

Smokers' Advocate

APRIL 1991

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VOLUME 2 ISSUE 4

Tobacco Industry Leads Effort To Stop Kids From Smoking

It is a law in 39 states that minors under the age of 18 are not permitted to purchase cigarettes. However, out of concern that these laws are not being enforced adequately by retailers, the tobacco industry has launched a nationwide campaign to educate retailers that it is illegal to sell cigarettes to minors and to help them comply with local restrictions.

The campaign, which features the slogan "It's the Law, You Must Be 18 To Buy Tobacco Products" focuses on several approaches to end youth smoking. The campaign advocates establishing a legal age of at least 18 to buy cigarettes in states with no minimum age or where the minimum is lower; restricting free cigarette samples; better supervision of cigarette vending machines; placement of billboard advertisements at least 500 feet away from schools and playgrounds; and distribution of a brochure entitled "Helping Youth Say No," to help parents talk with their children about overcoming peer influence about smoking. (Peer influence, along with parental and sibling smoking customs, are principal reasons why minors start to smoke.)

Although the incidence of youth smoking has decreased markedly in recent years—a recent study by the University of Michigan shows that the incidence of

daily high school smoking dropped from 28.8 percent in 1977 to 18.1 percent in 1988—the tobacco industry is committed to eliminating all occurrences of smoking by minors.

One major tobacco manufacturer, Philip Morris U.S.A. is also cracking down on the use of cigarette brand logos and trademarks by manufacturers of children's toys, games, candy and clothing. Use of cigarette markings in this fashion is illegal, and occurs without the knowledge or consent of cigarette manufacturers. The company's advertising campaign, which warns: "If You Use These Trademarks, We'll See You In Court!" and "Cigarettes Are Not For Children!" has already been successful.

Philip Morris recently filed suit against Sega Enterprises of San Jose, CA, after Sega failed to carry through on an agreement to remove a Marlboro cigarette logo from one of its video games.

The Hilco Corporation of Norristown, PA—whose largest retailer is K-Mart—used the Marlboro logo in their Deluxe Pinball Game. At Philip Morris' urging, K-Mart withdrew the product from its stores and Hilco plans to turn over its inventory.

Atari not only withdrew video games bearing cigarette logos, but placed ads in magazines admitting they had infringed on trademarks, and asked owners to replace their games with corrected versions.

Anyone interested in receiving more information about efforts to prevent minors from smoking can send for free literature by writing to:

"Helping Youth Say 'No'"
c/o The Tobacco Institute
1875 Eye Street, N.W.
Washington, DC 20009

HOTLINE

Let us know what's happening in your area.

Call the Hotline weekdays
between 9 a.m. and 5 p.m. EDT.

(212) 880-3680



STATEWATCH

EAST CENTRAL

Pennsylvania. Gov. Casey wants to hike cigarette excise taxes by \$3 per carton, bringing the total to \$4.80, the nation's highest. Casey claims the 167% tax increase would raise \$300 million toward closing a \$1 billion deficit. Governor also says he's raising taxes on cigarettes, but not on gasoline, sales or incomes, to ease the impact on working families. Who does he think smokers are? Write to your state legislators in Harrisburg and tell them the governor's plan is unfair. Write your lawmakers at the State Capitol, Harrisburg, PA 17120. Make sure Casey strikes out on cigarette excise taxes!

Ohio. Citizens for Smoker's Rights in Columbus, OH calls for a nationwide boycott of U-Haul Co. The reason: U-Haul deducts \$5 per week from smokers' paychecks. Anyone interested in information on membership in this group can write P.O. Box 02281, Columbus, OH 43202. 24-hour hotline number is (614) 299-3004.

MID-ATLANTIC

New Jersey. Senate overwhelmingly overrides Gov. Florio's veto of a smokers' rights law passed in January. Only four senators voted to sustain the veto. Measure now awaits vote by Assembly. Tell lawmakers that you appreciate their standing up to Gov. Florio to protect employees' off-the-job privacy. You can write to your elected officials at the State Capitol, Trenton, NJ 08625.

Virginia. Anti-smoking vigilantes foiled! An amendment to the Clean Indoor Air Act states that only the Commonwealth Attorney can bring complaints of violations. This should end harassment of stores, restaurants and consumers by anti-smoking zealots.... Senate bills to add \$2 per carton in cigarette excise taxes were referred to the taxation subcommittee, which doesn't exist. Looks like the commonwealth's record of not increasing a ciga-

rette excise tax since 1960 stays intact.

Maryland. Antis push for a \$2 per-carton cigarette tax increase, which would raise the total per-carton excise tax to \$3.30.... Another bill would give counties the option of adding their own cigarette excise taxes. Tell your lawmakers that singling out smokers for excessive taxation isn't fair. Write them at the State Capitol, Annapolis, MD 21404.

NORTHEAST

New Hampshire. House Ways & Means Committee is considering a bill to repeal all tax increases, including the 40-cent-per-carton hike in cigarette excise taxes enacted in 1990.... More good news: A House bill to further restrict smoking is withdrawn, and smoker anti-discrimination legislation is before the Senate.

Vermont. House passes H. 305, smoker anti-discrimination bill. Proposal to protect employees' right to smoke while off the job is now before the Senate.

MIDWEST

Kansas. Senate has a bill to increase cigarette excise taxes 90 cents per carton, bringing the total to \$3.30. Sponsors say two-thirds of proceeds would go to general revenue fund, the remaining third to education. Tell the Senate you oppose this unfair burden. Write to lawmakers at the Kansas State Capitol, Topeka, KS 66612.

Minnesota. Gov. Carlson's first-ever budget message goes over like a lead balloon as he announces plans to increase the state excise tax on cigarettes by \$2.40 per carton. That would make the state tax \$6.20 per carton. Tell him that's ridiculous. Minnesota smokers already pay more than enough. You can reach Gov. Carlson and your state lawmakers at the State Capitol, St. Paul, MN 55155.



STATEWATCH

Missouri. Keep an eye on three proposals to hike cigarette excise taxes by 50, 60 and 80 cents per carton, respectively. Current tax bite is 13 cents per carton.... Full Senate is considering smoker anti-discrimination law after overwhelming approval by labor committee.

SOUTH

Arkansas. Gov. Clinton vetoes legislation to ban employment discrimination against smokers. Both House and Senate had given measure their approval. Let your House and Senate members know that despite the Governor's action, you appreciate their efforts on your behalf. Write them at the Arkansas State Capitol, Little Rock, AR 72201.

SOUTHEAST

North Carolina. A pro-tobacco legislator suggests this answer to anyone who asks why tobacco excise taxes shouldn't be raised above 20 cents a carton: If they don't tax potatoes in Idaho, or apples in Washington, or peaches in Georgia, they shouldn't tax tobacco in North Carolina.

Victory in South Carolina! Agriculture committee tables two House bills to ban smoking in publicly owned buildings. Good move! Gov. Campbell and House Speaker Sheheen pledge no tax increases this year, including no cigarette tax increases! Write them and say thank you. Both can be reached at the State House, Columbia, SC 29211.

Georgia. Lt. Gov. Pierre Howard opposes bill to protect smokers from employment discrimination and provide smoker accommodation. Grab your pens and tell Lt. Gov. Howard you want your rights to privacy protected. Write him at the Georgia State Capitol, Atlanta, GA 30334.

Mississippi. A House bill to protect the rights of employees to smoke off the job is out of the labor

committee and on the House floor. Tell sponsor Charlie Williams you appreciate his efforts. Write him at the Mississippi State Capitol, Jackson, MS 39201.... Senate tax package is amended on floor. The outcome? Proposal to hike cigarette tax by four cents a carton is withdrawn. Write your senators at the above address and tell them you appreciate their actions. Tell House members to follow the Senate's lead and oppose any cigarette tax increase.

GREAT PLAINS

Victories in South Dakota! Senate taxation committee kills a \$1 per-carton cigarette excise tax hike.... On the Senate floor, a restaurant smoking restriction bill goes down to defeat.

NORTHWEST

Victory In Idaho! Senate kills a bill authorizing local smoking ordinances as Attorney General Jim Jones issues an opinion that the state's public smoking law pre-empts local actions.

FAR WEST

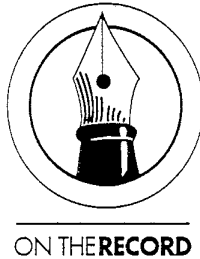
California. Assemblyman Gerald Felando introduces a bill to add \$1 per-carton in cigarette excise taxes. Felando also sponsored legislation to ban smoking in virtually all public places. Write to him at the state capitol, Sacramento, CA 95814.

Hawaii. State Rep. Jim Shon wants to add 10% to the state's ad valorem cigarette tax rate, meaning that 50%, or about \$5.20, of the price of a carton of cigarettes would be taxes. It would also mean that Hawaii's smokers would be America's most taxed. Tell your lawmaker you object by writing him or her at the Hawaii State Capitol, Honolulu, HI 96813.... Another reason to say "Shame on Shon": He wants to ban smoking at Aloha Stadium.

Law Profs Cite Smoker Right To Privacy

Donald Garner and Mark Rothstein are both professors of law, Garner at Southern Illinois University and Rothstein at the University of Houston. Both are known for their outspoken opposition to smoking. However, on the issue of whether or not employers have a right to dictate what activities an employee engages in during non-working hours, both Garner and Rothstein are firmly on the side of smokers.

"When businesses take the giant leap from promoting public health by eliminating cigarette smoke from our common air to promoting their private profits through eliminating smokers from



their payrolls, then The Tobacco Institute is right," Professor Garner wrote in a recent article titled "Fair Treatment of the New Minority."

"When the livelihood of smokers is threatened by employers, a serious wrong has been committed," he added.

Professor Rothstein, in an article titled "Refusing to Employ Smokers: Good Public Health or Bad Public Policy?" noted that "the cost of overzealousness in regulating smoking, particularly with regard to the employment setting may be even greater than the benefits of marginal declines in smoking. The refusal to employ smokers is an unacceptable response." □

Anti-Smoker Group Promotes Employment Discrimination

While the anti-smoker agenda of eliminating smoking from society by the year 2000 is well-known, the tactics used by at least one group working to achieve those goals are somewhat shocking.

The anti-smoking group, which calls itself Action on Smoking and Health (ASH), recently sent a letter to individuals believed to share the group's agenda, outlining ASH's opposition to anti-discrimination legislation — legislation that would make it illegal to deny employment to an individual based on whether or not that individual smokes.

"[R]efusing to hire a smoker is not discriminatory. It is sound business policy and well within the employer's prerogative in a 'free market' society," wrote ASH's executive director John Banzhaf III.

Banzhaf is the same individual who threw a glass of water in the face of an elderly professor during a televised debate, because the professor happened to be smoking a cigarette.

Banzhaf also supports laws to force employers to ban smoking. This is inconsistent with his argument that employers have a "prerogative" to run their business as they see fit. Apparently Banzhaf's support for "employer's prerogatives" only applies if he happens to agree with the issue in question.

Banzhaf's logic causes one to wonder what other individual characteristics he would consider

"within an employer's prerogative" in making hiring decisions. Would he allow employers to fire people who are overweight, who don't exercise or who have pastimes that risk injury such as skiing?

John Banzhaf's and his anti-smoking colleagues' discriminatory views of acceptable lifestyle choices also raise the question of whether employment would have been denied to the likes of Benjamin Franklin, Winston Churchill and Franklin Delano Roosevelt, all of whom smoked. □



Smokers' Advocate Of The Month: Kathi Lee

When Kathi Lee moved from Washington, D.C. to Bristol, Rhode Island to be near her family, she didn't think she would have much trouble finding a new job. Although still in her 20s, Kathi had built up an impressive resume as a Human Resources professional.

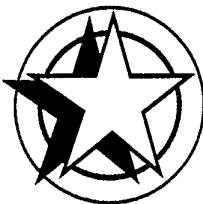
But Kathi, a smoker, was unprepared for the number of Rhode Island firms that prohibited smoking on the job. She turned down several offers at non-smoking firms because, as she put it, "I don't like to stop what I'm doing to go outside and have a cigarette."

Eventually, she accepted a position at a firm that completely banned smoking on the job.

"I wanted the job," she explains, "and I was more than willing to comply with the work-to have it."

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"I can't changed their smoke," she ad-that's what it was. until they found out I smoked."



**YOU CAN
MAKE A
DIFFERENCE**

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So when proposed smoker anti-discrimination legislation came up for debate before the Rhode Island General Assembly, Kathi did everything she could to see that the measure became law. She wrote to her elected officials, she wrote a letter to the editor of The Providence Journal, and she prepared testimony to present before the Assembly's Committee on Health, Education and Welfare, all detailing her experience as a victim of smoker discrimination.

"As it turns out, I didn't have to actually testify," she says. "My written testimony was simply entered into the record. But I was ready and willing to," she adds.

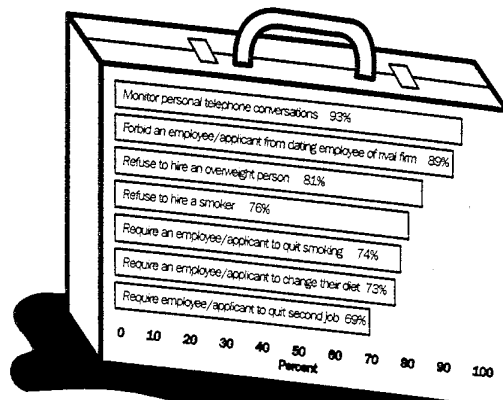
The Rhode Island legislature passed the legislation, and Governor DiPrete signed the measure into law, making it illegal for an employer to fire or refuse to hire someone simply because they smoke while off the job.

"As a Human Resources professional," Kathi says, "I already knew intellectually how important it is to protect employees from discrimination.

"But, now," she adds, "as a smoker who's actually been the victim of discrimination, I really know it." □

FASTFACTS

**Americans Agree -
Employers Have No Right To:**



Source: National Consumers League — January 1990

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Smokers Unite For Rights

Were you aware that right now more than 140,000 smokers are actively fighting to protect the rights of all smokers? That's right, 140,000 smokers, people just like yourself, are members of the volunteer Smokers' Caucus.

Organized in 1988, the Caucus has evolved into a group of highly motivated, creative and resourceful smokers, dedicated to supporting the right to choose to smoke. Caucus members are active in all sorts of ways — writing letters to local newspapers or elected officials, circulating petitions and operating telephone banks. Some Caucus members have even been recruited by local media representatives to present a smoker's point of view about specific issues.

If you are interested in joining the Smokers' Caucus and working actively to defend the right to choose, please call toll-free 1-800-222-5995, or drop a note to:

Smokers' Caucus
P.O. Box 2490
New York, New York 10116

With your involvement, and the participation of others across the nation, smokers will be recognized as a legitimate political force and the right to choose will remain a protected option for all Americans. □

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A Fresh Perspective

A recent article featured in **Reason** magazine presented a remarkably well-balanced overview of efforts by the nation's anti-smoking groups to restrict severely the use and sale of tobacco products in this country.

The article, titled "Smoke and Mirrors," was written by Jacob Sullum and provides readers, regardless of their opinions about cigarettes, with an objective understanding of the current debate about smoking. Because this article was one of the most balanced we have seen in a long time, the **Smokers' Advocate** staff is pleased to make available to you a copy of "Smoke and Mirrors." If you would like a copy, please send a note to the following address:

"Smoke and Mirrors"
c/o Smokers' Advocate
120 Park Avenue, 11th Floor
New York, NY 10017

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Smoke From Cooking Oil May Be Harmful

Scientists in China have discovered that smoke from unsaturated fatty acids released by vegetable oil in cooking may be a contributing factor in the development of cancer.

Vegetable oils such as rape seed and soy bean oil have high levels of unsaturated fatty acids which, the scientists learned, when released under high temperatures and combined with other elements present during cooking, produce smoke that may be carcinogenic.

The discovery has implications for the environmental tobacco smoke (ETS) issue, because exposure to cooking oil smoke may be a confounding factor in the epidemiological studies that purport to find a link between ETS and lung cancer in people who do not smoke.

Four of the studies cited by the Environmental Protection Agency to support its claim that ETS is a carcinogen were conducted in foreign countries where high-temperature cooking with such oils is common. Studies conducted in the U.S., however, have found no statistically significant link between ETS and lung cancer in non-smokers who work, dine or visit public places with smokers. □

National Edition

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