

# Smoking and Health: FCC Demands an Antidote to Cigarette Ads

Despite the 1964 report of the U.S. Surgeon General's Committee indicting cigarette smoking as a cause of lung cancer and other diseases, cigarette sales set a new record last year and per capita consumption nearly recovered from the decline caused by the Surgeon General's report. Recently, however, the spirits of the frustrated public and private health personnel who have been trying to discourage smoking were lifted by an action of the Federal Communications Commission. On 2 June the antismoking forces, the cigarette manufacturers, and the broadcasting industry were all equally astonished by a commission ruling that the FCC "fairness doctrine" is applicable to cigarette advertising on radio and television.

This doctrine, which holds that broadcasting stations must make time available for discussion of *both* sides of a controversial issue, had never previously been applied to commercial advertising. The FCC emphasized that its new ruling—stemming from a complaint by a young private attorney against a TV station in New York City—was directed at no product except cigarettes.

Although the FCC ruling overshadows all other recent developments in the smoking-and-health field, the Federal Trade Commission (FTC) and the Department of Health, Education, and Welfare (HEW) have each issued reports strong enough to make the tobacco industry wince. These say, in effect, that cigarette smoking is an exceedingly dangerous habit being popularized and reinforced by advertising campaigns portraying the lethal weed as harmless and "mild" and subtly associating smoking with the joys of sex, prosperity, and high adventure. Both reports, called for by the Cigarette Labeling and Advertising Act of 1965, recommended (i) strengthening the largely ineffectual warning message required on cigarette packages by the 1965 act, (ii) requiring the warning in advertising as well as on the package, and (iii) showing the tar and nicotine content of the cigarette smoke on the

package and in advertising. The FTC also recommended that HEW's appropriation for smoking-and-health education (now about \$2 million a year) be increased, and that money be provided for research on the development of a safer cigarette.

The FCC fairness-doctrine ruling and the reports of FTC and HEW all tend to be mutually supporting. They represent further steps in the evolutionary process by which the promotion of cigarette smoking may come increasingly under governmental control. The Cigarette Labeling and Advertising Act has been regarded by many as a piece of special-interest legislation to protect the tobacco industry. It thwarted a proposed FTC regulation by imposing a 4-year moratorium (through 30 June 1969) on requiring health warnings in cigarette advertising. Yet, cautious and solicitous of the industry's interests though it was, Congress took the unusual, if not unprecedented, step of warning the public of the health hazard in *normal use* of a freely available commercial product.

Moreover, in its efforts to avoid stronger legislation, the tobacco industry played an important card which it may not be allowed to play again. It asked Congress to give it a chance at self-regulation, under the tobacco and broadcasting industries' new cigarette advertising codes. The FTC now says, however, that the codes have done little to prevent the abuses at which they were ostensibly directed, such as the enticement of minors to take up smoking. For one thing, cigarette commercials are still shown at hours when there is a large juvenile audience. The average teenager sees more cigarette commercials than the average American does, FTC says.

Though disturbing to many health specialists, FTC's assertions—that the industry codes have been a sham, that the warning on the cigarette package has been largely ineffectual, and that young people are heavily exposed to the seductions of cigarette advertising—are less alarming than some of HEW's

recent findings. For example, the department indicates that the importance of smoking as a contributing factor in heart disease is even greater than had been suspected—that among men smokers the death rate from coronary heart disease is 70 percent higher than among nonsmokers.

Frightening statistics of this sort can be better used to shake the smoker's complacency—though many smokers already are anxious about their habit—now that the FCC has enunciated its fairness-doctrine ruling. Broadcasting stations carrying cigarette advertising need not provide "equal time" for programs and public service announcements about the hazards of smoking, the FCC said, but they must provide a "significant amount of time" for presentation of such viewpoints. According to the agency, the probable effect of an equal-time requirement, like that of the health-warning requirement proposed by the FTC in 1964, would be to eliminate or substantially curtail cigarette commercials—a "drastic" step which Congress forestalled by its 1965 act.

For the agencies most directly concerned with the smoking problem, such as HEW's National Clearinghouse for Smoking and Health and the American Cancer Society (ACS), the fairness-doctrine ruling came as the kind of surprise one feels upon being left a large bequest by a long-forgotten aunt. Suddenly, the National Clearinghouse, the Cancer Society, the American Heart Association, and other groups saw an opportunity to get lots of free air time for their antismoking "spot" announcements and programs. Previously, TV broadcasters had been chary of offending their cigarette advertisers by cooperating in anti-smoking campaigns, although they had often carried news and discussion programs dealing with the smoking and health issue and had occasionally run antismoking "spots."

Since the fairness-doctrine ruling, the Cancer Society has thanked the broadcasters for past favors and has provided a list of its antismoking spots and programs for those who "elect to follow the FCC decision." The broadcasters are asking the FCC to reconsider its ruling, and, if they fail in this, they will go to court. Nevertheless, while requesting a suspension of the ruling pending a review, many broadcasters already are moving to comply with it.

The demand for antismoking materials has become heavy. One TV network has asked the ACS for more

prints of its spot announcements than it can supply. Most of the antismoking material being provided the broadcasters by the ACS and other agencies uses low-keyed persuasion which avoids scare techniques. The working assumption is that most people know smoking is harmful but need to be reminded and made constantly aware of this threat to their health. "The Ashtray" is a 20-second ACS spot showing cigarette butts disappearing from an ashtray, while a violin plays softly in the background. A voice says, "The moment you stop in most cases the effects of smoking will begin to reverse themselves till your lungs are nice and clear again." "Is Smoking Worth It?" is a 16-minute ACS film which reviews the evidence linking lung cancer and cigarette smoking. Some ACS material is prepared especially for very young viewers. "Huffless, Puffless Dragon" is

an 8-minute animated cartoon showing an unequal struggle between "Drag Knight," who does not smoke, and "Drag Goon," who does.

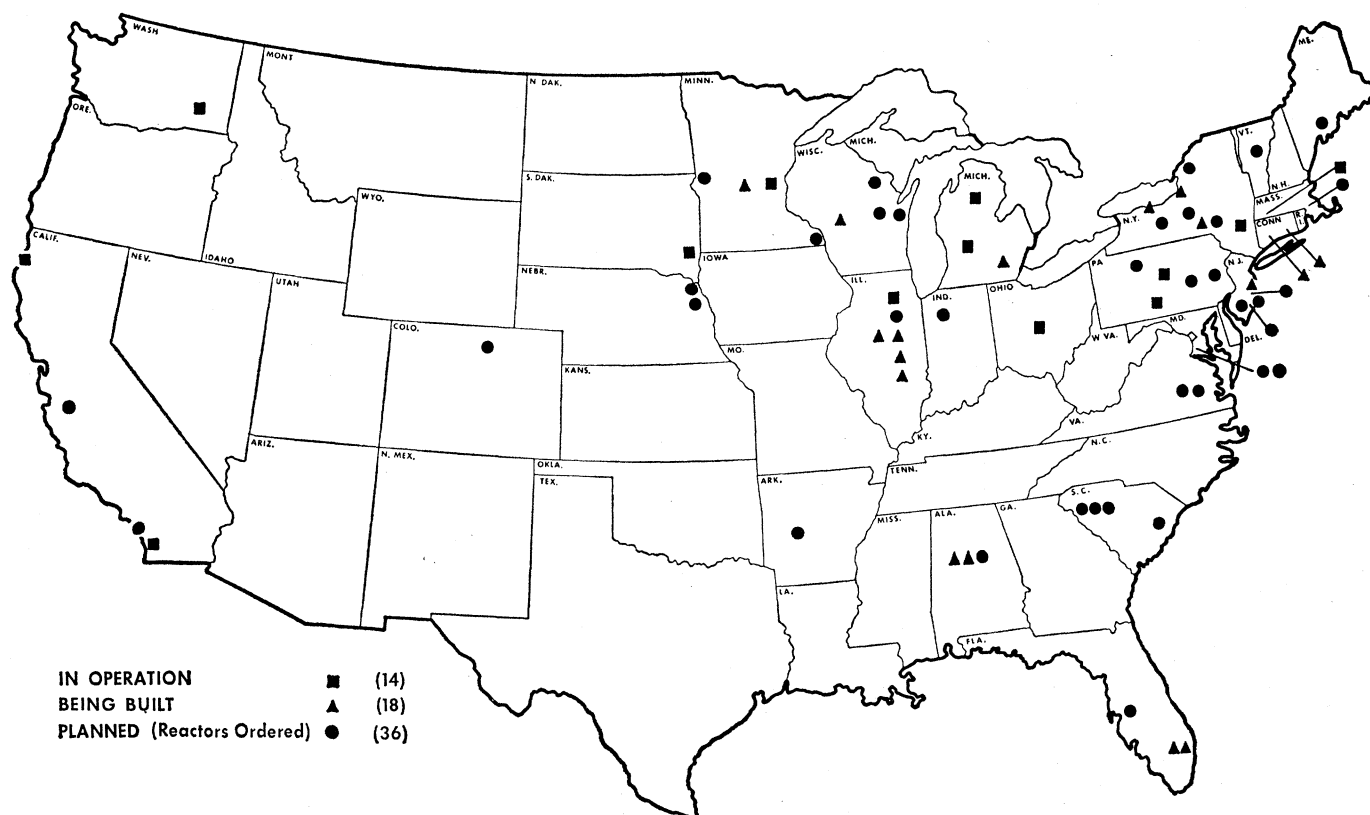
The fairness doctrine, which has been under attack by broadcasters as permitting unconstitutional abridgements of freedom of the press and "due process," is causing still deeper concern in the broadcasting industry now that it has been applied to cigarette advertising. The broadcasters are alarmed for a variety of reasons. The effect the ruling will have on cigarette advertising—which in 1966 accounted for 7 percent of television advertising revenue—is highly uncertain. Moreover, a significant amount of valuable air time will have to be given away. And, finally, there is concern that eventually the ruling will be extended to other products.

In making their case against the rul-

ing, the broadcasters contend, of course, that it violates the congressionally imposed moratorium on health warnings in cigarette advertising. But the argument that the ruling cannot be logically limited to cigarettes also is a central point in the briefs filed by the broadcasters, the tobacco industry, and other parties. In its brief, the National Association of Broadcasters says that private and governmental reports holding that various products can be hazardous in their normal use are no rarity. Such reports, it says, have dealt with a number of commodities, such as automobiles, alcoholic beverages, and pesticides. FCC attorneys believe, however, that the cigarette labeling act represents an expression of congressional interest in a health problem for which no close analogies will be found.

Although Congress itself could nullify the ruling, thus far most of the at-

## The Growth of Nuclear Power



Ten years after the first U.S. nuclear power plant went into operation with a 90,000-kilowatt potential, the generation of nuclear electric power has increased more than 25 times. And the outlook for nuclear power plants continues to be one of rapid growth. Fourteen plants now produce 2.3 million kilowatts. This is less than 1 percent of the nation's power, but by 1980 nuclear power is expected to account for more than 13 percent of the nation's anticipated 523-million-kilowatt capacity and will nearly equal hydroelectric generation. By 1975, 80 nuclear plants are expected to be in operation with a capacity of 51.4 million kilowatts and by 1980 nuclear facilities are expected to have a generating capacity of 69.7 million kilowatts. [U.S. Atomic Energy Commission]

tacks on it by members of Congress have been by representatives of states, such as North Carolina and Virginia, where tobacco is grown and processed. Congressional interest in intervening may increase, for editorial criticism of the ruling—often by newspapers whose owners also have broadcasting stations—has been heavy.

The tobacco and broadcasting industries showed their legislative potency in 1965 and they may do so again. It would not be surprising if they try to use as a vehicle for their purposes a bill recently introduced by Senator Warren G. Magnuson of Washington, chairman of the Senate Commerce

Committee and sponsor of the cigarette labeling act of 1965. The Magnuson bill would require cigarette packages and advertising to show tar and nicotine content—a relatively soft measure. It no doubt would be acceptable to the tobacco industry if amended to include provisions rescinding the fairness-doctrine ruling and continuing to keep the FTC from requiring health warnings in cigarette advertising.

Magnuson, however, seems likely to oppose any such strategy. "It is necessary to have some kind of antidote to the messages of the commercials which imply that cigarettes can be smoked without harm," he has said. Indeed, the

tobacco industry ultimately could find itself battling proposals to ban broadcast advertising of cigarettes entirely. Senator Robert F. Kennedy of New York has said he may offer legislation to have such a ban tried for 1 year.

Although cigarette smoking as a national habit may very well outlive any who prophesy its demise, its enemies are growing stronger and, in the FCC ruling, they have a new weapon. Things could reach a point where, when someone strikes a match, the tobacco industry won't know whether it's a smoker lighting up or a nonsmoker getting ready to throw a bomb.

—LUTHER J. CARTER

## Molecular Biology: Drug Firm To Establish New Research Center

Hoffmann-La Roche, Inc., the Swiss-owned behemoth of the pharmaceutical industry, has announced its intention to take a major plunge into basic research, an area that heretofore has drawn much praise but little financial support from the multibillion-dollar industry as a whole.

Hoffmann-La Roche's means for doing this will be through the creation of the Roche Institute of Molecular Biology, to be located adjacent to the firm's headquarters in Nutley, New Jersey. And at the head of the institute will be a widely esteemed researcher who is now at the National Institutes of Health, Sidney Udenfriend, age 49, chief of the Laboratory of Clinical Biochemistry of the National Heart Institute. Udenfriend, who has been at NIH since 1950, will not be joining the company until next July, but, in the meantime, plans are proceeding to assemble a staff of 150, including 75 to 100 Ph.D.'s.

Whether any significant number of them will be coming from NIH itself is a sensitive matter. But at least several NIH people are already signed up. Among them is Herbert Weissbach, a research colleague of Udenfriend's at the Heart Institute, who will be joining the Roche Institute in about 2 years. According to a spokesman for the company, Weissbach will be "the number two man." Starting next month

in the capacity of general administrator will be Richard Snyder, who, at present, is an administrator at the Heart Institute.

At this point, with plans being drawn up for a five-storied research building with 85,000 square feet of floor space, honeymoon talk predominates in the company's announcement of its plans for basic research. Skeptics may recollect that there is ample precedent for industry to talk lovingly of basic research but to lose its ardor when confronted by current bills and distant pay-



Sidney Udenfriend

offs. Nevertheless, Hoffmann-La Roche seems to have imbibed a good draught of the mystique of pure research and is saying all the right things. Describing the institute as "wholly devoted to fundamental research designed to shed light on basic life processes," a company announcement goes on to add, "This research will be done on the very frontiers of science, unrelated to traditional efforts to develop marketable drugs. . . . In selecting research projects, the members of the Institute will be guided solely by the scientific importance of a problem, regardless of potential practical applications." And the announcement quotes John J. Burns, Roche vice president for research, who is an NIH alumnus and an old colleague of Udenfriend's. Says Burns: "This new approach to fundamental research is necessary because of the extremely complex nature of the problems we face. The Roche Institute of Molecular Biology is a basically new concept which provides an academic atmosphere, stressing the search for new knowledge for its own sake; at the same time it provides ready access to the scientific manpower and support facilities of a major pharmaceutical research organization."

Plans call for company-financed visiting and postdoctoral appointments, as well as close ties with nearby medical schools.

Both Udenfriend and spokesmen for the company stress that, though the institute will be situated close to Hoffmann-La Roche's Nutley research center, it will be accorded complete autonomy. It will be separately incorporated and have its own charter and budget; and its director, Udenfriend, will report directly to the company's vice