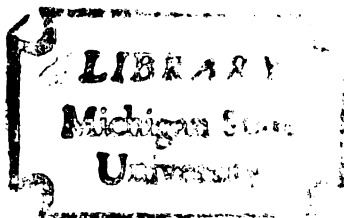


DECISION AND AFTERMATH

THESIS FOR THE DEGREE OF M A
MICHIGAN STATE UNIVERSITY
LARRY LEE PONTIUS

1966

THESIS





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ABSTRACT

DECISION AND AFTERMATH

A TWO PART INVESTIGATION OF THE DEVELOPMENT AND IMPORTANT
CONSEQUENCES OF NINE U.S. TOBACCO MANUFACTURERS' DECISION
TO ESTABLISH THE CIGARETTE ADVERTISING CODE.

by Larry Lee Pontius

Decision and Aftermath is a two part study of the Cigarette Advertising Code of 1964. Beginning with the "Great Smoking Scare" of 1953, part one chronologically traces the actions and counteractions taken by tobacco's foes and friends which lead to the establishment of the Code. Part two investigates the consequences of the Code's establishment.

The study was based on information gained from published material in books, periodical news media, and Government documents, a thorough investigation of the cigarette advertising used by U.S. tobacco manufacturers from 1950 through 1965, and the author's own experience in the advertising business.

The major findings of this study of the Cigarette Advertising Code are as follows: 1) the tobacco manufacturers' adoption of short-term goals and striving for quick profits made the Cigarette Advertising Code an inevitable eventuality, and 2) the Cigarette Advertising Code has failed to effectively change the main thrust of cigarette advertising.

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By

Larry Lee Pontius

A THESIS

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CHAPTER I
INTRODUCTION

This is the story of a single battle in a war which has lasted nearly four hundred years. It has been a war unlike any other in history. There have been no national boundaries. The combatants have included kings, popes, medical experts, sportsmen, business giants and private citizens. The weapons used have not been guns and bombs, but threats, decrees, taxes and speeches.

The first salvo was fired by a reigning monarch of England:

"What humor or policie can move us to imitate the barbarous and beastly manners of the wilde, godless and slavish Indians, especially in so vile and stinking a custome?"¹

Thus, in the year 1604, England's James I signaled the beginning of the "Tobacco War"; the war between tobacco's adherents and condemners.

The overriding issue in this essentially moral war has always been health. King James himself set the pattern of attack. "Smoking," he said, "is a custome loathsome to the eye, hateful to the nose, harmful to the braine, and dangerous to the lungs."² His remarks were

¹Tobacco and Americans, Robert K. Heimann (New York: McGraw-Hill Book Company, 1960), p. 250.

²Ibid.

moderate compared to some later attacks. Since its discovery by white men tobacco has been accused of causing a desire for strong drinks, increases in crime, nervous paralysis, blindness, loss of intellectual capacity, female sterility, effeminacy in men, moustaches on ladies' lips, tuberculosis, and finally, in 1953, respiratory cancer.

This, however, has not been a war of accusation only. In the early years the accusers took action, sometimes violent, against the pungent smelling leaf from the strange new world. James, the first leader in the fight against "the lively image and pattern of hell," levied exorbitant import taxes on tobacco.¹ Louis XIII of France decreed the death penalty for smokers. Czar Michael I issued a ukase punishing smokers with castration. Pope Urban VIII threatened tobacco users with excommunication.²

As people flocked to the Americas, home of the tobacco habit, the "Tobacco War" continued. And as various forms of tobacco consumption gained popularity, as the chaw, the pipe, the cigar and finally the cigarette took the people's fancy, so the condemners shifted their aim.

Although a distinctive American cigarette was not to emerge until

¹"Tobacco, the controversial princess," Time, April 11, 1960, p. 104.

²Ibid.

1903, as early as 1884 the New York Times ventured into the field of battle. In that year the Times editorialized:

"The decadence of Spain began when the Spaniards adopted cigarettes and if this pernicious practice obtains among adult Americans the ruin of the Republic is close at hand."¹

As the twentieth century opened, Lucy Gaston (a tobacco tintype of Carrie Nation) organized a full scale campaign against the white roll, which by then had come into its own as the main target in the war. Her crusade ended in the prohibition of cigarette sales in twelve states.²

There was also controversy over cigarettes in the sporting world during the early 1900's. Boxing's Battle of the Century was, in a way, an exchange in the "Tobacco War." For Corbett smoked and was proud of it, while Sullivan scorned the habit and was not reluctant to be quoted on the subject.³

Finally, even the business world had occasion to take antagonistic aim at tobacco. Henry Ford, Sr., and Thomas Edison both stated publicly during their careers that they would not knowingly hire anyone

¹Tobacco and Americans, Robert K. Heimann (New York: McGraw-Hill Book Company, 1960), p. 214.

²Ibid.

³Ibid., p. 215.

who smoked.¹ And so, tobacco's condemners have kept up an almost constant barrage against the brown colored leaves Captain Christopher Columbus received as a gift from the natives on the shores of San Salvador.

But what of the other force in this drama? What of tobacco's adherents; the people who used tobacco, sold tobacco, or for one reason or another approved of it? History records little about them, except that they smoked. And smoked. And smoked!

Throughout this war, despite the accusations, the taxes, the decrees and legal bans, people continued to smoke. The habit has grown steadily through the years until, in 1960, in the United States alone, over 15,000 cigarettes were purchased every second of every day. Today Americans spend more on cigarettes than the nation of Canada spends on its entire national budget.²

Does this mean the war is essentially over? Have tobacco's foes lost the battle and given up? No. Today we are witnessing yet another skirmish in the protracted conflict. And this might well be the most lively of the entire war. The anti-tobacco forces have a new accusation which, unlike the often undocumented and usually incredible claims of the past, must be seriously considered. Cigarette smoking has now been accused of causing today's most feared diseases; cancer,

¹"Tobacco, the controversial princess," Time, April 11, 1960, p. 104.

²Ibid.

heart ailment, and emphysema. This accusation has, or at least appears to have, the backing of one of the most respected elements on the modern American scene, science.

In addition, and most importantly here, a new development has taken place which makes the current exchanges between these old foes truly unique. A controversy has arisen over cigarette advertising practices. For the first time, the promotion of cigarettes has become an important part of the "Tobacco War."

Robert K. Heimann, a recognized and respected tobacco historian has stated, in his book Tobacco and Americans, that the practice of smoking is a natural human habit which, once introduced to civilized man, needed no promotion to attain popularity. The growth of the habit over the years when there was little or no promotion of it seems to bear him out.

On the other hand, after tobacco advertising and other forms of promotion were introduced the growth of smoking increased phenomenally. Since cigarette smoking in the United States has kept pace with the increasing din of cigarette advertising, many people on both sides of the "Tobacco War" feel there is a direct relationship between the two.

Consequently the introduction of cigarette advertising as a major consideration in the war has given new hope to those who wish to see an end to smoking, and caused increased concern among those who are fighting for its continued existence. Both parties in the current

fight feel they are engaged in a death struggle.

In May of 1964, nine U.S. tobacco manufacturers announced they had established a Cigarette Advertising Code. Thus a unique maneuver in the "Tobacco War" was unveiled. And thus an important climax in the struggle over cigarette advertising was reached.

The decision to establish such a code came more than four hundred years after the introduction of tobacco to the civilized world. It was over a hundred years after the first cigarette advertisement appeared in this country. The Cigarette Advertising Code was one of the few cooperative actions ever taken by the American tobacco companies and their first major effort to self-police their advertising. As such it constituted a major change in the companies' traditional stance and past practices concerning cigarette advertising.

The events which occurred in the months preceding and following this climax have left an indelible mark on cigarette advertising. The conclusions and predictions which can be drawn from the development and after-effect of the Cigarette Advertising Code may leave their mark on all advertising.

PART ONE -- DECISION

CHAPTER II

BEGINNINGS -- THE GREAT SMOKING SCARE

The establishment of the Cigarette Advertising Code was an unprecedented action for American tobacco manufacturers. How did the tobacco men come to such a radical decision? What pressures from within or outside the industry lead them to voluntarily place restrictions on the promotion of their own products?

The immediate inclination is to ascribe the Code's establishment to the 1964 Surgeon General's Report on Smoking and Health. And there are facts which give some merit to that theory. First, chronologically, the Report's issuance and the Code's establishment followed each other by a mere three months. Secondly, many of the provisions of the Cigarette Advertising Code appear to stem directly from the criticism and proposed actions irate citizens, businessmen and legislators made immediately following the Government report.

However, the answer to why the code was established is not that uncomplicated. The Surgeon General's report of 1964 can more correctly be called the proverbial straw that broke the camel's back. For as advertising entered into and increased in importance in the fight over the larger question of cigarette smoking, a series of influential actions and reactions were taken by tobacco's friends and foes. It was not a single event, but a whole chain of events which prompted the manufacturers' decision to establish their advertising code. To arrive at

a true profile of that decision, each link in this chain of events must be considered.

The logical tracing of events begins in 1953 with the first "Great Smoking Scare." For it was the scare and the happenings surrounding it which brought advertising irrevokably into the war..

Events of this magnitude seldom take place spontaneously. The first smoking scare was no exception. Almost all of the elements which combined to produce the smoking scare of 1953 had been on the scene for some years. Health considerations concerning smoking certainly did not begin in 1953. As has already been pointed out, smoking and health had been a subject for discussion since 1604. Nor was the supposed cancer/smoking link a totally new idea. Twenty-six years earlier, Dr. James Ewing, one of the leaders in organizing the American Cancer Society, had pleaded for a public information drive about the dangers of cancer, including its suspected relationship to smoking. He is reported to have said, "Cancer propaganda should emphasize the danger signs that go with it," pointing at the tobacco habit as one such sign.¹

Smokers did not suddenly, in 1953, become aware and overly concerned about possible harmful effects from smoking. In 1949, when Gallup researchers conducted a poll, more than half of the smokers

¹"Cancer by the Carton", Reader's Digest, December, 1952, p. 7-8.

questioned said they thought cigarette smoking was harmful and had at one time or another tried to give it up.¹

The health claims in cigarette advertising which appeared shortly after the first reports connecting smoking and cancer, and helping to publicize the smoking/health issue were not a novelty, either. Advertising had actually become a part of the Tobacco War twenty years earlier. According to Business Week, "By a logical and empirical process the companies...hit upon the theme that sold the most cigarettes. From the early 1930's on, this meant almost solely one thing -- sell health."² Where the health claim trend began is a moot point now, but by 1933 it was well under way as an established theme with, "Chesterfields are milder," Lucky Strike's "Nature in the raw is seldom mild," and the Old Gold claim that there was, "Not a cough in a carload." Health had remained the overriding theme in cigarette advertising during the twenty years preceding the first smoking scare. Tobaccommen had been quoted as saying every time we "...switch from health -- sales go to pot."³

If all of this is true, why did the scare take place? And why did it make advertising such an important part of the Tobacco War? The answer to the first question can be summarized in three words; timing, source, weight.

¹"Cigarettes", Consumer Reports, February, 1953, p. 58-74.

²"Cigarette Scare: What will the trade do?", Business Week, December 5, 1953, p. 58.

³Ibid.

The time was ripe for a public explosion concerning smoking. Since Doctor Ewing's first accusations against smoking in connection with cancer a generation had grown to maturity. Many in this generation had acquired the smoking habit and had lived not only with his accusation, but with the constant bombardment of advertising claims connecting smoking with health. They had good reason to be concerned and a predisposition to accept an anti-smoking claim which sounded well founded.

In the almost thirty years since a cancer/smoking link was first theorized the medical profession had had ample time to consider the theory, conduct research, and begin to obtain findings. There had also been time for the conflicting and often fallacious sounding advertising claims to become suspect, not only by the public but also by the Government. In 1942 the Federal Trade Commission began a campaign to clean up the health aspects of cigarette advertising. By 1950 the FTC had proceeded against all of the five largest tobacco companies except Liggett and Meyers.¹ These actions put an end to claims such as the onetime statement that Camels were helpful for athletes who had to keep fit, and the assertion that smoking Kools would give extra protection against colds. However, the FTC action did not seriously inhibit the health claims of companies not directly involved. While one company was under investigation, the others continued to seek new and better ways to imply health benefits to their brands. Nevertheless, these proceedings, especially carried over so long a time, did help to keep the health issue in the news and suggest that the Government did not approve.

¹"Cigarettes", Consumer Reports, February, 1953, p. 58-74.

The source of the cancer link accusation against smoking also played an important part in the scare. It had been years since Sinclair Lewis' Arrowsmith, and the public's attitude toward science in general and the medical profession specifically no longer encompassed the distrust and disrespect it had at one time. In 1953, medicine had become one of the most respected and trusted professions in America. An accusation from this source was not likely to be taken lightly. Since the accusation concerned cancer, one of the major diseases medical science had not yet conquered, this was even more true.

Finally, weight must be considered. Had the accusation that cigarette smoking caused cancer come from a single source or been reported by one or two news media, the end result might have been totally different. However, the time element allowing for smoking/cancer research on a grand scale, had played its part. Over a comparatively short period of time research reports linking smoking and cancer rolled in from numerous sources, not just in the United States but also in foreign countries. The news media seemed to sense the public's inherent interest in this subject and took full advantage of it. Reader's Digest, a major element of the anti-tobacco forces then and today, ran a number of influential articles on the subject beginning in 1950. As the various researchers made their reports more and more news media carried them. Time, The Economists, Science Digest, Science, Science Newsletter, Business Week, Newsweek, Consumer Reports, Printer's Ink, and many more had articles concerning the question before the scare was really under way. When the inflow of medical information reached its peak it was headline material for newspapers and radio

stations across the country. Smokers could not help but be reached by this tremendous outpouring of information.

A combination of timing, source and weight produced the "Great Smoking Scare". The scare in turn resulted in advertising's entry into the "Tobacco War" as a major consideration. To understand why and how, we must investigate some details of the scare's development.

In January, 1950, Reader's Digest published an article titled: "How harmful are cigarettes?" This article signaled the real beginning of advertising's entrance into the war as a major factor. It provided Viceroy, one of the first filter cigarettes, with a health claim that packed more competitive punch than any used in the twenty odd years in which health had been a standby. Shortly after the magazine hit the stands Viceroy ads were headlined: "January Reader's Digest tells why Filtered cigarette smoke is better for your health."¹ This kind of harshly competitive, health-oriented advertising combined with the Digest article and the growing number of other slaps at cigarette smoking appeared to panic tobaccommen. They opened the flood gates. The major cigarette manufacturers threw the earlier FTC experience to the wind and began a no-holds-barred health fight. Had the Viceroy advertising gone in any other direction, the manufacturers might have seen the approaching storm and backed away from the health issue. But with one company striking out, hitting its competition in a vital weak spot,

¹"The times have changed -- or have they?", Printer's Ink, August 2, 1957, p. 52.

the others reacted defensively, as is usually the case with old, multi-product markets. By the time the storm broke and the scare spread across the nation, cigarette advertising was so entangled with the health issue that it had become an inseparable part of it.

In the opinion of many observers cigarette advertising also helped to create the scare. For as the studies connecting cancer and smoking began to pour in, the pitch of the advertising health fight grew higher and higher.¹ As articles such as Reader's Digest's "Cancer by the Carton", "Newsweek's "Cigarettes and Cancer," and Time's "Smoking and Cancer" were published, the pitch increased. This advertising, pushing old filter brands, introducing new filter-tips and king-size brands, giving new emphasis to regular brands, and always stressing health publicized the issue to millions upon millions of people. The fact that this publicity was of a positive nature, emphasizing that one cigarette or another was not harmful made little difference. It was still literally pushing the health question down the public's collective throat.

Late in 1953, when the scare had barely become an established fact (with the revelation that cigarette consumption had sustained a drop of approximately 3%, the first decrease in 20 years) knowledgeable people were already agreeing that there was no question but that the tobacco companies themselves had, "...scared some smokers out of the cigarette habit by claiming that each brand does not contain the

¹"Cancer by the Carton", Reader's Digest, December 1952, p. 7-8.

'harmful ingredients' that others do."¹ The president of a tobacco warehouse association was quoted as saying, "The public is being frightened from tobacco by outlandish medical claims...Much of this advertising is plain silly."² Market specialists Phil Hedrick of the North Carolina agriculture department was reportedly sure that, "It's defensive advertising that's doing it."³ Still another source said, "Instead of scaring customers away from competing brands they're scaring them away from tobacco althgether."⁴

The cigarette manufacturers themselves apparently discounted or were unaware of this rising tide of concern. A November 22, 1952

Business Week article stated:

"While many business men have qualms about what might happen to their profits in 1953, cigarette manufacturers are blowing silver-lined smoke rings."⁵

Nowhere in the article was the health issue or its possible complications even mentioned. Total domestic sales of cigarettes were reaching a new high at the end of an unbroken twenty year stretch of annual increases and the developing 394.9 billion units sales figure overshadowed all other issues.⁶

¹"What has hit tobacco stocks?", Business Week, November 21, 1953, p. 140.

²"Cigarette Hangover", Time, November 9, 1952, p. 100.

³Ibid.

⁴Ibid.

⁵"Cigarette Makers See Good Times Ahead", Business Week, November 22, 1952, p. 138.

⁶"Cigarettes: is this a turning point?", Business Week, January 2, 1954, p. 74.

However, less than six months later, to the manufacturers' chagrin, a new light began to dawn. The indicated cigarette consumption for April, 1953 took an unexpected and unprecedented dip, down 1.64% from the like month in 1952. This dip soon developed into a trend with the situation growing worse in each succeeding month. May saw a slide down 4.25% from the 1952 level, June an unheard of 8.34%, and July an alarming 11.19%.¹ The scare was on.

¹"What has hit tobacco stocks?", Business Week, November 21, 1953, p. 140+.

CHAPTER III

CONTRADICTIONS - THE GREAT SMOKING SCARE

Much of what happened during the Great Smoking Scare remains a conundrum today. When the cigarette/cancer story became important news, raising a public furor and affecting the sudden and unexpected decline in cigarette consumption, the tobacco manufacturers were caught with their advertising showing. Almost all of the major brands were emphasizing health. The logical reaction for the manufacturers would seem to be to back away from the issue. It was becoming more obvious every month that the smokers were scared. Millions of dollars of health oriented advertising could only add impetus to the public's nervousness. But, possibly because of the first shock of the loss, and because of the industry's strong competitive history, no one company was willing to be the first. Instead, the opposite happened. As the smokers appeared to get more and more nervous, the tobaccommen rushed stronger and stronger claims into the market pushing advertising further and further into the war.

Near the end of 1953 Business Week magazine said, "The widespread fear that cigarettes may induce lung cancer is making the cigarette makers turn some strange somersaults."¹

¹"Fear and Jitters," Business Week, November 14, 1953, p. 54.

Indeed, in view of the situation, claims such as the cigarette that "takes the FEAR out of smoking," and "No other cigarette is less irritating or easier on the throat or contains less nicotine" do seem strange. But through 1953 and 1954 they were rampant. In advertising, Camel became the cigarette that "agrees with more people than any other cigarette." Lucky, the number one brand at that time, said, "Luckies taste better -- cleaner, fresher, smoother. Be happy -- Go Lucky." Pall Mall, the important entry in king-size cigarettes from American Tobacco, was said to, "guard against throat scratch" and people were entreated to try them to, "Let your throat enjoy smooth smoking." Smokers were told, "You're so smart to smoke Parliament" and "Viceroy gives you double-barreled health protection." Kent advertising said, "Get the health protection you definitely need...and the smoking pleasure you want." L&M headlined, "This is it! Just what the doctor ordered."¹

If the claims alone were not enough to scare smokers, there were other developments to help. The greatest selling point for king-size cigarettes had always been their greater length and resultant filtering. Using that theme, tobaccommen had quintupled the king-size market share in the six years between 1948 and 1953 from 5.5% to 28%.² With the scare on, and total sales falling, the cigarette makers put more emphasis on the benefits of king-size cigarettes and more dollars behind their promotion. This extra advertising weight helped to imply

¹These claims quoted from 1953 and 1954 issues of Time Magazine.

²"Uproar in cigarettes," Fortune, December, 1953, p. 130.

there was something special about king-size cigarettes, but it also suggested there was something wrong with all cigarettes.

In addition, over a short period of time, there was a tremendous proliferation of filter-tip brands. Before 1950, Viceroy and Parliament were about the only brands available. But after Viceroy's 1950 competitive pinch, and the huge sales gains that both Parliament and Viceroy reaped during 1951 and 1952 other filtered brands flooded the market, receiving strong promotion. Again, emphasis served to put a special aura around a kind of cigarette, while demeaning cigarettes in general.

These two types of so-called "more healthful" cigarettes were also combined, producing hybrids such as Liggett & Meyers' king-size, filter-tip Fatima, king-size, filter-tip Dunhill from Philip Morris, and king-size, filter-tip Viceroy from Brown & Williamson.¹ These hybrids helped to heighten the effect.

Finally, in at least one case, the positioning of the relatively blatant health claims added an extra twist. Investigation reveals that for more than five straight weeks during late 1953, the Viceroy ads touting its Health Guard filter were placed within the medical section of Time magazine. It's highly unlikely that this positioning was a

¹"Cigarette Competition Gets Hotter, Companies Plan New Appeal," Printer's Ink, March 6, 1953, p. 29.

matter of chance. The implication, then, can only be that Brown & Williamson requested it in the hopes of gaining more effectiveness for their claims.

These reactions on the part of tobaccommen did more than just put smokers' nerves on edge. As the cigarette makers moved more and more to king-size and filter-tip cigarettes and ever stronger health claims, they also moved further down a collision course with the anti-tobacco forces.

In 1953 events which might bring these two forces into a direct confrontation began to pile up. While tobaccommen were pushing their filter brands on the basis of less tar and nicotine and king-size brands for their extra filtering length, a massive article in Consumer Reports declared that "...a smoker actually gets more nicotine and no less tar from filter-tip and king-size cigarettes than he does from the regular brands."¹ In addition, it pointed out that, contrary to the highly competitive claims being made, "...among the leading popular brands there (are) no significant differences in the amount of nicotine and tar in their smoke." Pointing a finger at a single brand, the Consumer Reports article noted that when the FTC stopped Old Gold claims of less nicotine or less irritation than other brands, the claim was simply turned around to read: "No other leading cigarette is less irritating or easier on the throat or contains less nicotine than Old Gold."²

¹"Cigarettes," Consumer Reports, February, 1953, p. 58.

²"Ibid., p. 60.

Commenting on the extent of cigarette advertising, the same article took yet another implied swipe at tobacconists. "A secondary effect of the great volume of advertising," the magazine suggested, "is to protect cigarette manufacturers from unfavorable press comment."¹ Continuing, the article explained that only Reader's Digest, "probably the only mass-circulation publication in the country that doesn't have to worry about losing cigarette advertising, carries on war against smoking."² These statements, especially in such an authoritative and respected publication, presented contradictions which must certainly have raised eyebrows, not only among readers, but among the cigarette makers, too.

Other sources also panned cigarette ad claims, serving to antagonize the manufacturers and bring a collision closer. For example, Goodman Ace, in his Saturday Review column, devoted an entire issue to satirizing what he called the "confusing and conflicting health claim." In conclusion, he said:

"Before we all begin biting our nails down to our nicotine-stained fingers it would be a healthy thing if all cigarette manufacturers got together for a friendly talk on their contentious claims and statistics and smoked the pipe of peace."³

Jack Gould, TV editor of the New York Times, said, "If the viewer really took to heart all the urgent admonitions of the cigarette

¹"Cigarettes," Consumer Reports, February, 1953, p. 74.

²Ibid., p. 74.

³"Smoke gets in your ears," Saturday Review, February 28, 1953, p. 41.

manufacturers, he would be in a constant state of worry over his health."¹

And, of course, the constant reporting of research reports linking cancer and smoking continued. In many of these the doctors did not restrict themselves to scientific comments. "If the tobacco people are smart -- as I am sure they are, because they have been enormously successful -- they will support research to find this (cancer causing) factor and remove it," said one medical man.² Another declared:

"The cigarette companies are trying to induce more cigarette smoking particularly among the young... many of whom will become cancer victims 20 years from now. It is certainly the moral obligation and common sense on the part of the manufacturers to support research."³

The tobaccommen were aware of these disparaging remarks concerning their advertising and other practices, and not happily so.

Printer's Ink said, "In the recent outcry against medical claims in cigarette copy, some tobacco companies took an injured air, rather than dealing forthrightly with the complaints."⁴

All was not talk, however. Piled on top of the verbal criticisms were actions taken against cigarettes and their advertising.

¹"AMA Ban Puts Spotlight on Misuses of Medical Data in Advertising," Printer's Ink, November 20, 1953, p. 48.

²"Beyond Any Doubt", Time, November 30, 1953, p. 60.

³Ibid.

⁴"AMA Ban Puts Spotlight on Misuses of Medical Data in Advertising," Printer's Ink, November 20, 1953, p. 48.

The North Dakota state senate, for example, passed a bill to "discourage juvenile smoking."¹ And the American Medical Association"... put a harsh spotlight on medical claims in cigarette copy," by ousting tobacco ads from its publications.² The Better Business Bureau issued a list of standards to "cure the abuses in cigarette advertising" and to "stop advertising that cigarette smoking cannot or will not cause harmful effects."³

Toward the end of 1953 it began to appear that cigarette consumption was not the only facet of the tobacco industry being adversely affected. A Business Week article revealed a sudden change in the standing of tobacco stocks. "Not long ago," said the article, "tobacco stocks headed the group known as 'defensive' shares -- those looked upon as potential pillars of strength in declining as well as rising markets. They were considered 'depression proof'. But suddenly things have changed."⁴ After noting that Standard and Poor's 50 industrial index rose 8.8% from September to December while tobacco shares

¹"North Dakota Senate Passes Bill to Discourage Juvenile Smoking," New York Times, February 15, 1953, p. 5.

²"AMA Ban Puts Spotlight on Misuses of Medical Data in Advertising," Printer's Ink, November 20, 1953, p. 48.

³"More Trouble for Cigarettes," Business Week, December 19, 1953, p. 55.

⁴"What Has Hit Tobacco Stocks?", Business Week, November 21, 1953, p. 140.

dropped 6.8%, one securities analyst said:

"...there have been attacks on cigarette smoking for years, but they have always stressed the moral aspects. The moral evils have never been strong enough to cause many to give up the habit. Prospects of death from an incurable disease might, however, be sufficiently persuasive to bust the cigarette industry."¹

Generally, the Wall Streeters agreed that the reason behind the sudden stock decline was the much publicized American Cancer Society report linking smoking and lung cancer.² And they put themselves on record as believing that health claims in cigarette advertising had scared some smokers out of the cigarette habit and that the big push on "filter mouthpiece cigarettes...has not only turned many smokers from conventional cigarettes, but, in addition, scared some from cigarettes entirely."³

The verbal attacks and actions against cigarette advertising, combined with the reports linking smoking with cancer and the financial setbacks for the manufacturers, finally produced the direct confrontation which had been in the offing. In the words of one source, "The slow fuse that (had) been burning under the cigarette industry for several years reached the powder."⁴ The explosion that

¹"What Has Hit Tobacco Stocks?", Business Week, November 21, 1953, p. 141.

²Ibid., p. 140.

³Ibid., p. 141.

⁴"Cigarette Scare: What Will the Trade Do?", Business Week, December 5, 1953, p. 58.

followed helped to forge another link in the chain of events which eventually lead to the establishment of the Cigarette Advertising Code.

In early December, the fast-paced events of the past year "loosened up, for the first time, official tongues of the tobacco industry."¹ Until then, the tobaccommen as a group had remained silent on the lung cancer issue. Now, they spoke out in defense of cigarettes. The first to speak was Paul M. Hahn, then president of the giant American Tobacco Company. In a tempered statement of reassurance to the public he said: "No one has yet proven that lung cancer in any human being is directly traceable to tobacco or to its products in any form."² He was also reported as scoring, "much loose talk on the subject as reported in the press during recent months."³ Continuing on the general subject of charges against tobacco he said:

"At one time or another within the past 350 years practically every known disease of the human body has been ascribed to the use of tobacco. One by one these charges have been abandoned for lack of evidence."⁴

And more specifically about the current cancer claim:

"We are confident that long-range impartial investigation...will confirm the view that neither tobacco nor its products contributes to the incidence of lung cancer."⁵

¹Ibid.

²"Vote for Acquittal," Time, December 7, 1953, p. 54.

³"Cigarette Scare: What Will the Trade Do?", Business Week, December 5, 1953, p. 58

⁴Ibid., p. 60.

⁵"Vote For Acquittal," Time, December 7, 1953, p. 54.

With the largest company on record, other tobacco men stepped forward, for the most part, in parrot fashion. E. A. Darr, R. J. Reynolds president, stated much the same case as American's Hahn. Then he added this testy statement about cancer research: "One of the best ways of getting publicity is for a doctor to make some startling claim relative to people's health, regardless of whether such statement is based on fact or theory."¹ Philip Morris, too, subscribed officially to the sentiments of Paul Hahn. And within a relatively short period of time P. Lorillard also made an echoing statement.²

According to Business Week, "Many observers thought the actions of the cigarette companies had the air of haste and improvisation." The significant point, however, the magazine stated was that, "...the cigarette industry has recognized that a problem exists."³ The question now was, "can the industry go on this way after admitting that there is fear about lung cancer?"⁴ Business Week editors said:

"Ignoring the thing doesn't make sense, now that the cat is out of the bag. Neither does pounding harder on health which could drive away even more smokers than critics have."⁵

¹"Cigarette Scare: What Will the Trade Do?", Business Week, December 5, 1953, p. 58.

²"More Trouble for Cigarettes," Business Week, December 19, 1953, p. 55.

³"Cigarette Scare: What Will the Trade Do?", Business Week, December 5, 1953, p. 59.

⁴Ibid., p. 60.

⁵Ibid., p. 60.

The cigarette makers apparently did not see things in the same light. Deep in a competitive fight as to who had the least harmful or most healthful cigarette, they were unwilling to turn aside. At the same time, now that official refuting statements had been made they would not retract nor ignore the official defense of cigarettes. In fact, even though most of the manufacturers were somewhat leery of joint efforts, remembering the trust busters who broke up the great tobacco giants in the famous 1941 Lexington case, they began to organize a defense under the aegis of the National Association of Tobacco Distributors. These efforts would soon bear fruit in the Tobacco Industry Research Committee, a group of doctors and scientists paid collectively by the tobaccommen to do independent research on the smoking/cancer link and report their findings to the public. The unfortunate result of this two-pronged approach to the problem was that the cigarette makers had placed themselves in the embarrassing and damaging situation of publicly contradicting themselves. While insisting there was no proven connection between cigarette smoking and cancer, the companies were advertising as if there definitely was. Such a contradiction, if allowed to continue, could not help but invite attacks on the industry's advertising practices and further undermine smoker's confidence in the cigarette companies and their advertising.

However, it was immediately clear that some of the tobaccommen saw no harm whatever in this contradiction. Brown & Williamson, for example, ran a full page Viceroy advertisement in Time magazine directly opposite the article which quoted the industry's first

official defensive statements. What's more, the ad was as competitive on the health issue as any they had previously placed. It featured, "A Report on the Double Filtering Action of King Size, Filter-Tip Viceroy," which according to a display line at the top of the ad was, "A Report to Doctors -- Published in Leading Medical Journals."¹ The "Report" stated that "double filtering action" means that "Viceroy gives smokers less nicotine and tars than any other leading cigarette."

As 1953 ended and a new year began, the first effects of the cancer scare became historical fact. The total domestic sales in billions of cigarettes were permanently recorded: 387, down 7.9 billion from the year earlier high of 394.9. Out of the turmoil it became clear that smokers were turning away from regular size cigarettes. Most of the drop came in that category. King size cigarettes, which were backed throughout the year with health oriented advertising, sold over a 100 billion units. This was nearly a thirty per cent share of the market and a new high in king size consumption.² The changes in filter-tip sales, the cigarettes using the most blatant health claims, showed startling increases for every brand. Viceroy, the number one filter, sold 2.2 times more than it had in 1952. Parliament sales increased 57.9%. Kent, which had only been on the market during the last nine months of 1952, multiplied sales by 400%. Liggett & Meyers' L&M filter, beginning in October of 1953, pulled down sales of almost one-

¹"Vote for Acquittal," Time, December 7, 1953, p. 55.

²"Cigarette Sales: The Real Story," U.S. News & World Report, August 6, 1954, p. 85.

third of a billion units.¹ The entire filter category had increased from its next to nonexistent 1950 market share of 0.06% to an estimated 3%. "Filters are here to stay," said the experts, "and may some day take as much as one-third of the market."²

These unalterable figures gave reinforcement to the manufacturer's emphasis on health in advertising and to the proliferation of king size, filter tips, and king size filter-tip cigarettes. Or at least it would appear so. For they continued in 1954.

On January 4, 1954 it also became obvious that the contradiction in which the manufacturers found themselves would continue. That day the readers of 448 newspapers throughout the United States were greeted in their daily papers with a large advertisement headed, "A Frank Statement to Cigarette Smokers." It was signed by the newly created Tobacco Industry Research Committee.³

Consumer Reports said the ad was:

"...the tobacco companies' reply to the rumors and the reports which have been hitting at their sales in recent months -- rumors and reports that cigarettes are responsible for the shocking increase in the incidence of cancer of the lung over the past twenty years."⁴

¹"Cigarettes: is this a turning point?", Business Week, January 2, 1954, p. 74.

²Ibid., p. 75.

³"Cigarette Smoking and Lung Cancer," Consumer Reports, February 1954, p. 54.

⁴Ibid.

The magazine went on to give the tobacco men a certain amount of praise, saying, "And a good reply it was, too, at least as a starter. For leaders of the tobacco industry, the ad announced, have banded together to carry out...research...into all phases of tobacco use and health."¹ But this was only a scholarly kind of investigation of the ad, for in the same article the magazine announced that, "(the evidence against tobacco)...now appears to be so strong that consumers would be well advised to decide (to smoke or not to smoke)...on the assumption that cigarette smoking does increase the possibility of lung cancer."²

Kenneth B. Wilson, then president of the National Better Business Bureau, was also willing to dole out praise for the industry. He said, "I was...delighted to note that the industry has joined together..."³ But he, too, had reservations. "I hope," Wilson said, "that having thus joined forces the industry also will give its just consideration to the elimination of questionable advertising claims, particularly those dealing with health aspects of smoking."⁴

These statements, combined with the Wilson reminder that, "... much corrective work remains to be done if cigarette advertising is to

¹"Cigarette Smoking and Lung Cancer," Consumer Reports, February, 1954, p. 54.

²Ibid.

³"Dept. of Justice to Investigate New Tobacco Group," Printer's Ink, January 8, 1954, p. 10.

⁴Ibid.

enjoy public confidence," should have thrown light upon the tobacco-men's deepening contradictory position, but did little to change things.¹

As 1954 developed attacks against tobacco continued. If the formation of the Tobacco Industry Research Committee was designed to placate tobacco's foes while it reassured smokers, there was soon evidence that it had not. Within a month from the publication of the "Frank Statement" advertisement, two major reports unfavorable to smoking reached the news media. Britain's Health Minister, Mr. Iain Mac Leod, reporting on investigations of the Standing Advisory Committee on Cancer and Radiotherapy which was set up in 1953, told the English Parliament that, "It must be regarded as established that there is a relationship between smoking and cancer of the lungs."² Then he recommended that, "It is desirable that young people should be warned of the risk apparent."³ At almost the same time U.S. News & World Report published a lengthy article on the smoking/cancer issue including a detailed interview with Dr. E. Cuyler Hammond of the American Cancer Society. In short, it was the doctor's opinion that smoking and cancer were definitely related.⁴

¹"Dept. of Justice to Investigate New Tobacco Group," Printer's Ink, January 8, 1954, p. 10.

²"What Britons Are Told About Smoking," U.S. News & World Report, February 26, 1954, p. 71.

³"Cigarettes and Cancer," Time, February 22, 1954, p. 66.

⁴"Is There Proof That Smoking Causes Cancer," U.S. News & World Report, February 26, 1954, p. 62-71.

While these attacks went on unabated so did the health claims in cigarette advertising. Camels remained the cigarettes that "agree with more people than any other cigarette." L&M was still "Just what the doctor ordered." People were still "So smart to smoke Parliament," only now it was king size. Viceroy not only had "Double the filtering action," but now "20,000 tiny filter traps," too.¹ As might be expected, especially in view of the contradictions, the claims drew fire. One magazine flatly called the filter claims "false and misleading" saying they gave the reader no information on what a filter does. In that critic's opinion, they were "Just playing on their (smokers') fear of cancer."²

In March the fire grew momentarily white hot as a factory worker made medico-legal history by suing four cigarette manufacturers for breach of warranty in connection with health claims. Ira C. Lowe, 39, from Festus, Missouri, filed suit in St. Louis, blaming the tobacco men for a cancer which caused him to lose a lung. The suit stated that the manufacturers were responsible because Lowe had "accepted the defendants' public assurances that their cigarettes were free from harmful substances."³ The courts did not convict the cigarette makers, but the case must certainly have given them some second thoughts.

¹These claims taken from 1954 issues of Time and New Yorker.

²"Filtering the Cigarette Ads," America, March 20, 1954, p. 643.

³"Cigarette Case," Time, March 22, 1954, p. 59.

A survey taken by the advertising and sales weekly magazine, Tide, gave the tobacco men yet another reason for taking a second look at their health claims. The magazine polled 2,200 advertising executives, seeking their opinions of television commercials and of the 100 commercials listed the ad men picked cigarette spots as the seven most objectionable. Their reasons: exaggerated claims, gross wording, unconvincing, and unbelievable.¹

While the attacks against tobacco and the defensive advertising for tobacco products continued, so, too, did the outflow of official contradictory information. In April of 1954 the Tobacco Industry Research Committee took the cigarette makers one step further into the contradiction. Until then, the critics of tobacco and the implications of the manufacturers' own advertising had been refuted through rather ambiguous statements of company representatives. But now the TIRC fired back its own brand of scientific information. In an 18 page booklet, packed with statements by distinguished cancer researchers, physicians and medical school professors the committee "tartly challenged those who link cigarettes and cancer."²

¹"Easy on the Drawback," Time, May 31, 1954, p. 70.

²"Case for Tobacco," Newsweek, April 19, 1954, p. 94.

In the booklet Dr. Clarence Cook Little of the Roscoe B. Jackson Memorial Laboratory in Bar Harbor, Maine and scientific director of the TIRC said:

"From a laboratory point of view, I do not feel that a definite cause-and-effect relationship between cigarette smoking and human lung cancer has been established."¹

Also quoted was Dr. Walter B. Martin, president elect of the American Medical Association:

"I do not think the evidence is convincing enough to establish as a positive fact that cigarette smoking is necessarily the cause of cancer of the lung."²

Dr. Max Cutler, a cancer surgeon working in Chicago, was represented as making an even tougher statement:

"...the blanket statements and conclusions...in the press that there is a direct and causative relation between...cigarettes and...cancer of the lungs are absolutely unwarranted. Simply because one finds bullfrogs after a rain does not mean that it rained bullfrogs."³

This time it was tobacco's foes who fired back a statement in defense of their position. Dr. Charles S. Cameron, who as medical director of the American Cancer Society was readying another damaging report against tobacco, said:

¹"Case for Tobacco," Newsweek, April 19, 1954, p. 94.

²Ibid.

³Ibid., p. 95.

"Evidence to date justifies the suspicion that cigarette smoking does to a degree not yet determined increase the likelihood of developing cancer of the lungs."¹

A few short months later the ACS medical director made his new and damaging report for the Society, and doctors Little and Cameron reversed their positions as attacker and defender. And so the tobacco manufacturers' contradiction continued. Speaking before a San Francisco convention of the American Medical Association, Dr. E. Cuyler Hammond, researcher for the American Cancer Society, summarized the latest ACS investigations in these words:

"It is our opinion that regular cigarette smoking causes an increase in death rates from (heart disease and cancer). We now advance this as a positive theory."²

The American Cancer Society statistics hit page one across the nation and in their wake common stocks of the big five tobacco manufacturers temporarily fell as much as four points.³

Even closer in their wake came comments from Dr. Little of the TIRC. First, he suggested that "discussion and comment on their (Doctor Hammond and co-worker Doctor Horn) data would be more useful

¹Ibid., p. 94.

²"Smoking and Cancer -- ACS Report," Time, July 5, 1954, p. 37.

³Ibid.

when all of the work has been completed and fully analyzed and set forth."¹ Then, disregarding his own suggestion, he noted that after reviewing the information available Dr. Charles Cameron, medical and scientific director of the ACS issued a statement to the effect that he is "...not convinced the cause and effect relationship is as yet entirely proven."² One publisher, when printing the Little comments, was quick to point out that Dr. Cameron's quoted statement referred not to cancer of the lung, but to other kinds of cancer. Finally, the Tobacco Industry Research Committee scientific director advanced a theory of his own to refute the ACS report. Heavy smoking, Dr. Little suggested, and the tendency to cancer are both expressions of a more fundamental cause of a constitutional or hormonal nature.³

By this time the cigarette makers were thoroughly entrenched in their contradiction. Health oriented advertising claims which implied that smoking was harmful were established as the basic selling proposition for almost all cigarettes. Practically daily the claims became stronger and stronger as individual brands sought some competitive edge. Meanwhile, first company representatives, and then hired doctors, surgeons and professors proclaimed their disagreement with any suggestion

¹"Tobacco Industry Gives Its View," U.S. News & World Report, July 2, 1954, p. 67.

²Ibid.

³Ibid.

that cigarettes caused cancer. And these refuting statements had gone from disorganized general comments to a highly organized united front including national advertisements, and informational brochures.

It is highly likely that this continuing and ever deepening contradiction helped to bring about the next link in the chain of events preceding the writing of the Cigarette Advertising Code.

In September of 1954 sporadic reports of a new move by the Federal Trade Commission against cigarette advertising began to appear. In its "Business Briefs" section Business Week said that the "FTC has demanded voluntary compliance with a new and strict set of rules banning claims that cigarettes are not harmful or irritating."¹ It was also reported that the Government agency had invited the tobacco industry to state its side before the rules were put into effect. Here, a full ten years before the manufacturers' Advertising Code took shape, was a fore-shortened version of the same thing. The FTC had issued a nine point list of do's and don'ts regarding cigarette advertising and sent them to twenty-four members of the industry. In the list the Commission was asking the tobaccomen to "eliminate all claims and implications that recent scientific research makes questionable," pointing specifically at the not harmful or not irritating themes so widely in use.²

¹"Business Briefs," Business Week, September 18, 1954, p. 34.

²"FTC Trying to Get Voluntary Industry Compliance," Business Week, September 25, 1954, p. 124.

In addition, the cigarette makers were asked to "stop referring in ads to parts of the body such as the throat, larynx and lungs and to such terms as digestion, energy, nerves and doctors."¹ It is interesting to note that these points were "based mainly on decisions already reached in FTC cases against the cigarette companies."²

The Commission also asked for a ban on the cigarette makers' practice of claiming that by reason of ingredients, length, or filter the smoke of any brand contained less nicotine, tar or resins unless the advertiser can produce "impartial scientific test data...which conclusively prove the claimed differences to a significant degree..."³

These rules, if agreed to, would go further than the Federal Trade Commission could normally in restricting the tobacco men's advertising. For without voluntary compliance from the manufacturers the Commission would have to prove a claim false before it could be stopped. If that continued to be the case -- if the manufacturers refused to comply -- the FTC would remain in the almost hopeless position it had maintained during its twenty-five year battle to police the cigarette makers' claims. Litigation against the tobacco men had always been so slow that before claims could be stopped they had been changed.

¹"FTC Trying to Get Voluntary Industry Compliance," Business Week, September 25, 1954, p. 124.

²Ibid.

³Ibid.

To some observers it appeared that the Commission, in making this new move and trying to bypass the ineffective restrictive methods available to it, was "evidently relying on the industry's worry over the cancer scare to get compliance to the code."¹

However, the tobacco men's "worry" over the scare was apparently not as strong as the Commission hoped. No one rushed to comply to the rules. After receiving the FTC list their only comment was "No comment."² Hearing that people wagged their heads saying, "It still looks like a code can only be effective if there's pressure from the industry or from the public against violators."³

As the year came to an end the matter of whether or not the cigarette makers would bow to the FTC's wishes was still unsettled. The Commission had not established its nine rules as official FTC policy and neither had the industry agreed to voluntary compliance. If the manufacturers did agree and conscientiously abide by the rules, it could mean an end to their self-imposed contradictions. Would they? No one was sure. At the year's end the contradiction was still a part of standard practice. The claims continued. Tobacco Industry Research Committee representatives were still disclaiming smoking/cancer relationships. In December Dr. William F. Rienhoff, a lung cancer specialist

¹Ibid.

²Ibid.

³Ibid.

of Johns Hopkins Hospital and a member of TIRC's Scientific Advisory Board spoke before the Baltimore Rotary Club. In his speech he said, "Go ahead and smoke all you want," calling the findings that connected smoking with lung cancer "silly and irresponsible."¹

¹"Smoke?", Newsweek, December 13, 1954, p. 56.

CHAPTER IV
THE END OF A SCARE -- NEW TRENDS

At the end of 1954, total domestic cigarette sales were down an estimated 8% from the 1952 peak.¹ Reports accusing smoking of causing cancer and other ills were still being made. The manufacturers were still denying the validity of these reports while, at the same time, using defensive advertising which seemed to contradict their official statements. And more and more sources were taking an antagonistic view of this practice. The new year promised little hope of much variance in the pattern.

It was not surprising then that in 1955 the smoking/cancer controversy remained up in the air. Doctor Ernest Wynder, one of the most respected and reported cancer researchers continued to make news with his side of the issue. In April he reported to an American Association for Cancer Research meeting that "several groups of scientists had induced cancer in animals with cigarette tar from which all nicotine was removed."² Thus, he felt it was established that nicotine was not the villain in cigarette smoke. But he was still certain that "Smoking...

¹"Tobacco's Troubles Pile Up," Business Week, April 9, 1955, p. 182.

²"The Answers: No," Business Week, April 23, 1955, p. 108.

plays a role in the causation of lung cancer."¹ To prove his point he wrote a book on the subject entitled The Biological Effects of Tobacco.

Doctors Hammond and Horn of the American Cancer Society whose 1953 report on the smoking habits of 188,000 men warned that smokers were prone to cancer, and had helped immensely in bringing the issue before the public, now made a second highly publicized report. Before the American Medical Association, Dr. Hammond once again revealed findings connecting smoking with cancer.²

On the other side of the issue Ehner Hess, the then in-coming president of the American Medical Association, spoke out against the "hard won information on the subject of smoking and cancer."³ In a speech before the Association he called much of it "Lies, damned lies and statistics."⁴

There was at least one occasion when the two opposing views came face to face in a head-on clash before millions of people. Edward R. Murrow's popular "See It Now" television program presented a two-part probe of the smoking/cancer relationship in which proponents of both sides took part. The result was a stand-off. In fact, some members

¹"Smoking and Other Diseases," Time, June 13, 1955, p. 68.

²"Smoking-Cancer Dispute Gets Hotter," Printer's Ink, June 10, 1955, p. 86.

³"Smoking and Cancer," Time, June 13, 1955, p. 67.

⁴Ibid., p. 68.

of the same research organizations contradicted each other. For example, Dr. John Heller, director of the National Cancer Institute, reported that there were strong indications that cancer and smoking were related. During the same program Dr. W. C. Hueper, also of the NCI, maintained that smoking wasn't a major cause of cancer.¹

While this fight was continuing other things were happening which, contrary to expectations, did not fit the pattern. Before the first six months of 1955 were past it became clear that it would be a year of changes. It would be a year of new trends. The cancer scare which had been building and causing cigarette sales to experience one reverse after another suddenly gave indications that it was coming to an end. Domestic sales for the first six months of 1955 turned upward. The trend which had seen six months sales fall from 211 billion units in 1953 to 201 billion in 1954 was broken with a 1955 rise to an estimated 207 billion.²

Today, it is next to impossible to determine exactly why the falling sales trend was broken. Obviously, smokers had lost some of their fear of the cigarette habit. But there are such a myriad of factors involved that no one stands out as a single answer. Time certainly played a part. Smokers had had two years to consider the issue.

¹"Smoking-Cancer Dispute Gets Hotter," Printer's Ink, June 10, 1955, p. 86.

²"Smoking on the Rise Again," U.S. News & World Report, October 14, 1955, p. 30.

Much can be forgotten in two years. Two years was time enough for many to get used to and learn to live with a proposition which, at first, might have shocked them out of smoking. Time was also important in the development of many of the other influencing factors.

In two years time the cigarette companies had introduced an amazing proliferation of filter-tip and king size brands. These new brands such as Kent, L&M, filter-tip Fatima and Dunhill, as well as regular cigarettes, had been promoted for two years with strongly health-oriented advertising. Although this proliferation and this type of advertising cast a shadow of doubt on all cigarettes, it also gave smokers who were unwilling to quit the habit a way to reduce any guilt feelings they might have had about destroying themselves. And that, apparently, was having its effect. In 1955, according to one source, approximately 1.5 million Americans had quit smoking since the scare started.¹ But 38 million continued to smoke and many of them were continuing only after switching to a different brand of cigarettes.

Harry M. Wootten, an authoritative cigarette sales estimator, said that in 1953 one out of thirty packages of cigarettes sold were filter-tipped. In 1954, he estimated that figure at one out of ten. His estimate for 1955 was then one out of five.² Wootten also pointed

¹Ibid.

²Ibid.

out that in three years the sales of king size brands had doubled. It was his opinion that before the end of 1955 filter and king size cigarettes would be used by half of the cigarette smokers in the country.¹

The following chart shows that Mr. Wootten was certainly on the right track.

PER CENT OF DOMESTIC MARKET
BY CIGARETTE TYPES*

<u>Type</u>	<u>1954</u>	<u>1955</u>
Regular Size	61.0%	52.7%
King Size	28.9	27.6
Filter-Tip	10.1	19.7

*Data from December 30, 1955 Printer's Ink

Together filter-tips and king size cigarettes accounted for nearly half of the domestic market, capturing more than forty-seven per cent of sales. Filters, however, were the only type that showed a per cent of market increase in 1955. King size, as well as regular size percentages were down.

Sales data from the end of 1955 helps to substantiate the theory that smokers who had quit or cut down were returning to the habit because of the availability and promotion of the so-called healthful brands. Of the top ten brands in 1955, two were kings and three were

¹Ibid.

filter-tips.¹ Filter-tip sales had doubled during the year. Marlboro, Winston, L&M, Viceroy, and Kent were all up. Meanwhile, regular cigarette sales were down, excluded from the overall 3.1% increase the industry had experienced.² The leader, Camel, had lost eight per cent. Lucky Strike, now in second place, was down one per cent. Pall Mall King had strengthened its hold on third place, and the one-time third, Chesterfield, was off sixteen and a half per cent.³

Finally, in the two years since the scare began there had also been time for, not only the industry with its Tobacco Industry Research Committee, but other completely independent researchers to publish information which seemed to refute the early confident claims of tobacco's foes. Witness the AMA's Ehner Hess and Dr. Hueper of the National Cancer Institute who as early as August of 1954 had said:

"The data on hand make it unlikely that cigarette smoking represents a major factor in the production of lung cancer and its recent phenomenal rise in frequency."⁴

None of these factors can be pinpointed as the one reason for the upward trend in cigarette sales which became apparent in the early months of 1955. And, in fact, if a solution to the puzzle must be

¹"Cigarette Sales Turn Up Again in 1955", Printer's Ink, December 30, 1955, p. 12.

²Ibid., p. 11.

³Ibid., p. 13.

⁴"Cigarette Sales: The Real Story," U.S. News & World Report, August 6, 1954, p. 83.

presented a combination would seem to be the only alternative. A combination whose result lead many to agree with Agriculture Department officials who said simply that they "believe...the main impact on cigarette smoking of the cigarette vs. health reports now (was) past."¹

At the same time the new trend in cigarette sales was being established a new and dramatic change was taking place in cigarette advertising techniques. Later, one source said of the change, "The saga of cigarette advertising for 1955 filters down to this; good taste took over."²

Beginning early in 1955, almost all cigarette advertising turned to flavor. L&M, which had been "Just what the doctor ordered", went first to "L&M stands out from all the rest. Much more flavor -- and light and mild." They kept the filter story with copy saying, "effective filtration -- low nicotine" and still had a special name for their filter, "pure white Miracle tip."³ But the emphasis was now on flavor. Before the end of the year, L&M had another new campaign: "Your big Red Letter day. The day you change to L&M." Again, they retained the filter-effectiveness pitch, stating that L&M had a "superior filter" but they followed it up with a claim for "superior taste."⁴

¹"Smoking On The Rise Again", U.S. News & World Report, October 14, 1955, p. 30.

²"Ad Trend in Cigarettes", Printer's Ink, December 30, 1955, p. 15.

³From advertising in 1955 issue of Saturday Evening Post.

⁴"Ad Trends in Cigarettes", Printer's Ink, December 30, 1955, p. 16.

Marlboro, in 1955, was promoted with advertising that said, "You get a lot to like with a Marlboro -- filter, flavor, flip top box." Winston said, "Winston tastes good -- like a cigarette should."¹

King size and regular cigarettes were also promoted with advertising emphasizing flavor. Pall Mall advertising asked smokers to "Reward yourself with the pleasure of smooth smoking. Smoke long and finer and milder Pall Mall." Camel advertising switched to a theme asking, "How's your disposition today?" and telling smokers, "For more pure pleasure -- have a Camel." Lucky Strike, too, had a new flavor oriented theme: "Light up a Lucky. It's light up time. Luckies taste better."² Old Gold became the cigarette that's "Always smooth... never harsh or bitter," with a flavor claim that said, "Old Gold treats your taste right all day long." Philip Morris was "Gentle, more delicate in flavor...for those with keen young tastes." The brand's advertising entreated smokers to "Do as young America does; enjoy Philip Morris." Chesterfield was the cigarette to smoke to "Put a smile in your smoking," the one with "smoothness, mildness, refreshing taste."³

Only Viceroy, the first really successful filter-tip cigarette, continued with its health oriented ads. "Facts about cigarette

¹Ibid.

²Ibid., p. 17.

³Various issues of 1955 Saturday Evening Post.

smoking" read their headlines. The copy, instead of emphasizing flavor, came down hard on Viceroy's 20,000 tiny filter traps and what they could do for smokers.¹

Why did this change take place? Again, as in the case of the new trend in sales, the answer is not clear cut. It could have been as simple as the industry finally taking some of its own advice. Wholesalers had been decrying the defensive advertising claims ever since cigarette sales began to dip in 1953. Even Paul Hahn, president of the largest member of the industry had some time before, at an American Tobacco Company stockholder's meeting, commented on the "short-sightedness" of medical claim advertising employed by some companies.²

However, it was undoubtedly more complicated than that. Otherwise the advice would not have been taken so belatedly. Another influencing factor might have been that while the cigarette makers ignored the advice from their wholesalers and some of their own industry members and continued to sell health, their sales continued to fall. On the surface, the defensive advertising appeared to be making very little impact. For as the health claims became more and more blatant domestic consumption of cigarettes dropped lower and lower. The only encouraging note for the manufacturers was that their new filter-tipped and king-size brands were taking a bigger and bigger slice of

¹Various issues of 1955 Saturday Evening Post.

²"Department of Justice to Investigate New Tobacco Group", Printer's Ink, January 8, 1954, p. 10.

the total market. But even that was false encouragement since the total market was declining alarmingly.

Another factor which may have had some sway over the manufacturer's decision to turn to taste in their advertising was the growing evidence that "health" was not the only formula to success. Winston, R. J. Reynolds' major entry into the filter-tip field, was from the beginning sold primarily on the basis of taste. It entered the market after others had spent a good deal of time and money establishing the desirability of filter cigarettes in the minds of smokers. Reynolds was, therefore, able to play on the past and current advertising which touted filters for "health" sake and, in effect, say here's another that tastes good. Using this technique the company had not only established the brand, but was now beginning to make substantial inroads into the filter market. Marlboro, another later entry into the field, was using essentially the same technique and also producing respectable sales gains. The other tobaccommen were aware of the apparent acceptance of these brands by smokers, and this combined with the intra and extra-industry disparagement of the "health" approach may have changed their minds.

Still another, and probably the most important factor influencing the sudden trend away from health and to flavor was the Federal Trade Commission's suggested advertising guidelines which reached the cigarette makers in late 1954. True, the tobaccommen's only comment on the guides thus far had been the noncommittal "No comment." This would

indicate that the manufacturers were not deeply concerned with the proposed restrictions. On the other hand, it must be remembered that these were two old and well-acquainted foes. The FTC had been nipping at the heels of the cigarette makers for years. And the major manufacturers had, after the disastrous anti-trust case in the early 1940's, developed a pattern of literally beating the Commission to the punch in the fight over advertising claims; changing campaigns before the FTC could obtain any action against them. The FTC's preliminary contact with the tobaccommen, asking for comments on the proposed guides, gave the manufacturers a perfect chance to repeat the pattern.

In addition, it should be pointed out that no matter how unconcerned the cigarette makers appeared, it is unlikely that they would simply sit by and wait for the guidelines to take effect, leaving their claims unchanged. To do so would be to invite FTC action. By changing their campaigns before the guidelines became Commission policy they could not only sidestep the chance of litigation, but bypass the adverse publicity which invariably resulted from legal action regardless of its success or failure.

Finally, by moving to change their advertising approach when they did, the tobaccommen could gain all the obvious benefits of appearing to voluntarily restrict their advertising without actually agreeing to a pact with the FTC. Thus they gave themselves an out should they, at a later date, feel a need to reverse the trend to flavor and return to health claims. Therefore, although there is no published information to specifically support it, it is not illogical to suggest that

the pending guidelines did play a more than minor role in the 1955 advertising trend to flavor claims.

In October, when the Commission finally did lay down its guides, the manufacturers certainly did nothing to refute the theory. The headline of a Business Week article on the subject aptly describes their reaction: "Cigarette Trade Yawns at FTC Ad Rules." The industry tended to just shrug its shoulders. "Most members have pretty much soft-pedaled their claims, anyway," they said.¹

At any rate, the new trend to flavor in 1955 was set. It becomes another link in the chain of events which eventually lead to the 1964 Cigarette Advertising Code. For, with the change to flavor, a great deal of the heat was taken off the industry. Tobacco was still accused by its most vehement detractors, but for the moment, cigarette advertising had ceased to be a major issue in the larger fight.

The cigarette makers no longer presented a two-faced image, contradicting themselves with their advertising claims and official statements. Those who had represented the industry as playing on smokers fears had lost their point of argument. Smokers who had quit the habit or cut down because of the increased publicity the industry had given the cancer/smoking issue with their massive spending against health claims had much less reason to hold cigarettes in suspicion.

¹"Cigarette Trade Yawns At FTC Ad Rules", Business Week, October 1, 1955, p. 56.

According to one source, "The cigarette industry, in the eyes of the public, (had) undergone a subtle but distinct change for the better during the...year."¹ This change could be "largely attributed to reformation in advertising."² Tobacco's enemies, the news media and the public in general no longer had the concrete, daily reasons to criticize the industry's advertising. Because, "In marked contrast to the bellicose copy of yesteryear that often engendered violent criticism, the larger manufacturers (had) now swung into line with advertising themes patently in good taste -- literally and figuratively."³

With the horizon turning rosy, with sales again on the increase and criticism of advertising dwindling, there seemed to be little doubt that this new trend in ad themes would become a permanent part of the picture. As one publication said:

"It is doubtful that any major cigarette again will be stampeded into a campaign like 'Take the fear out of smoking' or even 'Just what the doctor ordered!'"

"The 1955 comeback in sales with gentler ads should have taken care of that. Chances are the advertisers will stock to the flavor stories."⁴

Tobacco wholesalers and other members of the industry who had been against the health claims from the beginning must have breathed a sigh of relief and crossed their fingers in hopes that it was a trend

¹"Cigarette Sales Turn Up Again in 1955," Printer's Ink, December 30, 1955, p. 14.

²Ibid.

³Ibid.

⁴"Ad Trend in Cigarettes," Printer's Ink, December 30, 1955, p. 15.

with permanency. And the Federal Trade Commission, which had now established its guides as permanent policy, would concur. When the rules were announced the commission said, "Conformity with these guides is completely voluntary and the FTC hopes to keep it that way."¹

However, despite the hopes of many and the confident predictions of others, the trend to flavor was not to be long-lived. The development and effect of its reversal will outline yet another link in our lengthening chain of important events.

¹"FTC Has a Busy Week -- New Ad Rules For Cigarettes," Printer's Ink, September 30, 1955, p. 73.

CHAPTER V

CONTINUATIONS - CONTROVERSY AND COMEBACK

1956 was a year of continuation; of the controversy surrounding cigarettes, of the trend to flavor in cigarette advertising, and of the comeback in cigarette sales.

In the first month of the new year Dr. Charles S. Cameron, Medical and Scientific Director of the American Cancer Society made it clear that there would be no letup in the reports and statements derogatory to the smoking habit. In what could be considered a lengthy article in the Atlantic Monthly, he discussed "What we really know" about the association between cigarettes and lung cancer.¹ After admitting that there was still some confusion, he said, "...most scientists who have given thought or study to the subject agree that an association between cigarette smoking and lung cancer does exist."²

Then, delineating the official position of the society, he made it clear that the body of workers intended to do everything in its

¹"Lung Cancer and Smoking," Atlantic Monthly, January, 1956, p. 71.

²Ibid.

power to keep the issue alive and before the public:

"The American Cancer Society has resolved to support... research efforts to identify whatever cancer-inciting substances may be in tobacco...and to find the means of eliminating them. In the meantime, it is committed to setting the facts, as they stand today and as they accumulate, before the people - all the people - of this country."¹

Dr. Ernest Wynder, by now a long-time foe of the smoking habit, followed close behind Dr. Cameron, helping keep the issue alive. In April, Wynder reported that he and Dr. George Wright, working for the Sloan-Kettering Institute, had isolated the active cancer-causing fraction in tar from smoking. The next step he said was to "identify the compounds, find out where they come from and try to eliminate them from cigarettes."²

Less than a month later the English, who were also in an argument over cigarettes, made a major move. After British Minister of Health Turton told Parliament that "...20 times more smokers than nonsmokers die of lung cancer," the connection between cigarette smoking and cancer was officially accepted by the British Government as "statistically incontrovertible."³ British investors, in contrast to what might have been expected from their American counterparts in the same situation, were unalarmed. Tobacco shares went up after the announcement.⁴

¹Ibid., p. 75.

²"Cancer-Causing Faction," Time, April 23, 1956, p. 70.

³"British Cabinet Links Lung Cancer to Smoking," Business Week, May 12, 1956, p. 36.

⁴Ibid.

Back in this country the fires continued under the tobacco manufacturers. In June Life magazine said, "...a new report makes the case against cigarettes more convincing than ever." Dr. Oscar Auerbach of the East Orange, New Jersey hospital had analyzed lung tissue taken from cadavers. According to the doctor the results showed that, "The degree of lung damage corresponds with the number of cigarettes smoked daily."¹ On hearing this Charles Cameron of the ACS stepped back into the news long enough to point out that the Auerbach findings provided "...the very evidence skeptics demanded."²

While this smoking/cancer fight continued to smolder, another controversy began to take shape. This one was not only between tobacco's friends and foes, but also between the tobacco men themselves. It revolved around a new process for making the tobacco core of cigarettes, especially filter cigarettes.

For eight to ten years the companies had been experimenting with a process variously called homogenized or synthetic tobacco. Essentially, it amounted to grinding up stems and heretofore unusable tobacco leaves and reconstituting them for use in filter cigarettes. This process would save the companies a great deal of money by making available parts of the tobacco plant which were normally discarded.³

¹"New Cigarette-Cancer Link," Life, June 11, 1956, p. 126.

²Ibid.

³"New Trend in Cigarettes," Business Week, May 26, 1956, p. 198.

However, it would also do two other things. First, according to some observers, it would mean that cigarettes produced in this manner would contain much lower quality tobaccos and therefore higher nicotine and tar. Even more importantly at the time, it would mean a substantial loss in sales to tobacco growers and warehousemen.

Through the first months of 1956 rumors spread that the cigarette makers were thinking of using this process in a big way. In May, under pressure from growers and warehouse associations the controversy came out into the open. The manufacturers were called before an investigating Senate-House Agriculture subcommittee. Subcommittee and association members tried to pry information out of the manufacturers, but met with little success.¹ The cigarette makers simply would not divulge their plans concerning the process. That would be giving away "trade secrets," they said.²

Some sources gave different reasons for the tobacco men's silence. It was suggested that the real reason behind their hesitancy in giving information was the unknown public reaction to the process. Competition's unpredictable reaction was also suggested as a reason. If it became known that some companies were using homogenized or synthetic tobacco in their cigarettes, others could possibly take advantage of the fact with a "100% tobacco" claim.³

¹Ibid.

²Ibid.

³Ibid.

The growers and warehouse men registered a strong dissent regarding any use of the process. Politicians from the tobacco growing states spoke out against it, too. Even among the cigarette makers themselves there was divided opinion. Mighty American Tobacco insisted that "... reconstituted tobacco does not make as good a smoke..."¹ Nevertheless, by September it was reported that most in the industry were using reconstituted leaf and stem in their cigarettes.² This move served to undermine the relationship between the tobacco companies and their suppliers. In addition, it forced the manufacturers to stand before a Government agency and answer for yet another practice to which many objected. And to those who would seek it, it presented another question about the companies' advertising policies. One might ask, "If they are, or are planning to use lower grade tobaccos in filter cigarettes, why would they claim they contain less tar and nicotine?" It was a question that would not be forgotten. But for the present it remained unasked and unanswered.

Probably the major reason this question was left in limbo was the continuation of the trend to flavor in cigarette advertising. As long as low tar and nicotine claims were not being made there was little relevancy in attacking the kind of tobacco being used. And it was now definite; flavor stories had replaced health claims as the main approach in cigarette advertising.

¹"Brighter Glow-Filter Tips Sparking Comeback in Cigarettes," Barron's, September 3, 1956, p. 3.

²Ibid.

Printer's Ink said, "After taking a long, satisfying pull on taste and flavor in 1955, cigarette ads in 1956 wisely puffed along in the pleasure groove."¹ Another advertising trade source said that the tobacco companies now have "...a generally observed agreement to avoid negative copy approaches in cigarette advertising."²

While it was true that most of the manufacturers were tipping the scales strongly in favor of flavor, there were indications that some of them remained jittery over the health question. Viceroy, for example, after slightly underplaying its "20,000 filter traps" refrain at the end of 1955 was now back pushing it strongly. L&M remained with the "Live Modern Smoke L&M" theme, but to a greater extent the brand's "Miracle Tip" was played up.³

Future events would soon reveal that all of the companies had a case of nerves. Despite the seeming entrenchment in the flavor trend it would not take much to start another stampede to health. A fresh fire under the smoking-health controversy or a fresh decline in sales could do it. But, in 1956, neither of these setbacks appeared eminent.

¹"Fresh Appeals, Bigger Pictures, Crisp Copy - That's Cigarette Ad Outlook," Printer's Ink, December 28, 1956, p. 15.

²"The Great Cigarette Opera," Ad Agency Magazine, December 7, 1956, p. 22.

³"Fresh Appeals, Bigger Pictures, Crisp Copy - That's Cigarette Ad Outlook," Printer's Ink, December 28, 1956, p. 16.

In fact, Harry Wootten, the tobacco industry's sales consultant said, "The Smoking health controversy may be collapsing for lack of nourishment." He pointed out that "For the second straight year the British Empire Cancer Campaign reported failure to induce cancer in experimental animals using cigarette derivatives."¹ Many concluded with him that the current "anti-cigarette allegations...seem to be taking their place in the long history of accusations that do not stand up under examination."²

The sales picture, too, looked brighter than it had in years. In the first six months of the year consumption moved up 2.6 per cent. As early as September there were predictions that the 1956 level would total a record 395 billion smokes, 3.4 per cent above 1955.³ At the end of the year people were repeating these same figures. Thirteen billion more cigarettes had been sold in 1956 than in the preceding year.⁴

Much of the increase was due to filter-tip sales. 1956 had seen the introduction of still more brands. Even American Tobacco, which had held back most in the filter race, now had a major entry, Hit Parade. And during the year there was another super-refinement in the filter fight--a cigarette not only big sized and filter tipped, but

¹"Cigarette Output Up," Printer's Ink, December 28, 1956, p. 14.

²Ibid.

³"Brighter Glow - Filter Tips Sparking Comeback in Cigarettes," Barron's, September 3, 1956, p. 3.

⁴"Smoke Rings Rise," Newsweek, December 31, 1956, p. 52.

also mentholated. Early in the year, R. J. Reynolds introduced Salem. Philip Morris was represented by the modernized Spud, Brown & Williamson by Kool, and Liggett & Meyers by the new Oasis.¹

When market shares were totalled at the end of the year, the expected increase for filter brands was there. Filter-tip sales grabbed an estimated 30 per cent of the total market. Regular size cigarettes were down to only 45 per cent. King size cigarettes were also down, attaining only 25 per cent.²

Other areas looked promising for the manufacturers, too. After six months almost all of the major companies had reported respectable gains in net earnings. American Tobacco earned \$3.55 per share, up from its 1955 \$3.33 per share. Liggett & Meyers was up from \$2.73 to \$2.93 a share. Philip Morris rose from \$1.52 in 1955 to a 1956 level of \$1.83. R. J. Reynolds jumped from \$2.37 to \$2.81 in 1956.³

Toward the end of the year sales estimator Wootten predicted that American Tobacco and R. J. Reynolds would enjoy the best earnings in their history. Liggett & Meyers, he said, should have its best year since 1950, and Philip Morris its best since 1952.⁴ In short, as one magazine said, "after a two year slump, the growth trend (was)

¹"In the Hit Parade," Newsweek, October 1, 1956, p. 66.

²"Brighter Glow - Filter Tips Sparking Comeback in Cigarettes," Barron's, September 3, 1956, p. 3.

³Ibid.

⁴"Smoke Rings Rise," Newsweek, December 31, 1956, p. 52.

reappearing in cigarettes."¹

However, at the same time, another factor was beginning to make itself felt which would have an effect on all future trends in cigarettes. The so-called "War babies" were coming of age. This was a bracket of the population which, according to some observers, "... cigarette economists (were) awaiting eagerly."² A look at the 1956 advertising of the cigarette companies makes it easy to agree with those who then said, "The industry is making a conscious effort to key advertising to the younger age groups."³ Although it would be years developing, this was the beginning of another link in the chain of events which helped to produce the Cigarette Advertising Code. While it was developing there was time for other links to be forged.

¹"Brighter Glow - Filter Tips Sparking Comeback in Cigarettes," Barron's, September 3, 1956, p. 3.

²Ibid.

³Ibid.

CHAPTER VI
HISTORY REPEATS ITSELF

Four years had passed since headlines across the nation proclaimed "Smoking Causes Cancer!" By 1957 many of the changes which had taken place following those headlines were coming full circle.

Smokers who had turned away from the smoking habit in 1953 had now returned in even greater numbers, yielding to the persuasive promotion of a multitude of "healthful" cigarettes. The cigarette makers, after experiencing drastic declines in sales, were selling more cigarettes and more kinds of cigarettes than ever before. In fact, an April, 1957 issue of Time magazine pronounced the tobacco industry "completely recovered."¹ "The Agriculture Department," the magazine said, "estimates Americans are smoking 9% more than a year ago and predicted 1957 sales will top last year's 392 billion (171 packs for every American aged 15 or over) and...probably exceed the 1952 level."²

In their advertising the tobacco manufacturers had gone from the comparatively mild health claims used in the years preceding the "Great Smoking Scare" to the sweeping and blatant health claims of 1953 and

¹"Tobacco--Complete Recovery, Time, April 22, 1957, p. 97.

²Ibid.

1954. They had combined these claims with the defensive press releases of an especially created organization -- the Tobacco Industry Research Committee. Then, finding there was a limit to which these practices could be carried, they did an about face. With a growing tide of antagonism against health claims and with the FTC breathing down their necks the cigarette makers turned to flavor claims in their advertising. For two years they had remained with flavor stories and the official and unofficial attitudes toward cigarette advertising had warmed considerably.

The anti-tobacco forces, in the meantime, had changed very little. Neither time, nor advertising, nor press releases had altered their statistics. If anything, the tobacco manufacturers' practices and the smokers' return to the habit had made them more vehement than ever in their fight against cigarettes.

This, then, was the stage as set for 1957. The events of the past four years were now recorded history. They were permanent, available facts from which all of the parties in this drama could draw lessons should the need arise. That need would soon make itself felt.

Although 1957 started with the calm which had pervaded much of 1955 and 1956, it was destined to become a year of violent storms. Before the year was out history would repeat itself. Smokers, the cigarette manufacturers and the anti-tobacco forces would come face to face with the same kind of turmoil which created the "Great Smoking Scare"

of 1953. Their combined and specific reactions to this second coming outline one of the largest and most important links in the chain of events which were leading inevitably to a major decision on the part of the tobacco manufacturers.

As has been pointed out, the happenings of 1953 were actually the culmination of events which began years earlier. The same is true of the important occurrences of 1957. When the demand for filter-tip cigarettes exploded onto the scene in 1952 and 1953 the cigarette makers quickly learned that although smokers now desired "health protection," they also continued to demand taste in a cigarette. To solve the problem the tobacco industry began to make filter cigarettes loaded with stronger tobacco. Later they also began to use "homogenized" tobacco. Naturally, the stronger and homogenized tobaccos released more tar and nicotine into the mainstream smoke of the new brands.

For some time this change in tobacco content was known only among cigarette makers and tobacco growers and sellers. Then, as wholesalers and growers became alarmed at the decreasing amounts and different kinds of tobacco being purchased, others were made aware. Evidence the 1956 House-Senate hearings on the tobacco industry which featured prominently in the preceding chapter.

In 1957 the spread of this information continued. A Time magazine article, for example, covered the subject:

"The filter boom is doubly gratifying to manufacturers. Filter cigarettes sell for more but cost less to produce. Chief reason: They use a low-grade, high nicotine, heavy bodied tobacco to get the taste through..."¹

And more specifically:

"...filtered smoke usually carries more nicotine than the average regular, and just about the same amount of tar."²

The matter of "homogenized" tobacco was also touched upon by Time. The magazine stated that the cigarette makers were also saving by salvaging the "stems and scraps once thrown away."³ Pointing to the results which were causing tobacco growers to decry the introduction of this new technique the article said tobacco men bought "...35 million pounds less tobacco last year as in 1955."⁴

While Time editors were merely presenting the information others were condemning it. A North Carolina state senator said, "What is happening to the cigarette is a shame. It is scrap tobacco at one end, cellulose at the other and tissue paper all around."⁵

Articles such as the one in Time and complaints from tobacco wholesalers and growers and tobacco state legislators undoubtedly helped build the storm which was brewing. But, just as in earlier turmoil, the first real bolt of lightning came from Reader's Digest. In the first months of 1957 the magazine had sponsored laboratory tests to determine the tar and nicotine content of leading cigarettes. In the July issue

¹Ibid.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

Digest editors published the findings along with a blistering condemnation of the brands which had been "...the salvation of the tobacco industry."¹

The article attacked the industry and its filter-tips from several directions. First, the latest information on the cigarette controversy was quoted. In March, at the request of the American Cancer Institute and the National Heart Institute, the Study Group on Smoking and Health had been formed. According to the article this panel of medical experts, organized to settle the cigarette controversy, had found:

"The sum total of scientific evidence establishes beyond a reasonable doubt that cigarette smoking is the cause of the increasing incidence of lung cancer."²

The magazine was also quick to include the unscientific, defensive sounding rebuttal to the Study Group from tobacco men. The chief executive of the National Association of Tobacco Distributors was quoted as saying, "This will blow over like other blasts."³

Next, the article delved into a Sloan-Kettering Institute survey which stated that more than 70% of the smokers who had switched from

¹"The Facts Behind Filter-Tips," Reader's Digest, July 1957, p. 33.

²Ibid.

³Ibid.

plain end to filter-tip cigarettes said they did so for "health protection."¹

And finally, with the scene set, the figures comparing the tar and nicotine in the mainstream smoke of most of the popular cigarettes were revealed. The results must have been shocking for smokers who had switched to filters. According to Digest figures the most popular filter brands such as Winston, L&M, Marlboro, and Hit Parade contained more tar and nicotine than regular cigarettes. Of course, there were more effective filter brands. They included Kent, Kool, Viceroy and Tareyton. But the magazine tore into these, too, stating that "medical authorities say that these tar reductions are too small to be really significant in terms of health protection."²

This was only the beginning. Unsatisfied with merely putting the so-called facts on record, the article began to ask questions and serve up its own answers. The more questions and answers touched upon, the more embarrassing it became for the tobacco industry.

Why, the magazine asked, were these cigarettes which people had been lead to believe were more healthful, actually higher in tar and nicotine? To find the answer the Digest sent investigators to talk to tobacco growers, warehousemen, auctioneers, cigarette manufacturers

¹Ibid.

²Ibid., p. 37.

and government officials. This was the story according to the investigators:

"Back in 1953, when filter-tip cigarettes were in their infancy, a newcomer called Kent claimed very-high filtration...

"At that very moment, however, Kent was having trouble selling at the tobacco counters. The filter tip was too good. It not only filtered out a lot of tar, but most of the tobacco taste as well!

"Kent quickly modified its tip to give the smoker more 'taste satisfaction' -- and, of course, more tar and nicotine.

"Other cigarette makers...profited from the Kent experience. They went all out to give smokers 'satisfaction' at any cost. Not only did they adopt filters which, in most cases, are little more than mouth pieces; they also began loading the blends with heavier tobacco."¹

Now the questions raised earlier during the House-Senate subcommittee investigations had been brought to the surface on a national level. The Digest called on the records of those investigations to hammer home its point. Quoting the statements made before the Congressional subcommittee by Fred Royster, president of the Bright-Belt Warehouse Association, the article told of marked changes in tobacco buying patterns which began in 1953. Royster, it was said, accused the tobacco companies of buying inferior grade tobaccos for their filter cigarettes. He sighted the "tremendous price increases in the inferior grades," specifically pointing out that the harsh top leaves of Burley tobacco had gone from twenty cents per pound to sixty-two cents per pound, as proof of his claim.² This warehouse association president,

¹Ibid., p. 37.

²Ibid., p. 37.

an authority on tobacco, was also quoted as stating that "...on the average this heavier tobacco yields 16% more tar and 40% more nicotine."¹

Although it was not stated specifically, the Digest was making a strong case against the tobacconists as taking advantage of smokers by using cheap, inferior tobacco in filter cigarettes while calling them "more healthful." The implied result was that smokers now got less healthful cigarettes while the tobacco companies got more money. According to the magazine, some of the tobacconists themselves saw the current filter cigarettes as a black eye for the entire industry. John Berry, vice president of the Burley Tobacco Growers Cooperative Association was quoted as telling the House-Senate subcommittee that "Such practices ultimately will bring into bad repute the manufactured cigarette and the people who manufacture it."²

This Reader's Digest article was a repeat of history, very similar to the Digest attack which preceded the 1953 "Great Smoking Scare." The subject may have been slightly different, but the aim was the same; tell the public, smoking is bad. In many ways, the results, too, were the same. The July issue of the Digest which carried the damaging article hit the newsstands near the end of June. By July the cigarette controversy was in a stir from one end of the nation to the other.

¹Ibid., p. 37.

²Ibid., p. 37.

In July, in Washington, Surgeon General Leroy E. Burney made this statement:

"There is an increasing and consistent body of evidence that excessive cigarette smoking is one of the causative factors in lung cancer."¹

As in the past the tobacco men came forward to meet anti-smoking claims. Dr. Clarence Cook Little of the Tobacco Industry Research Committee immediately answered the Burney statement, saying it "...adds nothing to what had been known about the causes of lung cancer."² Doctor Little said as far as he was concerned:

"It reflects the opinions of some statisticians and relatively few experienced scientists who have actively charged that cigarette smoking is the cause of lung cancer."³

Whether or not Doctor Little was right this much was true: Now, at least one agency of the U.S. Government had taken a stand in the fight.

The development of the cigarette controversy in other countries was also suddenly in the news again. The British Government was moving ahead in its anti-smoking campaign with an educational drive and its leaflets and posters were quoted in the American news media:

"There are now the strongest reasons to believe that smokers, particularly of cigarettes, run a greater risk of lung cancer than nonsmokers."⁴

Back in the United States the official Government interest in the tobacco industry reached a new high as a Congressional investigation of

¹"Cigarette Controversy Smokes up Here and Abroad," Newsweek, July 22, 1957, p. 58.

²Ibid.

³Ibid., p. 59.

⁴Ibid., p. 59.

filter cigarettes opened before the House Government Operations Subcommittee. At the outset, subcommittee chairman John A. Blatnik said:

"We want to find out if the public is receiving the protection it is paying for and which the manufacturers have assured it (in advertising) it is receiving."¹

The first few days of these hearings were devoted to harsh arguments over the question of whether or not smokers needed protection from tars and nicotine. Each time the anti-tobacco forces paraded their statistics supposedly answering the question, one or more of tobacco's friends challenged them.

Then, Doctor Ernest Wynder attacked the cigarette makers for taking advantage of "...the public's desire for filtered cigarettes and its equal wish for good tobacco flavor by marketing increasingly ineffective filters."² To this claim the tobacco men offered no refutation. In fact, when congressmen pressed for an answer from the Tobacco Industry Research Committee's Clarence Cook Little, they won the surprising admission that he knew nothing about filters one way or the other. He had, he confessed, never received any reports on filters from the industry which paid his salary. Nor had he ever been shown filter experiments on trips to the cigarette companies.³

Doctor Wynder appeared much less in the dark about filters and

¹"House Probes Filter Tips," Printer's Ink, July 26, 1957, p. 60.

²"Filtered for Safety," Time, July 29, 1957, p. 28.

³Ibid.

their effectiveness. He expressed the belief that filters could be made and tobacco blends used which together would provide adequate protection for smokers.¹ He told the committee that a filter that could stop 40% or more of the tar from a regular cigarette made of good tobacco "...will be a partial answer."² But the doctor was quick to note that during the five year boom in filters no such tip had been made.

As a solution to the problem Doctor Wynder stepped into the congressmen's area, suggesting legislation. Regulations should be passed, he felt, that established criteria for the amount of tar which might pass through a given filter and required manufacturers to state the effectiveness of filters.³ In doing so, the doctor became the first of many who would recommend lawmaking action against the tobacco men during the year.

The happenings in Congress and at the Surgeon General's office and the increased news coverage of the cigarette controversy may or may not have been direct results of the Digest article on filter cigarettes. But, the article at least played a part in focusing public attention on them.

Another major event was most certainly triggered by the article. And in this event history closely paralleled itself. The Reader's

¹"House Probes Filter Tips," Printer's Ink, July 26, 1957, p. 60.

²"Filtered for Safety," Time, July 29, 1957, p. 28.

³Ibid.

Digest article in the early fifties which helped to set off the "Great Smoking Scare" also helped to establish Viceroy filter cigarettes as a major force in the tobacco market. After the article's publication Viceroy ads proclaimed, "Filtered cigarette smoke is better for your health," using the Digest as a convincing authority on the subject.

The happy results for Brown & Williamson were that plant facilities had to be enlarged to meet consumer demand for Viceroy. However, the eventual result for the industry was a far less than happy one. For, as has here been recorded, the Viceroy claim was the beginning of an advertising fight which brought the cigarette makers into an unnervingly close brush with their enemies and FTC legal action.

Now an almost identical situation had developed. The July issue of Reader's Digest pointed to P. Lorillard Company's Kent as the cigarette with the most effective filter and therefore the most "healthful."

The Digest was aware that its earlier articles condemning cigarettes had unwittingly created powerful advertising themes for certain manufacturers. This time special precautions were taken against indirectly helping the tobacconists. Before publication of the article all of the cigarette companies signed an agreement with the magazine to refrain from using the Digest findings in advertising.¹

¹"Reader's Digest Asks New Regulations for Cigarette Ads and Labels," Printer's Ink, July 26, 1957, p. 76.

However, the precautionary measures taken by the magazine were of no avail. In complete disregard of the agreement and despite the lessons which might have been learned from the "Great Smoking Scare" the cigarette makers opened a new health claim fight, based on Digest findings.

A sales rush on Kent cigarettes had started almost the day the July issue of Reader's Digest hit the newsstands. Lorillard obviously meant to keep the rush going. In the middle of July, with boxcar type and an avalanche of ads the company revealed their big secret: unbeknownst to the public, Kent had been equipped since May with a new filter that "significantly reduces tar and nicotine."¹ Before the end of the month full page newspaper ads were playing up filtration with the claim that "Kent Filters Best" and a tar and nicotine chart comparing Kent favorably with seven unnamed brands.² The other cigarette manufacturers hesitated only briefly. But it was long enough for them to be exposed to a strong reminder of what had happened in the past and a preview of what might occur in the near future.

While the tobacconists were tooling up new health oriented campaigns, Reader's Digest published a second article on filter cigarettes. This new article included four suggestions on legislation which the magazine believed should be passed by Congress to regulate cigarette

¹"Telling a Secret," Newsweek, July 22, 1957, p. 68.

²"Reader's Digest Asks New Regulations for Cigarette Ads and Labels," Printer's Ink, July 26, 1957, p. 74.

manufacturers. To deal realistically with the problem of filter tips, Digest editors said, legislation should: (1) require label statements on packages of nicotine and tar content, (2) require manufacturers to correct information on labels when changes are made to the blend or filter construction, (3) require manufacturers to confine advertising claims to statements they can support with scientific proof, and (4) enable the Federal Trade Commission to stop false or misleading ad claims.¹

There were other statements and suggestions which also might have given the cigarette makers second thoughts about a new health fight. For example, the same Reader's Digest article stated:

"Lately there have been signs that the cigarette advertisers are growing restless. The FTC may soon be facing a rash of new claims that it is powerless to deal with--except by prolonged litigation."²

At the same time the House-Senate hearings on cigarette advertising were coming to a close with disturbing statements from a key witness, Federal Trade Commissioner Robert T. Secrest. He commended the manufacturers for living up to the FTC guides set in 1955. But then he revealed that the commission would make a survey of consumer attitudes for a basis on which to bring complaints and also a necessity for evidence offered in court against the tobacconen.³

¹Ibid., p. 76.

²"Wanted Available, Filter-Tips That Really Filter," Reader's Digest, August, 1957, p. 44.

³"FTC Plans Filter Cigarette Study," Printer's Ink, August 2, 1957, p. 24.

Secrest also suggested that the Wheeler-Lea Act which allowed the FTC to obtain injunctions to halt suspect food and drug advertising be amended to include tobacco.¹

Throughout the House-Senate hearings filter-tip ad claims had been cited as "hoax," "fake," and "phony." Immediately after the hearings ended subcommittee chairman John A. Blatnik leveled this blast at the cigarette makers:

"This filter-tip phony should never have been allowed to occur and if either the law or its administration is found to be defective we will make appropriate recommendations to Congress."²

In August, according to Printer's Ink, the air was full of cries for cigarette package labeling and ad statements regarding nicotine and tar content and filter effectiveness. It was thought that to escape FDA Act type of control, the tobacco industry would have to "voluntarily agree to standards as was done in the case of the FTC advertising guides."³

Consumer Reports carried the issue a step further, asking these questions: "Is nice cigarette advertising good enough for a product which almost certainly causes cancer? Should all packages and advertising be required to notify consumers to that effect?"⁴

¹Ibid.

²Ibid.

³Ibid.

⁴"Cigarettes on Trial," Consumer Reports, September, 1957, p. 407.

In the face of these reminders of past unpleasantness and portents of possible future problems, it would seem that the tobacco industry would want to give a wide berth to health claims. As one source said:

"Today with the Surgeon General's action, with new and persuasive medical reports, with a crusading editorial campaign from Reader's Digest directed at its enormous audience and the Congressional hearings, the controversy has reached its peak to date."¹

Another health fight within the industry could only make matters worse.

However, the lessons of the past and the likely dark expectations for the future were not enough to discourage the tobacco men in the present. Lorillard's Kent had spurted ahead sensationally since the Digest gave the word. Production was being increased to meet consumer demand.² The Kent splurge, in the minds of many, was credited to the Digest article and the new Kent advertising. That, apparently, was the only thing the manufacturers could see. One by one they began to join what was soon to be called "The Tar Derby."

In December, tobacco sales estimator Harry Wootten revealed that cigarette consumption had set a new record, finally surpassing the 1952 level of 394.1 billion units. He estimated domestic consumption at 410.5 billion, a gain of 18.9 billion units or 4.9 per cent over 1956. According to Wootten, filter cigarettes had jumped to roughly 40 per

¹Ibid., p. 409.

²"The Times Have Changed--Or Have They?", Printer's Ink, August 2, 1957, p. 52.

cent of the total domestic market. Regular and king size cigarettes were down to 39.1 per cent and 20.9 per cent respectively.¹

Speaking specifically, he said it was "most fortuitous" for Lorillard that a national magazine published a private survey which showed that Kent tested out lower in respect to tar and nicotine content than other brands. Lorillard's third quarter sales, Wootten estimated, had jumped \$34.3 million or 66.3 per cent over the same period a year earlier.²

On the subject of maximum filtration in cigarettes, Mr. Wootten had this to say:

"Under the stimulus of fear, a small but obviously increasing percentage of smokers show interest in maximum filtration."

"While competition may dictate added effort along these lines on the part of manufacturers, it is difficult to envision any substantial enduring consumption for a product that efficiently removes the pleasure smokers derive from tobacco."³

Finally, summing up, he said:

"If the intangible - psychological - as well as the tangible problems faced by cigarette manufacturers throughout the current year could be fully evaluated and placed in their proper perspective, 1957 would likely go down in history as the year the industry met its greatest challenge."⁴

¹"Filters Push Cigarette Sales up 4.9%," Printer's Ink, December 27, 1957, p. 22.

²Ibid., p. 23.

³Ibid., p. 26.

⁴Ibid., p. 22.

It is true that the events of 1957 presented the tobacco industry with one of its greatest challenges. However, contrary to Mr. Wootten's prediction, it has not gone down in history as the year great challenges were met. Rather, 1957 was the second time the tobacco industry walked away from its greatest challenge and, thus, one step closer to May, 1964.

CHAPTER VII

THE TAR DERBY -- RACE TOWARD REGULATION

The challenges which tobacco estimator Wootten said the industry had faced in 1957 continued to present themselves during the next two years. And throughout those years the tobaccommen continued to react in the same manner by turning their backs. With advertising claims centered around health and hinged upon tar and nicotine content, they mounted a competitive fight which is now known as the "Tar Derby."

At the time, the cigarette makers apparently thought they were galloping toward success. Today, however, it is clear that they were racing toward regulation. The "Tar Derby" itself forms one of the largest and most important links in the chain of events which lead to the Cigarette Advertising Code. In addition, this advertising battle helped to forge a number of smaller links. To see how this major link fits into the lengthening chain of events and how it caused other minor links to be formed, we must investigate the development and course of the "Tar Derby."

As pointed out in the preceding chapter, the "Derby" actually began in July of 1957 with the publishing of the Reader's Digest article, "The Facts Behind Filter Tips." The findings in that article helped P. Lorillard Company make a competitive health claim for Kent cigarettes.

This competitive claim, combined with the impact of the article itself, provided Kent with impressive sales gains. These sales gains, in turn, began to lure other manufacturers to health-oriented advertising. At first, the race gained momentum slowly. Then, as additional Digest articles were published, each one caused a further flurry and increased the pace.

In January of 1958 the magazine published, "Nicotine - The Smoker's Enigma." Inherent in this article, as in preceding ones, were broad challenges to the tobacco companies concerning the ill effects of cigarette smoking. Specifically, the attack was against nicotine, which was pointed out as a "violent poison."¹ Digest editors said they had received substantial amounts of mail from their readers asking about the subject. "Is it harmful?" the readers asked. "Can it be taken out of cigarettes?" According to the article, these kinds of questions prompted new tests to determine the nicotine content of leading cigarettes. A major portion of the article was devoted to presenting the results of these tests. And, as in the past, cigarettes found to be lower in the supposed harmful substances were pointed up as being "worthy of mention."²

What was the tobacco men's reaction to this new attack and the questions it raised? The Digest suggested that smokers' questions were getting to the industry; that, although they looked placid, the cigarette makers were really worried. One tobacco distributor was quoted

¹"Nicotine - The Smoker's Enigma," Reader's Digest, January, 1958, p. 26.

²Ibid., p. 27.

as saying:

"Sure smokers are shifting brands. But it's worse than that. People are now asking questions. And you can't answer these questions with singing commercials."¹

A more visible and tangible reaction from the tobacco men was not long in coming. The new charges and comparisons published in Reader's Digest were followed by a "vicious fight between Kent and Parliament as to who had less tar and nicotine."²

P. Lorillard's Kent, which had fared well in the July, 1957 Digest article, and now again in January, 1958, was still claiming "Kent filters best." On January 14, 1958, Parliament tried to counter the Kent claim. New Parliament ads challenged Kent's "best" position with findings published in Consumer Reports. However, this was done without the consent of Consumers Union, publisher of the magazine, and within a week Parliament was forced to issue an apology.³ In the meantime, Kent blasted back with a new claim: "Today, more than ever, Kent filters best of all leading filter cigarettes at any price."⁴ With its first attack frustrated, Parliament turned to another claim: "First filter cigarette in the world that meets the standards of the United

¹"Nicotine - The Smoker's Enigma," Reader's Digest, January, 1958, p. 25.

²"Rival Cigarette Claims Provoke Big As War," Printer's Ink, January 17, 1958, p. 2.

³"Parliament, Kent Still Tilting Over Claims For Filters," Printer's Ink, January 24, 1958, p. 4.

⁴Ibid.

States Testing Company."¹ This claim was one which Parliament could and would continue to use. It was true, too. But it was also true that Parliament was the only cigarette ever tested by the United States Testing Company.²

This kind of highly competitive infighting lead some tobaccomen to foresee the inevitable result. One company official stated privately that:

"...Lorillard and Philip Morris are doing their utmost to drag the industry's advertising back into a health claim trend. It's all pretty ridiculous...all they'll do is get the FTC down on us again."³

There was soon evidence to support that prediction. While Parliament and Kent battled and other manufacturers groomed their entries into the "Derby," charges of "deceit" were being leveled by a Government agency. In February, the House Government Operations Subcommittee (which began investigating cigarette advertising in 1957) issued its concluding report, stating that the public had been "brainwashed" and "deceived" by cigarette advertising. Subcommittee chairman, John A. Blatnik, also slapped the FTC for being "weak" and "tardy" in policing filter claims.⁴

¹"Tobaccomen Find Claims in Test Tubes - How Far Can They Go?", Printer's Ink, February 14, 1958, p. 65.

²"Making Cigarette Ads Tell the Truth," Harper's, August, 1958, p. 46.

³"Tobaccomen Find Claims in Test Tubes - How Far Can They Go?", Printer's Ink, February 14, 1958, p. 67.

⁴"Filters and a Flare-up," Newsweek, March 3, 1958, p. 71.

The reactions to this new attack against the industry were widespread and swift. Prodded by the Blatnik charges, the FTC called the cigarette companies to Washington to confer on setting uniform standards of testing cigarette smoke.¹ When news of the report hit Wall Street, the bottom momentarily fell out of tobacco stocks. Philip Morris dropped almost three points, American nearly two, and R. J. Reynolds and Lorillard were both off more than two points.² Tobacco industry officials were quick to react, commenting harshly on the report. Bowman Gray, president of R. J. Reynolds, said that the subcommittee had used figures which were a year out of date and added:

"We attach no significance to the measurable quantities of solids and nicotine reported to have been found in smoke of cigarettes."³

Lorillard's president, Louis Gruber, said:

"Our advertising has been and is scrupulously honest and truthful. Our claim has been a simple statement of fact - Kent filters best of all leading brands."⁴

These overt reactions to the subcommittee's report are all worth mentioning. But the most important reaction was a covert one; the pace of the fight over tar and nicotine content continued to increase. Despite the attack from the subcommittee, the call from the FTC for conferences, and the drop in stock quotations, the major manufacturers

¹"FTC Faces Fight With Filter Smokes in Setting Uniform Testing Methods," Printer's Ink, February 28, 1958, p. 8.

²"Filters and a Flare-up," Newsweek, March 3, 1958, p. 71.

³"FTC Faces Fight With Filter Smokes in Setting Uniform Testing Methods," Printer's Ink, February 28, 1958, p. 8.

⁴Ibid.

charged ahead with health claim advertising. Kent continued to play heavily on its "filters best" claim. Parliament not only continued to use the "seal of the United States Testing Company," but also began boasting that its tip had "more than 30,000 filter traps." Another Philip Morris brand, Marlboro, pushed its Selectrate filter as "the modern effective filter for cigarettes." L&M, the major entry from Liggett & Meyers, put new emphasis on its "Patented Miracle Tip." And, in the face of Parliament claims, Brown & Williamson upped Viceroy's filter trap count from 20,000 to 22,000.¹

All of this was part of the "Tar Derby" link in our chain of events. But, in addition, it can also be considered a minor link of its own. For this was a turning point. The "Derby" had begun and almost immediately the manufacturers had received negative reaction to it. It was clear that unless changes were made, restriction was not far down the road. Now it was up to the cigarette makers to decide whether or not to continue the race. Their decision in the affirmative was a decision to disregard the possibility of future restrictions in favor of immediate sales gains.

While the "Derby" was developing into an all-out race, another link in the chain of events was being formed. It centered around an issue which is still important today; cigarette advertising's appeal to youth. This subject had been touched upon in a 1956 Barron's

¹"Tobaccomen Find Claims in Test Tubes - How Far Can They Go?", Printer's Ink, February 14, 1958, p. 66.

article. Then, youth was mentioned only as an age group toward which the tobacco industry was making a conscious effort to key its advertising.¹ As more and more medical evidence piled up against cigarette smoking, people became disturbed over this approach to youth. In May of 1958, after witnessing the cigarette makers break with FTC advertising guides, Senator Richard Neuberger finally took action. Stating that he believed "...there is no possibility that anything will be done to curb this advertising (appealing to youth)," he proposed federal payments to states which conduct anti-cigarette educational programs.²

According to Neuberger, children were subject to a constant barrage of advertising which promoted smoking and drinking. In a lengthy speech before the Senate he said:

"As some of my colleagues know, I have been disturbed for some years over the torrent of skillful advertising which seeks to persuade young people to embark upon the cigarette and liquor habits.

"Particularly with regard to cigarettes, this advertising seeks to make the habit attractive to young people. Television films actually feature the use of cigarettes by famous male athletes or by the glamorous girls of the stage or screen.

"It means that young Americans are constantly beseeched by radio, TV, signboards and printed advertisements to commence upon a habit which the U.S. Public Health Service believes may lead eventually to the most dreadful disease which can befall large numbers of people in our modern state of medical knowledge."³

¹"Brighter glow - filter tips sparking comeback in cigarettes," Barron's, September 3, 1956, p. 3.

²"Sen. Neuberger asks U.S. subsidy to counteract liquor, cigarette ads," Advertising Age, May 26, 1958, p. 1.

³Ibid.

Hurling a direct attack at the cigarette manufacturers and the Federal Trade Commission, the senator added:

"...thus far efforts to bring about the policing of that advertising have been glaringly unsuccessful as far as preventing its deliberate appeal at youth is concerned."¹

Senator Neuberger's proposal and attack had little immediate effect. But, still, his presentation of the youth issue forms a link in the chain of events leading to the Cigarette Advertising Code. For, once introduced, youth remained a constant part of the controversy over cigarette advertising. Richard Neuberger goaded the industry with the issue until his demise at the hands of the very disease he was fighting. And in subsequent chapters we will see how his wife, Maurine Neuberger, then stepped into his Senate seat and continued to carry the fight.

For the moment, however, youth was still a background issue. The industry itself made little comment on the Neuberger attack or proposals. One big reason why was that the industry was too busy reacting to yet another Reader's Digest report. In fact, the tobacconists had been nervously awaiting the next Digest article on cigarettes. Speculation was that the stock market and some ad plans might be affected. Trade sources also said, "Judging from reactions to past Digest articles, readers are certain to ponder the new score card."² The July issue of the magazine had scarcely hit the newsstands before there were other things to ponder, too. As one news weekly said, the cigarette

¹"Sen. Neuberger asks U.S. subsidy to counteract Liquor, cigarette ads," Advertising Age, May 26, 1958, p. 1.

²"Lorillard scores in Digest smoking report," Printer's Ink, June 20, 1958, p. 10.

makers "... rolled out the big guns to join a new and furious battle in the war for smokers favor."¹

All but one of the top six tobacco manufacturers entered the parade of stronger and ever more confusing health claims. Only R. J. Reynolds, with its Camel, Winston, and Salem brands continued to stress flavor. Lorillard, the first runner in the race toward regulation, tried to hold on to its front-running position with full page newspaper ads stating, "Don't be mislead by confusing claims...Kent filters best." Ads for American Tobacco's Hit Parade said, "The score on filter cigarettes has changed. Now Hit Parade has America's best filter." Liggett & Meyers touted its L&M brand with an "improved filter" story. Brown & Williamson said, "Viceroy gives you more of what you change to a filter for." Parliament, made by Philip Morris, ran advertising claiming its "recessed filter is best."²

As the weeks passed the confusion deepened. Not only were most of the major filter brands claiming essentially the same things, but specific claims changed almost daily. Fencing for some competitive edge, American changed the overline in Hit Parade ads from "The score on filter cigarettes has changed," to "Latest method of testing -- the most accurate and uniform ever developed -- proves it!" Trying to keep in step, Lorillard changed Kent's claim to, "Today, as before, you get

¹"Filter fury," Newsweek, June 23, 1958, p. 85.

²Ibid.

less tar and nicotine in Kent than in any other leading filter cigarette in America." Then, Hit Parade ads were changed again. Now the story was "400,000 filter traps" and "filters best of all leading cigarettes."¹ Printer's Ink said:

"The filter-tip derby is reaching its highest speeds ever, but also rounding more dangerous corners than ever before. The question is -- who's going to get hurt: the racers, the public in the stands, or the umpires -- those 'outstanding independent consulting laboratories.'"²

The cigarette makers obviously thought it would not be them. The United States Tobacco Company, makers of King Sano which had shown up best in nicotine content in the most recent Digest report, entered the race with a "least nicotine" claim.³ At the same time, Lorillard opened up with a new campaign for Old Gold straights, another brand high on the Digest list of low tar and nicotine cigarettes. In 150 newspapers and 83 radio and television markets this regular cigarette was proclaimed as "An all tobacco cigarette dramatically reduced in tar and nicotine."⁴ Advertising Age said specifically that this advertising was "...geared to take advantage of the article in the July issue of Reader's Digest which reported that Old Gold straights, Kent, Sano and King Sano are

¹"Filters keep on fencing for some competitive edge," Printer's Ink, June 27, 1958, p. 10.

²"Umpiring the cigarettes' ad claims," Printer's Ink, July 4, 1958, p. 56.

³"New filter-a-day policy keeps the doldrums away in cigarette ads," Printer's Ink, July 11, 1958, p. 12.

⁴"Old Gold readies ad drive based on new Digest report," Advertising Age, July 7, 1958, p. 2.

the safest smokes available."¹ From American, came a whole new idea in filter cigarettes. On Herbert Tareyton, the company offered "something novel called a dual-filter."² And Hit Parade advertising once again got a revamping. Now the claim was, "Only one cigarette can filter best." A Philip Morris brand, Marlboro, too, was revamped with a "new improved filter."³

In July, while this filter flurry was going on, things began to happen which should have had some effect on the race. According to trade sources, it was rumored that the U.S. Public Health Service might use its latest lung cancer study as a springboard for an intensive educational campaign against cigarettes. When pressed, a spokesman for the service said discussion of smoking problems is a matter for state or local health departments.⁴ And so, the rumor went up in smoke. Nevertheless, it was an indication of growing unrest among anti-smoking groups.

Later in the month, the "Tar Derby" and its predicted end came up as a subject of discussion before an agency of the Government. The FTC's call for conferences with tobacconists to establish uniform methods of testing cigarette smoke had been unproductive. Now the commission's effectiveness in regulating advertising of cigarettes, weight reducers

¹Ibid.

²"New filter-a-day policy keeps the doldrums away in cigarette ads," Printer's Ink, July 11, 1958, p. 12.

³Ibid.

⁴"Anti-Smoking Drive up to states, says U.S. Health Service," Advertising Age, July 14, 1958, p. 38.

and dentifrices was being investigated by a House subcommittee. At those hearings, an FTC official said its advertising code for cigarettes operated effectively for two years but "...a major breakdown occurred after Lorillard launched a campaign...claiming Kent has less tar and nicotine than other brands."¹ Commissioner Gwynne of the FTC said the breakdown occurred because there were no standards for enforcing the provision which outlawed less tar and nicotine claims without competent scientific proof. Gwynne also stated that there was hope that the FTC would soon have a standard test to make it possible to move against misleading brands. However, his personal opinion was that Congress should pass a law requiring tobacco companies to print tar and nicotine content on packages.²

Both the Health Service rumor and the House subcommittee investigations should have slowed down the "Derby." For, both events gave clear hints of future expectations. But, on the contrary, instead of slackening, the pace picked up. On the very day when FTC commissioner Gwynne's remarks were being reported, Advertising Age also commented that:

"P. Lorillard Co., setting a furious pace in the tobacco world, this week announced still another new development -- a spin filter for Old Gold."³

¹"Standard test may end Tar Derby," Advertising Age, July 21, 1958, p. 1.

²Ibid.

³"Print ads herald bow of Old Gold's new spin filter," Advertising Age, July 21, 1958, p. 2.

The ads for the new Old Gold filter proclaimed, "You get less tars and nicotine than before -- yet the true tobacco taste comes through, cool and mild."¹ In the same magazine there was an article covering the introduction of American's king size dual-filter Tareyton. It would be introduced with ads reading, "No leading filter king made by any other company delivers less smoke solids."² In addition to these new developments, the claims for Kent, Viceroy, Hit Parade, Parliament, L&M, Marlboro and King Sano continued.

Again, in August, events occurred which logically should have lead to changes in the tobacco industry's approach to advertising. In Harper's magazine, John Blatnik, chairman of the House Operations Subcommittee which investigated cigarette advertising, wrote a scathing condemnation of the industry. "Much of the current cigarette advertising," he said, "is misleading the public into thinking that it is getting a protection which really isn't there."³ Getting more specific, he said:

"In June 1958, six different cigarettes simultaneously were being advertised as having the lowest tar content of any on the market. This must be stopped."⁴

To do just that, Blatnik said he would introduce a series of bills in Congress. One bill would include tobacco under the injunctive powers of the FTC. Another would regulate the use of the word "filter";

¹Ibid.

²"Biggest ad push for Tareytons will introduce new king size dual-filter," Advertising Age, July 21, 1958, p. 8.

³"Making cigarette ads tell the truth," Harper's, August, 1958, p. 45.

⁴Ibid., p. 49.

prohibiting it unless the tar and nicotine in a cigarette were reduced to 11 milligrams. Still another bill would call for labeling and advertising to state tar and nicotine content. In addition, he cited "a great deal of cigarette advertising" as being "slanted at young people" and said he would recommend that a program to educate school children on the cigarette health problem be conducted by the U.S. Public Health Service. And finally, in no uncertain terms, Blatnik warned the tobacco companies that if they didn't set up their own standards the U.S. Bureau of Standards or the FTC soon would.¹

The manufacturers had reacted with silence to the July hints that they were heading toward regulation. Individually, their reaction was the same to this Blatnik article. However, the newly established public relations organ of the industry, the Tobacco Institute, was quick to answer. James P. Richards, president and executive director of the Institute, said the Blatnik proposals were "based on assumptions that are not supported by the facts, even as they were presented last summer before Mr. Blatnik's own committee." Demeaning the bill proposals, as well as Blatnik personally, Richards said:

"Apparently he (Blatnik) is willing to present legislation on the basis of statistical reports that are admittedly not backed up by clinical and laboratory research."²

¹Ibid., p. 49.

²"Tobacco Institute raps Blatnik plan," Advertising Age, August 4, 1958, p. 3.

The tobacco men's answer to the Harper's article left little hope that there would be any immediate change in the "Derby." But the simple fact that an answer had been made indicates that Mr. Blatnik's charges and proposals had struck their mark. The cigarette makers were beginning to feel the pinch of the antagonism created by their own health-oriented advertising.

Coinciding with the Blatnik attack in Harper's magazine, another event occurred which drew even more heated comment from the industry. To the surprise of almost everyone, Patrick O'Neill-Dunne, world technical director of Rothman's Ltd. (a British cigarette maker) conceded a link between smoking and cancer. "It is now felt," he said, "that a link between smoking and lung cancer has been proven beyond all reasonable doubt."¹ The reaction in the United States was immediate. One U.S. tobacco company spokesman said the O'Neill-Dunne statement "was an obvious and ugly piece of sales promotion."² This time the official spokesman for the industry was the Tobacco Industry Research Committee. Timothy V. Harnett, chairman of the TIRC, in an attempt to disassociate the American industry from the Rothman statement, said:

"The position of this country's cigarette industry is unchanged because the facts have not changed. Scientific evidence simply does not support the theory that there is anything in cigarette smoke known to cause human lung cancer."³

¹"British Cigarette Maker Concedes Link of Smoking, Cancer," Advertising Age, August 4, 1954, p. 74.

²Ibid.

³"No smoking-cancer link TIRC head replies to Briton," Advertising Age, August 4, 1958, p. 73.

Now the world wide industry's united front had broken down. Cigarette makers were in a fight among themselves over the smoking/cancer controversy. In October, the American tobacco companies' united front began to wither. In that month a new tobacco company, North American Cigarette Manufacturers, sought to "gain an edge on big brands by discussing the health controversy boldly."¹ In advertising for its new Diplomat cigarettes, the company said, "Authorities agree there is a health question relating to smoking...if you must smoke cigarettes...here's a frank message of importance from a cigarette manufacturer."² The copy in these ads bypassed the familiar emphasis on tar and nicotine content. Instead, an "exclusive process" was cited. This process supposedly minimized "the toxic effects of nicotine and tar without effecting the cigarette taste most people desire." In large type across the prominently displayed package, Diplomat was proclaimed as "The safer cigarette."³

However, the Diplomat advertising ran into trouble even before it was exposed. The ads were scheduled to break in the New York Times' October 2nd edition. But they were held up by the newspaper. The Times questioned a section of the copy dealing with the findings of a medical report and refused to run the ads until it was changed. So North American representatives met with the newspaper to try to find an alternative. Meanwhile, more serious trouble developed. At their

¹"Is public ready for frank approach to health and smoking?", Printer's Ink, October 3, 1958, p. 13.

²Ibid.

³Ibid.

annual meeting, the National Association of Tobacco Distributors issued a resolution which stated in part:

"...the scheme of introducing a new brand of cigarettes or other tobacco product as a panacea rather than a pleasure, by launching a marketing drive founded upon spurious health claims, is hereby condemned as misleading to the public, prejudiced to the economic welfare of the industry and repugnant to the accepted moral and ethical standards of American competition."¹

In regards to this resolution at least one trade source said, "...there can be little doubt that much of it was prompted by the impending appearance of Diplomat."²

Dr. Eugene O. Kronisch, general manager of the North American company made a strong retort to the resolution, calling the NATD stand a head-in-the-sand attitude. "We do not," he said, "accept or reject the conclusions published to date on health and smoking. We do not believe, however, that the public interest is served by acting and talking as if they did not exist."³ It was a good try on the part of Dr. Kronisch, but next to useless. With the issuance of the NATD resolution, Diplomat, for all practical purposes, was a dead brand. Approval was eventually secured from the New York Times. This was done by changing a section of the copy from:

"The medical report states that Diplomat cigarettes do not cause the same medically undesirable effects caused by the smoking of other cigarettes tested."

¹"Diplomat ads await Times' perusal," Printer's Ink, October 17, 1958, p. 10.

²Ibid.

³"Diplomat ads edge into print," Printer's Ink, October 31, 1958, p. 14.

to:

"The medical report states that Diplomat cigarettes do not cause medically undesirable effects of nicotine and tars."¹

In the early part of November the Diplomat ads did make it into print. And later in November, Robert Marks of Robert M. Marks, the agency for Diplomat, stirred the issue with a speech before the Association of Advertising Men and Women in New York. He said:

"We think the cigarette industry should take a lesson from the liquor industry -- deal honestly with the public, control the product, properly label the product, and don't deny that it can have harmful effects."²

But the hard fact was that North American and its agency had failed to learn a lesson. They had crossed over the line that American tobacco-men had unofficially drawn for their advertising claims. They had, in the eyes of other cigarette manufacturers, endangered the industry. And consequently, they received the full measure of the industry's enmity, including the powerful tobacco distributors who held deep influence over sales. Diplomat ads continued to appear sporadically until September of 1959 and then the brand disappeared completely.

The Diplomat affair can be considered another link in the chain of events leading to the Cigarette Advertising Code for two reasons.

¹"Diplomat ads edge into print," Printer's Ink, October 31, 1958, p. 14.

²"Marks more frank on Diplomat ads," Printer's Ink, November 21, 1958, p. 13.

First, it caused a momentary split in the ranks of cigarette manufacturers. Up until then, every cigarette company had professed complete disbelief in any relationship between smoking and health. Such a split, no matter how short lived, must have weakened the tobacco men's position and encouraged the anti-tobacco forces. Secondly, and more importantly, in trying to subdue Diplomat the NATD had actually condemned not only Diplomat, but almost all cigarette advertising then currently being used. This could not help but make the entire industry more vulnerable to future attacks.

What is strange today is that this obviously never occurred to the association. In fact, toward the end of 1958, the NATD managing director, Joseph Kolodny, contradicted the association's earlier resolution by heaping lavish praise on the industry, its products and its advertising. In his year-end appraisal statement, Kolodny said:

"Confronted by its gravest challenge, and assailed by unconscionable villification of its products (grossly unsubstantiated), the industry's reaction has been truly remarkable. The cigarette industry has introduced and vigorously promoted new packaging, new sizes, new filters and new blends...the flexibility and resiliency of the industry is barely short of miraculous."¹

Part of what Mr. Kolodny said was provable fact. The industry had introduced and promoted a striking number of new product variations. There were now over forty brands on the market, most of them being

¹"Puff for cigarette," Printer's Ink, December 26, 1958, p. 21.

promoted vigorously with health-oriented advertising. The industry had proved itself resilient, too. Cigarette sales in 1958 had made the "biggest peace-time advance in twenty years."¹

However, it is hard to conceive the cigarette manufacturers' reactions in 1958 as "truly remarkable." During the year the industry had deepened the contradictions into which it had placed itself, almost asking for attack. More than one manufacturer had openly stated that there was a connection between smoking and health. The industry's official position was exactly the opposite. Individual advertising campaigns walked the fence, somewhere in between these two views. And those individual campaigns, along with the ones which stated a connection, were condemned by one of the strongest elements within the industry. In addition, when sales estimator Harry M. Wootten made his predictions in December, he added yet another contradiction. According to Wootten, the filter cigarette gain for the year was 35.8 billion units. This meant filter cigarette sales were up 21.9% over 1957 and now controlled 45.9% of the total domestic market. Regular size nonfilter brands were down 8.5% or 13.6 billion units. King size regulars had shown a small gain of about 3.3 per cent.² In the face of this information and all of the other events of 1958, Mr. Wootten declared that the "so-called health scare appears to be reduced to ineffectiveness."³

¹"Cigarette sales 1958," Printer's Ink, December 26, 1958, p. 21.

²Ibid., p. 23.

³Ibid., p. 26.

This, however, would hardly seem to be the case. For, how else, but through a continuing scare could filter cigarette sales increase so sharply? If the scare was now inoperative, why had health-oriented advertising been such an effective tool in increasing individual brand shares during the year? The only "truly remarkable" thing about 1958 was the fact that so few people within the industry saw where the road they were taking would end.

1959 might be considered "remarkable" for the same reason. The runners in the "Tar Derby" continued to race headlong toward regulation, even though there were more and more road signs pointing in that direction. In February, like clockwork, Reader's Digest lashed out again at the industry. This new article quoted Dr. Alton Ochsner as saying:

"...without exception, every heavy smoker is certain to get lung cancer, unless heart disease or something else kills him first."¹

Then, in painful, gory detail, the magazine described a lung cancer operation.

The results were predictable. On the Monday following the article's release tobacco stocks fell sharply. R. J. Reynolds dropped three points. American Tobacco, Philip Morris, and P. Lorillard each were off two or more points.² Tobaccomen, in the now expected fashion,

¹"Reader's Digest Links Cancer smoking in dramatic and arresting report," Printer's Ink, February 13, 1959, p. 9.

²"Tobaccomen retort to cancer smoking report," Printer's Ink, February 20, 1959, p. 11.

answered the Digest report. James P. Richards, president of the Tobacco Institute, attacked the magazine for having failed to include a disclaimer carried with the original article in Today's Health which pointed out that:

"The House of Delegates of the AMA has taken no definitive action on the possible connection between cancer and smoking. There is still considerable difference of opinion among medical authorities on this controversial subject."¹

Some tobaccommen took the normal reaction a step further by trying to stop the advertising of the Digest article. Transportation Displays Incorporated, the firm handling this advertising in New York commuter systems reported that they were asked by cigarette manufacturers to remove posters promoting "The Growing Horror of Lung Cancer" in the Digest. Meanwhile, New York Subway Advertising Company began posting cards in the New York commuter systems carrying the disclaimer the Digest had left out of its article.²

A number of other "road sign" events occurred in 1959 which received less overt attention from the industry. There was another rumor that the U.S. Public Health Service was planning an anti-cigarette educational campaign. The American Cancer Society actually did begin an anti-cigarette campaign in selected high schools. In an extreme move, the North Dakota legislature nearly passed a bill that would require the skull and cross bones on each package of cigarettes sold in

¹Ibid.

²"Are cigarette advertisers edgy again over the health issue," Printer's Ink, March 20, 1959, p. 12.

the state.¹ During the year U.S. Surgeon General Burney pointed to cigarettes as "the principal cause" of the rise in lung cancer.²

There were articles, too, which acted as sign posts, giving the direction in which the tobacco industry was racing. A Nation article, for example, came down hard on the youth issue as it related to health. "Can anything be done until it (the cancer problem) is solved?" the magazine asked. "Well, we can at least keep carcinogens away from people; and the primary one here is cigarette smoke," was the answer.³ Continuing, the article said:

"...the tobacco industry is proud to report an increase in youthful smokers, so that total U.S. consumption of cigarettes is up 20 per cent in 5 years, though many adults have quit smoking. In view of what has been given here, this tactless brag is equivalent to announcing a war that will kill off more American men than World War II did, and on the average more painfully."⁴

Finally, after describing in detail the kind of advertising cigarette companies were doing in college newspapers, the article said:

"In a matter that concerns the preservation of the race, such a narrowly aimed advertising campaign, for all its genial jokes and exclamation points, can easily be regarded as a frivolously treasonable conspiracy."⁵

Late in the year, the remarks of an individual deeply involved in cigarette advertising pointed directly to what was in the offing for

¹"Reader's Digest Links cancer smoking in a dramatic and arresting report," Printer's Ink, February 13, 1959, p. 9.

²"Smoking: Dr. Burney's Alarm," Newsweek, December 7, 1959, p. 66.

³"Cigarettes, cancer and the campus," Nation, August 15, 1959, p. 69.

⁴Ibid., p. 70.

⁵Ibid., p. 71.

tobacconen and their advertising. Ted Bates Company, the advertising agency for Life cigarettes, had been cited in a suit by the FTC, along with the Life manufacturer Brown & Williamson. Rosser Reeves, president of the agency, defended the Life ads as being "truthful" and "not misleading." But, in answer to questions from the Federal Trade Commission he also stated that he did not believe self rule would work in the advertising business. It was Mr. Reeves opinion that "Some companies always will need government supervision,"¹ Although it was not specifically noted, the implication that this included tobacco companies was certainly there.

So, these were the sign posts in 1959. They were plentiful and clearly marked. Yet, the industry failed to see them. Throughout the year cigarette advertising continued in its health claim trend. For the most part, the only brands that were not advertised in terms of tar and nicotine were those which were high in these elements and, thus, could not be presented favorably. Winston, near the top of the list in tar and nicotine content, pushed its "filter-blend." Salem, another brand at the top end of the list, promoted "high porosity paper."² Many of the regular cigarettes steered clear of health, too. But, the others raced harder and harder with ever more confusing and damaging health claims. For example, Duke cigarettes, made by Liggett & Meyers, were advertised as, "lowest in tars of all leading low tar cigarettes."

¹"Build up FTC; self rule won't work; defends Life ads," Advertising Age, December 21, 1959, p. 1.

²"Ad Strategies behind the '59 sales high," Printer's Ink, December 25, 1959, p. 25.

Ads for Parliament said that it was, "at the lowest level of tars and nicotine among all leading cigarettes." Kent claims stated that Kent, "has reduced tars and nicotine to the lowest level among all leading brands." And the P. Lorillard produced Spring cigarettes, a new entry in the menthol field, was advertised as "lowest in tars, lowest in nicotine, lightest in menthol of all menthol cigarettes."¹

The sales results of this kind of advertising must have convinced the cigarette manufacturers they were doing the right thing. During the year, filter cigarettes leaped ahead to garner 50% of the market. And while regulars were down to 30% and king size brands remained at 20%, total cigarette sales were pushed to a new high, 4.5% above the 1958 record.²

Earlier in the year a Reader's Digest article had shown that there were now at least a dozen low-tar, low-nicotine brands from which smokers could choose. This led trade sources to believe that new claims would be needed to give a competitive edge. They suggested grade of tobacco, flavor over filtration, and the observable qualities of cigarettes such as shape, filter, and length as possibilities.³ However, the manufacturers had thus far proven the trade sources wrong. In his annual report, Harry Wootten predicted that they would continue to be wrong.

¹"Ad Strategies behind the '59 sales high," Printer's Ink, December 25, 1959, p. 26.

²Ibid.

³"Why new smoke scare will alter ads, sales," Printer's Ink, October 16, 1959, p. 85.

Regarding the expectations for the coming year he said:

"In 1960 cigarette advertising will continue under the ultra-competitive head of steam it picked up in 1959. Health will remain a big advertising issue."¹

Only as an after thought did he make the most relevant statement of the year:

"...but the FTC may have more to say on just how competitive it becomes."²

The FTC soon would have something to say. Whether the tobacco industry knew it or not, the "Tar Derby" was fast coming to the finish wire. With the end of 1959 came the end of a two year era in cigarette advertising and the final closing of one of the largest links in a long chain of events.

¹"Ad strategies behind the '59 sales high," Printer's Ink, December 25, 1959, p. 26.

²Ibid.

CHAPTER VIII

RETURN TO FLAVOR -- CALM BEFORE THE STORM

Early in 1960 events in the "Tobacco War" came full circle once again. The highly competitive claims in cigarette advertising which were inspired by the Great Smoking Scare of 1953 had been stopped after two years by actions of the Federal Trade Commission. Now, after a similar period of time, the same Government agency moved to stop the Tar Derby.

In December of 1959 the FTC sent letters to each of the major tobacco manufacturers asking them to voluntarily agree to 1) end tar and nicotine advertising claims, 2) end comparative claims about filter effectiveness, and 3) end, in effect, all health claims, even implied ones.¹ The FTC said the then current claims violated provisions of the commission's tobacco advertising guides which held that tar and nicotine claims should not be used unless they could be proven and unless the differences claimed were significant. The stated purpose of the letters was to persuade the tobacco firms to "...muffle the competitive din of high filtration claims rather than invite FTC complaints

¹"New FTC cigarette ad policy seen as one of containment on health basis," Advertising Age, February 15, 1960, p. 1.

later on."¹

This move on the part of the Federal Trade Commission was similar to the one preceding the manufacturer's trend to flavor claims of 1955. It also produced similar reactions in that the tobacco men heeded the FTC's unsought advice. Cigarette advertising claims moved swiftly away from tar and nicotine and began to emphasize flavor. However, in another respect, the reactions were quite different.

In 1955, the cigarette manufacturers, although changing to flavor claims, had refused to acknowledge the commission's part in this change. Few of them made any comments whatsoever on the FTC's 1955 cigarette advertising guides. Therefore, the 1955 move appeared to be strictly of the manufacturers' own accord. And, since the cigarette makers had made no official agreement, they were free to begin using "health" claims again if they saw fit.

Conversely, this similar 1960 change in advertising was publicly and officially acknowledged as being directly related to FTC actions. By February of 1960 all but one of the major manufacturers had signed an affidavit filed with the Federal Trade Commission which stated that:

¹"Will FTC tone down ad claims of filter cigarettes?", Printer's Ink, February 15, 1960, p. 13.

"The undersigned states on behalf of _____ company its intention to omit from cigarette advertising references direct or implied to health benefits to be derived from the use of cigarettes to be produced by it. It is understood this statement includes references to tar and nicotine."¹

Thus, the Tar Derby reached its inevitable climax. From the beginning it had been clear where the race would end: a forced return to flavor claims. The only real question had been how. Now that, too, was clear. The FTC had accomplished what the disparaging remarks and implied threats of regulation during 1957, 1958, and 1959 had failed to do. And in the process, something else of vital importance had occurred. For the first time, the cigarette manufacturers were tied to regulation in their advertising.

There were many suggestions as to why this new agreement took place. Some sources said the manufacturers bowed to the FTC rather than risk bad publicity as a result of charges which might be made by the commission. This, however, seems unlikely. As pointed out in previous chapters, the industry had for some time been receiving substantial unfavorable press without being deterred in the least. Business Week said the switch to flavor revealed, "...a new and powerful pressure that the Federal Trade Commission is exerting on all advertising practices."² As far as Business Week editors were concerned the commission received cooperation mainly because tobacco men knew the

¹"FTC, Congress may alter cigarette ad rules," Advertising Age, January 13, 1964, p. 1.

²"Soft pedal on filter claims," Business Week, February 13, 1960, p. 29.

FTC "meant to file formal cases if filter claims were not dropped."¹ But, again, this can hardly be the real answer. For, the tobacco industry had thirty years of successful experience in combating FTC formal litigation. And there was little reason for them to believe they could not continue to do so. Within the Federal Trade Commission itself, the impending shift away from tar and nicotine claims was hailed as a "landmark example of industry cooperation in solving a pressing problem."² But this answer, too, seems wide of the mark. For the commission's December, 1959 letter to cigarette makers was little less than an outright threat. It gave tobacco men only two alternatives: adherence to the agreement, or commencement of legal action by the FTC. In addition, it must be remembered that the need for an agreement came about only because the manufacturers failed to stay within the 1955 cigarette advertising guides. Therefore, the FTC/tobacco industry agreement might better be called a landmark example of the results of uncooperativeness.

What, then, is the answer? Why did the cigarette makers and the Federal Trade Commission come to an agreement to end the Tar Derby? Advertising Age editors probably came closest when they called the agreement "...an accommodation of both sides to the curious legal and technical deadlock over the dangers involved in cigarette smoking."³

¹Ibid.

²"Cigarette makers drop nicotine, tar ad claims," Advertising Age, February 8, 1960, p. 1.

³"New FTC cigarette ad policy seen as one of containment on health basis," Advertising Age, February 15, 1960, p. 1.

Concerning that deadlock, the magazine said:

"At this stage, the government is neither able nor prepared to treat cigarettes as a dangerous commodity. On the other hand it is sufficiently aroused about the health problem so that it is determined to make things rough for the tobacco industry if cigarettes continue to make what it regards as 'health' claims."¹

And more specifically about the new agreement:

"While the government isn't prepared to move against the sale or use of cigarettes, the FTC's power in the advertising field could be used to contain the industry and at least foreclose the use of sales appeals which suggest that cigarettes can be used safely."²

This answer is incomplete, however. It only gives one side of the story; why the agreement was sought by the Government. To get a clear picture, the cigarette manufacturers' side of the story must also be told. Why did they consent to the agreement the Government sought? In this author's opinion, it was as Advertising Age said, a case of accommodation. However, this accommodation was not to the present situation, but to a now clearly possible future situation. It was an accommodation, not to the FTC, but to others such as Congress, the Food and Drug Administration, and the the Federal Communications Commission, who might soon take action against cigarettes. For, in the recent past, while cigarette advertising was being investigated, the FTC's ability to control that advertising was also under study. There were suggestions in the air for regulation by other agencies of the Government.

¹"New FTC cigarette ad policy seen as one of containment on health basis," Advertising Age, February 15, 1960, p. 1.

²Ibid.

And should the FTC prove unable to cope with cigarette advertising, these suggestions might well be taken to heart. The tobacco industry could not easily afford new litigation from the FTC and the accompanying bad publicity. But, even more so, it could not afford regulation from an unfamiliar and quite possibly harsher source.

So, the manufacturers signed the affidavit and, as they had done in 1955, turned to flavor as their main selling theme. Kent, the first cigarette in the Tar Derby, switched its claim to "The cigarette that satisfies your appetite for a real smoke."¹ That change was typical of the kind of advertising remodeling that was done in 1960 and continued through 1961.. During those years L&M advertising said, "Expect more, get more from L&M. More body in the blend. More flavor in the smoke. More taste through the filter." Oasis advertising asked the question, "How can it smoke so cool...taste so rich!" and answered it with, "The basis for Oasis is tobacco -- the forgotten flavor in other menthol cigarettes." Salem ads said, "Salem refreshes your taste, air-softens every puff." Winston continued with "Winston tastes good like a cigarette should," and added "It's what's up front that counts..." Chesterfield switched to, "21 great tobaccos make 20 wonderful smokes." Camel ads asked smokers to, "Have a real cigarette-- Camel. The best tobacco makes the best smoke!" Lucky cigarettes turned to, "Remember how great cigarettes used to taste? Luckies still do."²

¹"Cigarette makers drop nicotine, tar ad claims," Advertising Age, February 8, 1960, p. 1.

²"It'll be flavor, taste again in '62," Printer's Ink, December 22, 1961, p. 37.

The move to flavor was an across the boards move, including filters, both plain and menthol, regular non-filters and king size non-filters. Of course, there was some straying from the flavor path. For example, late in 1960, Kent advertising featured the claim that, "More scientists and educators smoke Kent than any other brand." In 1961, advertising for the same cigarette told smokers, "You'll feel better about smoking with the taste of Kent." Both of these claims teetered on the health issue. So did a 1961 King Sano claim which touted that brand as "... America's purest tobacco taste."¹ However, the trend was definitely to flavor.

The results of this trend were in many ways like those following the 1955 switch to flavor. As health claims disappeared from cigarette advertising, the din of criticism began to ebb. This was true not only of the criticism directed toward cigarette advertising, but also of criticism pointed at smoking in general. As might be expected, with cigarette advertising's millions of dollars subtracted from the smoking/health issue, that issue received less weight in the news. Of course, this ebb in criticism cannot be attributed solely to the fact that manufacturers had ceased to use health claims. Other events occurred during 1960 and 1961 which overshadowed references to smoking and health in the news media. 1960 was the year of one of this nation's most heated presidential elections. 1961 was the beginning of a new president's term in office and consequently covered heavily in news

¹"It'll be flavor, taste again in '62," Printer's Ink, December 22, 1961, p. 40.

magazines, magazines, newspapers and television. 1961 was also the year of the Bay of Pigs incident, which for a time dominated the news.

In addition, at least one other factor helped to decrease the importance given to the smoking/health issue. There seemed to be a growing fight among scientists over whether smoking or air pollution was the greater cause of cancer. In January of 1960 this fight flared up as authorities from both schools of thought met in San Francisco under the auspices of the University of California. The Tobacco Industry Research Committee, quite naturally, supported the fight, putting up approximately \$28,000 of the researchers' expenses in attending the meeting. At the conclusion of that meeting the two sides had come to only one major agreement, an agreement favorable to the tobacco industry and tending to lend less credence to the smoking/health issue. As Doctor David F. Eascott, a New Zealand general practitioner, said:

"The incidence of lung cancer is complexly determined and cannot be related solely or principally to a single factor. Tobacco smoking plays a part. Atmospheric pollution plays a part."¹

These events then, the trend toward flavor in cigarette advertising, the development of other and more newsworthy occurrences, and scientists' confusion over smoking's causational relationship to cancer gave the smoking/health arena an appearance of calm. During that apparent calm, security analysts took another close look at tobacco group stocks. As a result, the cigarette industry began receiving

¹"Smoking and Cancer," Time, January 25, 1960, p. 64.

increasing recognition from the financial community for its growth potential.¹ There was good reason, too. For the present was bright and the future looked even rosier. In 1960 cigarette sales rose, with filters sparking the way. And in its "1962 Outlook" issue of the Department of Agriculture said, in part:

"In 1961, for the fifth consecutive year, cigarette consumption will reach a new high and a further significant gain is expected in 1962."²

In his 1961 year-end report, tobacco expert Harry Wootten estimated that filter cigarette sales had increased 7.0 per cent over the previous year and now commanded 53.9 per cent of the total domestic market. Straight king-size cigarettes were up 6.9 per cent, increasing their total share to 19.8 per cent. Only straight regular cigarettes were off, with their market share declining from 28.3 to 26.3 per cent.³ With the Wootten Report showing another all-time high in cigarette sales, one source felt that it was apparent that the tobacco industry was, "coping successfully with recurrent charges that cigarettes may be harmful to health."⁴ And as far as the future was concerned, it was felt that, "...the industry's public relations arms will probably hold the health issue in check."⁵

¹"Cigarette sales up 4.2% in '61," Printer's Ink, December 22, 1961, p. 24.

²Ibid., p. 26.

³Ibid., p. 29.

⁴"How smoking counters its critics," Printer's Ink, December 22, 1961, p. 52.

⁵Ibid., p. 53.

However, despite these impressive sales gains and glowing predictions, all was not well. The patches of blue sky now hovering over the cigarette makers were only the calm before a gathering storm. At their annual meeting, one member of the National Association of Tobacco Distributors saw the picture clearly when he said:

"The economic health of the industry is being jeopardized by an unrelenting negative force -- a force for which it cannot compensate."¹

Although anti-tobacco actions were not full in the news, they continued. In October of 1960, for example, the industry again came dangerously close to being held legally responsible for a cancer death. In Louisiana, Mrs. Victoria St. Pierre Lottique brought suit against Liggett & Meyers and R. J. Reynolds in the lung cancer death of her husband, a two to five pack a day smoker. The Louisiana woman lost her suit when the jury stated that proof of smoking's relationship to cancer had not been established. But the case did provide a close brush with legal disaster for the industry.² A verdict unfavorable to cigarette makers could bring a tumult of additional suits and restrictive actions.

In turning to flavor, tobacco men may have eased talk about so-called health claims, but this switch did not deter those who were critical of advertising's appeal to youth. In fact, the trend to

¹"60 cigarette sales set U.S. record," Advertising Age, December 11, 1961, p. 68.

²"Layman's verdict," Time, October 24, 1960, p. 94.

flavor actually served to emphasize the youth question. Since Senator Richard Neuberger's introduction of this issue, the forces behind it had been steadily growing in numbers and strength. However, the turmoil over the question of smoking and health had kept this issue largely submerged. Now, with health claims fading into the background, the youth question began to rise to the surface.

The anti-tobacco groups and individuals who were already concerned about the youth issue saw the FTC bring the Tar Derby and health claims to an end. But, well-known personalities were still being used in cigarette advertising. Cigarettes were still being played up as status items and advertised heavily on college campuses. These were the advertising tactics that they deplored, and they were determined to do something about them, too. In addition, the groups and individuals who had been putting most of their time against stopping health claims, were now free to turn their attention toward youth. And finally, in the overall picture, it was becoming increasingly apparent that the drive to stop the cigarette habit among smokers was doomed to failure. Therefore, more and more anti-tobacco forces began to turn to the best alternative: stop the habit before it began.

In the early months of 1960, in the middle of the cigarette makers' change to flavor themes, the American Cancer Society began a campaign to dissuade teenagers from beginning to smoke. During the first eight months of that campaign the ACS distributed over 10,000 anti-tobacco film strips and millions of brochures. The New York Times

said the society's move was "clearly designed to offset efforts of cigarette makers to sell their products to young persons."¹ The ACS investment of \$113,000 was infinitesimally small compared to the industry's promotional expenditures. However, compared to the monies available to these two foes, it showed that this was a serious and determined effort on the part of the society. Later in 1960, the ACS provided proof of the tenacity of its effort. American Cancer Society representatives polled 587 doctors around the country and published the finding that two out of three felt that cigarette smoking was a major cause of lung cancer. Then, in November, the society declared that, "The college market is of great importance in the manufacturers' calculations," and publicly attacked cigarette makers for their use of specialized college campaigns and promotional contests.²

Throughout 1961 the youth issue continued to slowly build steam. As that year ended the hard core anti-tobacco forces concerned primarily with youth were still carrying the major thrust. But new recruits were continually coming to the cause. In December, 1961, a panel of four doctors -- including cancer specialist Dr. Michael B. Shimkin from the National Health Institute -- told the District of Columbia Medical Society that tobacco was "such a dangerous environmental toxin that it should be controlled at least as strictly as alcohol."³ All four

¹"Catch 'em on the campus," The Nation, November 5, 1960, p. 339.

²Ibid.

³"Doctors urge ad control to curtail smoking by teens," Advertising Age, December 4, 1961, p. 89.

doctors agreed that the tobacco industry and the Government were failing to come to grips with the problem. They argued that the least the Government and the industry should be doing was to make tobacco less accessible to young people and eliminate advertising campaigns which were directed at teenagers. Doctor Shimkin called the appeals used by cigarette advertisers "shameful" and said:

"Cigarette advertising equates smoking cigarettes with bravery, sexual virility and social status...it is little wonder that so many youngsters smoke."¹

Summing up, he epitomized the feelings of a growing number of tobacco's foes, feelings that would soon change the relatively calm complexion of the Tobacco War:

"We must change this picture. We have an obligation to our children."²

The end of the Tar Derby can be considered a link in the chain of events leading to the Cigarette Advertising Code for two reasons. First, it signaled a temporary reprise in the harsh fighting between cigarette manufacturers and their antagonists. It showed that a step backward away from the health issue by the industry could bring a corresponding cooling of the fires under their advertising practices. It also relieved considerably the contradictions into which the manufacturers had placed themselves by once again advertising health while officially insisting no health problem existed. Secondly, and just as important, it became a turning point for tobacco's critics. With health

¹"Doctors urge ad control to curtail smoking by teens," Advertising Age, December 4, 1961, p. 89.

²Ibid.

claims out of the way, the more emotional and potentially more dangerous issue of youth moved toward prominence.

CHAPTER IX

A NEW OFFENSIVE -- THE YOUTH QUESTION

The storm clouds which had been gathering over cigarette advertising for two years began to release their deluge in January of 1962. During that year and the early months of the next, the trickle of criticism falling upon advertising's appeal to youth turned into a torrent. This new offensive launched by tobacco's foes and the manner in which it developed encompass another link in the chain of events leading to the Cigarette Advertising Code.

Doctor Michael B. Shimkin, the National Institute of Health official who had entered the fight near the end of 1961, was one of the first to fire a volley in 1962. It was aimed as much at cigarette advertising as it was at the supposed health problems surrounding cigarettes. Using a collection of cigarette ads running back to 1914 as proof, Dr. Shimkin told medical groups around the country:

"...the advertisement of cigarettes in the U.S. has pursued a course that can be described as 'hard sell' only as a ludicrous understatement."¹

¹"U.S. Government cancer prober eyes cigarette ads," Advertising Age, January 29, 1962, p. 44.

Then, making his real point he said:

"In fairness to our children, the least the industry and our government should do is eliminate some of the shameful appeals from tobacco advertising, such as those which equate smoking with bravery, sexual virility, and social status."¹

The doctor's speeches reached an influential, but nonetheless small group of individuals. Had the criticism of cigarette advertising's appeal to youth remained at this level, it probably would have taken months, even years for it to develop any real momentum. However, close on the heels of the Shimkin efforts came a more impressive and much more far reaching attack.

On March 7, 1962, in London, the Royal College of Physicians claimed that "cigarette smoking is a cause of lung cancer," and urged the British Government to restrict tobacco advertising.² The British physicians' report to their Government covered many areas. Included were proposals to 1) require that tar and nicotine content be printed on each pack of cigarettes, 2) increase cigarette taxes, 3) educate the public to the hazards of smoking, and, finally, 4) restrict tobacco sales to children.³ Out of this report would come the first substantial restriction of cigarette advertising anywhere in the capitalist world. The proposal that did more to bring this about than any other was the fourth. As we shall later see, the eventual restrictions placed

¹"U.S. Government cancer prober eyes cigarette ads," Advertising Age, January 29, 1962, p. 3.

²"Smoking causes cancer, other ills, British medics say," Advertising Age, March 12, 1962, p. 12.

³Ibid.

on British cigarette advertising by the Independent Television Authority stemmed from this proposal or variations thereof. For the moment, however, youth was only one of the questions being raised. It was still in the undercurrent and many of tobacco's foes and friends were not yet aware of its coming importance. The immediate reactions to the Royal College's report help point out this fact.

In the United States the American Cancer Society "welcomed" the British report.¹ But even though the ACS had its own youth oriented anti-tobacco campaign, little or no mention was made of the portion dealing specifically with youth. The American tobacco industry continued to publish argumentative information concerning, not youth, but the general question about smoking's hazard to health. Even in direct comments on the British report youth was excluded by U.S. tobacco industries officials. George V. Allen, president of the Tobacco Institute, labeled the report as "admittedly a review of old data without any new research findings."² Commenting specifically on its relationship to the American industry, he said:

"I question whether the report will have any bearing on the situation in the U.S. since the same data have been under study for some time."³

In another reaction to the report there were hints that, quite to the contrary, it might have a considerable bearing on the situation here,

¹"Smoking causes cancer, other ills, British medics say," Advertising Age, March 12, 1962, p. 12.

²Ibid.

³Ibid.

especially as regards advertising.

The British Physicians' report had in it implications that filter cigarette smoking was more healthful than non-filter smoking. Manufacturers of filter tip cigarettes who were unhappy with the 1960 FTC policies concerning the advertising of filters took this information to the Federal Trade Commission in hopes of obtaining a reversal of those policies. At the time, trade sources said:

"In the past few days -- particularly since the release of the report on 'Smoking & Health' by the Royal College of Physicians in London this week -- filter tip marketers are talking back, charging that FTC policies are unrealistic and are contributing to a situation where smokers are switching back to non-filters."¹

In presenting their case, the filter brand makers complained that the FTC policy prevented them from using the big sales point for their product -- its effectiveness in filtering out tars and nicotine. In addition, they said that the commission's policy had three damaging results: 1) it had encouraged consumption of high-tar, high-nicotine cigarettes, 2) it had discouraged an upward trend toward low-tar, low-nicotine brands, and 3) it had discouraged research on improved filters, since no promotional value could result.² Not too unexpectedly, this line of thinking made an impression on the commission. Byron H. Jacques, head of the FTC's bureau of trade practice conferences and industry guides confirmed that closed-door discussions between commission members and cigarette makers had raised some serious questions. "If

¹"FTC may revise ban on health claims in cigarette ads 'If difference is real,'" Advertising Age, March 12, 1962, p. 12.

²Ibid.

there really is a significant difference in the health hazards involved in filter-tips compared with non-filters," he said, "some change in our attitude might be necessary."¹

Although this reaction to the British report was directly related to questions about advertising practices, it still failed to touch upon the dormant, but soon to bloom youth issue.

There were, of course, also reactions from abroad. In Italy, where the tobacco industry was a Government-owned monopoly, advertising for Italian cigarettes had been eliminated in 1955 on the grounds that cigarettes were "harmful to the public health."² Shortly after the release of the British report the Italian Parliament adopted a bill banning foreign tobacco ads, too. In all likelihood this move was triggered by the statements made in London. But, apparently, the British comments and proposals dealing with youth were not a major factor in the Italian move because it was not, in any way, specific in terms of youth.

Only in England itself did the youth issue, at this early stage, produce significant reactions. Unlike many anti-tobacco groups and the cigarette manufacturers in the United States, British tobacco men saw the youth issue as a coming danger. So much so that they reacted

¹"FTC may revise ban on health claims in cigarette ads 'If difference is real,'" Advertising Age, March 12, 1962, p. 12.

²"Italy bans ads for imported cigarettes," Advertising Age, April 9, 1962, p. 12.

before the report from the Royal College of Physicians was released. The particular way they reacted was later to cause controversy in the American "Tobacco War," making it extra noteworthy here.

In England it had been, for years, unlawful for youngsters under the age of sixteen to smoke. Nevertheless, in anticipation of the unfavorable report from physicians, seven British tobacco firms (comprising 90% of the market) voluntarily agreed to suspend television cigarette advertising before the hour of nine o'clock at night.¹ The obvious intention of this move was to eliminate cigarette television commercials during the high viewing hours of young people. The simple fact that it left only one prime-time hour in which these cigarette makers could screen commercials indicates that they were deeply concerned about the future of the youth question. Why did the British industry react so strongly, while tobacco interests in America and elsewhere seemed to miss the point entirely? One very good reason was because Britain was the only country where public officials were taking such a strong position. If we remember that this report from England's highest medical authorities approximates the Surgeon General's report in this country, it is then easy to understand why British tobacco men reacted as they did.

In fact, within months they were, perhaps, wishing they had taken even stronger steps. For despite the U.S. tobacco industry's apparent lack of interest in the problem and regardless of the English industry's

¹"British report sparks cancer-smoking scare," Business Week, April 14, 1962, p. 42.

radical move, the youth issue continued to snowball. In May of 1962 the Independent Advertising Inquiry Council of Britain urged the Government to impose a ceiling on the amount of cigarette advertising that could be done. This group also called for a total ban of all television advertising of tobacco. Further, they urged that cigarette advertising be restricted to package illustrations and product name identifications.¹ One of the major considerations behind all of these proposals was cigarette advertising's appeal to youth. In the same month, additional, similar moves were made. A bill was introduced in the British Parliament which would ban smoking in theatres and on busses and forbid their sale through vending machines. There also were investigations as to how best the English laws forbidding cigarette sales to children could be enforced.² The American manufacturers, after being attacked so vehemently for so long, may have been discreetly enjoying the Englishmen's plight. But, if so, their enjoyment soon evaporated. There were new developments in the United States, too.

While Parliament was considering anti-tobacco bills, two proposals were brought before the United States Senate Labor Committee. The first was a bill making it mandatory for cigarette labels to give tar and nicotine content.³ This measure related directly back to the Royal College of Physicians' report. The implications in that report that

¹"Consumer group asks Britain to curb cigarette ads," Advertising Age, May 7, 1962, p. 2.

²"New developments in cigarette-cancer controversy," Printer's Ink, May 18, 1962, p. 5.

³Ibid.

filter cigarettes were better for people's health had affected anti-tobacco groups as well as some filter cigarette makers. And they, too, were now trying to sidestep or change the FTC policies which forbade the use of tar and nicotine. The second proposal was a call for a new Government program to educate school children to the effects of narcotics, alcohol, and tobacco.¹ Here was the youth question again. Now it had moved from the small confines of one doctor's speech-making into a much larger arena. Although it still remained a secondary issue in the United States, this potentially explosive question was nearing the tinder point.

However, in the closing days of May much broader anti-tobacco moves were being made and receiving more extensive coverage. For example, appearing in the June issue of Reader's Digest was the article "Lung Cancer and Cigarettes." This article was a summary of the Royal College of Physicians' report. By some, it was considered as "the most potentially damaging in a series of blows at the tobacco industry."² Coinciding with the article the Digest announced that it would no longer accept cigarette advertising in its international editions.³ Also in the June issue of Reader's Digest was a reprint of a letter Senator Maurine Neuberger had sent to the New York Times. Although she had taken up the youth issue after her husband's cancer

¹"New developments in cigarette-cancer controversy," Printer's Ink, May 18, 1962, p. 5.

²"Cigarette ad ban lit big week for ad men," Printer's Ink, May 25, 1962, p. 15.

³"Digest to drop all cigarette ads; hits health effect," Advertising Age, May 21, 1962, p. 1.

death, this time she was taking wider aim. In her letter Mrs. Neuberger disputed an American Tobacco Company report that claimed its employees "smoke twice as much, live longer, and have fewer deaths from lung cancer and heart disease than the general public."¹ In her retort she said in part:

"Cold and disinterested analysis of statistical data by the Society of Actuaries reports that the rate of death and permanent disability claims for tobacco industry employees is significantly higher than the rate for comparable employees of other industries."²

Then, in broad strokes, Senator Neuberger outlined her feelings on the overall cigarette-cancer controversy:

"Lung cancer does pose a threat to the cigarette industry: it also threatens a substantial segment of the advertising industry. It is a grave threat to national health. And it is a threat that neither distortion of scientific data nor the most inventive advertising campaigns can abate."³

The tobacco industry had no comment on Mrs. Neuberger's statements. Nor did industry officials make any new comments on the Digest summary of the British report which had not already been made on the original version.

At the same time another broad anti-tobacco move began to develop. This one would eventually become the most damaging the cigarette manufacturers have faced to date. The youth issue was growing in stature. More and more sources, both abroad and at home, were insisting that

¹"Tobacco folk are big smokers, healthy too, American says," Advertising Age, March 12, 1962, p. 12.

²"Digest to drop all cigarette ads; hits health effect," Advertising Age, May 21, 1962, p. 1.

³Ibid.

something be done about cigarette advertising's appeal to youth. In addition, as has already been pointed out, there were implications in the British report on smoking and health that filter cigarette smoking was less harmful than smoking non-filters. These implications caused many filter cigarette makers and some anti-tobacco groups to appeal for revision of Federal Trade Commission policies which prohibited the use of tar and nicotine references in advertising. On the other hand, many researchers and scientists feared that any change in the existing Government policies would only lead to a resumption of high pressure advertising for filter cigarettes.

These two issues combined to set up intensive behind-the-scenes pressure for the Government to make some new moves in the controversy over cigarette advertising. First, negotiations were begun between the FTC and the Public Health Service to determine whether Government official policy statements on cigarette smoking needed to be revised.¹ But, before these negotiations were culminated, President Kennedy was drawn unexpectedly into the controversy by a press conference question asking "if he felt our Government was doing all it should."² The President side-stepped the question, saying he would be "happy to answer it next week," but he needed more information.³ So the word for

¹"Cigarette forces build fire under U.S. rule makers," Advertising Age, May 28, 1962, p. 1.

²Ibid.

³Ibid.

cigarette/health facts went out. As one trade source said:

"The smoking-cancer hot potato rested in the laps of the top echelon at the U.S. Public Health Service...as the rest of the government, from President Kennedy on down, asked for some fresh advice."¹

This call for "fresh advice" precipitated a major study by the PHS and resulted in the January, 1964, Surgeon General's Report on Smoking and Health. Thus, the die was cast for the last explosion preceding the Cigarette Advertising Code. However, in terms of events which affected the decision to establish the code, that explosion was a long way off.

The strategy of the anti-tobacco forces had now developed three distinct fronts. First, there was the ever present attempt to establish a definite relationship between smoking and health. Secondly, because the anti-tobacco groups were beginning to lose hope that they could discourage the cigarette habit among smokers, was the attempt to get adults to smoke the cigarettes deemed least harmful. And thirdly, for similar reasons, was the attempt to convince children not to start smoking. Fighting on the first front had been going on for at least twelve years. But, despite all the statistical data brought to light, it was proving to be an uphill battle. The second front's success was tied closely to that of the first. For, unless the facts that cigarettes did cause cancer and how they caused it could be established, no "least harmful" cigarette could be delineated. Additionally,

¹"Cigarette ad future awaits health report," Advertising Age, June 4, 1962, p. 1.

communicating exactly which cigarette brands were least harmful would necessitate the revoking of present Government policies. Therefore, the first two fronts could be considered as momentarily blocked. The third front had been open for some years. But until recently, little force had been put behind it. Projects to educate youngsters to the supposed dangers of smoking and criticisms of advertising's appeal to youth had increased relatively slowly. However, this third front had few of the inherent problems of the other two. And now, blocked on two sides, the anti-tobacco groups began to make more of it.

In a speech before the Senate, Maurine Neuberger said:

"Perhaps the most insidious aspect of the cigarette epidemic has been the massive use of advertising to swell the ranks of youthful smokers. It does not take an expert in motivation research to discover that the glorification of a game of tennis -- followed by a smoke; or a romantic encounter -- followed by a smoke -- is designed solely to convince youth that cigarette smoking is a concomitant of the good life."¹

Continuing her onslaught she added:

"If this were not sufficient proof of the youth directed appeal of cigarette advertising, consider the fact that tobacco companies account for forty per cent of all national advertising placed in college newspapers."²

Finally, after praising the actions of tobaccommen in England, she asked why "American cigarette companies continue to abdicate their responsibility."³

¹"Cigarette ad future awaits health report," Advertising Age, June 4, 1962, p. 1.

²Ibid.

³Ibid.

Cigarette manufacturers were silent on the Neuberger speech. In fact, as yet, they had apparently not come to grips with the implications of the growing youth issue. Instead, they continued to push for the revival of tar and nicotine advertising. In June of 1962 Printer's Ink said there were "increasing signs that cigarette advertisers are pressing to re-enter the health-claim derby."¹ According to that magazine the latest sign was a discreet 59 word press release to science editors by P. Lorillard Company. In the release Lorillard announced a new filter on Kent, which it said screened out "up to 90 per cent of all phenols" in the smoke.²

It is somewhat understandable that tobacco men in the United States were then remaining incommunicado on the youth question. They could hardly declare that children should smoke, or that cigarettes should be advertised to children. In addition, many of the statements made against them, such as the amount of advertising done in college newspapers, were true. Finally, the youth issue still appeared to be a minor problem. This situation was changing quickly, however. In England, for example, the youth question had now become a major problem for tobacco advertisers.

In July, under pressure from medical and other anti-tobacco groups, the Independent Television Companies Association Limited issued

¹"Will FTC allow a revival of tar and nicotine ad clash?", Advertising Age, June 1, 1962, p. 17.

²Phenol was a substance then accused of stopping cilia action in the throat and thereby allowing more tar and nicotine to enter the lungs.

a set of "notes of guidance." These notes contained this broad principle statement:

"Advertising should not encourage people, and young people in particular, to believe that they will have any advantage romantically, physically, socially, or in their jobs if they smoke."¹

In addition specific "areas of danger" were pinpointed for the British tobacconists. These included copy that had "hero appeal" or appeal to "manliness" or to social success.² The British tobacco industry was also asked not to suggest that smoking was a part of the modern, smart, sophisticated or fashionable way of life, and that one should smoke to be "in the swim."³ According to the guidance notes romantic appeal was to be avoided as was the creation of a romantic atmosphere in which it is implied that cigarettes are an essential ingredient. Other avoidance areas included; impressions of "exaggerated satisfaction," "implicit encouragement" of habitual or excessive smoking or impressions of dependence on cigarettes, the use of young people unmistakably under twenty-one, and the suggestion that cigarettes overcome "nerves" or strain or direct offers of cigarettes as an aid to relaxation or concentration.⁴ These "notes of guidance" were the most comprehensive list of restrictions that had ever been placed on cigarette advertising. And almost every one of the restrictive measures related directly to the youth issue. From this point on, the American tobacconists probably saw the coming storm, but it was too late.

¹"British TV restrictions on tobacco ads," Broadcasting, January 28, 1963, p. 90.

²Ibid.

³Ibid.

⁴Ibid.

In September, in the United States, the youth question soared onto the national scene in a CBS Reports television program titled, "The Teen Age Smoker." In that program CBS newsmen made the point that cigarette advertising was responsible for introducing young people to the smoking habit.¹ This attack forced the first reactions to the youth issue from American tobaccomen. The Tobacco Institute promptly labeled the program "one-sided."² An individual manufacturer went even further. Officials of the American Tobacco Company asked for, but did not get, equal time for the tobacco industry to present its views.³

Following this first flare-up over youth in the U.S., the American tobaccomen received the brunt of another broad anti-tobacco move.

Printer's Ink said:

"Embattled of late, because of the drumfire of scientific findings pointing to the health hazards of smoking, tobacco men were startled by the announcement that gifts of cigarettes to Air Force hospitals and clinics were forbidden."⁴

The reason given for the Air Force change of policy was that the "ever increasing evidence linking cigarette smoking with lung cancer, pulmonary disease, cardiovascular disease, etc., can no longer be ignored."⁵

¹"Collins hint of corrective action by radio-TV on cigarette ads stirs hassel," Advertising Age, November 26, 1962, p. 1.

²Ibid.

³Ibid.

⁴"Tobacco men stung by Air Force move," Printer's Ink, October 12, 1962, p. 13.

⁵Ibid.

A month later the youth issue was in the news again. Sir Robert Platt, president of the British Royal College of Physicians, declared that it was "frightful and immoral" for cigarette manufacturers to advertise to young people. "If you know that cigarettes are causing large numbers of deaths," he said, "you're getting off rather lightly if someone doesn't prevent you from advertising."¹ While the Platt remarks were still ringing, comments from another source placed youth, once and for all, on the list of top priority problems for the American tobacco industry.

In a speech at the fall conference of the National Association of Broadcasters, NAB president LeRoy Collins lashed out at cigarette advertising. More and more children of high school age and younger, he said, are becoming habitual smokers "under the promotional impact of advertising designed primarily to influence young people."² Then, making implications unprecedented in the American "Tobacco War," he said:

"Where others have persistently failed to subordinate their profit motives to the higher purpose of the general good health of our young people, then I think the broadcaster should make corrective moves on his own."³

These statements threw a penetrating and disturbing light on the subject of youth. Broadcasters had been considered among the tobacco

¹"Advertising of cigarettes to youth is immoral: Platt," Advertising Age, November 5, 1962, p. 86.

²"NAB VS. TI", Printer's Ink, November 30, 1962, p. 11.

³Ibid.

industry's closest friends. There were millions of reasons. For the tobacco men were spending nearly \$140,000,000 annually on television advertising. Yet, here was evidence from a high authority that American broadcasters, like the English, might be turning against cigarette advertising. It is no wonder then that as Printer's Ink said, tobacco men and many broadcasters showed the "half-dazed, half-indignant reaction of people who have been hit by a meteor out of a clear blue sky."¹

When queried for a reaction, tobacco company officials shook their heads and said they would let the Tobacco Institute answer Mr. Collins. George V. Allen, president of the TI, denied that cigarette advertising was targeted primarily at youngsters. Then, touching upon the broader cigarettes-cause-cancer issue implicit in the Collins remarks on youth, he said:

"Collins' statement applies a judgment of finality to complex medical questions that are still under study by scientists."²

On the same subject he also added:

"Like many laymen, Mr. Collins mistakes repetition of charges for what he refers to as 'mounting evidence.'"³

Not too surprisingly, as much if not more reaction came from the broadcasters themselves. Clearly, many of them were not ready to part with millions of dollars cigarette advertisers were investing in tele-

¹"NAB Vs. TI", Printer's Ink, November 30, 1962, p. 11.

²Ibid.

³"Collins hint of corrective action by radio-TV on cigarette ads stirs hassel," Advertising Age, November 26, 1962, p. 1.

vision. The Television Bureau of Advertising, television's sales promotion arm, quickly met with tobacco men, reportedly to discuss their public relations problems.¹ After the meeting, the TvB circulated a memo among broadcasters which amounted to a storm warning. The memo, it was said, advised television men to "be ready for anything and try to reassure tobacco men that their advertising (was) still welcome on the air."²

Others within broadcasting's ranks also were trying to douse the fires started by Collins. Kevin Sweeney, president of the Radio Advertising Bureau, sent a wire to the presidents and advertising directors of tobacco companies saying that the Collins statement "did not represent the opinion of even a small segment of the radio stations."³ The three major networks, at first maintained a dignified silence. But as other broadcasting sources began to heap criticism on the NAB president, they too joined in. NBC said it did not "share in the stand he (Collins) has taken." American Broadcasting Company officials were quoted as saying, "ABC does not concur," with Mr. Collins. And a similar dissent came from CBS.⁴

¹"Collins hint of corrective action by radio-TV on cigarette ads stirs hassel," Advertising Age, November 26, 1962, p. 1.

²"NAB Vs. TI," Printer's Ink, November 30, 1962, p. 11.

³"Collins hint of corrective action by radio-TV on cigarette ads stirs hassel," Advertising Age, November 26, 1962, p. 1.

⁴"Tobacco ad curb plan draws fire, praise," Advertising Age, December 3, 1962, p. 1.

Praise of the Collins' statement was much slower in coming. One of the few individuals to make an early favorable reaction was Martin Mayer, author of the book Madison Avenue U. S. A. Mayer said, "I think Mr. Collins is dead right."¹

However, despite the lack of any thunderous approval, Collins had obviously made his point and the implications of the youth issue now began to dawn on tobaccommen and trade sources. As 1962 came to a close Business Week was saying that "even though sales have risen during the commotion over smoking and health, tobaccommen are worried about the future."² The only signs that the hubbub may have affected smokers, the magazine said, are the facts that this year's rate of increase in cigarette sales is only about half that of 1961, and that regular cigarettes continued to lose ground to filter tips. Then, in predicting the future outlook, the magazine, for the first time, turned to the youth question. The long term threat, it said, was a concentrated effort by groups, states, etc., to persuade youth not to begin smoking. According to Business Week, the effect of this threat on the industry's revenue and on dependent advertising income and Government tax revenues "could be felt soon."³

¹"Tobacco ad curb plan draws fire, praise," Advertising Age, December 3, 1962, p. 1.

²"Smoking more despite the scare," Business Week, December 22, 1962, p. 78.

³Ibid., p. 79.

CHAPTER X
COLLEGE EXODUS

As 1963 began the tobacco industry experienced what appeared to be a respite in the attacks against its advertising practices concerning youth. In fact, for a moment, it looked as though the youth issue might collapse altogether. But, as we shall see, this staggering only set the scene for the final plunge; a plunge which caused the cigarette manufacturers to take a step backwards. And this step took them one stride closer to the Cigarette Advertising Code.

In November of 1962 when LeRoy Collins spoke out against cigarette advertising, he had asked the Television Code Review Board to amend its voluntary code of standards to provide restraints against "the use of commercials especially designed to influence the very young and beginning smoker."¹ But, the board had refused, deferring any decision until its next meeting in January of 1963. Failing in that, Collins then asked the combined NAB boards to approve a study of cigarette advertising and minors. This they agreed to. Consequently, between November, 1962 and January, 1963 the Television Code Board made

¹"Smoking more despite the scare," Business Week, December 22, 1962, p. 80.

such a study. Now, at the January meeting of the NAB, William Pabst, chairman of the Television Code Board, reported that the code group's study failed to substantiate charges that cigarette advertising was directed toward encouragement of smoking by minors.¹ Following this, the recommendation was made and accepted that the National Association of Broadcasters take no position on cigarette advertising pending the outcome of the U.S. Public Health Service study on smoking and health. It looked like a favorable turning point for cigarette manufacturers.

However, this seeming timidity to move ahead with restrictions on the part of broadcasters was only a small ripple in the tide. LeRoy Collins had opened the floodgates, and now, though his companions in broadcasting obviously wanted to slow the onrushing current, others coming through those gates paid no attention. If anything, the fact that broadcasters had turned away from direct action served to spur attacks.

While the NAB was approving continuing study of the relationship of cigarette advertising and minors, Reader's Digest published another damaging article. This one struck not at smoking in general, as had been the case in the past, but at advertising's appeal to youth. In a reprint of an article from Changing Times, Digest editors said that if young people were persuaded to smoke, a "million children now in school will die of lung cancer before they reach age of seventy."²

¹"No crackdown seen on TV cigarette ads," Broadcasting, January 21, 1963, p. 38.

²"Youth Smoking Issue Builds New Heat," Printer's Ink, January 25, 1963, p. 7.

Shortly after this Digest attack, the American Medical Association, by dropping a long-awaited study into the relationship between smoking and cancer, gave the controversy a kind of see-saw appearance. The reported reason of the AMA for the cutoff of its own research was the decision of the Public Health Service to conduct a similar but broader study.¹ Officials of the medical association said they would have early access to the PHS study and would then take a firm stand. This move did little to stem criticisms of cigarette advertising. But it still holds importance here. For, combined with the NAB's similar decision to wait, it began to give added importance to the results of the Public Health Service study. From this moment on, tobacconists knew that if the PHS study should prove unfavorable, it could bring not only the Government, but also the AMA and broadcasters down on them. This fact would later give more impact to the Surgeon General's Report on Smoking and Health, helping to bring tobacconists to their decision to establish the code.

If the AMA's decision put an ounce of weight on the "no" end of the see-saw battle over whether immediate, direct action should be taken against cigarette advertising, then ten pounds were settling on the other end. In April, Broadcasting magazine admitted that the smoking and health controversy "now includes the question of whether television tobacco commercials should be aimed at youth," and listed

¹"AMA will rely on Public Health Service findings," Business Week, March 23, 1963, p. 96.

some of the then current movements.¹ Senator Frank Moss had written to the presidents of the TV networks and tobacco companies. He urged the tobaccommen "to take the glamour out of cigarette advertising." To the network heads he said:

"...take a hard look at the type of cigarette advertising you are allowing sponsors to present. How can it be ethical for our mass media to continue using sports heroes and glamorous models in an effort to associate smoking with all that is exciting, pleasant and desirable in life?"²

Meanwhile, Senator Maurine Neuberger was seeking the backing of the FTC and the FDA in requiring tobacco firms to identify their products as injurious to health. And, Senator Joseph S. Clark and Representative Morris K. Udall were preparing legislation to bring smoking products under jurisdiction of the FDA and require package labels to include nicotine and tar contents.³

The heat grew more intense as additional attacks were made and tobaccommen and their friends began answering. Still in April, the American Cancer Society issued a pamphlet with statistics to buttress its claim that cigarette smoking is "the major cause" of lung cancer.⁴ Discussing teenagers, the pamphlet said:

"It is to this age group that much of the promotional and advertising of cigarettes seems to be directed."⁵

¹"Smoking controversy still burns," Broadcasting, April 29, 1963, page 38.

²Ibid.

³Ibid.

⁴"Tough talk about smoking and health," Broadcasting, April 22, 1963, p. 42.

⁵Ibid.

Suggesting what should be done, the ACS told of its campaign to educate youth to the dangers of smoking. The society had reportedly now distributed 25,000 copies of its anti-smoking film and over three million of an information booklet. It was estimated that the campaign had reached half of the high school students in the country.

On the same day that the American Cancer Society pamphlet was issued, Tobacco Institute president, George V. Allen charged the ACS had "omitted or oversimplified" opposing views of reputable scientists.¹ Less than a week later the scientific director of the Tobacco Industry Research Committee denounced reports of the type issued by the cancer society as "a disservice to true scientific research." "It is a matter of fact," he said, "that, in our present state of knowledge, no one knows the answers."²

In early May more Government action was taken. This time it was on a state level. California state assemblyman Alfred E. Aloist, described himself as "incensed over cigarette ads in college newspapers."³ To prove it he introduced a bill in the California legislature to ban tobacco advertising from school and college papers.

This mounting pressure against cigarette advertising certainly did not go unfelt by the tobacco industry, nor unheard by the press.

¹"Tough talk about smoking and health," Broadcasting, April 22, 1963, p. 42.

²"Increasing pressure on tobacco advertising," Printer's Ink, May 10, 1963, p. 48.

³Ibid.

On May 10, 1963 the news media began asking publicly the questions that tobacco men must have privately been asking themselves. Printer's Ink said:

"Can they (the cigarette manufacturers) get through 1963 without having major restrictions slapped on their sales, their distribution or - worst of all - their advertising?"¹

The magazine didn't offer a flat "no," but it definitely implied that the tobacco industry was heading for dark days:

"There are several reasons why advertising should be singled out (for restriction). First, restrictions on advertising are more practical, and more easy to enforce than...prohibition would be; second, the average citizen could support a campaign to limit cigarette advertising without feeling that he was interfering with his neighbor's right to go on smoking; third, restrictions on advertising do not strike the layman as a very serious problem."²

In the same article, this trade source listed the advertising restrictions and actions it foresaw as possible anti-tobacco moves. These included: 1) regulations governing copy, such as a ban on ads aimed at young people or on suggestions that smoking is smart, sophisticated or identified with social status and success, 2) regulations on the use of media, such as a pre-p.m. blackout or elimination of the use of college newspapers, 3) required statements on packages that they constitute a hazard to health, 4) an outburst of state, county or even municipal local-option laws setting limitations of every size, shape and variety on cigarette ads, and 5) circulation by official or semi-official agencies of anti-smoking publicity.³ Of all of these possi-

¹"Increasing pressure on tobacco advertising," Printer's Ink, May 10, 1963, p. 48.

²Ibid., p. 49.

³Ibid., p. 49.

bilities, it was the Printer's Ink editor's opinion that those most directly related to the youth question carried the "strongest emotional impact."¹ As far as any of the anti-tobacco moves actually becoming an eventual reality, the article said:

"The tobacco industry could be in for stormy weather if, armed with what it regards as reasonable arguments, it relies on an assumption that 'they can't do this to us.' They can."²

The underlying question in this statement was will the tobacco men rely on their "reasonable" argument, or will they make some move to head off restriction.

While those interested waited to see, the controversy continued. In mid-May one of those standing on the side of tobacco sharply challenged the critics of cigarette advertising. Joseph H. Ream, then vice president for program services, CBS television, said that he felt the critics were not only demanding that broadcasters decide a medical question on which medical experts disagree, but also trying to dictate the verdict that tobacco is harmful to health. Ream told reporters, in part:

"...the president of the NAB demands that we sift and judge the conflicting and complicated medical claims and decide that cigarette advertising in its present form is undermining the health of our young people."³

¹"Increasing pressure on tobacco advertising," Printer's Ink, May 10, 1963, p. 49.

²Ibid., p. 50.

³"Let's await Surgeon General's cigarette report, Ream urges," Broadcasting, May 13, 1963, p. 44.

Then, in turn, Mr. Ream gave the reasons why he felt no decision should be made until after the Surgeon General had made his report. In fact, he said, cigarette commercials are not directed to minors -- and indeed, deciding what does and what does not have an appeal for the young is probably impossible anyway. Just as important, he felt, was his speculation that a move to control some cigarette advertising would be the first step in a campaign to ban it all. "You can't expect a zealot to stop with half a loaf," he said, "and already we have received letters objecting to any advertising of cigarettes at all."¹

Before the end of May, 1963 members of the public finally became officially involved in the question of cigarettes and health and youth. Speakers at the annual convention of the National Congress of Parents and Teachers attacked the industry for using "glamourized advertising" to "smokewash" teenagers. In the wake of this language, the congress voted to step up its efforts against teenage smoking, and unanimously decided to invite tobacco company and agency representatives to exchange views on advertising techniques.² This move by the parents and teachers was probably then considered as the coup de grace by tobacco-men. Now, it seemed, everyone was against their advertising practices. Their old foes, the anti-tobacco medical experts and scientists, were still at it. Restrictive bills and proposals stood before both national and state legislative bodies. The Public Health Service, highest

¹"Let's await Surgeon General's cigarette report, Ream urges," Broadcasting, May 13, 1963, p. 44.

²"Parents and Teachers Assn. pushes effort against cigarette ad appeals to teens," Advertising Age, June 3, 1963, p. 78.

medical authority in the land, was conducting a massive study into the suspected relationship between smoking and health. Both the American Medical Association and the National Association of Broadcasters stood ready to act should that study prove unfavorable. News media were beginning to act as if restrictive action was expected. And now, even groups of consumers had begun to strike out at the tobacco industry.

The tobacco men politely declined the invitation from the parents and teachers group and made a final attempt to deny the accusations against cigarette advertising. A spokesman for the Tobacco Institute, for example, said, it is industry policy that "cigarettes are not and should not be promoted for use by children."¹ However, the fight had obviously turned. The cigarette manufacturers were backing away. Gone were the quick references to the fact that nothing had been proven against cigarettes. Gone were the statistics exonerating the smoking habit. Gone was the confident attitude of the past. In place of these was an almost apologetic voice. One industry official said, "No cigarette company is going to admit it is aiming its advertising at teenagers."² The spokesman for another tobacco firm was quoted as saying simply, "It's impossible to take an official position or discuss this with anybody at this stage."³ Still another company representative said, every manufacturer has a program directed at college students, but they "come pretty close to being adults."⁴

¹"Parents and Teachers Assn. pushes effort against cigarette ad appeals to teens," Advertising Age, June 3, 1963, p. 78.

²Ibid.

³Ibid.

⁴Ibid.

Even in the face of these kinds of statements there were sources outside the industry who foresaw no action from the manufacturers. It was felt that the "cigarette companies (were) privately bullish about the U.S. Surgeon General's report on Smoking and Health."¹ Generally, these sources said, tobacco men are confident there is no proven link between smoking and health, and they feel the Surgeon General's report cannot legitimately condemn the industry.

However, a major conciliatory move was imminent. In less than a month the cigarette makers had proven not only that they might not be as bullish as some thought, but that the youth issue had, in fact, backed them to the wall. The major manufacturers decided to drop virtually all cigarette advertising in college newspapers, magazines and football programs and cease their college promotional activities.²

Because of restraint of trade implications, the manufacturers took special pains to point out that this move was taken individually by each company. In addition, both the Tobacco Institute and its members tried to muffle the college withdrawal's appearance as a startling victory for anti-tobacco forces. George V. Allen, president of the Tobacco Institute said, "The industry wants to make it demonstrably clear that it does not wish to promote or encourage smoking among

¹"Parents and Teachers Assn. pushes effort against cigarette ad appeals to teens," Advertising Age, June 3, 1963, p. 78.

²"Cigarette promotions on college campuses end," Advertising Age, June 24, 1963, p. 1.

youth."¹ Robert K. Heimann, assistant to the president of American Tobacco insisted that the policy of not advertising specifically to teenagers was not new and quoted from the company's annual report:

"It has always been the position of American Tobacco that smoking is a form of enjoyment for adults and special pains are taken to see that nothing in our advertising implies anything to the contrary."²

Speaking specifically of the cigarette makers exodus from the campus, he said:

"The abandonment of campus promotion is an indication the companies are bending over backwards to be sure there is no misunderstanding of their position."³

Nevertheless, there were many who were neither impressed by the industry's move away from the campus, nor convinced by its reason-why statements. LeRoy Collins, president of the NAB, commended the companies for yielding the campus field. But this was probably to be expected. The industry's flight could be interpreted as the first show of weakness on the health issue and, as such, it strengthened the hand of the broadcasting executive. Business Week said, "The tobacco industry has dropped the first shoe," and suggested that the next item to go on the chopping block might be endorsement of cigarettes by athletes.⁴ According to Broadcasting magazine, some observers felt that by acknowledging that the promotion of smoking among young people was undesirable, the

¹"Signs of change in tobacco ads," Broadcasting, June 24, 1963, p. 31.

²"Cigarette promotions on college campuses end," Advertising Age, June 24, 1963, p. 1.

³Ibid.

⁴"Smoke still swirls around cigarettes," Business Week, June 29, 1963, p. 122.

companies were indirectly conceding that a question existed about the desirability of smoking at any age.¹ Other observers reportedly saw the withdrawal as primarily a public relations move designed to "quiet mounting complaints about cigarette advertising directed toward teenagers."²

Of all those making comments on the industry's move, Senator Maurine Neuberger took the most negative stance. Speaking in the Senate Chambers, she expressed a dim view of the companies' concession, reminding her fellow senators that British tobacco advertisers were already subject to Independent Television Authority regulations which enjoined them from five classes of ads which appealed to youth.³

On the college campuses themselves there were reactions, too. These, naturally, were more limited in outlook, dealing mainly with the probable effects of the cigarette advertising withdrawal upon the campus. Interviews with the National Advertising Service, which represented nearly nine hundred college newspapers, gave an inside view on the subject. The advertising service acknowledged that the loss of cigarette advertising would hurt, but said the newspapers would survive.⁴ Representatives of college radio stations said that, as a rule, their volume of cigarette advertising was not great enough to leave a

¹"Signs of change in tobacco ads," Broadcasting, June 24, 1963, p. 31.

²Ibid.

³Ibid., p. 33.

⁴"Cigarette promotions end on college campuses," Advertising Age, June 24, 1963, p. 1.

serious gap in revenue if withdrawn. These radio men were not, however, as optimistic about the future of their printed competitors. "Many college newspapers and magazines," the young broadcasters said, "are strongly dependent on cigarette advertising for their existence."¹ One college related firm did make comment on the wider aspects of the tobacco industry's action. College Radio Corporation, a sales representation company handling about one hundred and thirty campus stations, pointed out that a survey conducted in twenty-five colleges showed sixty-three per cent of the smokers started smoking before attending college. Because of this, the firm said, little could be accomplished by the discontinuance of campus advertising.²

However, on the contrary, much had already been accomplished by the manufacturers' exodus from college advertising. No matter what statements industry spokesmen made, and no matter what the immediate reactions were, it was clear that tobacco had lost a decisive battle. The college withdrawal was an extreme move for the cigarette makers. To reach the 4,200,000 college student market, six of the major members of the Tobacco Institute had been advertising in about 1,000 campus newspapers and accounting for nearly 40 per cent of all college newspapers advertising. Each had been investing approximately \$1,000,000 annually on the college campuses of its choice.³ In drawing back this

¹"Signs of change in tobacco ads," Broadcasting, June 24, 1963, p. 32.

²Ibid.

³"Cigaret promotions on college campuses end," Advertising Age, June 24, 1963, p. 1.

weighty promotional tool, the industry had all but publicly announced that it had, in fact, been encouraging smoking among youth. This, of course, meant that earlier denials were false, putting a questionable light on any and all statements the industry had made or would make. In addition, in the withdrawal itself and in the statements made about it, the tobacco group had, in effect, agreed with their antagonists that smoking was bad for children. Consequently, future preachments from them insisting that no link between smoking and health had been proven would carry little weight. The decision to discontinue college advertising also helped to make other industry advertising practices questionable. For, if the manufacturers agreed that children should not be encouraged to smoke, why were they advertising in television and radio time segments and in other media that obviously reached youngsters in large numbers? And why were they continuing to use appeals which could possibly attract young people to the smoking habit? Finally, the college withdrawal showed that the industry could be moved in the direction desired without the harsh Governmental regulations to which many objected. Because of this, regulatory threats were free to increase in numbers and popularity. The tobacco industry's withdrawal from college advertising, then, was clearly a major link in the chain of events leading to the Cigarette Advertising Code of 1964. From that point in time, the offensive had been wrenched from the tobacco men. The moves they made thereafter revealed one backstep after another.

CHAPTER XI

CONTINUATION -- CONTROVERSY AND CONCILIATION

In June of 1963 there was widespread opinion that the tobacco industry's withdrawal from the college field was intended to placate groups and individuals who argued that the manufacturers were encouraging America's young people to smoke. If this was so, the attempt was a failure. Even while the cigarette makers were making and putting into effect their decision to stop advertising on the campus, other events in the controversy were catching fire.

First, the American Heart Association reversed its traditional conservative stand in the smoking and health issue. Joining hands with such staunch anti-tobacco campaigners as the American Cancer Society, the AHA voted to begin a public information drive against smoking.¹ Then a Florida supreme court opinion brought the cigarette manufacturers near a legal finding they had been dreading. A year earlier, in the case of Pritchard vs. Liggett & Meyers, a jury had found that "cigarette smoking was a contributory cause to cancer," but that the smoker assumed the risk.² Now in a similar case, it was a

¹"Smoke Still Swirls Around Cigarettes," Business Week, June 29, 1963, p. 122.

²"Status of Ad as 'Warranty' Unclear After Cigarette Verdict," Advertising Age, November 19, 1962, p. 12.

Florida court's opinion that any ill effects from smoking are the responsibility of the manufacturer not the smoker.¹ Thus, the tobacco men moved closer to a determination that they were liable for health damages attributed to smoking. Following this action in the legal arena there were more stirrings from interested governmental personages. Senator Maurine Neuberger, it was learned, was working with considerable unofficial cooperation from official sources on a book about tobacco "evils" which was due for release in the fall.²

The biggest fire helping to keep the issue hot had its source outside the United States. In Canada, three major tobacco firms decided to shift their commercials, as the British had done, into the after nine p.m. hours on radio and television. Their action, it was said, was taken to "keep youngsters from getting ideas about emulating grown-ups."³ Since the youth issue was already strongly in the news, it produced immediate reactions from almost all sides. Dr. Arthur Kelly, general secretary of the Canadian Medical Association, welcomed the action as "a step in the right direction."⁴ Among American broadcasters, on the other hand, the consensus seemed to be that confining cigarette commercials to hours after nine p.m. made no sense -- at least in the United States. They pointed out that commercials presented at nine in

¹"Smoke Still Swirls Around Cigarettes," Business Week, June 29, 1963, p. 122.

²"Tobacco Industry To Weigh Ad Code On Youth Appeals," Advertising Age, July 1, 1963, p. 3.

³"Signs of Change in Tobacco Ads," Broadcasting, June 24, 1963, p. 33.

⁴Ibid.

the east were seen at eight in the midwest and expressed doubt that susceptible teenagers would be in bed by nine, much less eight. One broadcaster went on to say:

"If we can't have cigarette advertising until 9 p.m., then let's take magazines and newspapers out of the homes until 9 p.m. Billboards will have to be covered up until after 9 p.m. ... and to be really effective, parents must stop smoking until 9 p.m., because that's where the example is set in the first place."¹

Tobaccommen, in general, agreed with the broadcasters on the infeasibility of such a move in the U.S. The spokesman for one company said:

"It won't work here. There's just not enough room after 9 p.m. Colgate certainly isn't going to give up prime time to accommodate us."²

Whether or not the tobaccommen and their friends agreed with the Canadian move, they had been affected by it. Combined with the other moves and attacks being made against cigarette advertising it helped foster a tobacco group move which some sources said reflected a significant "change of heart" at the industry's highest levels with respect to the steps that should be taken to meet rising criticism of its promotional practices.³ That move was a Washington, D. C. meeting between Tobacco Institute officials and manufacturers' representatives to consider restrictions on cigarette television advertising. As a result of that meeting, the TI issued a series of what it called, "informal

¹"Signs of Change in Tobacco Ads," Broadcasting, June 24, 1963, p. 33.

²"Smoke Still Swirls Around Cigarettes," Business Week, June 29, 1963, p. 122.

³"Tobacco Industry to Weigh Ad Code on Youth Appeals," Advertising Age, July 1, 1963, p. 3.

advisories." One of these advisories offered this euphoric suggestion: "Cigarette commercials should be characterized by good judgment and good taste."¹ But the lion's share dealt directly with the area receiving the hottest fire from tobacco's opposition; youth. Speaking in general terms, one advisory said:

"In keeping with the position that smoking is a custom for adults, cigarette advertising should not give a contrary impression."²

Becoming more specific, it continued, "Persons featured in advertising should be and should appear to be adults."³ Another advisory spoke directly to the after 9 p.m. question:

"Television or radio programs and other media whose content is directed particularly at youthful audiences should not be sponsored or used. Thus, good judgment in program content, rather than arbitrary restriction of sponsorship to certain hours of the listening or viewing day, should be the determining factor."⁴

This last statement sounded as much like an answer to critics as it did an advisory to tobacconists. But few were surprised. For, like the college withdrawal, this latest industry move was seen as an attempt "to head off mounting criticism of cigarette advertising."⁵ And like the industry's first backward step, it, too, failed to quiet the din.

¹"Don't Restrict Hours; Avoid Shows With Kid Appeal, Tobacco Men Urged," Advertising Age, July 15, 1963, p. 1.

²Ibid.

³Ibid.

⁴Ibid.

⁵Ibid.

In fact, this new move on the part of cigarette makers seemed to make matters worse. The "informal advisories" were a conciliation, but they were not nearly as much as the vocal critics in the youth issue wanted. The Tobacco Institute's statement describing its advisories had barely been released before negative reactions were made. Senator Maurine Neuberger took the floor of the Senate to denounce the cigarette position as an "exercise in futility." "We do not expect an industry to preside at its own dissolution," she said, "but we expect realistic answers to fundamental challenges."¹ Concerning the future the senator said:

"It is apparent to all nonindustry observers that radical changes must be made in the marketing of cigarettes if their sales are to be permitted to continue."²

In addition, the "informal advisories" provided more evidence that tobacco men were giving way in their stand that cigarettes and health were not related. The advisories also gave another example that the industry could be made to move voluntarily. These facts both served to inspire further attacks against the manufacturers. Consumers Union now released a book on smoking and health which outlined a "nationwide program that might be undertaken to combat the problem."³ In that book was a list of suggested regulations of cigarette advertising including: 1) Federal Communications Commission rulings on

¹"Some changes in cigarette ads likely. Tobacco Institute says they should not appeal to youth," Broadcasting, July 15, 1963, p. 36.

²Ibid.

³"Regulate cigarette advertising, CU suggests in smoking-health book," Advertising Age, July 22, 1963, p. 40.

whether radio and television stations that carry cigarette commercials are acting in the public interest, 2) FTC control of meaningful tar and nicotine claims, and 3) health warning requirements on package labels. The book also offered these additional measures against cigarettes: limited prohibition of sales, high taxation, a program of counter advertising, and special help for persons who want to stop smoking.¹

Shortly after the Consumers Union book was released cigarette makers were treated to a harsh example of what broadcasters might do pending the issuance of a damaging Surgeon General's report. WMCA, a radio station owned by the city of Camden, New Jersey, announced it would no longer accept cigarette commercials.²

In August of 1963, just two months after the Tobacco Institute issued its "informal advisories," a campaign for Lucky Strike cigarettes caused a furor which added still more heat to the controversy. The campaign, "Lucky Strike separates the men from the boys -- but not from the girls," was accused of being a flagrant violation of the manufacturers' agreement not to aim advertising at youth. It raised indignation on both sides of the controversy. Cigarette manufacturers felt that the entire industry was being hurt because of the impropriety of

¹"Regulate cigarette advertising, CU suggests in smoking-health book," Advertising Age, July 22, 1963, p. 40.

²"City owned Camden station bans all cigarette ads," Advertising Age, August 26, 1963, p. 3.

one company. Senator Maurine Neuberger summarized the feelings of many anti-tobacco groups when she said:

"So far the self regulation campaign of the industry offers little prospect for control without... government regulation."¹

Lucky Strike advertising director Albert Stevens refused comment on the criticisms, but said flatly, "Our advertising is obviously aimed at adults. We have dropped our campaigns in college newspapers."²

Then, almost as if in answer to Mr. Stevens, the pain of withdrawal symptoms on college campuses across the nation began to make news. College radio stations, contrary to their earlier predictions, were feeling the pinch of the cancellation of cigarette advertising. Broadcasting magazine quoted a leading national sales representative as now predicting, "As many as twenty stations may discontinue operations as a result of the tobacco withdrawal."³ Robert Vance, president of the College Radio Corporation, described the tobacco company departure from campus advertising as "the most serious setback from college radio since it really got going in 1951."⁴

But regardless of this timely reminder from the campus that the tobacco industry was taking action to limit its advertising's approach to youth, more criticism and anti-tobacco action broke out. In

¹"Words and meaning," Newsweek, August 26, 1963, p. 62.

²Ibid.

³"Cigarette withdrawal symptoms," Broadcasting, September 16, 1963, p. 34.

⁴Ibid.

Baltimore, city health commissioner Dr. Robert E. Farber said, "The cigarette companies put out a really vicious sort of advertising which is difficult to combat."¹ Then he added:

"Television commercials, magazine advertising and other cigarette promotion efforts are aiming more toward youth."²

With a view to combating these influences, the Baltimore Health Department launched a stinging campaign of its own. In a trial run, anti-smoking posters, pamphlets, films and lectures were distributed in one of the city's largest high schools. The posters in the campaign said: "Why buy a pack of trouble?"; "Don't let your allowance go up in smoke"; "Treat your lungs kindly -- don't smoke"; and "Smoking improves her-ring -- not humans."³ According to Farber, these would be used to evaluate and perfect anti-smoking propaganda techniques. Then the health department officials would expand the campaign throughout the city school system. Even if the program did not make large inroads on the smoking habits of students, Farber pointed out, it would still be valuable if it tended to counteract prevailing pressures on youth to smoke.⁴

About the same time, the American Cancer Society came up with its own brand of anti-smoking advertising called "Athletes against cancer." The society's ads were a series of cigarette testimonials in

¹"Baltimore starts drive to combat cigarette ads," Advertising Age, October 7, 1963, p. 102.

²Ibid.

³Ibid.

⁴Ibid.

reverse by noted sports figures. Over the simple caption, "I don't smoke," were pictures of people such as Olympic star Bob Mathias, pitcher Whitey Ford, track stars Jim Beatty and Tom Courtney, swimmers Buster Crabbe and Pat McCormick, and fighters Jack Dempsey, Sugar Ray Robinson and Floyd Patterson. Time magazine promptly tagged the ads as "uncommercials."¹ But, in fact, they were highly commercial properties. This was not a local campaign as was Baltimore's. It was designed to be used on a national scale, to reach millions of youngsters. And the ACS immediately set to work to accomplish that goal. The ads were offered free to any national teenage magazine that would promise to run them. In a matter of days, ten such magazines had agreed.²

As 1963 began to close, attacks against cigarette advertising's appeal to youth continued. There is every reason to believe that, even without the Surgeon General's report, they would have continued into 1964 and beyond, probably increasing and possibly forcing cigarette manufacturers into further conciliations. But that is a contention which cannot be decided definitely. For as the last page turned on 1963 an era in the "Tobacco War" ended. However, this much can be said with certainty: whatever was to come in the new year must be tied to

¹"Ads in reverse," Time, November 15, 1963, p. 69.

²Ibid.

the youth question. The controversy over youth was one of the major considerations in the Governmental decision to undertake the Public Health Service study which would herald the new era. The youth issue was feared by the tobacco industry. It had already produced two substantial conciliatory moves from tobacco men. The evil of cigarette advertising's appeal to youth held the most emotional impact of any accusation the anti-tobacco forces had thus far made. And, finally, the youth question had not yet been answered to the satisfaction of a large number of tobacco's enemies.

CHAPTER XII
THE FINAL SCARE

The date: January 11, 1964. After fourteen months of evaluating eight thousand smoking and health studies by investigators from around the world, a special U.S. Public Health Service committee headed by the Surgeon General reported that cigarette smoking "contributes substantially to mortality from certain specific diseases and to the overall death rate."¹ The sharpest health risk for smokers was identified as lung cancer, a disease which, according to the report titled Smoking and Health, killed eleven times as many smokers as nonsmokers. The smokers' death rate from other diseases were listed as: bronchitis and emphysema, 6.1 times the rate for nonsmokers; cancer of the larynx, 5.4 times as high; ulcers of the stomach and duodenum, 2.8; cancer of the bladder, 1.9; coronary artery disease, 1.7; and hypertensive heart disease, 1.9. The "possible benefits" from the use of tobacco, which were described as an unmeasurable "psychogenic search for contentment," took only one and one half pages of the 150,000-word report.² The

¹"Smoking, The Government Report," Time, January 17, 1964, p. 42.

²Ibid.

conclusion was:

"On the basis of prolonged study and evaluation, the committee makes the following judgment: Cigarette smoking is a health hazard of sufficient importance in the U.S. to warrant appropriate remedial action."¹

This was the report tobacco men had felt sure could not legitimately condemn smoking. It was the report anti-tobacco forces were convinced must be unfavorable. It was the report upon which Government was waiting to act. It was the report cliff-hangers, such as the AMA and the NAB, had been awaiting before making decisions upon questions at hand. To all of these groups the result of the U.S. Public Health Service study was a surprise to a greater or lesser extent.

The surprise to U.S. cigarette manufacturers was simply that they had been wrong. Contrary to their previous beliefs, the Surgeon General's report proved to be a bristling condemnation of smoking. As far as the anti-tobacco forces are concerned, the surprise was in degree. They had expected the report to be less than favorable to the smoking habit, but the measure of damaging material and the firmness of the conclusions in Smoking and Health had not been anticipated. The Government and the cliff-hangers were also surprised by degree. For the massive extent of the accusation against smoking seemed to demand immediate actions and decisions on their part, actions and decisions they had probably intended to make less quickly.

¹"Smoking, The Government Report," Time, January 17, 1964, p. 42.

To many other groups and individuals outside the inner circle of fighting over the smoking and health issue, the Surgeon General's report of 1964 was a revelation. The general public, for example, had not seen this subject as front page headline material for years. They, for the most part, were not aware of the intricacies in the battle over smoking's relationship to health. But now, in their morning newspapers and radio programs, an impartial committee of top medical experts, backed by the full authority of the U.S. Government, was declaring cigarettes were dangerous. Businessmen were affected in a similar manner. As members of the public, many of them smokers, they were startled by the official Government attack against tobacco. In addition, as businessmen, they felt the impact of a dramatic Governmental assault against one of the largest and most powerful elements in the business community. Some business parties, such as members of the advertising and media industries, were affected even more so. For they were part of organizations more deeply involved.

To still other groups and individuals the PHS's Smoking and Health was a distant and much less important event. These include the tobacco, anti-tobacco, government, business and public factions in other countries. Among these groups and individuals an American move against smoking might be interesting, helpful, or damaging, but events nearer home would, naturally, hold sway.

In the aftermath of the Surgeon General's report, all of these various groups and individuals reacted simultaneously according to the

way in which they had been affected. Together, these reactions formed the last link in the chain of events leading to the Cigarette Advertising Code. To fully understand how and why the chain finally closed requires an investigation of each of these separate reactions and a further investigation of the ways in which they influenced each other. For many of these groups reacted not only to the Surgeon General's report, but also to the reactions being made in other circles. Since the immediate reactions, those taken upon the release of the report and pertaining specifically to it, laid the ground work for later intertwining reactions they should be discussed first.

To the tobacco men, it has been reported, January 11, 1964 was "the Day the Bomb Dropped."¹ The reactions of individuals within the tobacco industry quickly give the picture. For example, upon reading the first few sentences of the report as it sped across the country on Western Union wires, Dan Provost, a publicity executive of Liggett & Meyers, reportedly gasped, "Oh my God!"² Morgan Cramer, president of P. Lorillard Company, was called out of a meeting to listen to the same news dispatch over the phone, and was quoted as saying, "I just can't believe it."³ Of course, there were exceptions. One company executive, for example, showed defiant bravado, telling newsmen:

"We licked an English King, James I, when he attacked the use of tobacco in 1604, and I think we can lick the United States Government today."⁴

¹"New hope for cigarette smokers: crash effort for safer cigarette," Saturday Evening Post, April 18, 1964, p. 19.

²Ibid.

³Ibid.

⁴Ibid.

But, in general, the tobacco industry reacted with abhorrence. Five of the big six tobacco manufacturers asked broadcasters to move their commercials out of positions in or adjacent to programs dealing with the report. Liggett & Meyers went further, asking thirty minutes separation between any L&M spot and any commercial or any educational message antithetical to smoking.¹ When Tobacco Institute spokesman George V. Allen was pressed for comment he said he had not had time to read the 387 page report with its 80 tables, but added:

"I endorse wholeheartedly Dr. Terry's (the Surgeon General) call not for less but more research. The tobacco industry which is already supporting a considerable body of health stands ready to increase that support."²

The immediate tobacco reaction also included precautionary moves in anticipation of the reactions others might take. Broadcasting Magazine said that there were several reports that cigarette companies instructed their advertising agencies to begin work revising the copy appeal of commercials so that they could not be interpreted as aiming at youth. But, the magazine also reported that the advertisers and their agencies would not confirm the reports.³ A more substantive move was American Tobacco Company's adoption of the policy of not sponsoring sports events.⁴

¹"Meeting the cigarette crisis," Broadcasting, January 13, 1964, p. 33.

²Ibid.

³Ibid.

⁴"Will tobacco firms quit sports?", Broadcasting, February 3, 1964, p. 23.

The first reactions from the outspoken friends of the industry, such as pro-tobacco scientists and legislators, can also be included as part of the total tobacco reaction. The scientists who were on record as friendly to the industry made the usual rebuttals, pointing out, as one source said, "that the Government report involved no new research but was merely a compilation of old reports..."¹ They reportedly claimed that there was as much evidence against air pollution as there was against cigarettes as a cause of lung cancer.² Some of the tobacco state legislators, it seemed, were, for the moment, too stunned to react publicly. But others immediately spoke out or took action. A South Carolina legislator was quoted as stating that all the scientists and doctors on the Surgeon General's committee were Northerners and that the report was "just another Yankee attempt to subdue the South."³ U.S. Senator John Sherman Cooper quickly wrote the Surgeon General, asking and getting confirmation on the fact that the report was based largely on studies of old-fashioned non-filter cigarettes. In his letter he asked, "Is it not correct that the advisory committee made no judgment as to the effect of adding filters to cigarettes?"⁴ In his answer Surgeon General Dr. Luther L. Terry not only admitted the truth of Cooper's supposition, but added, "Filters in common use do remove a variable portion of the tars and nicotine," and that "the

¹"New hope for cigarette smokers: crash effort for safer cigarette," Saturday Evening Post, April 18, 1964, p. 21.

²Ibid.

³Ibid.

⁴Ibid.

committee felt that the development of better filters or more selective filters is a promising avenue for further development."¹ Thus, Senator Cooper extracted some hope out of the situation for tobacco-men. However, this was precious little compared to the dark aspects that first reactions from almost all other sources portended. For, as we shall now see, upon release of the Surgeon General's report, the entire nation seemed to turn against the industry.

Most of the reactions from known anti-tobacco groups was predictable. While they were making laudatory comments on the report they also began immediately to sift the information in Smoking and Health, compiling statistics for new anti-smoking brochures, pamphlets and films. State health agencies, along with the American Cancer Society, the American Heart Association, and the National Tuberculosis Association were reported planning to join the Public Health Service in a nationwide campaign against cigarettes.² Drives to stop youngsters from taking up smoking were reported getting under way in the public schools of Detroit, New York, Philadelphia and other cities.³ Churches who frowned on smoking as well as drinking were said to be in partnership with the American Cancer Society and other organizations in a

¹"New hope for cigarette smokers: crash effort for a safer cigarette," Saturday Evening Post, April 18, 1964, p. 22.

²"Smoking scare: What's happened to it?", U.S. News & World Report, January 11, 1965, p. 38.

³"Cigarette warning, the aftermath; reaction of smokers, congressmen, stockmarket," U.S. News & World Report, January 27, 1964, p. 39.

drive to set up anti-smoking clinics to help people break the cigarette habit.¹ There was one ray of light in the anti-tobacco reaction. It came from a most unexpected source -- from Dr. Ernest L. Wynder of the Sloan-Kettering Institute for Cancer Research. Doctor Wynder had been known for years as one of the industry's most implacable foes. It was Wynder who helped precipitate the first big cancer scare in the early 1950's when he revealed he had produced cancers on the backs of mice with concentrates from cigarette smoke. Since then he had become one of the world's most articulate critics of smoking. Nevertheless, on January 24, Doctor Wynder reportedly made the statement that "some elements in the tobacco industry have already made good progress in developing safer cigarettes."² However, the Wynder remark was lost in the turmoil surrounding the Surgeon General's report.

A good part of that turmoil stemmed from the reactions of Government agencies. The Government, and especially Congress and state legislatures, had been the industry's most feared foe for many years. Threats from these sources had played a major part in every conciliatory action tobacco men had thus far taken. It is only natural then that the cigarette manufacturers held their breath, waiting to see what the Government's reaction would be. They didn't have to wait long. The Surgeon General's report caught Congress in mid-stride of a number of steps against smoking. At least five bills putting controls on

¹"New Hope for cigarette smokers: crash effort for a safer cigarette," Saturday Evening Post, April 18, 1964, p. 20.

²Ibid., p. 22.

cigarettes and/or their advertising were pending before House and Senate committees. The two big bills were companion measures, one in the Senate and one in the House. Representative Morris K. Udall had introduced his H. R. 5973 on April 30, 1963. Senate bill S 1682 was introduced by Senator Frank E. Moss and co-sponsored by Senator Joseph S. Clark on June 6, 1963. Both bills were proposals to bring smoking products under Federal food and drug laws, thus giving the FTC power to issue restraining orders against cigarette advertising without first going through lengthy litigation. In addition, three other bills were before the House Commerce Committee. Representative Vernon Thomson's H. R. 3610, introduced on February 7, 1963, required disclosure of the effectiveness of filters on cigarettes. H. R. 4168, requiring cigarette packages to be labeled with tar and nicotine content, was introduced by Representative Paul Fino on February 25, 1963. Finally, H. R. 7476, introduced by Representative Bernard Grabowski on July 10, 1963 required labeling of cigarette packages to read: "Warning -- contents may be dangerous to health."¹ The release of the Surgeon General's report vastly stimulated the atmosphere around these bills and set in motion the drafting of many more. In fact, the number and variety of bills coming from legislators' first flush of indignation over the report, combined with the already standing measures and soon to be disclosed action from the Federal Trade Commission, became so convoluted and confusing that hearings before the House Interstate and Foreign Commerce Committee were eventually initiated to straighten

¹"Meeting the cigarette crisis," Broadcasting, January 13, 1964, p. 33.

them out. In addition to this actual action in Washington, there was also a raft of rumors concerning Congressional moves. It was believed that somewhere in Congress bills were being drawn up which would completely ban cigarettes or do away with their promotion. Other rumors foretold quick passage of package labeling laws and measures designed to encourage Federal Communications Commission interferences with broadcast codes.¹

On the state level some legislatures made similar first reactions. A committee of the New York State Senate, for example, reportedly charged cigarettes with causing "mass murder" and called for "a declaration of war against cigarettes,"² and, as on the national scene, widespread restrictive moves were rumored. These included not only state, but also county and local anti-cigarette laws.³

One Government post outside the legislative area provided an outstanding exception to the official anti-tobacco furor. President Kennedy, the moving force behind the initiation of the Public Health Service study, had been assassinated in November of 1963. The new occupant of the White House was still getting settled and, presumably considering the report tricky politically, kept aloof from the problem.

¹"Cigarette report gives basis for strong action, but FTC ponders proper steps," Advertising Age, January 20, 1964, p. 44.

²"New hope for cigarette smokers: crash effort for safer cigarette," Saturday Evening Post, April 18, 1964, p. 21.

³Ibid.

An aid was quoted as saying that the report "hasn't been read, and isn't likely to be."¹ Other non-legislative agencies, however, outlined a striking contrast to this one exception. The Public Health Service, it was rumored, had an educational campaign of major proportions impending -- a campaign to mobilize doctors and health organizations in a strong drive to get an anti-smoking message directly to smokers.² The Federal Trade Commission, the tobacco industry's most long standing Governmental foe, hesitated momentarily. In the first days after the Surgeon General's report was released, FTC lawyers were said to believe that, on the basis of the findings in the report, "virtually every existing (cigarette advertising) campaign could be successfully challenged as unfair and deceptive."³ According to trade sources, commission planners believed that the tobacco companies "would readily agree voluntarily to some form of cautionary warning on packages," but this, by itself, did not measure up to the need as they saw it.⁴ Then, a week after Surgeon General Terry's report, the FTC produced the measure which was later to become one of the most controversial introduced in the aftermath of Smoking and Health. In a reported attempt to "protect the consuming public from false, misleading, deceptive or unfair advertising of products that may endanger human health or safety," the commission issued a three-part trade regulation ruling.⁵

¹"FTC tries to kick the habit," Business Week, January 25, 1964, p. 29.

²"Cigarette report gives basis for strong action, but FTC ponders proper steps," Advertising Age, January 20, 1964, p. 44.

³Ibid.

⁴Ibid.

⁵"Cigarette ad control program would protect consumer, FTC contends," Advertising Age, January 27, 1964, p. 3.

The three specific rules included would: 1) require a strong health hazard warning clearly and prominently displayed in every ad, announcement or package, 2) ban pictures, symbols, sounds, or devices which implied that smoking promoted good health or physical well being, was not a hazard to health or -- unless that advertising could prove otherwise -- that smoking one brand was less hazardous than another, and 3) permit claims for filter performance provided (a) the claims were in terms of a standard measurement which the FTC approved, (b) that all other material facts bearing on the health consequences of smoking the filtered brand were disclosed.¹ In addition, the FTC proposed a voluntary tobacco industry code to control cigarette advertising's appeal to youth.²

While these tobacco, anti-tobacco and Government reactions to the Surgeon General's report were being made, the major cliff-hangers were also reacting. From one of these previously undecided groups, the AMA, came a ray of hope for tobaccomen. The American Medical Association, which had cancelled a smoking and health study of its own in deference to the Government project, had said, at that time, that it would take a firm stand after seeing the Surgeon General's findings. Now, however, the AMA refused to take that stand. Instead, association officials announced that they would take up where the Public Health Service committee left off. "Our purpose," the officials

¹"FTC cigarette ad plan: industry code, plus rules," Advertising Age, January 27, 1964, p. 3.

²Ibid.

were quoted as saying, "is to find out what in the tobacco is harmful, the mechanism of injury and what can be done to remove it."¹

On the other hand, the reaction from the second cliff-hanging group offered a note of darkness. The NAB TV code board, according to Advertising Age, faced up to "the question of whether television should move against its fourth biggest customer, the tobacco industry, in an effort to protect young people...from the health hazards of cigarette smoking."² In a meeting in late January the board amended its code to crack down on cigarette advertising which appealed to youth or conveyed the impression of promoting general health. The key sections of that amendment were reported as follows: 1) care should be exercised so that cigarette smoking will not be depicted in a manner to impress the youth of our country as a desirable habit worthy of imitation, and 2) the advertising of cigarettes should not be presented in a manner to convey the impression that cigarette smoking promotes health or is important to the personal development of the youth of our country.³ The radio code board made a similar, but less conclusive move when it passed a resolution against the portrayal of cigarette smoking "in such a manner as to indicate to the youth of our nation that cigarette smoking contributes to the health and development of

¹"New hope for cigarette smokers: crash effort for safer cigarettes," Saturday Evening Post, April 18, 1964, p. 22.

²"Code action portends cigarette TV ad changes," Advertising Age, February 3, 1964, p. 3.

³Ibid.

youth or is a habit worthy of imitation.¹ This move, unlike the TV board's amendment, gave the code authority no power to deal with stations which chose to retain the status quo in cigarette copy. However, the overall reaction of the National Association of Broadcasters was clearly negative to tobacco. Shortly after the television amendment and radio proposal had been presented, the NAB board of directors approved them. At the same time, in an additional confirmation of their position, the directors defeated a move to oust NAB president LeRoy Collins, electing him to another term in office.²

Among members of the NAB there were also reactions which illustrated concurment with the association's stand. Some of these were even harsher than the NAB reactions. Paced by CBS, all of the TV networks announced they were re-examining their advertising standards. Frank Stanton, president of the Columbia Broadcasting System, indicated little concern over the tobacco men's situation when he reportedly said, "Any decline in cigarette advertising would be more than made up from other products," with the increased demand for television time.³ George B. Storer, Jr. of Storer Broadcasting gave much the same impression when he was quoted as saying, the cigarette and health controversy "naturally has worried" him a good bit, but that there were advertisers waiting in line for the good time periods occupied by the

¹"NAB directors okay curb on cigarette TV ads," Advertising Age, February 3, 1964, p. 1.

²Ibid.

³"Cut in cigarette ads won't hurt: Stanton," Advertising Age, January 27, 1964, p. 3.

tobacco companies.¹ Individual radio stations, according to Broadcasting magazine, began "casting cold eyes on what they considered their responsibilities in cigarette advertising."² WMCA radio, New York, canceled cigarette advertising on a popular late evening program which had been receiving commercials for as many as six different brands. A suburban Oakland, California station, KWUN, took tougher measures, banning all cigarette commercials in all time periods. In the midwest, W. A. Hillebrand, owner of Toledo's WMHE radio, positioned that station even further down the road. Because of the health hazard implicit in smoking and the appeal of advertising to young people, he said, "WMHE will no longer accept advertising for tobacco or tobacco products."³ Finally, in the heart of tobacco land, WAVA radio, Arlington, Virginia, went so far as to launch a series of anti-smoking messages. Using commercials for a fictional product called Big Deal Cigarettes, the station began parodying conventional cigarette advertising, ridiculing the idea that smoking was in some way a glamorous pastime.⁴

Broadcasters were not the only members of the business to make reactions to the Surgeon General's report. Other businessmen, and especially those directly or indirectly connected with cigarette adver-

¹"Others wait in line to buy time held by cigarette companies: Storer," Advertising Age, January 27, 1964, p. 3.

²"Some radio stations ban cigarette ads," Broadcasting, February 3, 1964, p. 25.

³Ibid.

⁴Ibid.

tising, made their voices heard. Editor and Publisher said that while no official scoreboard was kept on newspaper editorials, "it was noted that many editors thought the decision to smoke or not to smoke was up to the individual."¹ According to the same E&P article almost all newspapers considered prohibition "ridiculous," but a minority said some public control was necessary. Others favored further research and Government-supervised education on the hazards of smoking.² The managers of some media turned a darker face toward tobacco as a result of Smoking and Health. New Yorker magazine, for example, announced it would reject cigarette advertising pending publication of the Federal Trade Commission's controls on such advertising.³ The Saturday Review made a similar move, suspending cigarette advertising, trade sources said, until "formulation of government policy with respect to labeling and other appropriate measures" had been established.⁴

In another business area even closer to the tobacco industry and its advertising, key executives of advertising agencies reacted. John Orr Young, a founder of Young & Rubicam and publisher of the newsletter, Better Advertising, reportedly said, "Whatever brickbats cigarette companies and their agencies have received from their critics, they've had

¹"Cigarette ads now running in papers," Editor and Publisher, February 29, 1964, p. 32.

²Ibid.

³"New Yorker bars all cigarette ads," Advertising Age, February 3, 1964, p. 3.

⁴"Saturday Review suspends cigarette ads," Advertising Age, January 27, 1964, p. 3.

coming to them."¹ William Bernbach of Doyle Dane Bernbach, an agency which had once handled Alpine cigarettes, was quoted as saying:

"In view of the recent report by the U.S. Surgeon General, our present position is that we would not accept a cigarette account. If subsequent information or technical developments were to change or negate the findings of the report, we would review our position at that time."²

Continuing, he said, "I just don't believe in cigarette advertising. Smoking is bad for health. It shouldn't be encouraged."³ Another agency head, David Ogilvy, chairman of Ogilvy Benson & Mather, took a similar but more vehement stand. Questioned by Advertising Age, Mr. Ogilvy told the magazine that his agency would not handle a cigarette account.⁴ Later, in the CBS Reports program, Cigarettes: a Collision of Interests, he made his personal feelings more explicit. In that program Mr. Ogilvy characterized American cigarette commercials as "disgraceful" and asserted that "they are intellectually dishonest and the men who wrote them and who paid for them know it."⁵ The only agency man immediately reported to be standing up for the tobacco industry was Fairfax Cone of Foote, Cone & Belding in Chicago. Mr. Cone told reporters that he didn't think advertising cigarettes per se was any more immoral than the advertising of anything else. He was

¹"Brickbats deserved, Young says," Advertising Age, February 3, 1964, p. 3.

²"DDB won't handle cigarette client, Bernbach says," Advertising Age, February 10, 1964, p. 91.

³Ibid.

⁴"Agency would refuse cigarette client: Ogilvy," Advertising Age, February 10, 1964, p. 91.

⁵"Collins, Cone, Ogilvy repeat views on cigarette situation," Broadcasting, April 20, 1964, p. 40.

also quoted as suggesting that if the manufacture and sale of cigarettes was legal, then the advertising of them should be legal, too. Additionally, one agency man was reported as extending a helping hand to tobacco men. Walter Terry, VP of Johnson and Lewis, an agency in San Francisco, suggested at a January meeting of the Advertising Association of the West that the AAW lend its influence to persuade the cigarette companies to set up a code of advertising practice and thereby avoid possible action by the FTC.¹ Of course, Terry cannot be credited as being the first to suggest such a code. It had been offered as a possible solution to the smoking and health problem more than once in the past. The British tobacco manufacturers were already working under such a code. And, in the current turmoil, the Federal Trade Commission was proposing a similar arrangement as part of its ad control program. However, the AAW accepted Mr. Terry's suggestion and adopted a resolution calling for the cigarette companies to establish a code "in the interest of health and economy."² This shows that by the time of the Surgeon General's report the idea of an advertising code was present in the minds of individuals on many levels of the controversy. It also helps to point out that not all advertising people were reacting negatively to tobacco. As would be expected, some of them were silent. This group included all of the agencies then handling cigarette accounts. And some, such as Fairfax Cone and Walter Terry,

¹"AAW may urge cigarette makers to set up code," Advertising Age, January 27, 1964, p. 1.

²"AAW urges cigarette makers to adopt code in interest of health, economy," Advertising Age, February 3, 1964, p. 3.

were standing up for, or trying to help the cigarette makers.

The Americans who could have the most immediate and telling effect upon tobaccommen were, of course, members of the buying public. At first, there seemed to be no reaction from the public. U.S. News & World Report, as late as January 27, 1964, said:

"Cigarette smokers appear to be taking the latest health scare in stride. Spot checks across the country indicate they are continuing to smoke about as much as usual."¹

But then, in February, as sales and shipment figures poured in, a quite different picture developed. The Saturday Evening Post, in a major article published later in the year, said:

"All over the country, many people stopped smoking completely, strove to cut down, or switched to pipes or cigars, with the result that cigarette sales dropped anywhere between 10 and 20 per cent in every section of the United States."²

In its February 24, 1964 issue U.S. News & World Report was forced to reverse its earlier appraisal of the situation. "State tax officials," the magazine said, "found their income from cigarette taxes dwindling."³ January figures showed that New York state tax collections had fallen five per cent. South Dakota had a 24 per cent drop in collections. And, according to the magazine, "many other states felt it, too."⁴ But

¹"Cigarette warning, the aftermath: reaction of smokers, congressmen, stock market," U.S. News & World Report, January 27, 1964, p. 38.

²"New hope for cigarette smokers: crash effort for a safer cigarette," Saturday Evening Post, April 18, 1964, p. 20.

³"Smokers' slowdown: How long will it last?", U.S. News & World Report, February 24, 1964, p. 39.

⁴Ibid.

the states were not the only ones feeling the sudden decline. A nationwide grocery chain reported that carton sales of cigarettes were 20 per cent lower. Later reported IRS figures showed February shipments from manufacturers to retailers dropped 29.2 billion units -- 12 billion fewer than had shipped in January, which was also off the pace, and 8.8 billion fewer than in February of 1963.¹ The only less than dark indications for tobaccomen were the sudden and contrasting spurt in the sales of cigars and smoking tobacco, which many of the manufacturers also made, and what appeared to be a gradual recovery of cigarette sales in the state of Idaho. However, these could not be called beacons of light, either. Although cigar and smoking tobacco shipments were up substantially, they could not begin to counteract the decline in cigarettes, which accounted for over 80 per cent of the manufacturers sales. Idaho sales, after first dropping a reported 15 per cent, had climbed back to within 5 to 10 per cent of the pre-report level, but there were still forty-nine states showing a continuing slowdown.²

There was reaction, too, in other parts of the world. These reactions should be recorded. For, though they were more distant they added to the total effect of the Surgeon General's report. According to Advertising Age, the worldwide reactions to Smoking and Health "ranged from the swift 'let's ban all cigarette advertising' to 'we've

¹"Smoking scare? What's happened to it?", U.S. News & World Report, January 11, 1965, p. 38.

²Ibid.

heard it before' indifference."¹ The strongest reaction came from England. There, Laborite Legislator Francis Noel-Baker, a leader of the Advertising Inquiry Council, said:

"We hope that as a first step toward a total ban the Independent Television Authority will now take cigarette advertising off British commercial television altogether."²

In New Zealand, Switzerland, Denmark, Norway, and the Netherlands there were similar, but less pronounced reactions. On the other hand, Australia, Italy, Japan, West Germany, Sweden and France seemed unmoved by the American report. The official Australian reaction, for example, reportedly was that "facts concerning smoking and cancer are already widely-known and thus no sensational immediate restrictions on cigarette ads are expected."³ West German Health Minister, Elisabeth Schwarzhaupt, was quoted as saying, "the prevention of smoking would be anti-democratic..."⁴ The French state-run tobacco industry said the U.S. Surgeon General's report "has brought nothing new to light."⁵ In Japan, although the public reaction was reported as mixed, the chief of public health in the Japanese Welfare Ministry said a ban on cigarettes would be "impossible to impose."⁶ The state-owned Swedish

¹"Nations voice caution toward smoking study," Advertising Age, January 20, 1964, p. 3.

²Ibid.

³Ibid.

⁴Ibid.

⁵"French find nothing new in cigarette-health report," Advertising Age, January 27, 1964, p. 43.

⁶"Nations voice caution toward smoking study," Advertising Age, January 20, 1964, p. 3.

tobacco industry reported that it did not plan to change its attitude toward tobacco advertising, and would continue to support research projects into smoking and health.¹

These then were the immediate reactions to the Surgeon General's report here and abroad. American tobacconists were stunned and tried to move away from the issue. Anti-tobacco groups, getting more of an upper hand than they had expected, moved to begin new drives against smoking. The Government, including both state and national legislatures and the Federal Trade Commission, reacted swiftly, pushing old and proposing new restrictions on the sale and promotion of cigarettes. The two major groups who had been awaiting the report before taking a stand on the smoking and health issue split, the NAB placing cigarette restrictions in its code and the ANA suggesting further research needed to be done. Some members of the business world, including those close to cigarette advertising struck out at cigarette makers. Radio station owners and managers of other major media announced bans on cigarette advertising. Advertising agency executives declared that they would not accept tobacco companies as clients. The American public reacted by giving tobacconists the first sales reversal they had experienced in almost a decade. Finally, half of the foreign comments on the report indicated stepped-up action against cigarettes and their promotion in

¹"Nations voice caution toward smoking study," Advertising Age, January 20, 1964, p. 3.

countries outside the United States. The situation obviously called for counteraction on the part of American tobacco men. That counteraction took the cigarette manufacturers down a road which ended in the Cigarette Advertising Code.

CHAPTER XIII

DECISION

Of all the actions taken or proposed in the early days after the Surgeon General's report, those emanating from Government agencies held the most serious, long-term threat for the tobacco industry.

Consider, for a moment, the other moves. Anti-tobacco informational and educational drives from known enemies of tobacco were familiar and had been dealt with before. So, too, had declines in sales brought about by health scares. In fact, only months before, the American manufacturers had witnessed the familiar decline and recovery pattern in England after the British Royal College of Physicians' smoking and health report in that country. The new restriction placed in the broadcasters' code, when examined in detail, revealed little that was specific. On the contrary, it was couched in rather ambiguous terms, leaving generous loopholes and making it next to impossible to enforce. Besides this, there were immense financial considerations involved, and many NAB members had already proved their unwillingness to damage those considerations. Those relatively few members of the media and agency worlds who turned against cigarettes could not be viewed as a serious threat, either. For they were not large in numbers,

nor substantial recipients of advertising dollars. Not a single television station and not one agency then handling cigarette advertising was involved. And here, again, there were financial considerations. The monetary gains available to those who would not turn against the industry afforded the cigarette companies confidence in this area. Finally, just as the Surgeon General's report failed to produce a major stir in foreign countries, so those few actions taken abroad failed to greatly impress the American industry.

In contrast to these actions, the Governmental threat including state and national restrictive legislation, plus a new and far-reaching ad control plan by the Federal Trade Commission was awesome. Therefore, the tobacco industry's counteraction soon boiled down to a concerted effort to turn aside restrictive moves from the Government. Out of this effort came the 1964 Cigarette Advertising Code.

Two types of Governmental threats faced the cigarette manufacturers: legislative action and FTC proposals. Of the two the commission's ad control plan received the greatest and most immediate attention. The reasons for this involved time and content. Legislation was likely to be delayed by lengthy argumentation, since tobacco group congressmen were sure to oppose it. However, the FTC action could be swift. In addition, although the proposed legislative measures were harsh, the ad control program proposed by the FTC appeared harsher, especially with its provision demanding warnings not only on packages, but also in advertising. Consequently, the tobacco industry and its friends moved quickly in a drive to stop the FTC plan.

That drive started early with rather unorganized attacks against the FTC rules by individuals. Fairfax Cone of Foote, Cone & Belding was one of the first to strike out. In an intraoffice memo, which was made public, he reportedly said, "The FTC in its zeal is something less than perfection." Of the three proposed rules, only the second seemed reasonable to Mr. Cone. And even there, he was quoted as saying, "it is doubtful what is meant by physical well being." Concerning the most controversial rule, that dealing with package and ad warnings, the advertising executive said the commission was "swimming in water way over its head."¹

By March, when the FTC held hearings on its proposed plan, the defensive tobacco strategy was highly organized and contained two major weapons. The first was a head on clash over the legality of the FTC's move. Using this technique in the hearing debates, industry spokesmen tried to divert any restrictive measures into the legislative area where they could better be controlled or stopped. "The commission has no authority to issue such rules," said the tobaccommen, asserting that "regulation of this sort is the job of Congress."² The second element in the tobacco industry's arsenal was designed to negate the need for an ad control program. On March 16, 1964, counsel representing the Tobacco Institute informed the Federal Trade Commission

¹"FTC too zealous in cigarette rules, Cone declares," Advertising Age, February 3, 1964, p. 3.

²"Smoking ad rule debate gets heated," Editor and Publisher, March 21, 1964, p. 12.

that the tobacco companies had been working for "some time on an advertising code."¹

The comments from other participants in the hearings on these two defensive weapons showed that neither was held in high esteem. For example, upon hearing that tobacco men were challenging the legality of the FTC's proposals, Dr. Michael B. Shimkin stepped forward and declared that the tobacco industry had "the morals of a barracuda."² Regarding the call for self-regulation by the companies, Senator Maurine Neuberger said, "Self-regulation is at best fantasy and at worst a dilatory tactic."³ However, regardless of these statements, the industry continued on its course. Throughout the hearings and well afterward industry spokesmen continued to indicate that they would fight the commission's authority to act. In April, Paul Rand Dixon, chairman of the Federal Trade Commission, told congressmen that a warning placed on each cigarette package "might save the companies a lot of lawsuits." "However," he said, "the industry is backing away from such a warning being used."⁴ It was Mr. Dixon's opinion that any action taken by the FTC on labeling of cigarette ads would wind up

¹"Cigarette makers' code sets up ad czar," Editor and Publisher, May 21, 1964, p. 9.

²"Smoking ad rule debate gets heated," Editor and Publisher, March 21, 1964, p. 12.

³"Tobacco - the Washington hearings," Time, March 27, 1964, p. 79.

⁴"Cigarette makers' code sets up ad czar," Editor and Publisher, May 2, 1964, p. 9.

up in the courts. In the meantime, Paul A. Porter of Arnold, Fortas & Porter -- one of the law firms representing the tobacco people -- reportedly talked to the Justice Department about the possible problems involved in setting up a cigarette advertising code. His purpose in doing this, it was said, was to make sure the signatory companies wouldn't be prosecuted or sued under antitrust laws.¹ Although no immediate answer from the Justice Department was forthcoming, the manufacturers proceeded. In early May the Tobacco Institute announced in behalf of American Tobacco Company, Brown & Williamson Tobacco Corporation, Larus & Brother Company, Incorporated, Liggett & Meyers Tobacco Company, Philip Morris Incorporated, R. J. Reynolds Tobacco Company, Stephano Brothers Incorporated, and United States Tobacco Company that they had voluntarily agreed to abide by a Cigarette Advertising Code drawn up by the Institute. Thus, as Editor and Publisher magazine said, "Another chapter in the long and smokey history of cigarette advertising was written..."² And thus, our story reaches its climax.

The Cigarette Advertising Code was clearly another attempt by the tobacco industry to placate its enemies. The four major sections in article IV of the Code, which pertained to advertising standards, were a two point conciliation to the attacks being made against cigarette advertising. Section one dealt directly with the problem of

¹"Smoke screen," New Republic, January 9, 1965, p. 6.

²"Cigarette makers' code sets up ad czar," Editor and Publisher, May 2, 1964, p. 9.

advertising's appeal to youth. In it, advertisers were restricted from 1) advertising on or near television and radio programs, or in publications, directed primarily to persons under twenty-one years of age, 2) advertising in school, college, or university media, or in comic books or comic supplements to newspapers, 3) distributing sample cigarettes to persons under twenty-one years of age, or distributing sample cigarettes or conducting promotional efforts on school, college, or university campuses, 4) representing that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction, 5) depicting smokers as being or appearing to be under twenty-five years of age, 6) suggesting that the appearance or good health of any person used in advertising is due to smoking, 7) picturing or illustrating a person smoking in an exaggerated manner, 8) depicting as a smoker any person well known as being, or having been, an athlete, 9) depicting as a smoker any person participating in, or having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation, and 10) using testimonials from athletes, or celebrities in the entertainment world, or other persons who would have special appeal to persons under twenty-one years of age. (See Appendix I)

Sections two, three and four dealt with various aspects of health claims. In section two advertisers were restricted from making a representation with respect to health unless: 1) it was significant in terms of health and based on adequate relevant and valid scientific data, or 2) a disclaimer as to significance in terms of health was

included. Section three forbade references to the presence or absence of a filter, or the description or depiction of a filter which constituted a representation with respect to health. Section four outlawed references to the removal or the reduction of any ingredient in the mainstream smoke of a cigarette unless: 1) it was significant in terms of health and based on adequate relevant and valid scientific data; or 2) a disclaimer as to significance in terms of health were included; or 3) that the reference was not a health implication or that the implication was not material and the quantity of the ingredient was determined and expressed in accordance with pre-determined uniform standards. (See Appendix I)

In addition to these broad restrictions dealing with the two prime anti-tobacco areas of concern, the Cigarette Advertising Code also included another conciliation. This one was a major step for the cigarette makers. Article II of the Code established a Code Administrator who was to be "a person of recognized independence, integrity and intellectual achievement to the end that decision by him shall command public confidence and respect."¹ Under section two of that article the Code Administrator was given "complete and final authority to determine whether cigarette advertising complies with the standards of (the) Code and to enforce (the) Code in all other respects."² Thus, for the first time, the industry placed control of its advertising

¹Cigarette Advertising Code, p. 2.

²Ibid.

practices totally in the hands of an outside force. For, according to the Code:

"Neither the Administrator nor any member of his staff shall be an officer, director, employee or stockholder of any manufacturer of tobacco products, nor shall any such person have any financial interest in the business of any such manufacturers."¹

Finally, in what could be considered another conciliation, the Cigarette Advertising Code included several sections to assure the manufacturers' compliance to its regulations. The most important of these was contained in Article V, Procedures in Events of Violation of Code. In section one of that article, Code members were made subject to a fine of \$100,000 for each violation of the Code. In section three of the same article, the Code Administrator was given the power to make violations public. In Article IV there was still another inducement to compliance. Section five of Article IV stated:

"Any advertising determined by the Administrator to be in conformity with the Code may include the following legend: 'This advertising conforms to the standards of the Cigarette Advertising Code.'"²

So this is where the battle over cigarettes and their promotion has brought the American tobacco manufacturers. The Cigarette Advertising Code, as pointed out here, took at least fourteen years to develop. It was the last and most sweeping in a series of conciliatory moves which tobacco men in America have been forced to make. The

¹Cigarette Advertising Code, p. 2.

²Ibid., p. 7.

reasons why the battle over cigarette advertising began and eventually reached this climax have been pointed out in detail in this investigation. Those reasons can be distilled to two major facts. First, in words and deeds, the American cigarette manufacturers consistently revealed themselves as placing the health of the tobacco industry over the health of the nation. This is not to say that this author subscribes to the belief that cigarette smoking does, in fact, cause cancer and other ills. That determination was not the purpose of this report, nor is it intended to be implied here. Rather, it is the "possibility" of a relationship between smoking and health which is referred to. This "possibility" was strongly established in the years between 1950 and 1964. And even if disputed, it was still widely accepted in public and official circles in the United States. These factors should have had strong implications for the manufacturers products and advertising. They did not. Second, in words and deeds, the American cigarette manufacturers placed the immediate financial health of their individual companies over the long-term health of the entire industry. Time after time the critics of cigarettes and their promotion were soothed, only to have an individual manufacturer disregard the lessons of the past and the eventual effect upon the industry in a search for quick profits. As a result of these two attitudes, the industry and its largest members today face major advertising restrictions born and nurtured by their own hands.

PART TWO -- AFTERMATH

CHAPTER XIV

REACTION

After the Cigarette Advertising Code was established, burning questions remained. How would its establishment affect the tobacco industry and its friends, tobacco's known enemies, the Government, the public? What changes would the Code produce in cigarette advertising? How would these changes, in turn, affect the above mentioned groups? In essence, what would the major consequences of the Code be? Without the answer to this question, the story remains incomplete.

The immediate reactions of those involved provide the first part of the answer. For they set the scene for what was to later follow. It goes without saying that the signatory tobacco manufacturers were at least moderately favorable to the Code. Otherwise, they would not have signed. If there were questions in their minds those questions would more than likely fall into two areas: 1) who would the Administrator be, and how would he interpret the Code, and 2) would the Code with its chosen administrator have the desired effect: a calming of the controversy. Part of the first of these two questions would soon be answered by the tobacconists themselves. Through the Tobacco Institute, they would pick an administrator. According to Time magazine, industry officials were hopeful that they could "satisfy critics with

the kind of strong 'czar' professional football (had)."¹ But the questions of exactly how the administrator would interpret the Code and what effect that would have on the industry and others would have to wait. In the meantime, however, there were many speculations among industry members and those closely associated with the industry.

The cigarette manufacturers' comments covered the full spectrum from a shrug of the shoulders to a confident "no changes" attitude. For example, an American Tobacco Company spokesman reportedly said, "No one knows just how it'll affect our advertising."² On the other hand, Robert Steinle, advertising manager for U.S. Tobacco was quoted as stating that the Code "will not product any change at all."³ James Bolling, assistant to the president at Philip Morris, was a little more specific, indicating that the column, "On Campus," written for Philip Morris by Max Schulman, would have to be cancelled.⁴ Sources outside the industry, but related to it in one way or another, made comments just as varying. According to Broadcasting magazine, a few observers believed that 90% of cigarette commercials would be changed by the Code.⁵ "But more moderate experts," the magazine said, "agreed that no administrator (was) liable to interpret the new rules so

¹"Calling a smoke a smoke," Time, May 8, 1964, p. 84.

²"The Cigarette Ad Code: Will FTC buy it?", Sponsor, May 4, 1964, p. 24.

³Ibid.

⁴"Tobacco firms keep print ads in their plans," Editor and Publisher, May 2, 1964, p. 9.

⁵"What now for cigarette spots," Broadcasting, May 4, 1964, p. 29.

strictly."¹ These moderates, it was said, saw a gradual toning down of cigarette commercials with less emphasis on the social importance of smoking.² The days following the announcement of the Code were a time of silence for some agencies handling cigarette advertising accounts. But others spoke out. Clifford Spiller, vice chairman of the executive committee of Sullivan, Stauffer, Colwell and Bayles, which handled part of American Tobacco's advertising, said, "During the past eight months we have been living under the provisions of the Code."³ In a reported sampling of commercial producers there was little evidence that they expected the Code to be a financial bonanza.⁴ Mickey Dubin of Klaeger Associates, a New York production house, was quoted as saying:

"I think most cigarette companies were completely ready for the code. Most points in the code were included in commercials currently being shot or recently completed."⁵

A spokesman for MPO film producers told Sponsor magazine, "The cigarette code is likely to have little effect as a panic producer." Al Mendelsohn of Elliot, Unger & Elliot reportedly said, "Essentially, everything in the code has been discussed between us and agencies for

¹"What now for cigarette spots," Broadcasting, May 4, 1964, p. 29.

²Ibid.

³"Tobacco firms keep print ads in their plans," Editor and Publisher, May 2, 1964, p. 9.

⁴Ibid.

⁵"No code panic at commercial filmers," Sponsor, May 4, 1964, p. 3.

⁶Ibid.

the past eight or nine months."¹ Trade sources, too, made contrasting speculations. Newsweek, for example, said that "If it meant what it seems to say, the code will snuff out some of the industry's subtlest sales pitches."² In its own speculation, Sponsor magazine felt that the code, "even under a severe administration," would not wander far from what were already accepted as sound practices.³

While these speculations were being made, other groups reacted to the Code's establishment. Tobacco state legislators, who had a deep interest in the industry, naturally applauded. Kentucky senators Thurston B. Morton and John Sherman Cooper were reported as jointly praising the code.⁴ North Carolina representative Harold C. Cooley, chairman of the House Agriculture Committee and a major supporter of federally financed tobacco research, was quoted as stating that the code in combination with research was the "only effective means of providing maximum assurances of health for the millions of adults who prefer to continue smoking."⁵ A similar plaudit came from Governor Terry Sanford of North Carolina, who reportedly said the code is "evidence of statesmanship and public responsibility."⁶ Praise flowed

¹"No code panic at commercial filmers," Sponsor, May 4, 1964, p. 3.

²"Smoke-filled code," Newsweek, May 11, 1964, p. 72.

³"The cigarette Ad Code: Will FTC buy it?", Sponsor, May 4, 1964, p. 24.

⁴"What now for cigarette spots?", Broadcasting, May 4, 1964, p. 32.

⁵Ibid.

⁶Ibid.

freely from other congressmen, too, including those who had introduced anti-smoking bills. Representative Morris K. Udall, noting his own record of criticism of the tobacco industry "for its flagrant attempts to lure young people into the smoking habit" said, "the industry deserves commendation for taking such a big stride."¹ Senator Frank E. Moss, who in 1963 had written tobacco manufacturers and TV network heads asking them "to take the glamour out of cigarette advertising," also commended the industry's move. Representative Paul A. Fino, backer of his own anti-smoking measure, was quoted as saying, "this is a step in the right direction."²

However, there were congressmen and representatives of other Government agencies who did look as kindly toward the industry and its new code. Senator Mike Monroney, for example, reportedly observed that the code "provides an excellent beginning" but that while it seemed to deal with affirmative representation, it did not touch upon "failure to reveal something."³ This, presumably, was a reference to the package and advertising warnings which were under consideration. Senator Maurine Neuberger made essentially the same point when she commended the companies for their code. "The plan," she said, "goes far beyond the meager efforts of the recent past." But, at the same time, she told Broadcasting magazine that she was "disappointed that there is no requirement that the public be warned about the effect of

¹"What now for cigarette spots?", Broadcasting, May 4, 1964, p. 32.

²Ibid.

³Ibid.

smoking on health."¹ Surgeon General Terry, in a keynoting speech at the National Conference on Cigarette Smoking and Youth called by the American Cancer Society, reportedly expressed his "highest praise" for the code stating that he hoped "it will be enforced as written."² Then, in the same speech, he sounded an ominous note when he said, "it would be helpful to us in dissuading people from smoking if the cigarette industry spent less money in advertising, especially in radio and TV."³ Darkening the situation even more, Dr. Terry listed some of the anti-smoking actions planned by the Government. These included a group of surveys to analyze the amount and distribution of smoking, an evaluation of the methods used in clinics for smokers who wished to break the habit, and the establishment of a Public Health Service clearing house on smoking and health.⁴ However, of all those not exactly satisfied with the code, FTC chairman Dixon was the most vehement. The new tobacco company code, he warned, "is not going to remove our obligations in any way to enforce the law..."⁵ He felt that the code in no way dealt with the problem of smoking as a health hazard, and, according to Advertising Age, he said, "this is the main problem we are looking at."⁶ Mr. Dixon's comments portended actions in the immediate future.

¹"What now for cigarette spots?", Broadcasting, May 4, 1964, p. 32.

²"Dr. Terry lauds cigarette code, raps misleading advertising," Sponsor, June 15, 1964, p. 14.

³Ibid.

⁴Ibid.

⁵"What now for cigarette spots?", Broadcasting, May 4, 1964, p. 32.

⁶"Cigarette code may obviate FTC action," Advertising Age, p. 1.

In early June the cigarette manufacturers made their Code Administrator choice. He was Robert B. Meyner, ex-Governor of New Jersey. After their choice was made public there were reactions to the Meyner appointment. According to Newsweek Senator Neuberger stated that "Meyner had the potential to be the strong, vigorous, no-nonsense type of administrator that is necessary if the code is to be more than a simple statement of good intentions."¹ Howard Bell, director of the National Association of Broadcasters' Code Authority, reportedly said:

"I feel confident Governor Meyner will prove to be an excellent choice. I have known him for years. He is competent, courageous, and has a deep understanding of public needs."²

In the same statement, however, Bell added that the NAB would continue to administer its own code on cigarette advertising, working in informal liaison with the cigarette industry. Meyner himself was quoted as saying this about his appointment:

"It will involve a great deal of work, but I look with favor on the industry's efforts to regulate itself. I'll be a judge, enforcing the code where it's clear, and deciding where it's not clear."³

In another report, he was quoted as stating, "it is better for the industry to regulate itself and the cigarette companies are attempting to do this."⁴

¹"Tobacco: Cigarette Czar," Newsweek, June 22, 1964, p. 42.

²"Meyner gets nod as cigarette code czar," Sponsor, June 15, 1964, p. 14.

³"Tobacco: Cigarette Czar," Newsweek, June 22, 1964, p. 42.

⁴"Meyner gets nod as cigarette code czar," Sponsor, June 15, 1964, p. 14.

Later in June, it became apparent there were those who disagreed with Mr. Meyner. On June 23, 24, 25, 29 and July 2 hearings were held before the House Interstate and Foreign Commerce Committee to determine how the industry and its advertising practices could best be regulated by the Government. The discussion was not over self-rule vs. Government-rule as much as it was over which agency of the Government should regulate tobacco. In those hearings Senator Maurine Neuberger said:

"The industry, in adopting its code of cigarette advertising practices, has demonstrated the limits of its capacity for self-regulation. In doing so it has shown that it is able to eliminate certain gross practices, particularly relating to appeals to children, but the industry code ignores the crucial requirement of an affirmative warning in all cigarette advertising. I think we can be satisfied that this requirement will not come by way of voluntary action."¹

Speaking out for the three-point FTC proposal and the educational and investigative program of the Public Health Service she declared:

"Congress, either directly or by implication, should do nothing which would obstruct or impede the implementation of those agency programs."²

Some legislators felt that the FTC plan was not pre-emptive as legislation could be, and would leave the tobacco industry at the mercy of massive and conflicting state and local laws. Senator Neuberger

¹U.S. Congress, House, Committee on Interstate and Foreign Commerce, Hearings, Cigarette Labeling and Advertising, 88th Cong., 2nd Sess., 1964, p. 25.

²Ibid., p. 24.

answered:

"The FTC proposals strike at the heart of the public issues raised by cigarette advertising practices. If the rules are issued substantially as proposed, I have no doubt that the steam will be dissipated from all local attempts to add what may be onerous conditions to the sale of cigarettes..."¹

Speaking specifically about the advertising warning portion of the FTC rules, which were also in the bills she had introduced, the Senator said:

"No one who has viewed the phenomenon of cigarette advertising practices objectively believes that we will be able to convince our children that cigarette smoking is a truly significant hazard to their health so long as cigarette advertisements are free from warning."

"The proposed FTC rules will require such a warning. It would be tragic indeed, Mr. Chairman, if these rules were to fall victim to the tobacco lobby."²

Following Senator Neuberger, North Carolina Representative Horace R. Kornegay expressed an opposing view. "...I maintain, to brand every package of cigarettes is utterly absurd on the basis of information published thusfar," he said.³ The argument continued as Representative Bernard F. Grabowski defended his regulative bill, one of the nine under consideration, by quoting from a Changing Times article dating back to December, 1962:

¹U.S. Congress, House, Committee on Interstate and Foreign Commerce, Hearings, Cigarette Labeling and Advertising, 88th Cong., 2nd Sess., 1964, p. 24.

²Ibid., p. 26.

³Ibid., p. 27.

"In view of all that is known about cigarettes now, the freedom permitted cigarette advertising must be regarded as an anomaly, even in a nation dedicated to free enterprise."¹

"While there may have been some justification for a 'go slow' approach in the past before medical evidence was conclusive," Representative Grabowski added, "there is no such justification now."² Roy A. Taylor, another representative from North Carolina, took aim at all the measures being considered, including the FTC ad control plan and the proposed Public Health Service program. In his opinion, the Surgeon General's report was not definitive research and no steps should be taken until more research was conducted. "...I believe," Taylor said, "that we need more research, more study and more information before drastic action of the type proposed is taken."³

When Paul Rand Dixon, chairman of the FTC, came before the House Committee the tone of the hearings grew hotter. As Time magazine later said, critical Congressmen "talked tough" to the Federal Trade Commission chief.⁴ They wanted him to forget his plan to make cigarette manufacturers place warning labels on their products. Mr. Dixon replied to their challenge with a statement which shocked everybody. It was too late, he told them. The commission had already voted to adopt packaging and advertising labeling regulations and the order had been written.

¹U.S. Congress, House, Committee on Interstate and Foreign Commerce, Hearings, Cigarette Labeling and Advertising, 88th Cong., 2nd Sess., 1964, p. 35.

²Ibid.

³Ibid., p. 37.

⁴"Smoke & Ire," Time, July 3, 1964, p. 78.

Then, distributing copies of the order to Congressmen, he reportedly remarked somewhat sarcastically: "We had our printers working all night in case you wanted one."¹

The hearings before the House Committee were the first chance that interested parties had had to test what the reactions to the industry's code might be. Now they had a definite answer. The code's establishment may have affected arguments over the legislative measures being proposed. It may also have affected some portions of the FTC ad control program as originally proposed. But it had not affected the proposed FTC ruling which tobacco men feared most; packaging and especially advertising labeling. Despite the code, and despite appeals from influential Congressmen, the FTC had ordered cigarette makers to print health warnings on all their packages by January 1, 1965, and write them into all advertisements as of July 1, 1965.

Now it was time for the tobacco industry to react. That reaction was forceful and immediate. Bowman Gray, chairman of R. J. Reynolds, called the order "unwise" and "unwarranted."² Speaking for the industry, Mr. Gray said that if the FTC rule was allowed to go into effect, the tobacco industry would oppose it "in the courts, if necessary."³

¹"Smoke & Ire," Time, July 3, 1964, p. 78.

²Ibid.

³"How tobacco men will fight the FTC rule," Printer's Ink, July 10, 1964, p. 9.

Trade sources said that the Gray statement meant that the industry planned on contesting the FTC's authority "to enforce conformity with broad principles without establishing the applicability to each case it tests."¹ A further statement from the Reynolds executive revealed where the tobacco men's major concern lay. According to Printer's Ink, Gray said that warnings on packages were enough, and that to warn against the use of a product in advertising "would subvert the purpose of advertising."² Representative Horace R. Kornegay of North Carolina, one of Dixon's chief challengers, demanded an opinion from the commission chairman on whether action by Congress would not nullify the FTC action.³ Chairman Dixon, however, was unmoved. He said that the July deadline for advertising labeling compliance might be revised or eliminated by the commission, but that would only be done if evidence were presented to the FTC by May which showed that warnings in advertising were no longer necessary.⁴

Tobacco men were not the only ones who reacted to the Federal Trade Commission order. Officials in the departments of Agriculture, Commerce, and Health, Education and Welfare were reported as wondering whether they should have jurisdiction in the matter instead of the independent FTC -- or whether any labeling rule should be enforced at

¹"How tobacco men will fight the FTC rule," Printer's Ink, July 10, 1964, p. 9.

²Ibid.

³"FTC 'might' revise ruling," Sponsor, June 29, 1964, p. 16.

⁴"How tobacco men will fight the FTC rule," Printer's Ink, July 10, 1964, p. 9.

all.¹ Surgeon General Terry, whose fact-finding body had triggered the restrictive furor, was quoted as doubting that the FTC had jurisdiction, and suggesting that the matter be turned over to the Food and Drug Administration.² In a letter submitted as additional information for the record of the House Interstate and Foreign Commerce Committee hearings, Mark F. Cooper, president of the Advertising Federation of America, made it clear that members of the advertising world were also opposed to the ruling. Speaking of the advertiser's rights, he declared it was an "infringement on the advertiser's right under the first amendment of the Constitution for a regulatory agency (the FTC) to promulgate substantive rules having full force of law."³

Faced with this kind of broad negative reaction and what appeared to be a long dispute in the courts and Congress, chairman Dixon himself was quoted as admitting that the FTC rule would not take effect for years -- if ever.⁴ In mid-August still another reaction to the order made that prospect seem even more likely. Representative Oren Harris, chairman of the House committee on interstate and foreign commerce, notified Dixon that cigarettes would be high on his 1965 legislative program. In a letter to the FTC chairman, Harris reportedly requested that the order be withheld, on the grounds that "in such a grave matter

¹"Smoke & Ire," Time, July 3, 1964, p. 78.

²Ibid.

³U.S. Congress, House, Committee on Interstate and Foreign Commerce, Hearings, Cigarette Labeling and Advertising, 88th Cong., 2nd Sess., 1964, p. 322.

⁴"Smoke & Ire," Time, July 3, 1964, p. 79.

Congress should be given the opportunity to legislate."¹ As Advertising Age said, the FTC had "discovered who held the whip hand."²

By return mail the commission agreed to postpone the effective date of its rule from January 1st until July 1st. So now, although the Cigarette Advertising Code by itself had failed to accomplish it, the Federal Trade Commission threat had been turned aside. However, the question of whether or not that threat could be eliminated was still undecided.

While this regulative controversy was under way, further reactions were being made to the establishment of the tobacco industry's code. In July, 1964 a group of anti-tobacco campaigners made a new move without so much as a public mention of the code. After years of uncoordinated attacks against cigarettes and their advertising, a long list of tobacco's enemies announced in a Government press release that they had formed the National Interagency Council on Smoking and Health. The participating members included: the American Association of School Administrators, the American Cancer Society, the American Dental Association, the American Heart Association, the Association of State and Territorial Health Officers, the National Congress of Parents and Teachers Association, the National Tuberculosis Association, the U.S. Office of Education, the U.S. Public Health Service, the U.S. Children's Bureau, and the Department of Classroom Teachers.³ Regardless

¹"Smokescreen," New Republic, January 9, 1965, p. 6.

²"Who controls smoking?", Advertising Age, January 4, 1965, p. 6.

³"Meyner confers with FTC; Surgeon General; group formed to combat smoking hazard," Advertising Age, July 20, 1964, p. 3.

of the fact that the Cigarette Advertising Code was not specifically discussed in the press release, this must be considered a negative reaction to the code; positive proof that a majority of the anti-tobacco groups felt it was not enough.

In September, a final and, to tobaccomen, disturbing reaction to the code's establishment was made. Emerson Foote, executive of McCann-Erickson and long-time tobacco advertising man, publicly announced that he was resigning from the agency and the whole business of advertising cigarettes. In view of the Surgeon General's report and in spite of the Cigarette Advertising Code, Mr. Foote felt his conscience would no longer allow him to be connected in any way with cigarettes. On the contrary, he declared himself as against tobacco products and their promotion. As proof of his convictions, he offered his services to the newly formed National Interagency Council on Smoking and Health. Some advertising men praised the Foote resignation. David Ogilvy of Ogilvy Benson & Mather, for example, reportedly said, "I can only admire acts of conscience."¹ Others, especially those connected with cigarette accounts, quickly stepped forward to indicate that Mr. Foote's move would not be the first in a chain reaction. Norman H. Strouse, chairman of J. Walter Thompson, was quoted as saying:

"Our management has no conflict of interest. We have a very fine client in Liggett & Meyers and we have no problems."²

¹"Reactions to Foote resignation range from admiration to doubt," Advertising Age, September 28, 1964, p. 3.

²Ibid.

Edward M. Thiele, president of Leo Burnett Company, Inc. which handled much of the Philip Morris business, told Advertising Age:

"We find it no stretch whatever of our conscience to advertise cigarettes. There is no proof that cigarettes are bad for health."¹

Kenneth Laird, president of Tatham-Laird, reportedly said, "as long as cigarettes may be legally sold, we feel that cigarettes are entitled to effective advertising."² However, even with these assurances that many agencies were standing behind the manufacturers, the situation still had a man-bites-dog appearance.

Finally the statements and moves which could be considered direct or indirect reactions to the Cigarette Advertising Code's establishment died down. In their wake there were still unanswered questions. How would the code and its new administrator affect cigarette advertising? How would that effect, whatever it might be, affect the controversy? Indeed, would the code have a chance to affect cigarette advertising or the controversy? Would there be a coordinated Government position which could negate the code? Or would there continue to be a tug-of-war between individual members of Congress and regulatory agencies like the FTC? Not until these questions and others have been answered can the true consequence of the code be determined.

¹"Reactions to Foote resignation range from admiration to doubt," Advertising Age, September 28, 1964, p. 3.

²Ibid.

CHAPTER XV
DAYS OF ANTICIPATION

Since the Cigarette Advertising Code contained much broad, interpretable language, attention focused upon the man who was chosen as its administrator. Both pro and anti-tobacco groups watched closely for any hint of how Meyner would interpret the code. On that could well rest the future of cigarette advertising, and of the entire tobacco industry.

The hints were not long in coming. Nor were they small in meaning. In his first move as administrator, Meyner met not with tobacco-men, as might be expected, but with the FTC, the Surgeon General and the infant National Interagency Council on Smoking and Health. His purpose reportedly was to get the "thinking and suggestions of those in Washington who would have an interest in the cigarette code."¹ This action must have distressed the cigarette makers and encouraged their enemies. It appeared that the code's administrator might be closely allied with Government movements to restrict cigarette advertising. Certainly, it indicated he was not wholly on the side of the industry.

¹"Meyner confers with FTC; Surgeon General; group formed to combat smoking hazard," Advertising Age, July 20, 1964, p. 3.

Later, in a memo written by John Crichton to the American Association of Advertising Agencies, and distributed among many of its members, more concrete notions of the new administrator's views came to light. On September 14, 1964 Crichton had met with Meyner as a representative of the advertising community. Recalling that meeting in his memo, he said:

"Governor Meyner expressed the view that the FTC had warned him of the importance of getting the totality of an advertisement. He (the administrator) was concerned about the sound and inflection, and whether the total effect of the advertisement might be misleading..."¹

Continuing, Crichton said:

"He does not lean toward an explicit interpretation of the points of the tobacco advertising code at this time. It may be that he will revise this opinion as he moves toward the meeting with advertising men from the tobacco companies..."²

In the same memo the advertising representative said that he (Crichton) had suggested that Meyner might be well advised to have an advertising man on his staff. But the administrator, according to the memo, said he wondered if the advertising man "would be sympathetic toward the need for regulation and if he would be too permissive."³ Under a section of the memo headed "Some observations" Crichton also made other

¹John Crichton, "Memorandum of Conversation between Governor Meyner and John Crichton," American Association of Advertising Agencies, September 14, 1964.

²Ibid.

³Ibid.

revealing points. Speaking of Meyner, he said:

"At one point he asked whether advertisements could be 'standardized' to make clearance problems easier. At a later point he said he had sometimes thought that promotion of the brand name was most important, and that simply showing the package might be as effective as many present themes."¹

And finally:

"Evidently a good deal of the Governor's preoccupation is with the role of the office. Several times he mentioned the problems of regulation, repeating that the situation might require action, not speeches. He said a definite date for the installation of the code might imply that there would be a noticeable change in advertising before and after that date. He asked if regulation didn't have to be 'visible and present' ..."²

Now it began to look like the code, under Meyner, might have real teeth in it. He apparently thought highly of the Government advice he had received. In addition, he had some ideas of his own. What is more, it appeared as though he intended to act on that advice and those ideas. This could mean a strict interpretation of the code, indeed, and some major changes in cigarette advertising.

In October the code administrator made public some of his views. His statements served to back up the Crichton impressions. According to Advertising Age, Meyner said that he was "still undecided about how

¹John Crichton, "Memorandum of Conversation between Governor Meyner and John Crichton," American Association of Advertising Agencies, September 14, 1964.

²Ibid.

his office (would) regulate advertising."¹ However, just as John Crichton had indicated, he said he was considering a "standardized" creative approach such as ads showing only the package to "make clearance problems easier."²

Despite these indications that the code might be strictly interpreted, members of the industry seemed unperturbed. In fact, some of the tobacco companies' movements made it appear that they were getting ready for another record rush on their brands; another year like all those in the past decade. Philip Morris, for example, announced that it would back its products with the heaviest network television advertising schedule in the firm's history in 1965.³ American Tobacco, which had introduced charcoal filter-tipped Carlton cigarettes with tar and nicotine contents printed on the package and pointed up in advertising in early 1964, continued to give the product extensive exposure. The introduction or test marketing of other charcoal brands such as Tempo, Galaxy, Lark, Multifilter, and Devon with filters made of bonded charcoal, activated charcoal, fortified charcoal, and coconut-shell charcoal, all gave the appearance that the manufacturers were tuning up for another derby.

However, there were also changes being made which reflected an anticipation of the code's enforcement. For example, early 1964 ads

¹"Czar ponders cigarette ad rule ways and means," Advertising Age, October 5, 1964, p. 1.

²Ibid.

³"Philip Morris to launch record network TV drive," Sponsor, October 5, 1964, p. 24.

prominently featured the phrase, "Kent with the MICRONITE filter gives you the best combination of filter-action and satisfying taste." In the copy the Micronite filter was described as "highly adsorptive." When the October Kent ads appeared the former phrase had been altered to delete any reference to filter action. It now read, "Kent combines the famous MICRONITE filter with the world's finest 'Flavor-blended' tobaccos...the best combination of filter and good taste..." The description of the brand's filter as "highly adsorptive" had been eliminated completely. In addition to these copy changes, there were also some subtle visual changes in Kent advertising between January and October of 1964. In January, the main illustration of the ad was a colorful photograph of a young-looking male and female model in what could easily be considered a dating situation. On the other hand, October Kent ads featured much older looking models in a husband and wife situation. The colorful photography had been replaced by an emphasis of white upon white, with both the models' clothes and the background in that color.¹ These copy changes, and the first of the two visual changes can be related directly to sections of the code. The second visual change, the switch to white upon white, was apparently introduced for other reasons.

Another somewhat subtler example of anticipatory changes is demonstrated by Winston advertising. In January advertising for this brand described the filter as "pure white, modern." In October it had been reduced simply to "modern." Additionally, just as with the Kent

¹Various 1964 consumer magazines.

advertisements, the models and the situation had changed. In January the display line, "Flavor that goes with fun," was under illustrations of a young couple obviously enjoying themselves on a skiing date. The October Winston ad used the same display line, but it was under illustrations of an older and more mature-looking couple enjoying home movies.¹ Again, these changes can be attributed to sections of the manufacturers' code.

Viceroy advertising provides yet another example of anticipatory changes. In January Viceroy advertisements strongly featured the filter aspects of the brand. The main illustration pictured seven filter cigarettes. The headline asked, "Which one is the Viceroy? Why should you care?" The immediate answer was "You should care because Viceroy's got the Deep-Weave filter and the taste that's right." The copy went on to say:

"Viceroy is scientifically made to taste the way you'd like a filter cigarette to taste."

"Not too strong like those filter brands that taste as if they didn't have a filter at all. And not too light. Viceroy's got the taste that's right."

With the appearance of Viceroy's October advertising one major change had been made. The rather stark comparative illustration of the seven filter brands had been relegated to a small box near the bottom of the ad, and in its place was a photograph of a mature-looking couple enjoying a cigarette. Along with this illustration change, the headline had been changed to "Viceroy's got the Deep-Weave filter for the taste

¹Various 1964 consumer magazines.

that's right!" This headline idea, as mentioned above, was part of the answering subhead in the earlier ad. However, there was one subtle difference. In the January version the line said, "...and the taste that's right," but in the later rendition it was, "...for the taste that's right." This change, as small as it seems, could be implied to put less emphasis on the filter by tying it more directly into the taste of the cigarette. Beyond this, the October ad had another slight difference. The copy, instead of saying, "Not too strong like those filter brands that taste as if they didn't have a filter at all. And not too light," was shortened to simply, "Not too strong...not too light."¹

Anticipatory changes could also be seen in the advertising of charcoal filter cigarettes. Tareyton, the oldest and most well established brand, provides an example. Both January and October advertisements for Tareyton featured models with blacked eyes and the headline: "Us Tareyton smokers would rather fight than switch." However, the inner portions of the ads had been altered. In January the subhead had said, "Join the Unswitchables. Get the filter that made Activated Charcoal famous...and the taste that makes Tareyton smokers so loyal." By November it read, "Join the Unswitchables. Get the charcoal filter with the taste worth fighting for." This change, like the one made in Viceroy ads, tied the filter story closer to taste. Descriptive copy dealing specifically with the filter also showed a variation. The

¹Various consumer magazines, 1964.

early 1964 copy in this area said, "The white filter gives you clean taste -- the charcoal filter gives you smooth taste. Together they give you the great taste of Dual Filter Tareyton." Copy in the later ad failed to mention the words, "clean" or "smooth," but said only:

"The Activated Charcoal filter works with the white filter to actually improve the flavor of Tareyton's fine tobaccos...and deliver a more fully balanced taste than you've enjoyed before."¹

Advertising for Lark, one of the newer charcoal brands also showed signs of change. In February of 1964 Lark advertising was based heavily on filtration. An overline read, "Unique in cigarette filtration." The main illustration was an oversized cut-away representation of what was called "Lark's unique 3-piece Keith filter." The headline said, "Discover the good things that happen to smoke filtered through charcoal granules." The copy of the ad went into great lengths to tell an action story for the filter. In this copy it was pointed out that Lark's fine tobaccos were "made to taste even better because the smoke is filtered through charcoal granules," and that Lark had a new kind of smoothness "made possible by charcoal granules not only activated but specially fortified..." Going even further, the back of the Lark package was displayed, giving more details about the filter and its charcoal. Here it was pointed out that charcoal granules were "a basic material science uses to purify air," and that Lark's granules, "not only activated but specially fortified, filter smoke selectively..." In October this advertising had received two alterations, both of which appear to relate to the pending code enforce-

¹Various consumer magazines, 1964.

ment. First, the overline was changed from "Unique in cigarette filtration," to "Look into Lark." The "unique" idea was still carried on the displayed package. However, by taking it out of the overline, its importance was diminished somewhat. Second, the word "Discover" in the headline was changed to "Taste." This could have merely been a factor of the brand's move through the introductory stage. But, on the other hand, since it brought taste directly into the headline, it might also be considered an attempt to comply with anticipated code interpretations.¹

Filter cigarettes were not the only brands changed in anticipation of the code. Some regular cigarette advertising was changed, too. Most of these changes dealt with advertising's appeal to youth under section one of Article IV in the code. Chesterfield advertising is a case in point. The major change in this advertising from January to October was the extraction of an excitement element which, it must have been felt, violated part (d) of section one by representing cigarette smoking as essential to success, distinction, social prominence, or sexual attraction. January ads pictured two men participating in the dangerous task of mountain climbing. An overline said, "Taste of action: Rock climbing in Cheyenne Canyon." The headline, "Tastes great because the tobaccos are," was followed by copy emphasizing that Chesterfield had "vintage tobaccos -- grown mild, aged mild, blended mild and made to taste even milder thru longer length." In October the action climbing scenes had given way to a composite of static

¹Various consumer magazines, 1964.

photographs of "Chesterfield People": People who, according to the headline, "like a mild smoke, but just don't like filters." These photos, which in one ad, included a pottery maker, a stock and grain farmer, and an optical physicist, were not of exactly ordinary people. But, compared to the earlier pictures, neither were they heroic figures. The copy in the October ads remained basically the same as it had been in January, emphasizing the qualities of the Chesterfield tobaccos.¹

While some of these anticipatory changes were being put into effect, the administrator began holding talks with representatives of the tobacco industry. During these talks his views and the code, as it would be, solidified even more. In the process it became apparent that some of the changes already made would not be enough.

Advertising agency personnel, after meeting with company officials who had attended those meetings, said the administrator again indicated that he would judge the acceptability of advertising by the total impression he felt it would generate in the minds of consumers.² This was recognized by the advertisers and their agencies as a good deal broader than the approach used in years past by the FTC which examined words and phrases, not totality. While Meyner did not go so far as to suggest that cigarette advertising be "standardized", he did hand down a set of standard guidelines. These guidelines covered four

¹Various consumer magazines, 1964.

²Discussions with various agency men.

areas; filter, filter and flavor, what the Governor called euphoria, and celebrities and athletes.

Concerning filter claims, it was established by these guidelines that no descriptive or modifying words could be used. This immediately meant that words then widely in use, such as Micronite, Selectrate, Keith, Dual, and Deep-Weave, would have to be eliminated. Words like charcoal and white and inner and outer would be questionable. One brand, Philip Morris Multifilter, would even have to change its name. Further, it was established that no action could be attributed to filters. This, too, would seem to indicate changes in graphics and wording.

The guideline on filter and flavor established that if these two words were given equal emphasis, or if filter received more emphasis, the advertising would not be acceptable. However, the administrator indicated that reference could be made to a filter within the framework of advertising which delivered a predominantly flavor message. So, although the advertiser's ability to describe or place importance on a filter story was apparently going to be reduced, filters could remain a part of cigarette advertising.

The euphoria guideline was basically Meyner's interpretation of part (d) under section one in Article IV of the code which stated:

"Cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction."¹

¹Cigarette Advertising Code, 1964.

However, the administrator expanded on the already broad meaning of the words, making it broader in application. Advertising men said that "euphoria" was the Governor's umbrella description for situations in cigarette advertising which made the cigarette essential to personal well-being. Meyner reportedly told the tobacco representatives that if he felt that the total impression of a commercial or ad was one which implied that smoking a particular brand would contribute to physiological well-being or was essential to romance, business success, etc., that advertising would not be acceptable.¹ Under this interpretation, one small part of the code could change many, many facets of cigarette advertising. The areas covered were almost limitless. The setting of a commercial or ad would be involved. So, too, would the clothes that models wore, the models themselves, their actions and expressions. Voice inflections, music, animation, and props could also be included. And this is to say nothing of the actual words, total visual impressions, and basic concepts behind the advertising. In addition, these kinds of evaluations would have to be made on a very subjective basis.

The fourth guideline covering celebrities and athletes was also considered by many to be a subjective area. While it was made clear that testimonials would not be acceptable, the decision as to which presenters and models constituted known athletes and celebrities was entirely in the hands of the administrator. Names such as Gary Moore and Paul Hornung were obviously out as far as performing these duties. But there were many other personalities who could be considered small

¹Discussion with various advertising agency men.

"names" and the situation, as far as these people were concerned, was unclear. It would depend on the Governor's experience and how he personally viewed individuals.

In addition to these guidelines, some other specifics were discussed in the Meyner-tobacco company meetings. With regard to cigarettes containing menthol, it was established that the word "fresh" could be acceptably used only as it applied to the product itself. Copy relating fresh to filtration or menthol was not acceptable. Terminology which related fresh to taste and flavor was questionable. Concerning the actual mechanics of obtaining code approval on advertising, the following procedures were set; 1) all material would be mailed to the code office and not submitted with personal representation, 2) all creative ideas would be submitted to the administrator for tentative approval before production, and 3) the administrator's final approval would be given only on final material; i.e., proofs of print ads and answer prints and tapes of TV and radio commercials. The tobacco men were told to expect it to take at least one week to receive the administrator's comments on both tentative and final presentations. Finally, in the meetings taking place in the latter part of October, January 1, 1965 was established as the effective date for all advertising run by cigarette manufacturers to conform to the new code.

Soon after these initial discussions between Governor Meyner and the signatory companies were completed, more changes in cigarette promotional activities began to become publicly visible. As has been men-

tioned the introduction of American Tobacco's Carlton cigarettes in early 1964 had triggered what, under different circumstances, might have become a "Charcoal Derby." Carlton's apparent success in the marketplace was followed by introductions of other charcoal filtered brands. One of these was R. J. Reynold's Tempo cigarettes. Tempo, in its initial introduction had been sold as the cigarette with a new "bonded" charcoal filter that was "right in taste with the times."¹ Now, in November, Reynolds announced that Tempo was getting a new package design. The slogan "right in taste with the times" which had previously been prominently displayed on the package, had been changed to "for taste too good to miss."² Officials of the tobacco company reportedly said the change was being made because market reports indicated that the Tempo package "was not sufficiently registering the concept of satisfying taste."³ While this may well have been one of the reasons for the change, it is highly likely that the recently established code guidelines also played a part. For the earlier phrase implied a sociableness and modernity that the Meyner interpretation of the code certainly would not allow. On the other hand, another Tempo package change was clearly made in spite of the guidelines. A new word, "Actifilter," was coined to describe the brand's bonded charcoal filter. According to Advertising Age, Royal Dadmun, president of the industrial design company working on the project, said Actifilter was registered as a trademark and a logotype was designed "to give the word

¹"Reynolds redesigns Tempo package for 'satisfying' image," Advertising Age, November 30, 1964, p. 3.

²Ibid.

³Ibid.

visual importance on the package as well as in advertising."¹ Why this new word was added was not explained. And it remains inexplicable today. If Governor Meyner had determined that words such as Micronite and Dual could not be used to modify filter, then he could not be expected to accept this new modifier. This is especially so, since Acti-filter also implied some kind of action to the filter. Nevertheless, the change was made.

In December a move by American Tobacco Company demonstrated another code-inspired effort. Robert B. Walker, president of the company, was quoted as stating that in order to comply with "the dictate of the cigarette advertising code as conceived by the administrator, as well as its policy to adhere to the code's letter and implication," American had discontinued labeling the tar and nicotine content of its Carlton and Montclair (the menthol version of Carlton) cigarettes.² Continuing, Mr. Walker reportedly said:

"While we offered labeled cigarette brands to fulfill an obvious demand and believe we performed a service, in so doing, we wholeheartedly endorse the purpose and principles of the cigarette advertising code."³

At about the same time as the American announcement of tar and nicotine labeling discontinuance, code administrator Meyner publicly announced the January 1st effective date for the code. Mr. Meyner told

¹"Reynolds redesigns Tempo package for 'satisfying' image," Advertising Age, November 30, 1964, p. 160.

²"American drops tar, nicotine label data," Advertising Age, December 21, 1964, p. 3.

³Ibid.

trade sources that since his office had opened, he had been reviewing advertising items -- ranging from ballpark billboards to vending machine tabs -- at the rate of about "30 or 40 pieces a day."¹ According to another report, the administrator said he had been strict, requiring changes in "a majority of the ads for more than 150 brands submitted to him."² The nine cigarette companies subscribing to the code, he reportedly said, had been "most cooperative" in acceding to his decisions about whether ads were acceptable or not.³ In talking to reporters about the new code Meyner indicated that he was particularly concerned about TV commercials. He also mentioned TV programming as an area of concern. There were no plans at the moment, but "if we see the shows are directed at young people we'll move in," he was quoted as saying. When asked about a Cigarette Advertising Code seal, he said none was contemplated, since his organization was "quasi-judicial" and not "image-making." But he did add that he would not prevent advertisers from referring to the code in their advertising.⁴

Even after this effective date announcement had been made, there were those who continued to speculate about the changes pending in cigarette advertising. For example, Newsweek quoted one veteran tobacco

¹"Cigarette ad code goes into effect Jan. 1: Meyner," Advertising Age, December 21, 1964, p. 50.

²"Tar Czar," Newsweek, December 28, 1964, p. 46.

³Ibid.

⁴Ibid.

industry observer as saying the differences would largely be "in details."¹ However, the time for speculation had ended. In only a matter of days the proof of the code's influence on cigarette advertising would be running in magazines and television programs.

¹"Tar Czar," Newsweek, December 28, 1964, p. 46.

CHAPTER XVI
DAY OF RECKONING

Finally the day arrived: January 1, 1965. Now the changes had been made. The influence of the code was available for inspection. The interested observers began that inspection, and this is what they saw:

NOVEMBER, 1964

I'M PARTICULAR

How about you?

If you, too, are particular about taste, you don't have to wear a button to prove it! Simply smoke Pall Mall. Why? Because Pall Mall's natural mildness means just one thing: smooth, pleasing flavor. Flavor that's *blended in*—over, under, around and through the finest tobaccos money can buy! Smoke a *long* cigarette that's *long* on flavor. Buy Pall Mall Famous Cigarettes. Outstanding—and they are mild!

PALL MALL
FAMOUS CIGARETTES

BE PARTICULAR

EVER PARTICULAR
LE CONGREGATE™

Product of The American Tobacco Company © A.T.C.

First, some cigarette advertising had changed very little or not at all.

Pall Mall ads, for example, were the same, precode and postcode.

I'M PARTICULAR

Naturally.

If you, too, are particular about taste, you don't have to wear a button to prove it! Simply smoke Pall Mall. Why? Because Pall Mall's natural mildness means just one thing: smooth, pleasing flavor—the flavor you get from Pall Mall's famous length of the finest tobaccos money can buy! Smoke a long cigarette that's long on flavor. Buy Pall Mall Famous Cigarettes.

Outstanding—and they are mild!

BE
PARTICULAR

PALL MALL
FAMOUS CIGARETTES



WHEREVER PARTICULAR
PEOPLE CONGREGATE™

Product of The American Tobacco Company



OCTOBER, 1964

Chesterfield People:

They like a mild smoke, but just don't like filters. (How about you?)



M. Filmore Harty, Jr., industrial designer, Michigan



Jean Russell, concert pianist, California



William C. Bettendorf, Jr., general contractor, Massachusetts



If you like a mild smoke, but don't like filters, try today's Chesterfield King—mildest-tasting Chesterfield in 52 years. Vintage tobaccos—grown mild, aged mild, blended mild. Made to taste even milder through longer length. They satisfy!

CHESTERFIELD KING tastes great...tastes mild!

Chesterfield People:

They like a mild smoke, but just don't like filters. (How about you?)



Larry Craig Dean, architect, Georgia



William J. Bourke, Jr., trucking executive, Colorado



Theodore J. Miller, dog breeder, Wisconsin



If you like a mild smoke, but don't like filters—try today's Chesterfield King. Vintage tobaccos—grown mild, aged mild, blended mild. Made to taste even milder through longer length. They satisfy!

CHESTERFIELD KING tastes great...tastes mild!

This was also true of Chesterfield advertising.



OCTOBER, 1964



The payoff!

Here's where a cigarette wins friends...or loses them.

It all comes down to taste.

The tobaccos in Lucky Strike are selected for taste.

Aged for taste. Blended for taste. And taste alone.

Is that the way to make a cigarette?

Millions of Lucky smokers seem to think so.

See if you don't agree.

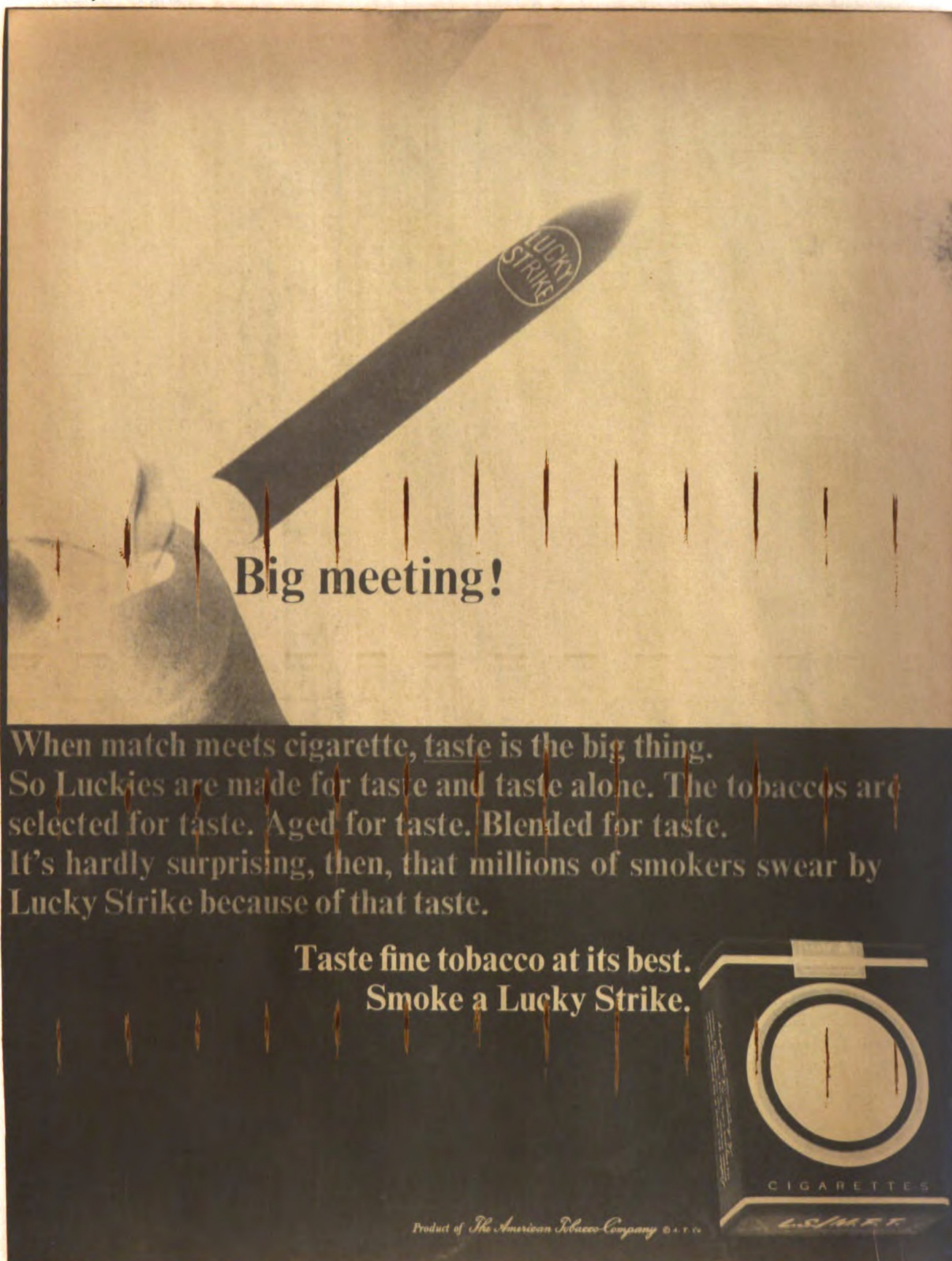
Taste fine tobacco at its best.
Smoke a Lucky Strike.



Product of The American Tobacco Company © 1964



JANUARY, 1965



Big meeting!

When match meets cigarette, taste is the big thing.
So Luckies are made for taste and taste alone. The tobaccos are
selected for taste. Aged for taste. Blended for taste.
It's hardly surprising, then, that millions of smokers swear by
Lucky Strike because of that taste.

**Taste fine tobacco at its best.
Smoke a Lucky Strike.**

Product of The American Tobacco Company © 1965



Lucky Strike ads were essentially the same.

NOVEMBER, 1964

**Come to where the flavor is ...
Come to Marlboro Country**

This is the flavor that won the West. The Richmond Recipe dishes it up. The Selectrate® filter smooths it. You get a lot to like.



JANUARY, 1965



Marlboro advertising had been subjected to one small change between its precode and postcode versions; the deletion of copy referring to its "Selectrate" filter.

OCTOBER, 1964

FIRST WITH THE FINEST FILTER CIGARETTES THROUGH LORELLARD RESEARCH

Rest awhile...light up.
 Kent combines the famous MICRONITE® filter with the world's finest "Flavor-blended" tobaccos...so, for the best combination of filter and good taste...

KENT SATISFIES BEST

© 1964 LORILLARD INC.

Secondly, a great deal of cigarette advertising had gone through slightly more numerous, but rather subtle changes. For example, the word, "MICRONITE," was no longer used to describe Kent's filter. The reference to Kent as the "best combination" of filter and taste had also been deleted.

FIRST WITH THE FINEST CIGARETTES THROUGH LORILLARD RESEARCH

Call for pleasure...call for Kent!
 Kent delivers the taste you want in a cigarette today Kent combines the finest "Flavor-Blended" tobaccos with the Kent filter. No wonder...

KENT SATISFIES BEST

The word, "filter," had been taken out of the overline, "First with the finest filter cigarettes through Lorillard Research." The phrase, "New exclusive MICRONITE filter," on the package had been changed to, "The world's finest cigarettes." And, the "Micronite" seal had been dropped.



OCTOBER, 1964

Viceroy's got the Deep-Weave Filter for the taste that's right!



Viceroy is scientifically made
to taste the way you'd like a
filter cigarette to taste.
Not too strong...not too light...
Viceroy's got the taste that's right.



SMOKE ALL 7

Smoke all seven filter brands
and you'll agree: some taste
too strong... while others
taste too light. But Viceroy
with the Deep-Weave Filter
tastes the way you'd like a filter
cigarette to taste. That's right!

© 1964 BROWN & WILKINSON'S TOBACCO CORPORATION, CHICAGO, ILL. A Division of American Tobacco Company

JANUARY, 1965

Viceroy's got the filter for
the taste that's right!

Viceroy is specifically designed to taste the way
you'd like a filter cigarette to taste. Not too
strong... not too light... Viceroy's got the taste
that's right!

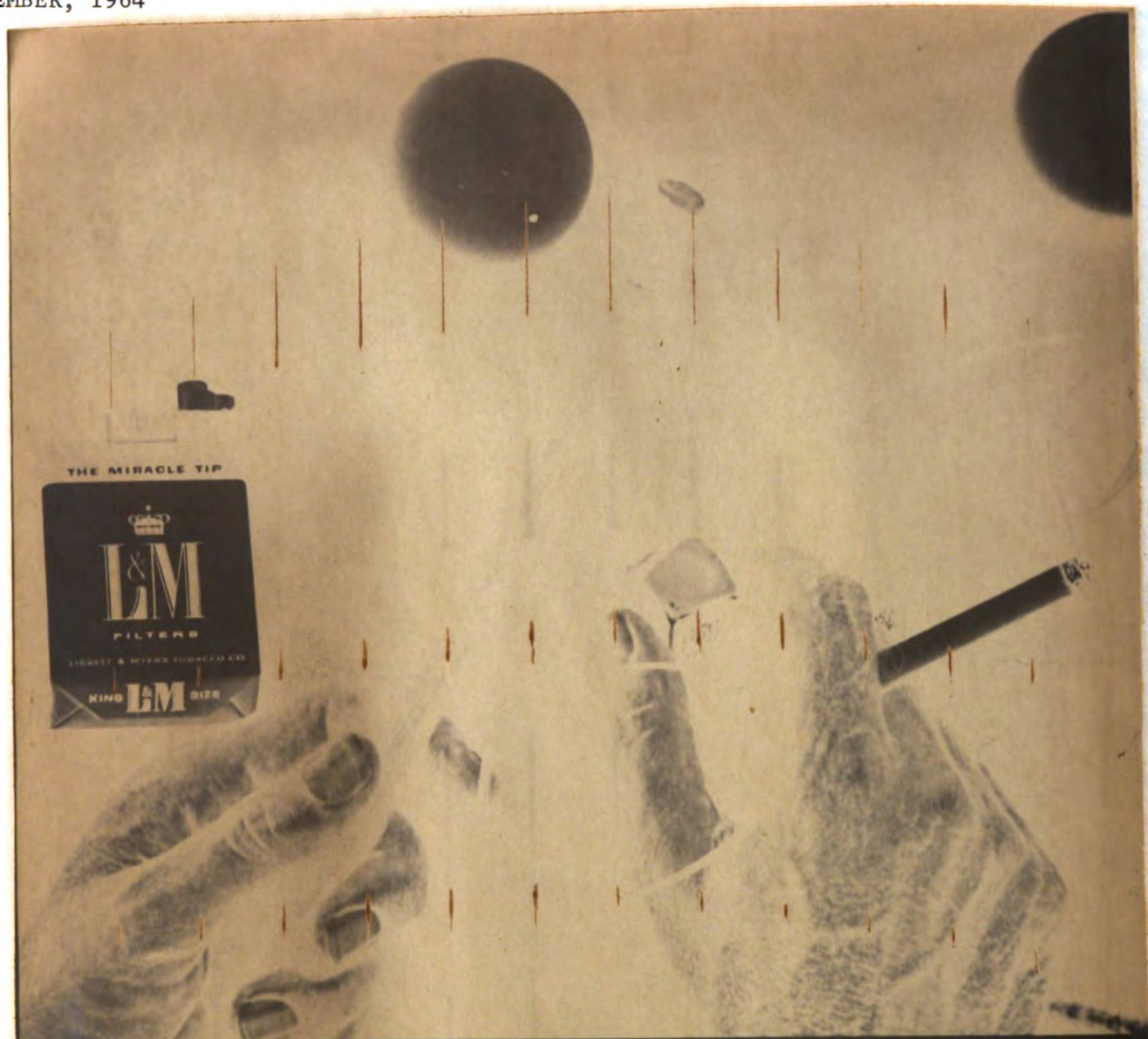
© 1964, BROWN & WILLIAMSON TOBACCO CORPORATION. The Mark of Quality in Tobacco Products.

The filter
for the
taste that's
right!

VICEROY
Filter Tip
CIGARETTES

The words, "Deep-Weave" were no longer being used as a filter modifier in Viceroy advertising. The comparative illustration and copy block had also gone by the wayside in Viceroy ads. And, the words "Scientifically made," had been changed to, "specifically designed."

NOVEMBER, 1964



Are you for a filter and rich flavor, too?

Make the Logical Move to L&M

Are you for a filter? L&M has a modern filter...a filter that's all-white...both inside and outside.



Are you for rich flavor? You get the good taste of soft-natured, longer aged tobaccos from L&M's rich-flavor leaf.

The rich-flavor cigarette with a modern all-white filter.

In L&M ads the "filter" and "flavor" references had been reversed in the display line, "Are you for a filter and rich flavor, too?" The block of copy describing L&M's filter had been dropped. In addition, the display

FEBRUARY, 1965

Are you for rich flavor in a filter cigarette?



Make the Logical Move to...



Get the good taste of L&M's rich-flavor leaf...the
good taste of soft-natured, longer aged tobaccos.
L&M - the cigarette you can taste.

line at the bottom of ads had been changed to exclude references to the filter. Finally, the package copy, "The Miracle Tip," had been replaced by, "Quality Cigarettes."

Newport ads no longer carried the overline, "First with the finest filter cigarettes through Lorillard Research." The display line, "Ready to try a great, fresh taste?", had been added. The extensive references to Newport's menthol had been shortened to, "Mild natural menthol." The word, "smokes," had been replaced by the word, "tastes," in the headline idea. And, again, package copy had undergone a change. "Refreshes while you smoke," had given way to, "Mild menthol."

NOVEMBER, 1964

FIRST WITH THE FINEST FILTER CIGARETTES THROUGH LORILLARD RESEARCH



Newport smokes fresher and tastes better, too

Newport's mild menthol never tastes harsh, never tastes sharp. It blends in naturally with top-grade tobaccos. This combination gives you the most refreshing cigarette of all. So tender to your taste, you'll want to make Newport your regular smoke.



Why is Newport's menthol so mild? Lorillard Research Laboratories have discovered that natural menthol is the smoothest menthol of all. It's doubly-processed from the finest natural leaf to give you the tender heart-of-menthol. Costlier than synthetic menthol? Sure. But we believe it to be the best for a menthol cigarette. That's why Newport uses it exclusively.

Newport smokes fresher—and tastes better than any other menthol cigarette



JANUARY, 1965

Ready to try a great, fresh taste?

**Newport
tastes
fresher!**

Mild, natural menthol.
Great-tasting tobaccos.
White filter, too.

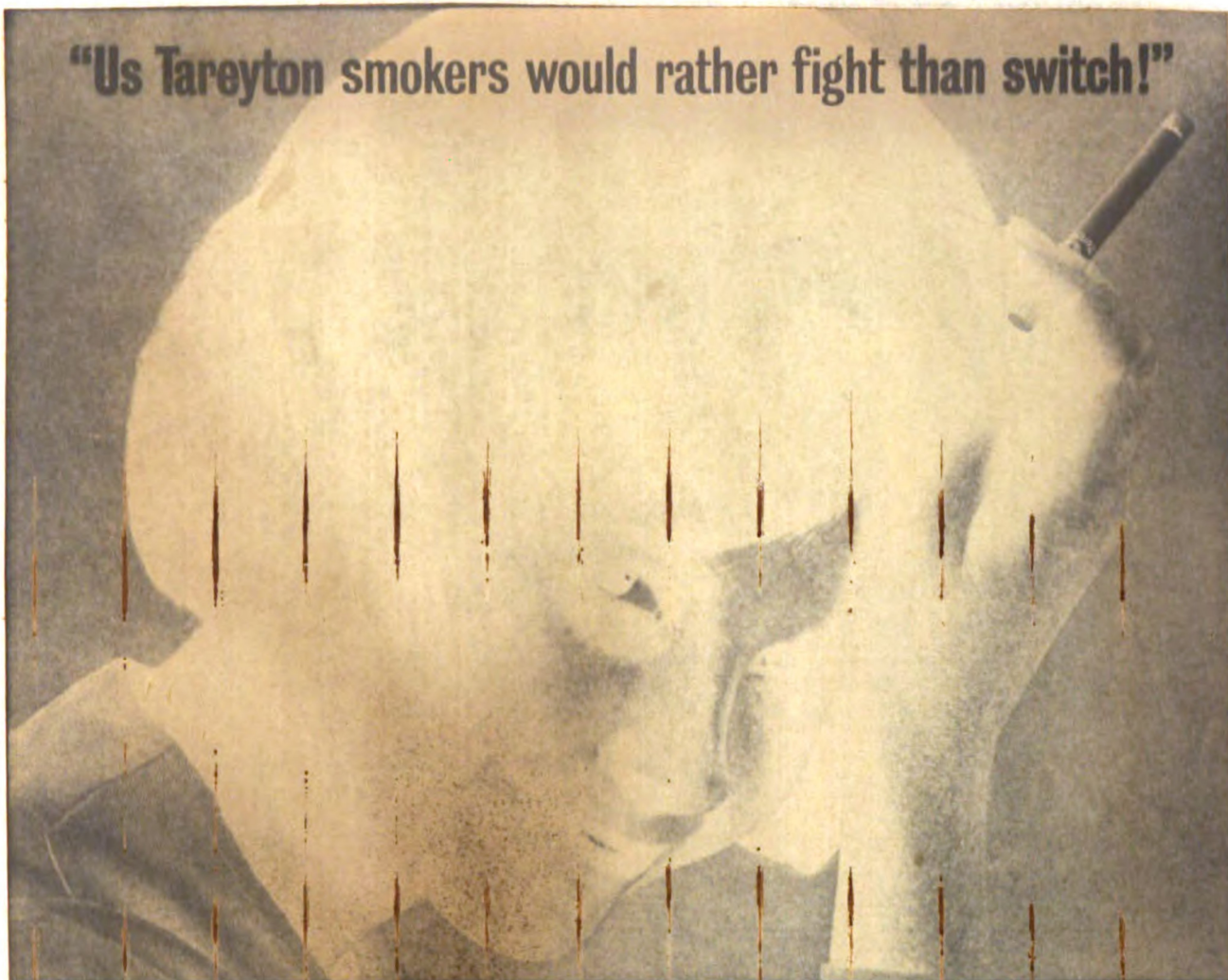


and tastes better than any other menthol cigarette!



OCTOBER, 1964

"Us Tareyton smokers would rather fight than switch!"



Join the Unswitchables. Get the charcoal filter with the taste worth fighting for!

Activated Charcoal makes a difference you can see in the filter.

Look, Tareyton has a white outer filter, and an inner filter of Activated Charcoal . . . fine granules of Activated Charcoal in pure cellulose.

...and a difference you can taste in the smoke.

The Activated Charcoal filter works with the white filter to actually improve the flavor of Tareyton's fine tobaccos . . . and deliver a more fully balanced taste than you've enjoyed before.

Tareyton

Product of The American Tobacco Company © A. T. Co.





JANUARY, 1965

"Us Tareyton smokers would rather fight than switch!"



**Join the Unswitchables.
Get the filter cigarette with the taste worth fighting for!**

Tareyton has a white outer tip
...and an inner section of charcoal.
Together, they actually improve
the flavor of Tareyton's fine tobaccos.

Tareyton

Product of The American Tobacco Company © A.T.C.



In Tareyton ads the word, "charcoal," had been deleted and the word, "cigarette," added in the display copy beneath the illustration. The two copy blocks describing the Tareyton filter had been condensed into one and all references to "Activated" charcoal had ceased, including the one on the package front.

Finally, some cigarette advertising had undergone rather extensive changes. Salem advertising, for example, had switched from the theme line, "Salem softness freshens your taste," to "Turn to Salem for a taste that's Springtime fresh." Filter references had been reduced to a single mention. The "wonderful world" of Salem had been deleted. The "smoothest flavor" line had been replaced with "For fresh rich flavor that stands out from the crowd." And, on the package used in advertising, the word, "fresh" had been changed to "flavor."

OCTOBER, 1964

Salem softness freshens your taste

with the smoothest flavor in cigarettes today



Modern filter, plus • rich tobacco taste • smoothed with menthol • softened with fresh air

Step into the wonderful world of Salem



FEBRUARY, 1965



For fresh,
rich flavor that
stands out from
the crowd

Try something different for a change

Turn to Salem



for a taste that's Springtime fresh

Rich tobacco taste • Menthol soft flavor--Try Salem filter cigarettes

Philip Morris Multifilter had gone through not only a campaign change, but also a name alteration. The cigarette was now called simply Philip Morris Filter. The advertising for the brand under its new name put much less emphasis on the mechanics of the charcoal story both in pictures and copy. The huge coconut and package photographs and filter oriented headlines gave way to photographs of smokers making favorable exclamations about the cigarette.

NOVEMBER, 1964

Tough nut to crack:

How to protect tobacco flavor in a charcoal filter cigarette.

We do it with coconut-shell charcoal.

What is surprising about
coconut-shell charcoal?

It has no charcoal taste!

Therefore, you have the
natural taste of tobacco
— unchanged.

Multifilter uses coconut-
shell charcoal
exclusively.

Soft Plastic Sport Pack



New!
Philip Morris Multifilter
The name you can trust for flavor



JANUARY, 1965



**BY²²
GOLLY!**
I like 'em!

Was Barbara surprised! She didn't realize a filter cigarette could be so full of flavor. Coconut-shell charcoal is why. It's in the new Philip Morris Filter. By golly, you'll like 'em, too!

New!
Philip Morris ^{★ ★}FILTER



OCTOBER, 1964



Carlton

ANALYSES OF THE SMOKE OF SAMPLES OF CARLTON CIGARETTES ARE MADE PERIODICALLY BY AN INDEPENDENT RESEARCH LABORATORY. ANALYSES DURING THE MOST RECENT TEST PERIOD PRIOR TO THE MANUFACTURE OF THE CIGARETTES IN THIS PACKAGE AVERAGED:



"TAR"* 2.7 MGPER CIGARETTE
NICOTINE 0.3 MGPER CIGARETTE

*SMOKE COMPONENTS COMMONLY
BUT INACCURATELY CALLED "TAR".

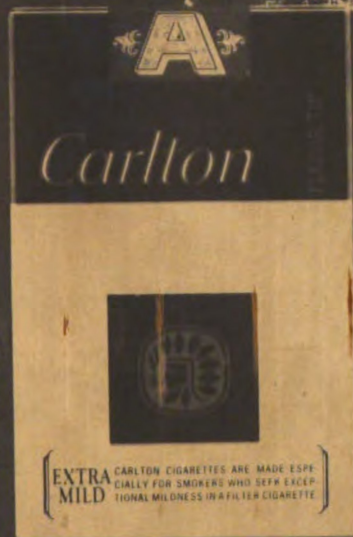
Look again.

This is Carlton, the unusual new cigarette from The American Tobacco Company. Everything about Carlton is selected and crafted to produce this one result: A cigarette that is low in "tar" and nicotine yet high in smoking pleasure. Carlton is so low in "tar" and nicotine that we print test results on all packs, on all cartons. ■ Carlton has a distinctive blend, high porosity paper, precision air vents and a new "flavor filter" with activated charcoal which actually enriches the taste. ■ We believe you'll want to try Carlton. We also believe you'll find it a new and pleasurable smoking experience. Carlton—lightest smoke of all. ■ See for yourself.

MARCH, 1965

The word is light.
The cigarette is
Carlton.

A milder cigarette than
you'd ever imagine.
Higher in smoking pleasure
than you'd ever expect.
On the pack, in the smoke—
Carlton says it all.



Carlton...lightest smoke of all.

Product of The American Tobacco Company, Inc.

MARCH 26, 1965

The Carlton campaign, based heavily on tar and nicotine contents and featuring close-up photography of the back of the Carlton package, was exchanged for "light" and "mild" references, stylized art work of smokers, and smaller package fronts altered to delete tar and nicotine references.

These changes in cigarette advertising, taken individually or as a whole, did not produce the dramatic "new look" that many outside observers had hoped for. Nor did they portray the "visible and present -- before and after" picture that Governor Meyner had spoken of so many times during his early thinking on the code. Instead, they revealed only the establishment of some rather subtle new trends. First, cigarette package fronts were subjected to changes which reduced references to filters. This might be expected after administrator Meyner's early preoccupation with packages. The reader will remember that Meyner, at one time, considered standardizing advertising and restricting it to package identification. Secondly, there was a movement away from scientific sounding terms and action references in the description of filters. Thirdly, there was a general trend to more extensive references to the taste or flavor of cigarettes. It must be pointed out, however, that this trend was rarely carried out at any substantial loss of references to filters. Rather, it was accomplished by tying the flavor or taste of cigarettes to the filter. Finally, there was a general shift to more mature-looking models pictured in somewhat less romantic situations. Outside of these nuances, the precode and post-code advertising for most brands remained remarkably similar. In fact, viewed in totality and at a glance, as consumers view advertising, much of it appeared to be virtually the same, before and after. With a code as potentially harsh as this one, the natural question is "Why?"

In this author's opinion, there were two interlocking reasons. The first of these was the manufacturers' obvious desire and their

agencies' ingenuity in retaining theme lines and concepts while developing code-approved advertising. The second and connecting reason pertains not to the cigarette makers, but to the code's administrator. Despite administrator Meyner's previous statements that he would view cigarette advertising in its totality and not examine words and phrases only, he failed to do so. For these reasons, the manufacturers were able to change only details and secure code approval. A few examples of this phenomenon will help to make the point.

Throughout 1964 Camel advertising had used the theme, "Camel Time." This advertising pictured virile-looking men who, after participating in a heroic situation or one calling for special talents, were enjoying a Camel. One television commercial, for example, showed men in a weather plane being buffeted by the winds of a hurricane. As the plane emerged from the storm into clear weather, the men eased back and started pleasurably smoking a Camel. The announcer copy that went over these pictures, according to tape recordings made by this author, said:

"This is a hurricane, and you're flying smack into angry black clouds pushed at you by a wind that knows no speed limit. You're bouncing from cloud to cloud recording weather data when suddenly you're through the storm into the clear. You can ease up. It's Camel Time right now."

Shortly after January 1, 1965, this commercial appeared in its modified, code approved version. The pictures remained unchanged. The copy, again, according to tape recordings made by this author, had

been changed to:

"Time to start for the office. And for these men, the office is six miles up. Their assignment is to go up, meet tomorrow's weather, and get the data down. There's nothing to it when you do it every day. Mission accomplished. Homeward bound. Time for a Camel. Camel Time."

The changes made in this commercial indicated that the code administrator objected to it under his "euphoria" guideline. That is, he apparently felt it represented cigarette smoking as essential to success, distinction, social prominence, or sexual attraction. If, as it appears, that was the case, then the changes made in this commercial can hardly be said to have extracted that representation. True, the announcer copy, when read alone, seems to change the advertising. However, the overall impression of the commercial remains the same. For the situation is the same: men weathering a hurricane and then enjoying a smoke. And words cannot detract substantially from the tension of excitement of such a situation presented pictorially.

Another example of this kind of detail change can be demonstrated through the alterations made in Parliament advertising. In precode ads Parliament referred to its filter as the "recessed filter." In post-code advertising this had been changed to, "the filter that's in -- recessed in." This change was apparently made because of health implications. But, if "recessed filter" was seen as having health implications, then making this change does not negate the implication. For, the two phrases give the same total impression. In fact, in this case, the detail change of eliminating a modifier before the word filter

probably increased the health implications in the minds of smokers. The word, "in," is used widely in colloquial phraseology to refer to something which is the thing to do or use, something which is popular and accepted.

A change made in Newport advertising provides yet another example. The precode Newport jingle said, "Newport smokes fresher, tastes better, too." After January 1st this had been changed to, "Newport tastes fresher, tastes better, too." Here, again, the alteration appears to have been made because of health implications. The administrator apparently objected to the word, "smoke," being tied to the word, "fresh," which, today (through past use of the word) connotes a certain goodness or wholesomeness. However, substituting "tastes" for "smokes" makes only a minute difference in the total impression projected by this phrase.

Even in advertising that had to be totally rebuilt by manufacturers and their agencies, there are examples of changes which, in the end, must be viewed merely as detail alterations. Advertising run for Carlton cigarettes before the code became effective, the reader will remember, looked like this:



Carlton

ANALYSES OF THE SMOKE OF SAMPLES OF CARLTON CIGARETTES ARE MADE PERIODICALLY BY AN INDEPENDENT RESEARCH LABORATORY. ANALYSES DURING THE MOST RECENT TEST PERIOD PRIOR TO THE MANUFACTURE OF THE CIGARETTES IN THIS PACKAGE AVERAGED:



"TAR"* 2.7 MGPER CIGARETTE
NICOTINE 0.3 MGPER CIGARETTE

*SMOKE COMPONENTS COMMONLY
BUT INACCURATELY CALLED "TAR".

Look again.

This is Carlton, the unusual new cigarette from The American Tobacco Company. Everything about Carlton is selected and crafted to produce this one result: A cigarette that is low in "tar" and nicotine—yet high in smoking pleasure. Carlton is so low in "tar" and nicotine that we print test results on all packs, on all cartons. ■ Carlton has a distinctive blend, high porosity paper, precision air vents and a new "flavor filter" with activated charcoal which actually enriches the taste. ■ We believe you'll want to try Carlton. We also believe you'll find it a new and pleasurable smoking experience. Carlton—lightest smoke of all. ■ See for yourself.



The word is light. The cigarette is Carlton.

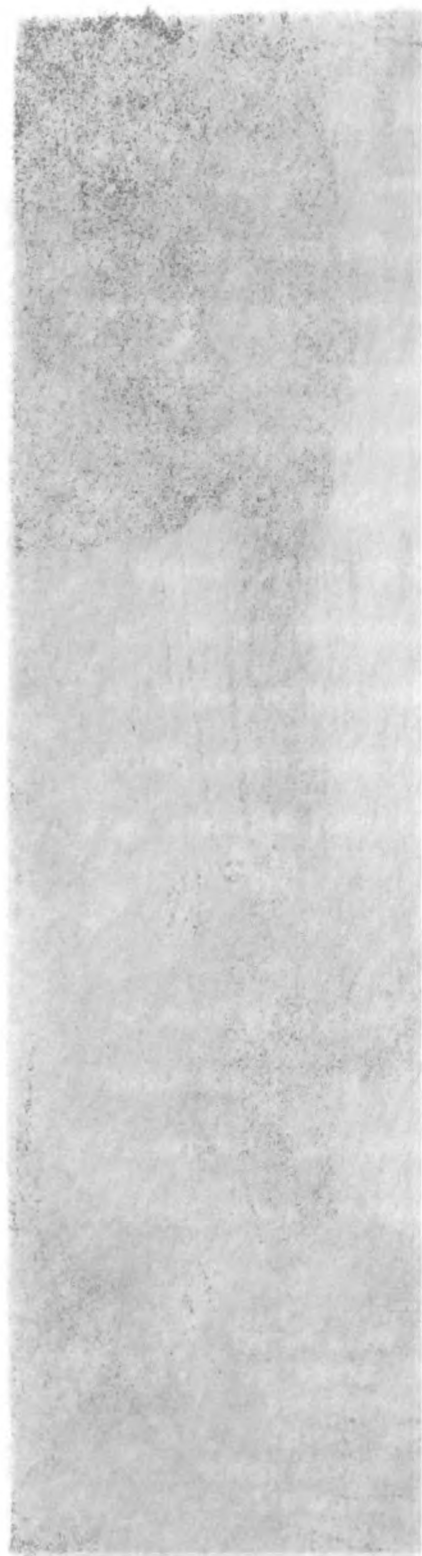
A milder cigarette than
you'd ever imagine.
Higher in smoking pleasure
than you'd ever expect.
On the pack, in the smoke—
Carlton says it all.



Carlton...lightest smoke of all.

Product of The American Tobacco Company

The above is a sample of Carlton advertising after the code became effective. By the changes made, it seems obvious that the administrator objected to health implications being made in the precode advertising.



Handwritten text, likely a signature or name, written in dark ink. The text is partially obscured by the dark rectangular area on the left.

But, as the 1964 headline says, "Look again." Does not the later ad represent an expert distillation of the earlier one? There is a remarkable similarity, even in arrangement, between the main copy points, "A cigarette that is low in 'tar' and nicotine -- yet high in smoking pleasure," and "A milder cigarette than you'd ever imagine. Higher in smoking pleasure than you'd ever expect." After over thirty years of health oriented advertising using words such as "strong," "light," "harsh," and "mild" it is hard to believe that these words, in the minds of smokers, refer only to taste. Even the information on the Carlton package projected the same impression. The tar and nicotine content numbers had been reduced to their simplest expression, "EXTRA MILD...made especially for smokers who seek exceptional mildness in a filter cigarette."

In another area of possible code influence there were even fewer signs of change. Editor and Publisher said, "There will be no immediate change in choice of media for cigarette advertising as a result of the Cigarette Advertising Code..."¹ Quoting administrator Meyner, the magazine continued:

"Robert B. Meyner, Code Administrator, said he is relying on the judgment of the manufacturers as to whether or not TV programs appeal to people under 21. He said he is not making any checks of audiences of shows which cigarette makers sponsor or of those following or preceding cigarette commercials."²

¹"Media use unchanged by cigarette code," Editor and Publisher, January 9, 1965, p. 20.

²Ibid.

All of this is not to say that cigarette advertising practices were not at all affected by the code. As previously pointed out, certain gross practices were eliminated or diminished. Models were no longer as youthful as they once had been. Testimonials from individuals known to be heroes of the youth had ended. Some of the blatant health implications surrounding filters had been reduced. And the representation running through almost all cigarette advertising that smoking was an exciting and desirable habit had been weakened. However, as Advertising Age said:

"Two weeks after the start of the code enforcement by Robert Meyner...observers of the smoking scene looked vainly for radical alterations in cigarette advertising."¹

The changes which had been made as a result of the code were simply too subtle for the average reader or viewer to be aware of them.

In all truthfulness, it also cannot be said that the code did not affect the manufacturers. It did. In general, the cigarette makers and their agencies were forced to add a time lag of at least two weeks to secure code approval of their advertising. In some cases, when that approval was not immediately forthcoming, further delay and nominal expenses for altered layouts and storyboards were also involved. The changes that were made in existing commercials, ads and package and carton designs forced some additional expense. But here again, the money involved was minimal. For instance, the announcer voice track

¹"Cigarette ads reflect minor changes as code takes effect," Advertising Age, January 25, 1965, p. 14.

in the Camel commercial which has been discussed earlier had to be re-recorded. The cost of this change has been estimated by agency personnel at approximately \$400. When new campaigns had to be created, considerable dollar outlays had to be made. For example, the average cigarette television commercial is estimated by advertising agency personnel to cost from \$10,000 to \$12,000. The average size of a pool of commercials is about four. Therefore, losing one pool and developing another could amount to a cost of about \$100,000. However, this compares to yearly brand advertising budgets of from one to ten million dollars. So, the effect of even full-scale campaign changes was minor. With the tremendous resources available to the manufacturers code changes represented only slight headaches. And compared to the work and expense the code might have produced, the industry must be considered as getting off lightly.

However, how they would "get off" in the end had not yet been decided. Now that the influence of the code on the manufacturers and their advertising has been discussed, there still remains a final important question. What effect would that influence have on the smoking controversy -- and especially the Government moves pending? To affect these moves in favor of the tobacco industry was the major intention of the code's establishment. Therefore, to arrive at the full consequence of that establishment, this subject must also be investigated.

CHAPTER XVII
TOO LITTLE, TOO LATE

As January, 1965 opened, what appeared to be the final struggle approached. The deadline for the FTC's package and advertising labeling rule was nearing. Congress was readying itself for another session on the smoking and health controversy. And the two opposing forces in the Tobacco War stood ready with their ultimate weapons; anti-tobacco groups with the Surgeon General's report, and the industry with its advertising code.

On Monday, January 11, 1965 -- just a year to the day from the release of the Surgeon General's report -- the anti-tobacco forces, which now presented a united front through the National Interagency Council on Smoking and Health, began warming up. In a two-day conference leading members of the Council took turns hurling insults and threats at the tobacco industry. Surgeon General Terry declared that cigarettes were responsible for killing "at least" 125,000 persons a year in the United States.¹ Then, unveiling a new bombshell, he said a Government poll showed the public overwhelmingly supporting compulsory warnings and disclosures on cigarette ads and labels.² Emerson

¹William McGaffin, "Cigarette's Yearly Death Toll: 125,000 Americans," Chicago Daily News, January 12, 1965, p. 12.

²"Public Wants Cigarette Warnings: Terry Report," Advertising Age, January 11, 1965, p. 1.

Foote, former tobacco advertising man, marked his debut as chairman of the interagency group by reportedly charging that "the tobacco industry, through its present advertising of cigarettes is encouraging people to kill themselves."¹ Continuing, he said, "we believe it is not morally justifiable to encourage people to kill themselves," and asserted that "decisive progress toward reducing cigarette consumption cannot be made while cigarette advertising is allowed to flourish unchecked."² Together Dr. Terry and Mr. Foote endorsed the council recommendation that if tobacco manufacturers did not voluntarily suspend cigarette advertising they should be required by law to put a warning message in all cigarette advertising.³ Senator Maurine Neuberger, who also attended the interagency meeting, pointed out that the old Congress blocked enforcement of the Federal Trade Commission rules requiring warnings on cigarette packages and in ads, and denied funds for a national clearing house for information on smoking and health. "Thus," she was quoted as saying, "one year from the delivery of the Surgeon General's unequivocal verdict against the cigarette, Congress has provided no funds for smoking education, no regulations to warn the smoker or potential smokers of the hazards of smoking, no laws to inhibit cigarette advertising campaigns -- nothing, in short, but a directive to the FTC to undo the steps which it had forcefully taken to fulfill its mandate to

¹"Cigarette Use Going Down, U.S. Reports," Chicago Daily News, January 11, 1965, p. 1.

²William McGaffin, "Cigarette's Yearly Death Toll: 125,000 Americans," Chicago Daily News, January 12, 1965, p. 24.

³Ibid., p. 4.

protect the consuming public."¹ Then in a call for stepped up efforts from all interested parties, she said:

"We are now entered upon a new Congress. Nothing is more clear than that Congress will again avert its glance from the stark and inescapable conclusions of the Surgeon General's report, and will again avoid its responsibilities to the American people unless it is made to feel that the American people are deeply concerned about such default of responsibility."²

George V. Allen, president of the Tobacco Institute, immediately answered the new attacks, claiming that Terry's year later conference produced only "questionable assumptions."³ Making what was obviously a blast at Emerson Foote, he said these assumptions were, in turn, used as the basis for "sensational" headlines by "laymen" at the conference.⁴ Thus, as one source said, "round two of the heavyweight fight between the tobacco industry and its foes (was) under way."⁵

However, these were only preparatory exercises. The real battle loomed ahead in the Congressional hearings on cigarette labeling and advertising which Representative Oren Harris had promised a year earlier. There the Cigarette Advertising Code and its power to influence decisions would be given the test. As those hearings neared, it began to look as if the code's influence was already being felt. For, of all

¹"Public Wants Cigarette Warnings: Terry Report," Advertising Age, January 11, 1965, p. 73.

²Ibid.

³"Tobacco Institute answers Surgeon General," Sponsor, January 18, 1965, p. 20.

⁴Ibid.

⁵"Round 2 in cigarette fight: Tobacco firms are ready," Chicago Daily News, January 13, 1965, p. 25.

the bills introduced before both the House and Senate commerce committees, only one, Senator Maurine Neuberger's S.547 required warnings in cigarette advertising. House bill H. R. 2248 would amend the Federal Food, Drug and Cosmetic Act so as to make it applicable to smoking products. H. R. 3014, H. R. 4007, and H. R. 7051 would require warnings on cigarette packages, but by pre-empting the field would nullify the FTC rule requiring warnings in advertising. H. R. 4244 and Senate Commerce Committee chairman Warren Magnuson's S. 559 both required warnings on packages and disclosures of tar and nicotine content. But, again, by pre-emption the FTC rule would be nullified. Nevertheless, the struggle was not over. The National Interagency Council on Smoking and Health, in its conference, had emphasized its intention to join the fight for "congressional minds."¹ In addition, the Senate Democratic caucus had decided to place staunch anti-tobaccoist Maurine Neuberger on the Senate Commerce Committee and that, according to some, could have considerable influence on the resolution of the issue.²

In late March and early April the hearings before the House and Senate committees opened and the battle commenced in earnest. The anti-tobacco forces and some senators and representatives spoke out vehemently in favor of stringent regulations. Before the Senate Committee Surgeon General Terry called for warning statements on packages and in advertising. Senator Neuberger joined the chorus defending her

¹"Tobacco men may find anti-cigarette forces more effective under Foote," Advertising Age, January 18, 1965, p. 18.

²Ibid.

bill which required such warnings. Over in the House, Representative Morris K. Udall, in behalf of his bill amending the Food, Drug and Cosmetics Act, quoted from a newsletter he had written to his constituents eighteen months earlier. The American tobacco industry, he said, has a plan to "lure more and more young people to smoke cigarettes, to stimulate more and more adults to smoke more and more packs a day..." In the Senator's opinion it amounted to a "plot to kill 100,000 Americans this year." In conclusion, he added this emotional blast:

"Speaking as a parent, as well as a congressman, I might express my reaction to these facts in some such manner as this: who needs enemies when we have friends like the 'Marlboro Man'?"¹

When industry spokesmen began to testify, the anti-tobacco forces tried to answer the arguments presented. For example, after an impressive parade of medical men appeared in support of the industry position that evidence linking smoking and disease was inconclusive, Dr. Harold S. Diehl, vice chairman of the National Interagency Council on Smoking and Health, told Senators that "the physician spokesmen for the tobacco industry represent a very small segment of medical and scientific opinion."² In support of his own statement the doctor pointed out that a survey indicated that 94.8% of American physicians believed cigarette smoking was a health hazard. He also submitted over twenty pages of anti-smoking resolutions by medical associations, foreign and domestic.³

¹U.S. Congress, House, Committee on Interstate and Foreign Commerce, Hearings, Cigarette Labeling and Advertising, 89th Cong., 1st Sess., 1965., p. 25.

²"Less-stringent tobacco rules?", Broadcasting, March 29, 1965, p. 40.

³Ibid.

Doctor Thomas Carlile, chairman of the American Cancer Society's committee on tobacco and cancer, was even more blunt. He said:

"The technique has been to use with great public relations effectiveness a handful of physicians who are not convinced by the evidence..."¹

However, despite these efforts by the anti-tobacco groups, it soon became clear where the battle would eventually end. The forces moving against stringent regulation controlled the day. The long parade of scientific witnesses speaking on behalf of the industry were impressive enough to induce Science magazine to comment editorially that they "left the legislators with the impression that there is no more evidence against tobacco than there is against tomato soup."² The tobacco block congressmen remained as persuasive and powerful as ever. In the Senate they argued for a bill which would give the industry a chance to show what it could do voluntarily with its advertising code: one which would require only package warnings and suspend or postpone the FTC's advertising ruling. Meanwhile, in the House, they presented a similar argument. Advertising and broadcasting men also aligned themselves against advertising warnings. Representatives of the American Federation of Advertising declared that such warnings would be unconstitutional under the first amendment.³ NAB president Vincent

¹"Less-stringent tobacco rules?", Broadcasting, March 29, 1965, p. 40.

²"Tobacco: Congress moves closer to requiring warning of danger included on cigarette packages," Science, April 23, 1965, p. 479.

³"The first step?", Printer's Ink, April 9, 1965, p. 70.

Wasileneski, speaking of advertising warnings, said:

"The government would thereby affirmatively dictate advertising standards. It would cast the government in a new role in that it would prescribe a course of action rather than proscribe undesirable conduct."

Indirectly standing up for the manufacturers' code, he added: "This could seriously impair industry self-regulation and, in the long run, the public interest."¹ Finally, the industry itself, apparently convinced that some regulation could not be avoided, moved to restrict that regulation to package warnings. Bowman Gray, R. J. Reynolds chairman, urged congressmen to pass a law nullifying the FTC regulations. If more is needed, he was quoted as saying, the industry suggests that Congress pass a law requiring a "fair and factual" statement on packages, but specifying that no warning is required in advertising.²

As a result of these arguments, the bills reaching the House and Senate floors appeared to regulate the FTC as much as they did the tobacco industry. A slightly revised version of Senator Magnuson's S. 559 was offered by the Senate committee. In its committee-approved wording the measure called for warnings on packages without the originally proposed tar and nicotine content disclosures and pre-empted the field, barring the FTC from requiring advertising warnings for three

¹"The first step?", Printer's Ink, April 9, 1965, p. 70.

²"Cigarette ad rule urged, hit in Senate hearing," Advertising Age, March 29, 1965, p. 3.

years.¹ Printer's Ink said the bill "will represent a victory for the industry and a setback for the Federal Trade Commission."² The House measure was considered even more favorable to the industry. It differed from the Senate bill in that it permanently barred the FTC from requiring warnings in advertising. In addition, it required the warnings to be placed on the side of packages, rather than on the front or back as did the Senate measure.³

In early July Senate and House conferees, after reviewing both bills, agreed on the wording of a final bill to be presented to the combined Congress. It was, essentially, the Magnuson sponsored S. 559. There were two key provisions in the bill. First, it required all cigarette packages and cartons to bear the following label on their side panels by January 1, 1966: "Caution: Cigarette Smoking May Be Hazardous To Your Health."⁴ Secondly, it barred the FTC and other Governmental agencies from requiring advertising warnings for three years. The Senate agreed to the conference report on July 6, the House on July 13. On July 27, 1965 that bill became Public Law 89-92: The Federal Cigarette Labeling and Advertising Act of 1965. This legislation, because of its restrictions pertaining to the FTC, must be

¹"Senators defer cigarette rule by FTC for 3 years," Advertising Age, May 10, 1965, p. 1.

²"Warnings on packs, but not on labels," Printer's Ink, May 14, 1965, p. 12.

³"Milder cigarette bill okayed for action in House," Advertising Age, May 31, 1965, p. 1.

⁴"Cigarettes sell, warnings or not," Printer's Ink, July 9, 1965, p. 4.

considered a victory for the tobacco industry. The Cigarette Advertising Code obviously helped to affect that victory. Is this, then, the final answer? As a consequence of the code's establishment, has the pendulum of the smoking and health controversy swung once and for all in favor of tobacco men? Some would say yes. However, this author must disagree. For although the code helped to win a victory, the hollowness of that victory unquestionably points to the code as being far too little and too late. The true importance of the Cigarette Labeling and Advertising Act lies not in the fact that it restricted the FTC, but in the more basic fact that the gears of Government, after almost fifteen years of controversy, had finally turned, and in turning they moved against the tobacco industry. Public Law 89-92 officially announced the Government's belief that smoking was, in fact, hazardous to health. And, in that sense, the legislation must be considered a much fuller victory for the anti-tobacco forces. For once Government steps have been taken against a product or industry it is next to impossible to retract those steps and, moreover, much easier to take additional ones.

The Cigarette Advertising Code came years too late to affect that step. The die was cast years before by the industry itself when, time and again, it refused to face the eventualities of the smoking and health controversy, in favor of quick profits. Columnist Sidney J. Harris of the Chicago Daily News, in a column concerning the code, said:

"If such agencies as the Federal Communications Commission, the Food and Drug Administration and others, increase their control over private business, it will be because private business has been so greedy about short-term profits that long-term values are ignored."

"There is a natural tendency in all Government to assume as much power as it can get, and as it will be allowed. The way to stop this tendency is not to shout, 'Hands off!' but to do privately and voluntarily what will later be done under official dictum. Business has learned to anticipate public markets, it must also learn to anticipate public needs and welfare."¹

And this was the lesson the tobacco industry learned too late.

Even if the code had been in time, it was still too little. The Cigarette Labeling and Advertising Act of 1965 postponed the question of advertising regulations, but not permanently. In three years it will arise again. And because the code is considered weak, the FTC and anti-tobacco groups will be waiting. Federal Trade Commission chairman Dixon made that clear even before the enactment of S. 559. As the bill came out of committee to the Senate floor, and in the face of a probable postponement or suspension of the FTC rules, he fired a letter at Senator Magnuson which said in part:

"The cigarette advertising code, under which the industry has been operating for some months, has produced no material improvements in cigarette advertising. There is no indication, either, that extensive efforts by the cigarette industry to educate the American public in the hazards of cigarette smoking are likely in the near future or that the industry will voluntarily affect substantial and significant changes in the nature, content and scope of cigarette advertising."²

¹Sidney J. Harris, "Self-policing in Slow Motion," Chicago Daily News, January 5, 1965, p. 18.

²"3-year delay on cigarette ad rule is too long: FTC," Advertising Age, May 17, 1965, p. 1.

In the absence of these developments, it was his opinion, that the warnings on packages would not be enough to protect the public. An Advertising Age editorial written shortly before the cigarette legislation was enacted can help make the point here. According to that editorial, passage of the legislation would mean "the dispute over the advertising of cigarettes moves into a new phase, which is both a challenge to and an opportunity for the cigarette advertisers."¹ Continuing it said:

"On the basis of a congressional finding that smoking 'may be hazardous' anti-smoking forces will be in a strong position to intensify their educational activities, and their demands for further voluntary restrictions on cigarette ads by media, as well as by the industry itself. The cigarette companies are in a strong position to meet this through good faith adherence to the codes that already exist. But the value of the codes will quickly evaporate unless they do in fact achieve their purpose: the elimination of ads that make health claims and make smoking attractive to young people."² (Emphasis supplied)

In previous chapters it has been pointed out that the Cigarette Advertising Code did not achieve that purpose in this author's opinion. In addition, as just pointed out, the FTC and anti-tobacco groups hold a similar opinion. Therefore even before the "dispute" moved into its "new phase," the cigarette makers by failing to make major changes in advertising had failed to meet the challenge or take advantage of the opportunity. Thus, the code's long-term value began to evaporate on the day it became effective and its influence on cigarette advertising became known.

¹"A new stand on cigarette ads," Advertising Age, May 31, 1965, p. 20.

²Ibid.

In summary, although the Cigarette Advertising Code's establishment did produce detail changes in cigarette advertising and later help to win a temporary and empty victory for the industry, it did not produce a major effect upon the smoking and health controversy. It was too little and too late.

CHAPTER XVIII

TOMORROW

This has been the story of a single battle in a war which has lasted over three centuries. Today the war continues. And because of this the account of that battle can have no finite boundaries. For it has been merely one exchange in an ongoing stream of exchanges, and the casualties suffered, the ground won and lost, will have their effect on following battles and on the eventual outcome of the war. As with any event in history, a complete and final evaluation of the significance of the establishment of the Cigarette Advertising Code will not be possible until long after those "following battles" have been fought and when and if an end in the Tobacco War has been reached.

However, even at this early date, predictions can be made. And to give a completeness to this investigation the probable effect of the code's establishment upon future events must be included. Therefore, based on the record as it stands today, the following predictions have been made: 1) in the future, further official restrictions are likely to be placed on cigarette advertising, and 2) those restrictions will come first in the area of television, but may eventually include all forms of cigarette promotion.

There are three major reasons for the first prediction. The first of these concerns the code in its present form and under its present interpretation. For reasons which have already been examined the Cigarette Advertising Code has, to date, failed to fulfill its stated purposes, or to any extent placate those Government agencies, anti-tobacco groups, or individuals who have decried the content and scope of cigarette advertising. Today, in fact, the promotion of cigarettes has not changed appreciably from what it was before the code's inception. Nor, based on the historical record of the industry, is there any reason to believe there will be appreciable changes in the desired direction within the next three years. Because of this the postponement of cigarette advertising regulations which was affected by the Cigarette Labeling and Advertising Act of 1965 will be just that -- a postponement. When the pre-emption clause of the Act ceases to be effective in July of 1969, the FTC and other major enemies of the tobacco industry can be expected to renew their efforts to eliminate from cigarette advertising those practices which they feel are objectionable. Thus, will begin the second battle over cigarette advertising.

The shape of that second battle will, to a large extent, be determined by the results of the first. This means that the hollowness of the manufacturers' victory in temporarily turning aside advertising restrictions, and the fuller victory of anti-tobacco forces in obtaining an official move against tobacco will begin to realize their true significance. Under a 1969 re-examination the cigarette makers

and their friends will have difficulty in showing just reason why further steps should not be taken against them and their advertising practices. At that time the industry's voluntary efforts at self-policing will be highly vulnerable to attack. And, since the Government, in enacting S. 599, has admitted its belief in a smoking and health relationship, tobacco spokesmen will no longer be able to effectively use the old argument of inconclusive evidence. Thus, the victory that some writers claim for the tobacco industry will prove itself to be the precedent for actions not in favor of, but against the manufacturers. Having taken a first indirect step toward regulation of cigarette advertising, official sources will, under pressure from anti-tobacco groups and in the absence of a defensible tobacco position, be obliged to take additional, more tangible steps.

A second and closely connected reason for the first prediction relates to this author's opinion of what the code will be by 1969. Evidence presented in this investigation indicates that there is good reason to believe that by 1969 the Cigarette Advertising Code will be substantially weakened in its effectiveness in controlling advertising, or possibly cease to exist altogether. Throughout the cigarette controversy there have been incidents which offered a single manufacturer or group of manufacturers an opportunity to advance immediate interests at the expense of the industry and its own long-term health. The first major attack against cigarettes by Reader's Digest is an example of such an incident. The 1957 Digest report on tar and nicotine content which immediately preceded the Tar Derby is another example. The

Surgeon General's report provides still another example. For within the report was the implication that cigarettes with charcoal filters might be more healthful; an obvious opportunity. The history of the cigarette controversy shows that whenever such an opportunity presented itself some member or members of the tobacco industry moved to capitalize upon it. The manufacturers of Viceroy cigarettes took advantage of the early Digest report by using the respected magazine as an authority and claiming that filter cigarettes were better for a smoker's health. The makers of Kent cigarettes did essentially the same thing with the 1957 Reader's Digest article. Shortly after the Surgeon General's report, Dr. Louis F. Fieser, one of the ten scientists on Dr. Terry's expert committee, was asked in an interview what cigarette he smoked and replied, Larks. "This cigarette," he reportedly said, "represents a definite encouraging advance."¹ Thousands of reprints of that interview thereupon appeared all over the country, and, thus, the manufacturers of Lark cigarettes took advantage of a piece of information contained in the most damaging attack the industry as a whole has ever received.

The history of the cigarette controversy also reveals that each time a single manufacturer took advantage of such an opportunity, its steps were soon traced by almost all the other industry members. In the early fifties the Viceroy move was followed by an intensive health claim fight in cigarette advertising which helped to bring on the Great

¹"New hope for cigarette smokers: Crash effort for a safer cigarette," Saturday Evening Post, April 18, 1964, p. 22.

Smoking Scare of 1953. In 1957 the Kent move was followed by a mass of confusing and conflicting tar and nicotine content claims which is now called the Tar Derby. Finally, in 1964 the quick success of Lark after the issuance of the Surgeon General's report and the release of reprints of the Fieser interview, was followed by charcoal filter cigarette introductions from most manufacturers and what, under different circumstances, would surely have developed into a Charcoal Derby.

Today the cigarette controversy, although it is not in the headlines, continues to simmer. It is, therefore, quite possible and, in fact, probable that another incident such as those just described will be forthcoming. It may come from the continuing research being carried out on cigarettes. It may come from some future attack against cigarettes. It may even come from some new anti-tobacco group or Government policy statement concerning cigarettes. However, it will come. And, reading the history of the controversy, it is only logical to assume that one or more of the cigarette manufacturers will take advantage of that opportunity. If that happens the code's effectiveness as a voluntary control organ will have been shattered. For it will probably mean that one or more of the members will openly defy the code's authority or, what is more likely, go back on its signatory agreement to abide by the code and refuse to remain under its control at all. This is what happened in 1957 when the manufacturers ignored their tacit agreement to end health claims. It is also what happened in early 1964 when they ignored the signed FTC affidavits

agreeing to refrain from making health claims or disclosing tar and nicotine contents in their advertising. In this author's opinion, if the opportunity arises, they will just as quickly ignore their agreement to live by the provisions of the Cigarette Advertising Code.

The results of such a development can be expected to be similar to those predicted for an unchanged code, only more so. With the code's ability to control the advertisers demonstrated as failing, or with concrete evidence of the code's disintegration available, Government regulation of cigarette advertising would be more certain. For the manufacturers would have even less of a leg to stand on and their foes' position would be vastly strengthened.

The third reason for the prediction that further steps will be taken against cigarette advertising involves the situation as it may appear following 1969. When the pre-emptive power of current cigarette legislation expires, moves against the industry's advertising will begin. When this happens the manufacturers will surely take action of their own in another attempt to stop or postpone regulative action. Where will this action center? Most likely it will be a rejuvenation of the present code, the establishment of a second code, or an effort to forego Government regulation through promised adherence to non-industry codes in the media area. While one of these actions may well secure a further postponement, experience precludes a serious belief that an extended reprise can be achieved. In the conciliatory moves taken thus far by the American tobacco companies,

there has been no indication that they actually intended to permanently change the main thrust of their advertising. The 1955 return to flavor lasted only two years. Then the Tar Derby opened, bringing back the health claims to which many had objected. The 1960 end to the Tar Derby lasted a mere four years. When the Surgeon General's report was released many manufacturers were in the process of again returning to health. In fact, even in the interim, there were those who refused to bow to the FTC. Kent's claim that "more scientists and educators" smoke Kent is an excellent example. The 1963 exodus from college campus advertising comes closest to being a true conciliation. But even that must be considered lacking. For the move away from the campus was supposed proof that the manufacturers had agreed not to appeal to youth. However, in other media the cigarette makers continued to use the themes which were accused of having youth appeal. Finally, after their advertising code had been established the manufacturers again showed their determination to resist real change. It has been shown that most manufacturers managed to retain basic pre-code concepts in their code approved advertising. Therefore, substantial and lasting changes in cigarette advertising can hardly be anticipated in any future conciliatory moves. Consequently a lack of good faith adherence to either industry or non-industry codes can be expected to become apparent. And because of this additional infraction, the manufacturers will undoubtedly face a further antagonized foe, a less receptive Government, and harsher restrictions.

The reasons behind the second prediction which has been made are, for the most part, obvious. Television is where the major portion of cigarette advertising money is spent. Of all media, television with its sight, sound, and motion is the most dramatic. It is in television commercials that cigarette makers can best effectively present their message. Consequently television advertising is the form of cigarette promotion most vehemently opposed by tobacco industry detractors. In addition, there is a precedent for television restrictions in cigarette advertising. Both the British and Canadian industries have come under regulations in this medium. These facts lead naturally to the conclusion that if further restrictions are made in American cigarette advertising they will be in the area of television. Just what these restrictions will include will, of course, have to await the development of Government action and industry counter-action. However, some predictions can also be made here. The major issue in the smoking and health controversy now centers on advertising's appeal to youth. Therefore the restriction should fall in that area. This could include restriction to certain time periods within the broadcast day, restrictions pertaining to the kinds of programs which can carry cigarette advertising or, in the extreme, a total ban. Which one or combination of these possibilities will become an eventuality will depend on the attitudes and relative strengths of the industry and its enemies when and if this question becomes a reality.

In any event, once restrictions are placed on television advertising, there will be a propensity for it to also creep into other

media, eventually encompassing all forms of cigarette promotion. For if the cigarette makers are restricted in one area they can be expected to double their efforts elsewhere. The same reasoning which lies behind the first prediction offered here leads to this conclusion. Stepped up efforts in areas outside of television will, in turn, bring anti-tobacco action into those areas. In fact, even if the manufacturers do not move heavily into non-television media, anti-tobacco forces will probably still insist on restriction there. Their goal is not to reduce or stop television advertising, but to stop all cigarette advertising. With television out of the way they will move on to the next strongest cigarette medium, and then the next, and the next. And, without major changes in the basic cigarette marketing concepts now in use tobacco's enemies will someday extend restrictive measures to include all media advertising, promotional material, and packaging.

Need this story necessarily have such a dark ending? No. The predictions made here are all based on the past historical record of the American cigarette manufacturers. The picture that has been painted can be drastically altered before the paint is dry, but only through sincere, dramatic, and lasting efforts by the industry to face up to its responsibilities. This will mean a final end to health implications in the advertising of a product whose manufacturers insist has no relationship to health, and whose incriminating agents, if, in fact, they do exist, have not been determined. It will mean a final end to claims for one filter over another when there is no agreement whatsoever in the basic fact of whether any filter cigarette is more

healthful than another. This will mean a final end to practices such as the development of homogenized tobacco to produce stronger taste and, at the same time, higher tar and nicotine contents in filter smokes. It will mean a final end to all attempts to encourage youth to begin the cigarette habit; an end to he-men in cigarette ads; an end to sophistication appeals; an end to romantic appeals; an end to modeling cigarettes as a panacea for all the ills in the American way of life. It will mean a final end to the insistence that there is no relationship between smoking and health and a public admission that the "possibility" of a connection has been established. Finally, it will mean a final end to spending thousands of dollars in cigarette research while millions upon millions of dollars are sunk into the promotion of the sale of this product, a real beginning of a truly determined effort to find a safe cigarette.

Only when these things have been done can the tobacco industry look forward to a brighter future than the one presented here. John Orr Young, one of the giants of the advertising world, once said that "whatever brickbats cigarette companies and their agencies have received from their critics, they've had coming to them."¹ Unless they face up to their responsibilities today, the "brickbats" they receive in the future will also be deserved.

¹"Brickbats deserved, Young says," Advertising Age, February 3, 1964, p. 3.

AFTERWORD

In the early months of 1966:

"Washington, March 25 -- In a policy turnabout, the Federal Trade Commission moved today to touch off a new 'Tar Derby' among cigarette advertisers.

After citing the relevant section of the cigarette advertising guides, FTC's one paragraph letter to cigarette companies said:

'On the basis of the facts now available to it, the commission has determined that a factual statement of tar and nicotine content (expressed in milligrams) of the main stream smoke from a cigarette would not be in violation of...'"¹

"New York, March 31 -- P. Lorillard Co., tagged with a maverick reputation since resigning from the cigarette advertising code earlier this week, is now understood to be preparing the first entry in a new cigarette 'Tar Derby.'"²

"Washington, April 17 -- The possibility of new Congressional hearings on cigarette advertising developed this week, as the House and Senate commerce committees asked the Federal Trade Commission for information about its recent suggestion that tobacco companies give the public more information about tar and nicotine levels."³

¹"FTC shifts, call tar and nicotine claims desirable," Advertising Age, March 28, 1966, p. 1.

²"Lorillard early starter in 'Tar Derby'", Advertising Age, April 4, 1966, p. 1.

³"Congress asks FTC to elucidate its cigarette shift," Advertising Age, April 11, 1966, p. 1.

"Washington, April 27 -- The proposal for a new cigarette 'Tar Derby' found the cigarette code administrator, Robert Meyner, and the Federal Trade Commission on a collision course this week. And, in a related development, there were signs that the National Assn. of Broadcasters may intensify monitoring of cigarette ads under its own codes."¹

"New York, May 5 -- If it takes two to make a 'Tar Derby' then the derby is on. American Tobacco has brought out Carlton filter cigarettes in a new pack -- with tar and nicotine contents listed on the label and advertised in newspapers."²

¹"Meyner won't accept FTC shift on tar claims," Advertising Age, May 2, 1966, p. 1.

²"Carlton pack has tar, nicotine info," Advertising Age, May 9, 1966, p. 2.

CIGARETTE ADVERTISING CODE

CIGARETTE ADVERTISING CODE

STATEMENT OF PURPOSES

The purposes of this Code are to establish uniform standards for cigarette advertising and to provide means whereby compliance with this Code can be ascertained promptly and fairly and on a consistent basis.

ARTICLE I

Definitions

Section 1. "Advertising":

- (a) Means all forms of advertising in, or primarily directed to, the United States, Puerto Rico, any territory or possession of the United States, or any military installation of the United States, including, but not limited to, radio, television and cinema commercials of all types, newspaper and magazine advertisements, billboards, posters and signs, subway and rail or bus car cards, automobile and truck decals, posters and signs, calendars, pamphlets, handbills, matchbook advertising, and point of sale display material of all types;

- (b) Includes any written material or article or excerpt therefrom, not otherwise advertising, when used for promotional purposes;
- (c) Includes labeling, namely, the display of written, printed, or graphic matter upon any portion of the package, carton, or other container in which cigarettes are packaged or shipped by the manufacturer; but
- (d) Does not include the entertainment portion of any television or radio program.

Section 2. "Cigarette" means any roll of tobacco wrapped in paper or in any substance other than tobacco.

Section 3. "Representation" means any statement, reference, or claim, express or implied, direct or indirect, whether in oral, written, printed or graphic form, or in any combination of such forms.

ARTICLE II

The Code Administrator

Section 1. There shall be a Code Administrator who shall be a person of recognized independence, integrity and intellectual achievement to the end that decision by him shall command public confidence and respect. The Administrator shall have all of the powers and authority necessary and proper to enable him to discharge effectively the responsibilities entrusted to him by this Code.

Section 2. The Administrator shall have complete and final authority to determine whether cigarette advertising complies with the standards of this Code and to enforce this Code in all other respects.

Section 3. The Administrator shall appoint a staff adequate and competent to assist him in discharging his duties.

Section 4. Neither the Administrator nor any member of his staff shall be an officer, director, employee or stockholder of any manufacturer of tobacco products, nor shall any such person have any financial interest in the business of any such manufacturer.

Section 5. The Administrator is authorized to convene scientific advisory panels to enable him to carry out his duties. Persons selected for such panels shall be of independence, integrity and competence in their particular areas of scientific discipline. In selecting such persons, the Administrator may consult with appropriate Governmental and private agencies such as the U. S. Department of Health, Education and Welfare; National Academy of Sciences; National Research Council; American Medical Association; Scientific Advisory Board of The Council for Tobacco Research -- U. S. A.; medical and scientific societies; colleges and universities; and non-profit research institutes.

Section 6. The Administrator shall by regulation establish procedures for the administration and enforcement of this Code including, without limitation, procedure for:

- (a) The submission to him of proposed cigarette advertising which, together with any supporting data or documents, shall be kept confidential, except as otherwise provided in Article IV, Section 4, of this Code or as agreed to by the submitting party;
- (b) The submission of protests by parties subject to this Code concerning any determination by him;
- (c) Hearings in connection with all submissions and protests;
and
- (d) Reconsideration by him of any of his determinations.

ARTICLE III

Advertising Clearance

Section 1. No cigarette advertising shall be used unless such advertising shall first have been submitted to the Administrator and determined by him to be in compliance with the standards of this Code; provided that by regulation promulgated by the Administrator specified advertising may be excepted from the requirement of such submission but not from the requirement of compliance with the standards of this Code.

ARTICLE IV

Advertising Standards

Section 1. All cigarette advertising and promotional activities shall be subject to the following:

- (a) Cigarette advertising shall not appear
 - (i) On television and radio programs, or in publications, directed primarily to persons under twenty-one years of age;
 - (ii) In spot announcements during any program break in, or during the program break immediately preceding or following, a television or radio program directed primarily to persons under twenty-one years of age;
 - (iii) In school, college, or university media (including athletic, theatrical and other programs);
 - (iv) In comic books, or comic supplements to newspapers.
- (b) Sample cigarettes shall not be distributed to persons under twenty-one years of age.
- (c) No sample cigarettes shall be distributed or promotional efforts conducted on school, college, or university campuses, or in their facilities, or in fraternity or sorority houses.

- (d) Cigarette advertising shall not represent that cigarette smoking is essential to social prominence, distinction, success, or sexual attraction.
- (e) Natural persons depicted as smokers in cigarette advertising shall be at least twenty-five years of age and shall not be dressed or otherwise made to appear to be less than twenty-five years of age. Fictitious persons so depicted in the form of drawings, sketches or any other manner shall appear to be at least twenty-five years of age in dress and otherwise.
- (f) Cigarette advertising may use attractive, healthy looking models, or illustrations or drawings of persons who appear to be attractive and healthy, provided that there is no suggestion that their attractive appearance or good health is due to cigarette smoking.
- (g) No cigarette advertising shall contain a picture or an illustration of a person smoking in an exaggerated manner.
- (h) Cigarette advertising shall not depict as a smoker any person well known as being, or having been, an athlete.
- (i) Cigarette advertising shall not depict as a smoker any person participating in, or obviously having just participated in, physical activity requiring stamina or athletic conditioning beyond that of normal recreation.

- (j) Testimonials from athletes or celebrities in the entertainment world, or testimonials from other persons who, in the judgment of the Administrator, would have special appeal to the persons under twenty-one years of age, shall not be used in cigarette advertising.

Section 2. No cigarette advertising which makes a representation with respect to health shall be used unless:

- (a) The Administrator shall have determined that such representation is significant in terms of health and is based on adequate relevant and valid scientific data; or
- (b) If the Administrator shall have determined it to be appropriate, a disclaimer as to significance in terms of health shall be set forth in such advertising in substance and form satisfactory to the Administrator; or
- (c) The Administrator shall have determined that the representation with respect to health in such advertising is not material.

Section 3. The inclusion in cigarette advertising of reference to the presence or absence of a filter, or the description or depiction of a filter, shall not be deemed a representation with respect to health unless the advertising including such reference, description or depiction, shall be determined by the Administrator to constitute, through omission or inclusion, a representation with respect to health. If the Administrator shall have determined that such advertising constitutes a representation with respect to health, the provisions of Section 2 of

this Article shall apply.

Section 4. No cigarette advertising shall be used which refers to the removal or the reduction of any ingredient in the mainstream smoke of a cigarette, except that it shall be permissible to make a representation as to the quantity of an ingredient present in the mainstream smoke or as to the removal in toto of an ingredient from the mainstream smoke, or as to the absence of an ingredient normally present in the mainstream smoke, if:

- (a) The Administrator shall have determined that such representation is significant in terms of health and is based on adequate relevant and valid scientific data; or
- (b) A disclaimer as to significance in terms of health shall be set forth in such advertising in substance and form satisfactory to the Administrator; or
- (c) The Administrator shall have determined that a disclaimer is unnecessary for the reason that the representation in such advertising has no health implication or that such implication is not material; and
- (d) The quantity of such ingredient is determined and expressed in accordance with uniform standards adopted by the Administrator for measuring the quantity of the ingredient present in the mainstream smoke, provided that, until such uniform standard is so adopted, the quantity of such ingredient may

be determined and expressed in accordance with any recognized scientifically valid method disclosed to the Administrator without any requirement of confidential treatment.

Section 5. Any advertising determined by the Administrator to be in conformity with the Code may include the following legend: "This advertising (label) conforms to the standards of the Cigarette Advertising Code."

ARTICLE V

Procedures in Event of Violation of Code

Section 1. Any person, firm or corporation subject to this Code, who violates any provision of this Code, shall, in the discretion of the Administrator with respect to each such violation, pay to the office of the Administrator as liquidated damages, and not as a penalty, a sum, not to exceed One Hundred Thousand Dollars (\$100,000), as determined by the Administrator after consideration by him of all relevant facts. The Administrator shall establish regulations for the determination of such violation and for the assessment and payment of such damages. No sanction shall be imposed without affording a hearing to the alleged violator. Upon written request from the Administrator, an alleged violator of the Code shall promptly deliver to the Administrator any material and documents in its possession which are relevant

and material to a determination by the Administrator as to whether the Code has been violated.

Section 2. Nothing herein contained shall be construed to give any person, firm or corporation, other than the Administrator, any cause of action.

Section 3. In the event of a violation of this Code, the Administrator in his discretion may make public the fact of such violation in such manner as he may deem appropriate.

BIBLIOGRAPHY

PUBLIC DOCUMENTS

U. S. Congress, House, Committee on Interstate and Foreign Commerce.
Hearings on Cigarette Labeling and Advertising. 88th Cong.,
2nd Sess., 1964.

BOOKS

Heimann, Robert K. Tobacco and Americans. New York: McGraw-Hill
Book Company, 1960.

ARTICLES AND PERIODICALS

"Ads in reverse," Time, November 15, 1963, p. 69.

Advertising Age. 1958-1965.

"AMA will rely on Public Health Service findings," Business Week,
March 23, 1963, p. 96.

"Beyond Any Doubt," Time, November 30, 1953, p. 60.

"Brighter Glow--Filter Tips Sparking Comeback in Cigarettes," Barron's,
September 3, 1956, p. 3.

"British Cabinet Links Lung Cancer to Smoking," Business Week,
May 12, 1956, p. 36.

"British report sparks cancer-smoking scare," Business Week, April 14,
1962, p. 42.

"British TV restrictions on tobacco ads," Broadcasting, January 28,
1963, p. 90.

"Business Briefs," Business Week, September 18, 1954, p. 34.

"Calling a smoke a smoke," Time, May 8, 1964, p. 84.

"Cancer by the Carton," Reader's Digest, December, 1952, p. 7, 8.

"Cancer-Causing Faction," Time, April 23, 1956, p. 70.

"Case for Tobacco," Newsweek, April 19, 1954, p. 94, 95.

"Catch 'em on the campus." The Nation. November 5, 1960, p. 339.

"Cigarette ads now running in papers," Editor and Publisher, February
29, 1964, p. 32.

- "Cigarette Case," Time, March 22, 1954, p. 59.
- "Cigarette Controversy Smokes up Here and Abroad," Newsweek, July 22, 1957, p. 58, 59.
- "Cigarette Hangover," Time, November 9, 1952, p. 100.
- "Cigarette makers' Code sets up ad Czar," Editor and Publisher, May 21, 1964, p. 9.
- "Cigarette Makers See Good Times Ahead," Business Week, November 2, 1952, p. 138+.
- "Cigarettes," Consumer Reports, February, 1953, p. 58-74.
- "Cigarette Sales: The Real Story," U. S. News & World Report, August 6, 1954, p. 83-85.
- "Cigarettes and Cancer," Time, February 22, 1954, p. 66.
- "Cigarettes, cancer and the campus," The Nation, August 15, 1959, p. 69-71.
- "Cigarette Scare: What will the trade do?," Business Week, December 5, 1953, p. 58-60.
- "Cigarettes: is this a turning point?," Business Week, January 2, 1954, p. 74.
- "Cigarette Smoking and Lung Cancer," Consumer Reports, February, 1954, p. 54.
- "Cigarettes on Trial," Consumer Reports, September, 1957, p. 407, 409.
- "Cigarette Trade Yawns at FTC Ad Rules," Business Week, October 1, 1955, p. 56.
- "Cigarette Use Going Down, U. S. Reports," Chicago Daily News, January 11, 1965, p. 1.
- "Cigarette warning, the aftermath, reactions of smokers, Congressmen, stockmarket," U. S. News & World Report, January 27, 1964, p. 38-39.
- "Cigarette withdrawal symptoms," Broadcasting, September 16, 1963, p. 34.
- "Collins, Cone, Ogilvy repeat views on cigarette situation," Broadcasting, April 20, 1964, p. 40.
- Dr. Terry lands cigarette code, raps misleading advertising," Sponsor, June 15, 1964, p. 14.
- "Easy on the Drawback," Time, May 31, 1954, p. 70.

- "Fear and Jitters," Business Week, November 14, 1953, p. 54.
- "Filtered for Safety," Time, July 29, 1957, p. 28.
- "Filter Fury," Newsweek, June 23, 1958, p. 85.
- "Filtering the Cigarette Ads," America, March 20, 1954, p. 643.
- "Filters and a Flare-Up," Newsweek, March 3, 1958, p. 71.
- "FTC 'might' revise ruling," Sponsor, June 29, 1964, p. 16.
- "FTC tries to kick the habit," Business Week, January 25, 1964, p. 29.
- "FTC Trying to Get Voluntary Industry Compliance," Business Week, September 25, 1954, p. 124.
- Harris, Sidney J. "Self-policing in Slow Motion," Chicago Daily News, January 5, 1965, p. 18.
- "In the Hit Parade," Newsweek, October 1, 1956, p. 66.
- "Is There Proof That Smoking Causes Cancer," U. S. News & World Report, February 26, 1954, p. 62-71.
- "Layman's verdict," Time, October 24, 1960, p. 94.
- "Less-stringent tobacco rules?," Broadcasting, March 29, 1965, p. 40.
- "Let's await Surgeon General's cigarette report, Ream urges," Broadcasting, May 13, 1963, p. 44.
- "Lung Cancer and Smoking," Atlantic Monthly, January, 1956, p. 71-75.
- "Making Cigarette Ads Tell the Truth," Harper's, August, 1958, p. 45-49.
- "Media use unchanged by cigarette code," Editor and Publisher, January 9, 1965, p. 20.
- "Meeting the cigarette crisis," Broadcasting, January 13, 1964, p. 33.
- "Meyner gets nod as cigarette code Czar," Sponsor, June 15, 1964, p. 14.
- "More Trouble for Cigarettes," Business Week, December 19, 1953, p. 55.
- McGaffin, William. "Cigaretts' Yearly Death Toll: 125,000 Americans," Chicago Daily News, January 13, 1965, p. 18.
- "New Cigarette-Cancer Link," Life, June 11, 1956, p. 126.
- "New hope for cigarette smokers: crash effort for safer cigarette," Saturday Evening Post, April 18, 1964, p. 19-22.
- "New Trend in Cigarettes," Business Week, May 26, 1956, p. 198.

New Yorker. 1954.

"Nicotine--The Smoker's Enigma," Reader's Digest, January, 1958, p. 25-27.

"No code panic at commercial filmers," Sponsor, May 4, 1964, p. 3.

"No crackdown seen on TV cigarette ads," Broadcasting, January 21, 1963, p. 38.

"North Dakota Senate Passes Bill to Discourage Juvenile Smoking," New York Times, February 15, 1953, p. 5.

"Philip Morris to launch record network TV drive," Sponsor, October 5, 1964, p. 24.

Printer's Ink. 1953-1965.

"Round 2 in cigarette fight: Tobacco firms are ready," Chicago Daily News, January 13, 1965, p. 25.

Saturday Evening Post. 1955.

"Signs of change in tobacco ads," Broadcasting, June 24, 1963, p. 31-33.

"Smoke?," Newsweek, December 13, 1954, p. 56.

"Smoke & Ire," Time, July 3, 1964, p. 78-79.

"Smoke-filled Code," Newsweek, May 11, 1964, p. 72.

"Smoke gets in your ears," Saturday Review, February 28, 1953, p. 41.

"Smoke Rings Rise," Newsweek, December 31, 1956, p. 52.

"Smokers' slowdown: How long will it last?," U. S. News & World Report, February 24, 1964, p. 39.

"Smoke screen," New Republic, January 9, 1965, p. 6.

"Smoke still swirls around cigarettes," Business Week, June 29, 1963, p. 122.

"Smoking ad rule debate gets heated," Editor and Publisher, March 21, 1964, p. 12.

"Smoking and Cancer," Time, January 25, 1960, p. 64.

"Smoking and Cancer," Time, June 13, 1955, p. 67, 68.

"Smoking and Cancer---ACS Report," Time, July 5, 1954, p. 37.

"Smoking and Other Diseases," Time, June 13, 1955, p. 68.

- "Smoking controversey still burns," Broadcasting, April 29, 1963, p. 38.
- "Smoking: Dr. Burney's Alarm," Newsweek, December 7, 1959, p. 66.
- "Smoking more despite the scare," Business Week, December 22, 1962, p. 78, 80.
- "Smoking on the Rise Again," U. S. News & World Report, October 14, 1955, p. 30.
- "Smoking scare: What's happened to it?", U. S. News & World Report, January 11, 1965, p. 38.
- "Smoking, The Government Report," Time, January 17, 1964, p. 42.
- "Soft pedal on filter claims," Business Week, February 13, 1960, p. 29.
- "Some changes in cigarette ads likely. Tobacco Institute says they should not appeal to youth," Broadcasting, July 15, 1963, p. 36.
- "Some radio stations ban cigarette ads," Broadcasting, February 3, 1964, p. 25.
- "Tar Czar," Newsweek, December 28, 1964, p. 46.
- "Telling a Secret," Newsweek, July 22, 1957, p. 68.
- "The Answers: No," Business Week, April 23, 1955, p. 108.
- "The Cigarette Ad Code: Will FTC buy it?", Sponsor, May 4, 1964, p. 24.
- "The Facts Behind Filter-Tips," Reader's Digest, July, 1957, p. 33, 37.
- "The Great Cigarette Opera," Ad Agency Magazine, December 7, 1956, p. 22.
- Time. 1953-1954.
- "Tobacco: Cigarette Czar," Newsweek, June 22, 1964, p. 42.
- "Tobacco--Complete Recovery," Time, April 22, 1957, p. 97.
- "Tobacco: Congress moves closer to requiring warning of danger included on Cigarette packages," Science, April 23, 1965, p. 479.
- "Tobacco firms keep print ads in their plans," Editor and Publisher, May 2, 1964, p. 9.
- "Tobacco Industry Gives Its View," U. S. News & World Report, July 2, 1954, p. 67.
- "Tobacco Institute answers Surgeon General," Sponsor, January 18, 1965, p. 20.

- "Tobacco, the controversial princess," Time, April 11, 1960, p. 104.
- "Tobacco--the Washington hearings," Time, March 27, 1964, p. 79.
- "Tobacco's Troubles Pile Up," Business Week, April 9, 1955, p. 182.
- "Tough talk about smoking and health," Broadcasting, April 22, 1963, p. 42.
- "Uproar in cigarettes," Fortune, December, 1953, p. 130.
- "Vote for Acquittal," Time, December 7, 1953, p. 54.
- "Wanted Available, Filter-Tips That Really Filter," Reader's Digest, August, 1957, p. 44.
- "What Britons Are Told About Smoking," U. S. News & World Report, February 26, 1954, p. 71.
- "What has hit tobacco stocks?," Business Week, November 21, 1953, p. 140+.
- "What Now for cigarette spots," Broadcasting, May 4, 1964, p. 29, 32.
- "Will tobacco firms quit sports?," Broadcasting, February 3, 1964, p. 23.
- "Words and Meaning," Newsweek, August 26, 1963, p. 62.

UNPUBLISHED MATERIAL

- Crichton, John. "Memorandum of Conversation between Governor Meyner and John Crichton," American Association of Advertising Agencies, September 14, 1964.

OTHER SOURCES

- Chicago advertising agencies. Discussions and interviews with agency personnel. January, 1966 - June, 1966.

MICHIGAN STATE UNIV. LIBRARIES



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