

Proposed Amendment Relating to  
FCC Regulation of Cigarette  
Advertising Broadcast in Certain  
Type Programs

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Page 4, line 23, strike out the period and insert in lieu thereof the following:

" , except that the Federal Communications Commission shall by regulation prohibit any holder of a station license under the Communications Act of 1934 from broadcasting any cigarette advertising in connection with such types of programs as the Commission determines would be most likely viewed or heard by a substantial number of individuals under the age of eighteen."

I urge that this amendment be rejected. It would grant the Federal Communications Commission sweeping and unprecedented power over cigarette advertising.

First of all, I should point out that the Chairman of the Federal Communications Commission himself, during his testimony before the Commerce Committee, expressed opposition to provisions of this type. (See House Commerce Committee Hearings, Part 1, page 195) He testified that legislation of this type would be extremely difficult to administer. It is simply impractical given the television viewing habits of the American public.

In the second place, I ask what is meant by "a substantial number of individuals?" Would it be five percent of the viewing audience? Ten percent? Fifteen percent? We certainly should not delegate power to an administrative agency over this tremendously important subject under such vague and ambiguous standards.

Third, Members of the House should not be under any illusion as to the result which would follow if this amendment were to be adopted. As a practical matter, it would lead promptly to the elimination of all cigarette advertising on radio and television. The Communications Commission has already made its intentions clear--it has announced a proposed rule to bar all cigarette advertising on radio and television. I do not know of any valid basis for prohibiting the advertising of a product which may lawfully be sold.

Finally, I ask: On what rational basis can we limit this grant of jurisdiction to cigarette advertising alone? There are many other products which are alleged to be hazardous. Is the Commission now to be given authority to prohibit the advertising of every product which some group claims to be hazardous? I suggest this amendment would open a Pandora's box. I urge its rejection.