

Bill -
for your
approval.
A
6/5

d r a f t

5 June 1986

To: Bob Lewis
cc: Bill Kloepfer, Sam Chilcote, Pete Sparber

From: Anne Duffin

Re: Waxman tobacco advertising hearing

Ripley Forbes confirms the American Medical Assn. report yesterday the House Subcommittee on Health and the Environment has scheduled a hearing on tobacco advertising for July 21.

Rep. Synar on Monday will introduce a bill to ban all tobacco advertising.

We have been planning for almost a year for this eventuality and have already stepped up preparation and contact work to assist you in managing the industry response.

But intelligence from your division on the scope of the subcommittee inquiry and any other legislation to be considered will be important to PR's efforts to cover all bases in your support.

Our relationships with the advertising and media trade groups have never been better. We are certain TI can rely on them to carry a large part of the load and to provide their own high-level witnesses and/or submitted testimony. We are certain, too, that the American Civil Liberties Union, silent previously on tobacco advertising issues, will be willing to testify.

You can rely also on the support of minority groups. The black publishers are ready on the issue and the League of United Latin American Citizens, already incensed at attempts to limit traditional freedoms they've known only in America, can be counted on for special initiatives and support, as can our labor contacts.

Anti-tobacco forces orchestrating this hearing, and events leading up to it, have said they prefer voluntary action to laws. Their efforts to persuade media to eschew our brand messages continue. Therefore PR will heighten its monitoring in order to head off any grandstand, pre-hearing announcement a top publication will no longer accept tobacco advertising.

PR will develop a survey of public attitudes about the industry and its brand promotions for pre-hearing release to the press.

We recognize that you are calling the shots, and we offer our assistance. Listed below are our thoughts on what can be done. I have indicated those actions for which PR is prepared to take responsibility.

CONFIDENTIAL:
MINNESOTA TOBACCO LITIGATION

TIMN 318859

The cigarette industry should respond with four general arguments:

1. Cigarette makers do not, as accused, direct promotional programs to youngsters to "addict" them and assure another generation of smokers.

o TI should ask each company to be ready to defend its advertising and sampling activities.

We recommend you ask Covington & Burling to set up a meeting of advertising managers and agencies to discuss their response to both general and specific claims of violation of the industry codes.

o TI should ask Shook Hardy to provide a witness to refute the allegations of "addiction."

o TI testimony, by Covington & Burling, should review the literature to demonstrate the lack of evidence cigarette advertising and/or promotion cause youngsters to start smoking.

2. The cigarette industry has taken positive steps to discourage youth smoking.

o TI testimony should also detail the industry's voluntary initiatives to avoid encouraging youth smoking.

o PR will prepare a presentation, demonstrating the industry's new initiative to aid parents in discouraging youth smoking, to be given by Jolly Ann Davidson, on "Helping Youth Decide" efforts with the National Association of State Boards of Education.

o PR will ask consultant Jim Peterson to identify a guidance or counseling professional to attest to the effectiveness of our program.

o TI should encourage testimony of the other tobacco organizations, the National Automatic Merchandising Assn. and, possibly, the National Assn. of Convenience Stores, the last two on their efforts to avoid youth sales.

3. Youth are subjected to much anti-smoking information.

o PR will urge the American Association of Advertising Agencies (4As) to collect and exhibit to the subcommittee examples of anti-smoking PSAs and "education" materials of recent years.

o PR will recommend the International Advertising Association (IAA) present researcher Glen Smith with his five-country data on youth perceptions of advertising.

4. Further regulation would not have the desired effect, would offer constitutional problems and could have negative consequences.

o PR will ask Prof. J.H. Boddewyn to testify for IAA on the IAA 16-country tobacco advertising/consumption study update he edited this spring.

o PR will encourage top-level testimony by the 4As, the American Advertising Federation (AAF) and the Association of National Advertisers (ANA).

ANA is meeting next week in Chicago; the others will be there. Fred Panzer and/or I will attend to begin joint planning.

o PR will, through the Magazine Publishers Assn. and the American Newspaper Assn., encourage testimony by several top newspaper and magazine publishers on the First Amendment issue.

o PR will, through the Outdoor Advertising Assn. of America, promote testimony by a representative of a new billboard group network holding 40 percent of U.S. boards.

o PR will provide information to a Los Angeles black publisher who is prepared to ask to testify, for himself and the National Publishers Assn.

o PR will urge to appear or submit testimony as many as appropriate and practical of others of the more than 20 associations supporting TI's position on the Bradley and Stark bills.

o PR will urge the Committee for Affordable Sports and Entertainment (CASE) to testify on the importance to sports of cigarette company sponsorship.

o PR will ask its Hispanic contacts to promote written testimony and mail from the South Florida anti-Castro community and Latin Americans in other states you identify.

o PR will urge testimony by labor, the American Civil Liberties Union, the Freedom of Expression Foundation and other groups and individuals concerned with First Amendment integrity.

o TI should hold in abeyance a Chase Econometrics study on the economic impact of denial of tax write-offs for tobacco advertising.

o But...TI should consider contracting swiftly for additional Chase analysis to demonstrate the effect of a total advertising and promotion ban on jobs, income and taxes.

I shall report to you regularly on progress with witnesses and hearing-related projects.

CONFIDENTIAL:

MINNESOTA TOBACCO LITIGATION

* * *

TIMN 318861