

Proposed Amendments Relating to
the Requirement of a Warning
Notice in Cigarette Advertising by
the FTC and FCC

Page 4, line 17, strike out "No statement" and insert in lieu thereof "(1) Except as otherwise provided in paragraph (2) of this subsection, no statement", and after line 20 on that page insert the following:

"(2) The Federal Trade Commission may require, in the exercise of its authority under the Federal Trade Commission Act to prevent unfair or deceptive acts or practices in commerce, that printed advertisements of cigarettes contain in a prominent position the statement required under section 4 to be placed on cigarette packages; except that the Commission shall make reasonable exceptions with respect to such requirements."

Page 4, line 17, strike out "No statement" and insert in lieu thereof "(1) Except as otherwise provided in paragraph (2) of this subsection, no statement"; and after line 20 on that page insert the following:

"(3) The Federal Communications Commission may make reasonable regulations requiring that advertisements for cigarette broadcast by a television station licensed by the Commission include a visual presentation of the statement required under section 4 to be placed on cigarette packages; except that the Commission shall except certain cigarette advertisements from regulations made under this paragraph on the basis of the brevity of the advertisement."

I rise to oppose these amendments.

If these amendments are approved, the federal regulatory agencies will be free to require a warning statement in practically all cigarette advertising. Every cigarette advertisement broadcast over television or published in a newspaper or magazine would be required to include the statement: "Warning: The Surgeon General Has Determined That Cigarette Smoking is Dangerous To Your Health And May Cause Lung Cancer or Other Diseases."

First, I do not believe there can be any doubt that a law requiring a warning in advertising is equivalent to a law prohibiting advertising. The Chairman of the Federal Communications Commission frankly admitted in testifying before the Commerce Committee that a warning in advertising would have the practical effect of prohibiting advertising. As he very candidly stated, a warning would eliminate the incentive to advertise.

No one advocates a prohibition on the sale of cigarettes. I suggest that if cigarettes may lawfully be sold, they may be advertised. I am firmly opposed to any law prohibiting the advertising of a product which may lawfully be sold.

Certainly, it must be obvious to every Member of the House that the right to advertise -- a fundamental commercial right -- is destroyed if a manufacturer is forced to disparage his product in every advertisement. No businessman will spend his money in this self-defeating way.

Second, I submit there is no necessity for requiring a warning in cigarette advertising. Certainly, it cannot be justified -- as some persons have attempted to justify it -- on grounds that it is necessary in order to inform the public. There is not the slightest doubt that the American people are well aware of the contention that smoking may be hazardous to health. A Public Health Service survey conducted two years ago established that more than ninety percent

of the population was aware of the smoking and health issue, in view of the tremendous barrage of publicity which has been given to this matter on radio and television and in the printed media. I believe there are very few individuals indeed who remain uninformed.