

ND

November 21, 1967

Messrs. Harrington  
Old  
White

Re: Senator Kennedy (Appeals to Youth)

You will recall that at the time Mr. Harrington and the other chief executives and counsel met with Senator Kennedy, the Senator stated that he did not think enough had been done in self-regulation in the area of youth appeals and that self-regulation would have to be substantially improved in order to preclude the Senator from pressing his proposed legislation.

After the meeting, the executives decided that Senator Clements and Governor Meyner should meet with the Senate Commerce Committee's staff to have an initial discussion as to what would be on the staff's mind in this connection. Such a meeting was held on November 15 for a three hour period. Present from the staff were Mr. Hurley, Mr. Zapple, Mr. Pertschuk, Mr. Meserve and for a time Mr. Edelman of Senator Kennedy's staff. Governor Meyner has advised me that no one was openly antagonistic and that the staff appeared to be earnestly seeking for a solution.

In substance the following were discussed:

1. Could the total amount of advertising paid per company be limited? It was explained that this would present competitor problems and that the introduction of new brands also had an interplay. The staff seemed to think that if there was any problem with the Department of Justice, it could resolve this.
2. Limiting the viewing audience on television as to number rather than percentage. Governor Meyner explained that this would be no solution and that the companies could buy regional time rather than network time in order to comply. In short, there is no way to put blinders on youth.
3. Is the present 45% yardstick realistic? The staff was told that this figure is not sacrosanct but that it included all viewers under 21, including infants, and that if the youngest age group were deleted, the actual percentage of persons age 12 - 21 would be well below the 45%.

4. The staff suggested that the industry should consider advertising cigarettes with a plea for some moderation.

The staff did say that it does recognize improvement in cigarette advertising even though this may not be visible to the public at large. It also indicated that whether or not a modus vivendi could be found, the industry would always be faced with restrictive bills which would be held over its collective head as a club in the event conformity to any agreed upon standards was not maintained. It also stated that the liquor industry is at present in this posture.

I believe Senator Clements will have a meeting of the executives to discuss this situation before any further meetings are held with the Senate and House Committee staffs.

F. P. H.