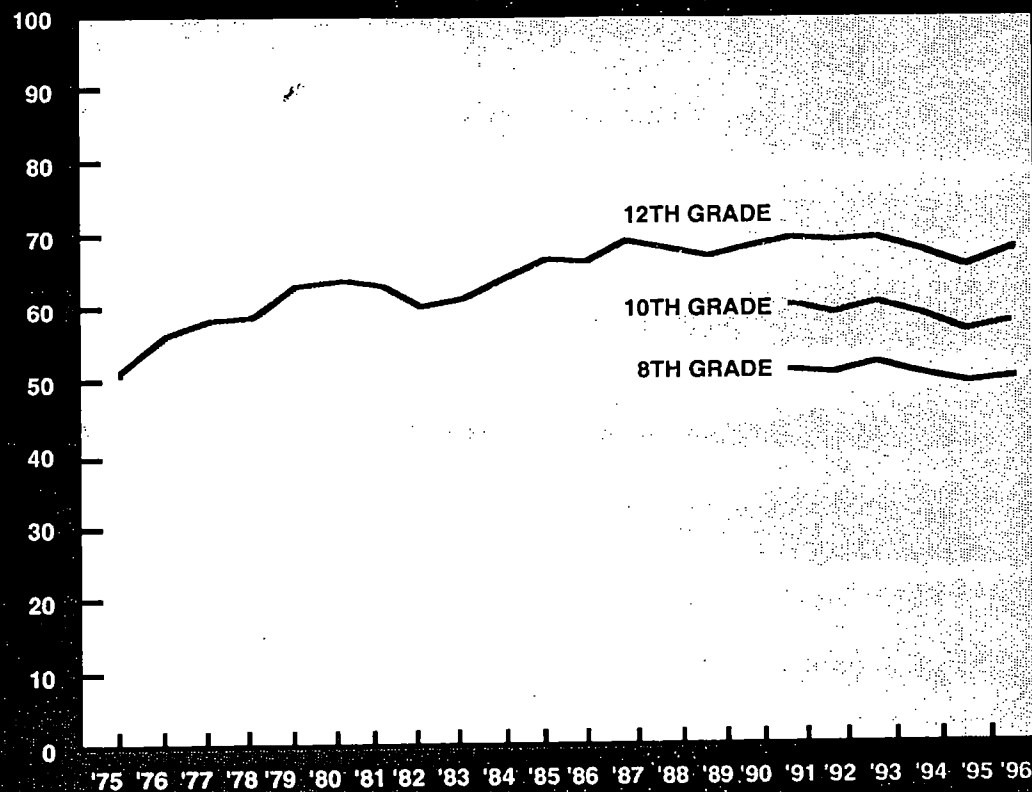
Percent saying "fairly easy" or "very easy" to get cigarettes



Source: The Monitoring the Future Study, The University of Michigan.

Trends in Perceived Harmfulness of Smoking for Eighth, Tenth, and Twelfth Graders

Percent seeing "great risk" in-smoking one or more packs per day...



Source: The Monitoring the Future Study, The University of Michigan.

Romano & Associates Inc.

F-A-X-T-R-A-N-S-M-I-T-T-A-L

Date: June 4, 1997
To: Elizabeth Drye
Company: White House
Fax Number: (202) 456-5581
From: Jim Carroll
Call Back Number: (410) 730-4133
Return Fax Number: (301) 621-4622
Pages To Be Sent Including Cover: 4

Comments: Please review the attached invitation for participation to the Vice President.

We will be overnighting to you a package with additional materials about the program.

Romano & Associates Inc.

June 4, 1997

MEMORANDUM

To: Elizabeth Drye
The White House

From: Jim Carroll 
Romano & Associates

RE: Public awareness events in conjunction with the 1997 Major League Baseball All Star Game -- INVITATION FOR PARTICIPATION OF THE VICE PRESIDENT

This is to inform you of two public awareness events being developed by Romano & Associates in conjunction with Major League Baseball for the 1997 All Star Game, July 8 in Cleveland, Ohio. We would very much welcome the participation of Vice President Gore in these events, both of which are in support of programs that promote the safety and/or healthy development of children.

I. NSTEP Clinic at FanFest

At 10:00 a.m. on Tuesday, July 8, the National Spit Tobacco Education Program (NSTEP) will be conducting a one-hour clinic for approximately 100 children at Major League Baseball's "FanFest," which is being held at the Cleveland Convention Center from July 4-8. Participants in the NSTEP clinic will include various program celebrity spokespersons such as:

- * NSTEP Chairman Joe Garagiola,
- * 1996 Olympic Gold Medalist Michele Smith of the U.S. Women's Softball Team,
- * Former Major Leaguer and oral cancer survivor Bill Tuttle, and
- * A current Major League All Star (TBD)

The clinic will be held on "The Diamond" in the very center of the Cleveland Convention Center. Roughly 20,000 visitors pass through FanFest each day, so the actual audience for the presentation could be much higher than the invited 100 children. The event will be open to the media.

All Star Game Activities, p.2

We believe that the Vice President's participation could greatly enhance this event, during which time he could speak about the administration's commitment to protecting children from the dangers of the use of tobacco products.

Enclosed, please find a Major League Baseball brochure which describes FanFest.

II. *Ride Like a Pro* bicycle safety awareness event

At 11:00 a.m. on Tuesday, July 8, a *Ride Like a Pro* bicycle safety awareness event will be held at Jacobs Field, site of the 1997 All Star Game. Approximately 100 Cleveland children will receive hands on bicycle safety instructions from injury prevention specialists, mingle with a current Major League ballplayer, and receive a free bicycle safety helmet.

Ride Like a Pro is a program of the National Highway Traffic Safety Administration (NHTSA). The program began three years ago with an event at the Super Bowl in Miami, Florida in conjunction with the NFL. Romano & Associates has been retained by NHTSA to develop a similar partnership with Major League Baseball. Already, two individual MLB franchises have hosted *Ride Like a Pro* events. The event on July 8 will be the first of what is expected to be an annual event at Major League Baseball's All Star Game.

The event will begin with an opening ceremony at which time representatives of Major League Baseball, the Cleveland Indians and NHTSA will speak. We would very much like the Vice President to participate and offer appropriate remarks, perhaps commending Major League Baseball for its partnership with U.S. DOT/NHTSA in promoting safety and injury prevention among children.

As someone who has first-hand experience with the trauma of a child being seriously injured in a traffic-related incident, we believe that the Vice President would have extremely compelling remarks to offer about the need to protect children from preventable injuries.

All Star Game activities, p.3

Conclusion

We believe that the above-listed events would be appropriate forums for the Vice President to underscore the Clinton Administration's commitment to the healthy development of children. In addition, the opportunity to spend a day in Cleveland and participate in activities in conjunction with the Major League Baseball All Star Game would certainly be enjoyable events for the Vice President and other members of his family. Certainly, the day could conclude with the Vice President attending the 1997 All Star Game as a guest of the Commissioner of Baseball.

I look forward to either speaking or meeting with you about these events. Enclosed, please find some background materials that may be of help. Please do not hesitate to call me with any questions, and thank you in advance for your consideration.

Enclosures

Romano & Associates Inc.

June 4, 1997

MEMORANDUM

To: Elizabeth Drye
The White House

From: Jim Carroll 
Romano & Associates

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Enclosures

Statistics on Underage Smoking

Teen Smoking

- Each and every day 3,000 teenagers become smokers. (Institute of Medicine, Growing Up Tobacco Free: Preventing Nicotine Addiction in Children and Youths. 1994 P.5)
- Nearly 1,000 of those teenagers who become smokers will have their lives shortened by tobacco-related diseases. (FDA, Fact Sheet: Children's Future At Risk From Epidemic Of Tobacco Use)
- At least 3.1 million adolescents are smokers and 25% of 17-18 year-olds are smokers. (CDC, *Preventing Tobacco Use Among Young People, A Report to the Surgeon General*, 1994, p. 9)
- If current tobacco-use patterns persist, an estimated 5 million people who were under 18-years old in 1995, will die prematurely from a smoking-related illness. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)
- The average age of smokers when they first start smoking is 14.5 years of age and 53% began smoking daily before the age of 18. (1994 Surgeon General's report)
- The number of teens, who smoked in the last month, increased from 27.5% in 1991 to 34.8% in 1995. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)
- The current smoking rates are 21% among 8th graders, 30% among 10th graders, and 34% among 12th graders. 25% of adults are classified as being smokers. (Monitoring the Future Study, The University of Michigan, December, 1996)
- Over the past five years (1991-96) the proportion reporting smoking the 30 days prior has risen by nearly one-half among eighth graders (14% to 21%), and 10th graders (21% to 30%). Current smoking (ie: smoking the prior 30-days) rose by more than one-fifth since 1991 (from 28% to 34%) among 12th graders. (Monitoring the Future Study, University of Michigan, December, 1996)
- Between one-third and one-half of adolescents who try smoking even a few cigarettes soon become regular smokers. (Giovani, et al. "Epidemiology of Tobacco Use and Symptoms of Nicotine Addiction in the United States: invited presentation to the FDA, 8/2/94)

- Approximately 90% of all initiation of tobacco use occurs among persons who are 18 years old or younger. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)
- In 1996, only 50% of eighth-graders reported that a pack-a-day smoker runs a great risk of harming himself or herself physically or in other ways. 58% of 10th-graders and 68% of 12-graders reported seeing such a risk. (Monitoring the Future Study, University of Michigan, December, 1996)
- A person who hasn't started smoking by age 19 is unlikely to ever become a smoker. (David A. Kessler, Commissioner of FDA at Columbia Law School, N.Y., March 8, 1995)
- Although only 5% of daily smokers surveyed in high school said they would definitely be smoking five years later, close to 75% were smoking 7 to 9 years later. (FDA, Fact Sheet: Children's Future At Risk From Epidemic Of Tobacco Use)
- While most teen smokers plan to be able to quit in five years, less than 10% of teens are able to quit smoking within 5 years of starting. (Federal Register, Vol. 61, No. 168)
- A 1992 Gallup Poll found that 70% of smokers between the ages of 12 and 17 regret beginning to smoke and 66% want to quit. (HHS Fact Sheet, Children's Future at Risk from Epidemic of Tobacco Use, 8/23/96)
- 55% of person who had ever smoke equal to or more than 100 cigarettes during their lifetimes continued to smoke until one year before their death. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)

Teens Purchasing Cigarettes

- 75% of high school students were not asked to show proof of age when buying cigarettes. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)
- 57% of students say they buy their cigarettes from a vending machine or give someone else money to buy the cigarettes for them. (Center for Disease Control and Prevention's Morbidity and Mortality Weekly Report May 24, 1996)
- 77% of the 8th graders in one study report that cigarettes would be "very easy" or "fairly easy" for them to get, and 91% of the 10th graders say the same thing. (Monitoring the Future Study, The University of Michigan)

- Young smokers are more likely to buy their cigarettes from vending machines, where they can make their purchases quickly, often unnoticed by adults. The vending machine industry's own study found that 13-year olds are 11 times more likely to buy cigarettes from vending machines than 17 year olds. The 1994 Surgeon General's Report examined nine studies on vending machine sales and found that underage persons were able to buy cigarettes 82 to 100 percent of the time. (1994 Surgeon General's Report, P. 249)

Tobacco Advertising and Promotion

- In 1992, the tobacco industry spent more than \$5.2 billion in advertising and promotion. This figure is up from \$2.4 billion in 1986. (Federal Trade Commission Report to Congress Pursuant to the Federal Cigarette Labeling and Advertising Act for 1992, P.3)
- The \$5.2 billion the tobacco industry spent on advertising and promotion in 1992 made it the second most heavily advertised commodity in the United States, second only to automobiles. (Federal Trade Commission Report to Congress Pursuant to the Federal Cigarette Labeling and Advertising Act for 1992, P.3)
- The most popular cigarette brands for underage smokers are the most heavily advertised brands. 86% of underage smokers who purchased their own cigarettes purchased one of the three most heavily advertised brands. While the most popular choices for adults are the private label, price value and plain package brands. (Centers for Disease Control and Prevention, "Changes in the Cigarette Brand Preferences of Adolescent Smokers -United States 1989-1993." August 19, 1994 P. 577-581)
- Research suggests that, regardless of intent, marketing pitches aimed at young adults ages 20-25 area also appealing to youths of the same class, gender and ethnic group. For example, the tobacco industry heavily advertises in magazines that appeal to youthful readerships for example, *Spin*, *Rolling Stone*, *Cycle World*, *Mademoiselle*, *Glamour* and *New Woman*. (Growing Up Tobacco Free, p. 116, Institute of Medicine, 1994)
- In a USA Today survey, 98% of teens surveyed were familiar with the cigarette-puffing, Joe Camel cartoon character. (USA Today, 1/30/97)
- In the early 1980s Camel cigarettes were primarily smoked by men over 50 and commanded about 3% to 4% of the overall market and 2% to 3% of smokers under the age of 18. Camel launched the "Joe Camel" campaign targeting younger-adult smokers and by 1989, a year into the campaign, Camel's share of underage smokers had risen to 8.1% and grew to at least 13%, while Camel's share of the adult market remained at 4% of the market share" (National Center for Health Statistics, CDC, Adult Use of Tobacco Survey, MMWR, 3/13/92)

- According to a 1992 Gallup Poll, one-half of all adolescent smokers and one-quarter of adolescent non-smokers own at least one promotional item from a tobacco company. (1992 Gallup survey)
- The tobacco industry spends \$100 million annually to promote athletic events.(L.A. Times, April 28, 1991)
- Each day, approximately 3,500 Americans quit smoking and an additional 1,200 tobacco customers and former customers die of smoking-related illness; therefore, maintaining current levels of tobacco use and revenues requires that approximately 5, 000 new smokers be recruited every day (about 2 million per year). (CDC, *Preventing Tobacco Use Among Young People, A Report to the Surgeon General*, 1994, p.175)

Teen Perception of Smoking Due to Advertising

- In studies, young smokers consistently overestimate the percentage of people who smoke. (1994, Surgeon General's report, p.192)
- In an interview study of 895 urban children and youths, the respondents greatly overestimated the prevalence of adult and peer smoking. The mean estimate for adult smoking was 66% at a time when 30% of adults were smokers. Estimates of peer smoking were about double the real figures by students in high school and higher by students in grade school. (Growing Up Tobacco Free, p. 77, Institute of Medicine, 1994)
- "Tobacco use is a learned and socially mediated behavior. Repeated and ubiquitous messages reinforcing the positive attributes of tobacco use give youths the impression that tobacco use is pervasive, normative in many social contexts, and socially acceptable among people they aspire to be like. Youths are led to believe that tobacco consumption is a social normal among attractive, vital, successful people who seek to express their individuality, who enjoy life and are socially secure." (Growing Up Tobacco Free, p. 71, Institute of Medicine, 1994)

Health Effects and Costs of Tobacco Use

- Longtime smokers are three times more likely to get lung cancer than non-smokers and four to five times more likely to develop tumors of the lip, mouth and esophagus. (National Cancer Institute, quoted in The San Francisco Chronicle, 12/26/96)

- Cigarette smoking during childhood and adolescence produces significant health problems among young people, including cough and phlegm production, an increased number and severity of respiratory illness, decreased physical fitness and a potential retardation in the rate of lung growth and the level of maximum lung function. (CDC, *Preventing Tobacco Use Among Young People, A Report to the Surgeon General*, 1994, p. 9)
- 434,000 smokers die each year in the United States due to smoking-related illness. (CDC, Preventing Tobacco Use Among Young People, A Report to the Surgeon General, 1994)
- Smoking kills more people each year than AIDS, car accidents, alcohol, homicides, illegal drugs, suicides, and fires combined. (Institute of Medicine, Growing Up Tobacco Free: Preventing Nicotine Addiction in Children and Youths. 1994 P. 3-4)
- The Centers for Disease Control and Prevention estimated that in 1993 the health care costs associated with smoking totaled \$50 billion.(FDA, Fact Sheet: Children's Future At Risk From Epidemic Of Tobacco Use).
- If one includes the \$47 billion in lost productivity and foregone earnings due to tobacco-related disease and death, the total annual cost of smoking in the United States is approximately \$100 billion.” (The Washington Post, 12/22/96)

BUSINESS

TOBACCO

Stealth Marketing

Cigarette makers are already dodging new restrictions on advertising

BY LESLIE KAUFMAN

SO YOU ARE A 14-YEAR-OLD WEB surfer dying to get the latest buzz on a new band called Seven Sins. After a quick search you find yourself at a funky, steel gray Web site filled with reviews of European rock con- s. Sure, it's mostly in German, but with iful English headings like "party pre- views," "love parade" and "Berlin fashion," you can get around easily enough. And that picture of the members of a mixed-sex band fondling each other nude—OK, they're ing nuns' wimples—is pretty captivat- ing. In passing, you register the sponsor of the page: Camel cigarettes. "Cool!" you muse before clicking off. "Camel knows its music." Which is exactly, some say, what the makers of the fastest-growing brand in the United States would like you to think—especially if you've given some thought to taking up smoking.

Just last summer it seemed that the anti-smoking forces had finally figured out how to the tobacco giants from pitching to kids. In August the Food and Drug Administra- tion declared nicotine a drug and issued sweeping regulations to restrict the sorts of smoking ads that most appeal to minors. Big tobacco is hardly giving up. Earlier this month the cigarette companies asked a federal court to suspend the new rules, most of which are scheduled to take effect this sum-

While legal maneuvering will probably delay the regs, the companies are mounting aggressive traditional ad campaigns to keep the customers they have and win new ones. And in preparation for a stricter future, the industry is fast invading the marketing niches the FDA hasn't thought to regulate or can't reach—from Internet sites to jazzy packaging. As Bill Novelli, a former ad- now with the Campaign for Tobacco-Free Kids, concedes of his foes: "They are damned good."

Clever marketers in many in- dustries have been shifting away from conventional ad campaigns and toward subtler promotions: America now does ev- from sponsoring sports

Microsmokes: For young rebels



Smoldering problem: Despite government efforts, a quarter of American teens smoke

events (think Tostitos Fiesta Bowl) to pro- ducing record labels (classical CDs from Vic- toria's Secret, anyone?). And no one has been more adept at this backdoor marketing than the cigarette companies. Since 1984, when the surgeon general declared smoking a health hazard, the government has progres- sively restricted the venues in which Big To- bacco can ply its wares, going after comic- strip pages first, then radio and television. But each time, Big Tobacco has found new outlets, splattering its brand names across the likes of race cars, T shirts and baseball

caps. Last year, with a quarter of all Ameri- can teens still smoking, the FDA decided to crack down on all ad tactics known to influ- ence high-school kids. It has proposed prohibiting bill- boards near schools, color ads in publications with a large youth readership and brand-name sponsorship of entertainment events and clothing. While the tobacco

Moonlighting: R/R gets hip



companies deny they're trying to circumvent the new rules, ad-1 / insiders believe the industry, with a total annual ad budget of \$5 billion, is still one step ahead of Uncle Sam.

Jeffrey Chester, executive director of the Center for Media Education, is monitoring the cigarette companies' expansion into cy-



Joe Cool

berspace. He argues that the online world "dramatically increases the ability to reach underage smokers." In March his organization will release a report detailing tobacco-related material on the Web and ask the FDA to act. But how can the Feds stop a foreign subsidiary of a tobacco company from launching a site

overseas—like Camel's Web page, for example? "U.S. regulations do not cross international lines," asserts Peggy Carter, a spokesperson for Camel.

Marlboro has taken a less high-tech but no less inventive approach by producing a new Rolling Stone-size quarterly magazine called Unlimited. Its first issue, published last October, featured articles on arm-wrestling, road trips and slinky young starlets. But you can't find Unlimited at any store. Marlboro mails it to some 2 million smokers on the company's state-of-the-art databases. The company claims that everyone on the list is at least 21. Since all its readers are adults, Marlboro argues, Unlimited's ads don't have to be restricted to black-and-white. Of course, once the magazine has made it to the coffee table, there's nothing to stop a minor from picking it up.



Marlboro mag

Perhaps the cigarette companies' most creative moves have been in packaging. Much of the industry still clings to plain-vanilla graphics on the top brands, because they are familiar to longtime customers. But in a trend likely to catch on, RJR has launched a line of artily wrapped "microsmokes," which, like microbrews, are aimed at young trendies who disdain megabrands. Jumbos, for example, a brand of wide-gauge filters, features a stylized elephant. Dirk Herman, who launched RJR's Moonlight brands, brags that "the packaging alone sells the product."

Over at the FDA, associate commissioner Mitch Zeller is monitoring the new developments with concern. "This is a big challenge," he says. He also admits that in areas like packaging, the law gives him no recourse. Government authority has its limits, and it seems that Big Tobacco is finally on the verge of discovering them.

With JOLIE SOLOMON and STEVE RHODES

5

MARTHA BYRNE

WOMAN MUSIC

MARTHA BYRNE

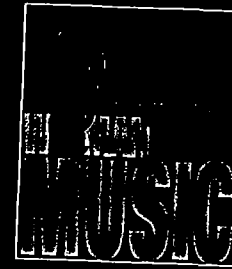


1. **Carry Me With You** Marks/Bliss 3:32
Miss Mayhem Music (BMI) / Curly Man Music (ASCAP)
2. **Take A Little Time** Marks/Ochs 3:20
Miss Mayhem Music (BMI) / Ochsongs (BMI)
3. **Remote Control** Marks 3:00
Miss Mayhem Music (BMI)
4. **It's A Woman Thing** Tribino 4:30
Tribino Songs (ASCAP)
5. **I'm Sky High** Marks/Albetta 3:35
Miss Mayhem Music (BMI) / Monkey Boy Irwin (BMI)
6. **Imagine** Lennon 3:05
Lenono Music (BMI)

Produced by Nile Rodgers.

For promotional use only. Not for sale. Made in USA. All recordings used
by permission. All rights reserved. © Philip Morris Inc. 1996

It's A Woman Thing



**Because there are voices
that need to be heard.**

Created in 1996, the Woman Thing Music label provides a forum for emerging female artists to launch their singing careers. Each year, Woman Thing Music plans to seek out aspiring vocalists from around the country and underwrite their debuts. Additionally, Woman Thing Music will host a variety of live performances in clubs and bars nationwide.

Woman Thing Music is supported entirely by Virginia Slims.

Watch for future volumes on the Woman Thing Music label, with more exciting new artists and formats ranging from pop to country to R&B.

Michael/Elena - I have most - but not all - of this
Snuff on hand and can get the rest.

LIST OF TOBACCO INDUSTRY TRINKETS AND TRASH

1. Joe Camel backpack (black)
2. Marlboro gym bag (red and white)

In the Marlboro Bag

3. Smokin' Joe's Racing baseball hat (purple and yellow)
4. Kodiak (smokeless tobacco) baseball hat (black and white)
5. Joe Camel "Beach Club" plastic mug
6. Joe Camel head cup holder
7. Family Channel sponsored toy racing car ("not suitable for children under 36 months)
8. ~~Smokin' Joe's sponsored toy racing car ("not suitable for children under 21 years of age)~~
9. ~~Four (4) Joe Camel "Collector Packs"~~
 - ~~Joe at the beach*~~
 - ~~Joe on a motorcycle~~
 - ~~Joe shooting pool~~
 - ~~Joe hanging out in a leather jacket *~~
10. Joe Camel coaster
11. Joe Camel designer matches
12. ~~Camel Cash catalog~~
13. ~~Marlboro gear catalog~~

In the Camel Backpack

14. Newport tube socks
15. Virginia Slims headbands
16. 3 part Marlboro - Penske shirts
 - Penske toddler shirt and shorts
 - Marlboro grand prix hat
 - Marlboro grand prix t-shirt
19. Joe Camel fleece shorts (white with cartoon characters)
20. Marlboro adventure team shorts (black)
21. Smokin' Joe Camel Racing t-shirt (white with multi-colors)
22. Joe Camel smooth moves advertisement
 - How to impress someone at the beach
 - If you don't like redeeming coupons, have a stranger do it for you.
23. ~~Joe Camel advertisement in Rolling Stone magazine~~
 - ~~- \$25 off any rock concert~~

CAMPAIGN for TOBACCO-FREE Kids

FOR IMMEDIATE RELEASE

Contact: Jennifer Thorp
(202) 296-5469
Don Marshall
(202) 289-5900

FIRST POLL SINCE LIGGETT SETTLEMENT SHOWS ANGER AT TOBACCO INDUSTRY SKYROCKETING

*Nearly Three-Quarters of Americans Now Want Congress to Hold Hearings,
and FDA to Regulate Tobacco Marketing*

Washington, D.C. (March 27, 1997) – A nationwide poll taken just after the Liggett Group settlement reveals that more Americans now believe tobacco companies are deliberately marketing to children, and that tough action – including FDA regulation – should be taken against the industry. Americans also overwhelmingly feel that Congress should hold hearings to investigate the tobacco industry.

The poll, which was commissioned by the CAMPAIGN FOR TOBACCO-FREE KIDS and released today, shows that 69 percent of Americans believe that the tobacco companies deliberately market their products to kids – up from 54 percent in a June 1996 poll. Seventy-three percent of respondents say that tobacco is an addictive drug that should be regulated – up from 65 percent in the earlier poll. And 70 percent agree that the FDA should have the authority to regulate the sale and marketing of tobacco products.

On March 20, the Liggett Group tobacco company announced an agreement to settle lawsuits with 22 states seeking to recoup the cost of treating tobacco-related diseases. As part of the settlement, Liggett broke ranks with the rest of the tobacco industry in admitting that tobacco companies target children in their marketing, that tobacco is addictive, and that tobacco causes cancer and other diseases. Liggett also agreed to release hundreds of sensitive industry documents that could prove damaging to the other tobacco companies.

"The anger with the deceptions of the tobacco industry is hitting record levels," CAMPAIGN President Bill Novelli said. "Americans clearly feel that the tobacco companies have conspired to lie to the public about everything from marketing to children to claiming tobacco is not addictive."

Novelli continued, "The public was already fed up with the tobacco industry before the Liggett settlement; now they're ready to take the gloves off. Americans overwhelmingly think that the time has come for the tobacco companies to be investigated, regulated, and even prosecuted."

- more -

1707 L Street, NW Suite 800 Washington, DC 20036
Phone (202) 296-5469 Fax (202) 296-5427

Tobacco Poll / 2

The poll shows that 77 percent of Americans believe the tobacco industry lies about the health effects of tobacco, 81 percent believe it lies about the addictive nature of tobacco, and 75 percent believe it lies about the marketing of tobacco products to kids. Of the people surveyed, 70 percent said they had seen, heard, or read something about the Liggett settlement.

"With the alarming rise in tobacco use among young people, every effort must be made to eradicate all tobacco marketing targeted to youth, and hold the tobacco companies responsible for this unacceptable behavior," said Timothy J. Dyer, executive director of the National Association of Secondary School Principals. "We urge Congress and the American people to take action and ensure the healthy futures of all of our young people."

"These results reveal that the tobacco companies have lost all credibility with the American people," Novelli said. "But it doesn't stop there. The public clearly wants action to stop the tobacco conspiracy and protect children from cigarette marketing. There is tremendous support for the FDA rule to stop tobacco marketing to kids, and for Congressional action to call the tobacco companies on their deceptions."

Seventy-three percent of those polled agreed that the U.S. Congress should hold hearings on whether the tobacco companies have lied about the health effects of tobacco and their marketing of tobacco products to kids. Seventy-five percent feel that politicians who accept contributions from tobacco companies are less likely to take steps to protect the health of children -- up from only 50 percent in the June poll.

"People feel strongly that it's time for Congress to step up to the plate and investigate the lies of the tobacco companies," Novelli said. "Many Americans probably remember the scene three years ago when the top cigarette company executives swore -- under oath -- before Congress that tobacco is not addictive."

The survey also found that 66 percent of the people agree that tobacco company executives should be criminally prosecuted for their lying about the health effects of tobacco.

The random telephone survey of 1,000 people, evenly split between men and women from across the nation, was conducted by TELENATION from March 21 to March 23. The survey has a margin of error of +/- 3.1 percentage points.

The CAMPAIGN FOR TOBACCO-FREE KIDS is the largest initiative ever undertaken to decrease youth tobacco use in the United States. Its mandate is to focus the nation's attention and action on keeping tobacco marketing from seducing children, and making tobacco less accessible to kids. The CAMPAIGN'S 100-plus member organizations include the National Association of Secondary School Principals, American Medical Association, American Heart Association, American Lung Association, American Cancer Society, American Academy of Pediatrics, National Association of Elementary School Principals and National PTA.

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Note to editors: A one-page summary of the findings is attached.

PUBLIC OPINIONS ON TOBACCO – NATIONAL SURVEY
(Data Collected March 21-23, 1997)

Changes in public attitudes since June of 1996:

<u>Percent who agree somewhat or strongly that</u>	<u>June 1996</u>	<u>March 1997</u>
The tobacco companies deliberately market cigarettes to underage kids	54%	69%
Politicians who accept contributions from tobacco companies are less likely to take steps to protect the health of children	50%	75%
Tobacco is an addictive drug that should be regulated like other drugs	65%	73%

Percent who say the tobacco industry lies about:

- The health effects of tobacco: 77%
- The addictive nature of tobacco: 81%
- The marketing of tobacco products to teens: 75%

Percent who agree strongly or somewhat that:

The FDA should have authority to regulate the sale and marketing of tobacco products: 70%

The U.S. Congress should hold hearings about whether the tobacco companies have lied about the health effects of tobacco and their marketing of tobacco products to kids: 73%

State legislatures should hold such hearings: 69%

The tobacco companies should have to pay the government health care costs that result from smoking: 63%

Tobacco company executives should be criminally prosecuted for lying about the health effects of tobacco: 66%

The tobacco companies have internal documents that prove they knew the harmful effects of tobacco: 84%

The tobacco companies have internal documents that prove they intentionally market their products to kids: 64%

Who is to blame for the sale and marketing of tobacco products to teens?

	<u>Tobacco Companies</u>	<u>Advertising Agencies</u>	<u>Media Taking Ads</u>	<u>Retailers</u>
Very much to blame	55%	43%	33%	28%
Somewhat to blame	32%	45%	50%	49%
Not at all to blame	12%	12%	17%	23%

70 percent of those surveyed claim to have seen, heard, or read something about the Liggett settlement.

Draft of Public Advocate's Advisory re Kick
Butts Day

Draft

NEWS ADVISORY

Immediate
April 11, 1997

contact: Joe DePlasco
phone: 212-669-4195
beeper: 800-800-7759

**NYC KIDS JOIN PRESIDENT CLINTON AND PUBLIC ADVOCATE GREEN
TO PARTICIPATE IN KICK BUTTS DAY.**

*President and Advocate Join Students at -- School in Brooklyn for Second
Annual Kick Butts Day -- "When Kids Organize Kids to Fight Back Against
the Tobacco Industry."*

The second annual *Kick Butts Day* -- a national anti-tobacco teach-in for school kids organized by New York City Public Advocate Mark Green and the Washington, D.C.-based Campaign for Tobacco Free Kids -- will culminate in New York City on Tuesday, April 15, 1997 at -- time when President Clinton joins Public Advocate Mark Green and students at -- school in Brooklyn to discuss the health hazards of tobacco and what kids have done and can do to fight back against the tobacco industry. [For press credentials for the Presidential event, please contact --- at ---.]

Kick Butts Day is the brainchild of Mark Green, who began working on the issue of teens and tobacco when he was the City's Consumer Affairs Commissioner. "It's a day when kids organize kids to talk back and fight back against the tobacco merchants," said Green. "We can and must stop the public health calamity of 3,000 teens a day beginning a habit that one-third will die from."

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"This year kids from Brooklyn to Burbank joined forces against the tobacco industry. Together, they continue to attack the tobacco industry's conspiracy of silence and expose how some \$6 billion a year in ads and promotions is intended -- as Liggett Group Inc. and Meyers documents show -- to recruit new customers from the 'minor leagues.'"

On April 10, schools around the nation held rallies and forums to discuss how the tobacco industry is trying to get kids to smoke. Students released the results of surveys showing which tobacco companies advertise near schools and playgrounds, which shop owners are selling tobacco products to kids and how merchandise and ads are directed toward kids, contrary to what the industry says.

In addition to the event with President Clinton and Advocate Green, other highlights of this year's *Kick Butts Day* are:

✓ *Doonesbury*. Garry Trudeau's "Doonesbury" strip focused on how kids can fight the tobacco industry during the week of April 7. At Advocate Green's request, Trudeau created the logo for *Kick Butts Day* last year.

✓ Youth Partnership Project kids from Queens will descend on Times Square with a coffin containing cigarette butts. They will ask pedestrians to pledge not to smoke. In return, they will give people who pledge an apple. They call their program the *Big Apples for Cancer Sticks Exchange*.

✓ Bedford-Stuyvesant students and the American Lung Association of Brooklyn kick-off new bus shelter counter-smoking ad campaign.

✓ Bay Ridge students at Fort Hamilton High will survey peers to find out which merchants are selling cigarettes to minors. They will also mail back subscription cards to magazines that accept tobacco advertising urging them to reverse the policy.

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✓ Fordham students at M.S. 45 will hold an anti-tobacco poster contest.

✓ Midwood students at Edward R. Murrow High will hold a tobacco literacy quiz to teach fellow students about the hazards of smoking.

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FOR RELEASE WEEK OF APRIL 7, 1997

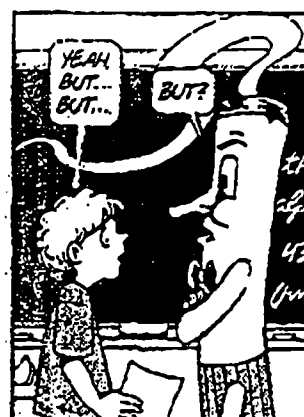
Doonesbury

BY GARRY TRUDEAU



Doonesbury

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Doonesbury

BY GARRY TRUDEAU



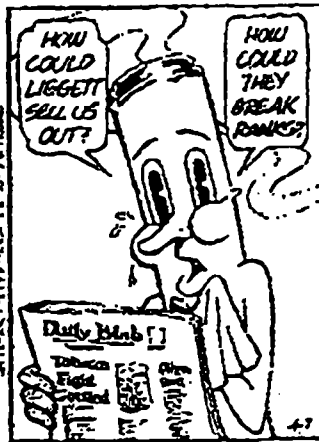
Doonesbury

BY G. E. TRUDEAU

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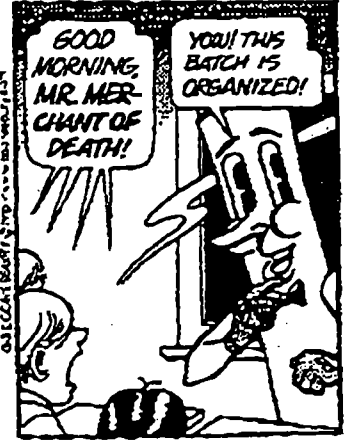
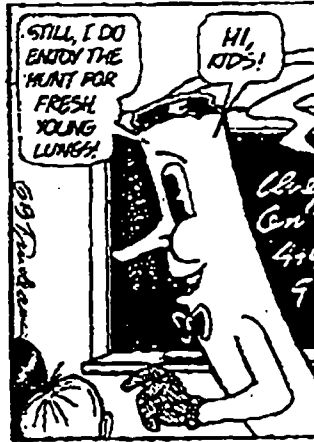
Doonesbury

BY GARRY TRUDEAU



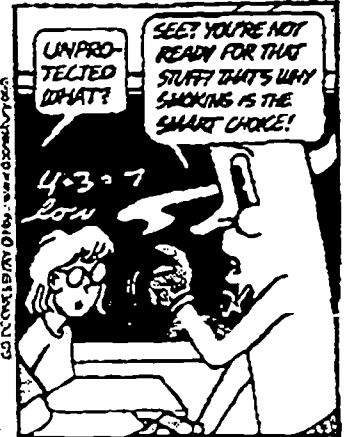
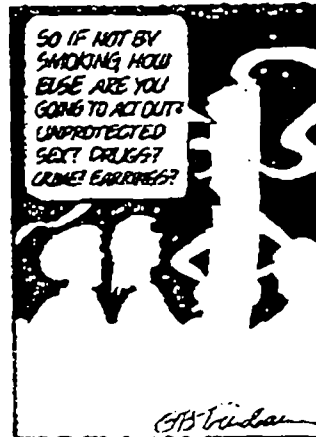
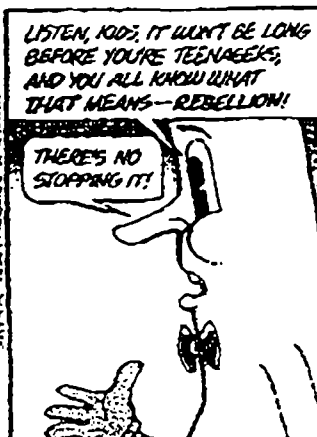
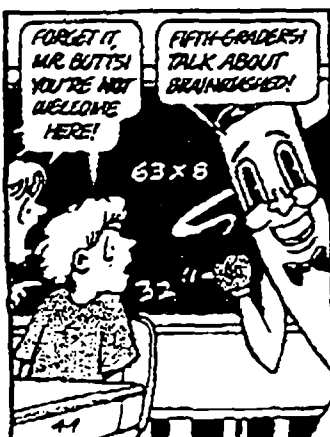
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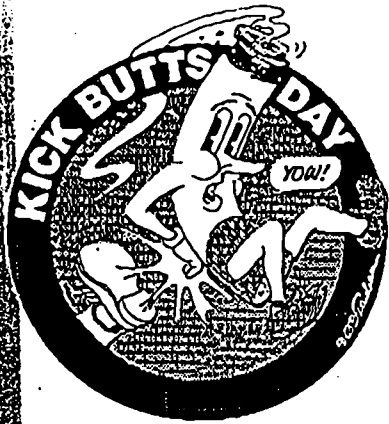
BY GARRY TRUDEAU



Doonesbury

BY GARRY TRUDEAU





Kick Butts Day *Pledge*

*I pledge to stand up to the tobacco
companies by:*

- Rejecting and criticizing tobacco ads using cartoon characters, cowboys and other attractive people who are trying to make me think that smoking and using smokeless tobacco will make me cool.
- Refusing to buy tobacco products that can addict me to nicotine for a lifetime.
- Refusing to buy or use clothing and other gear that promote tobacco companies.
- Working in my community to support tobacco-control efforts that protect the health of young people.

Signature

Date

CAMPAIGN FOR TOBACCO-FREE KIDS