

Big Tobacco's anti-smoking ads begin after decade of delay

November 21 2017, by Matthew Perrone



This Friday, April 7, 2017, file photo, shows cigarette butts discarded in an ashtray outside a New York office building. Decades after they were banned from the airwaves, Big Tobacco companies are returning to prime-time television, but not by choice. Under court order, the tobacco industry for the first time will be forced to advertise the deadly, addictive effects of smoking, more than 11 years after a judge ruled that the companies had misled the public about the dangers of cigarettes. (AP Photo/Mark Lennihan, File)

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companies return to prime-time television this weekend—but not by choice.

Under court order, the tobacco industry for the first time will be forced to advertise the deadly, addictive effects of smoking, more than 11 years after a judge ruled that the companies had misled the public about the dangers of cigarettes.

But years of legal pushback by the industry over every detail means the ads will be less hard-hitting than what was proposed. Tobacco control experts say the campaign—built around network TV and newspapers—will not reach people when they are young and most likely to start smoking.

"Their legal strategy is always obstruct, delay, create confusion and buy more time," said Ruth Malone, of the University of California, San Francisco, who has studied the industry for 20 years. "So by the time this was finally settled, newspapers have a much smaller readership, and nowadays, who watches network TV?"

The new spots, which begin Sunday, lay out the toll of smoking in blunt text and voiceover statements: "More people die every year from smoking than from murder, AIDS, suicide, drugs, car crashes and alcohol, combined."

Companies will also acknowledge their role in making cigarettes addictive: "Cigarette companies intentionally designed cigarettes with enough nicotine to create and sustain addiction."

**A Federal Court has ordered
Altria, R.J. Reynolds Tobacco, Lorillard, and
Philip Morris USA to make this statement
about the health effects of smoking.**

This undated photo shows a screen shot from a commercial that will air on television starting the week of Nov. 26. Under court order, the largest U.S. tobacco companies have to publicize the deadly, addictive effects of smoking, more than a decade after a judge ruled that the industry had misled the public about the risks of cigarettes, which continue to kill about a half-million Americans annually. The ads will run for 52 weeks. (U.S. Department of Justice via AP)

Smoking remains the nation's leading preventable cause of death and illness, causing more than 480,000 deaths each year, even though smoking rates have been declining for decades. Last year, the adult smoking rate hit a new low of 15 percent, according to government figures. That's down from the 42 percent of adults who smoked in the mid-1960s.

Experts attribute the decline to smoking bans, cigarette taxes and anti-smoking campaigns by both nonprofit groups like the American Cancer Society and the federal government.

The new ads are the result of a 1999 lawsuit filed by the Justice Department under President Bill Clinton which sought to recover some of the billions the federal government spent caring for people with smoking-related illnesses.

A federal judge ultimately sided with the government in 2006, ruling that Big Tobacco had "lied, misrepresented and deceived the American public" about the effects of smoking for more than 50 years. The decision came nearly a decade after U.S. states reached legal settlements with the industry worth \$246 billion.

But under the racketeering laws used to prosecute the federal case, the judge said she could not make the companies pay, instead ordering them to publish "corrective statements" in advertisements, as well as on their websites, cigarette packs and store displays.

The campaign will be paid for by Altria Group, owner of Philip Morris USA, and R.J. Reynolds Tobacco Co., a division of British American Tobacco.



In this Nov. 14, 2017 photo, Ellie Mixer-Keller poses for a photo with her dog at her home in Wauwatosa, Wis. Mixer-Keller, 62, says she knew the dangers of smoking. She smoked a pack a day for 30 years before quitting 12 years ago. Under a court order, the largest U.S. tobacco companies will be forced to advertise the deadly addictive effects of smoking starting the week of Nov. 26. This comes more than a decade after a judge ruled that the industry had misled the public about the risks of cigarettes. (AP Photo/Carrie Antlfinger)

Altria, maker of Marlboros, referred inquiries to a statement it issued last month: "We remain committed to aligning our business practices with society's expectations of a responsible company. This includes communicating openly about the health effects of our products."

Reynolds, which sells Camel cigarettes, did not respond to a request for comment.

Originally the U.S. government wanted companies to state that they had

lied about smoking risks. But the companies successfully challenged that proposal, arguing that it was "designed solely to shame and humiliate." An appeals court ruled the ads could only be factual and forward-looking.

Even the phrase "here's the truth," was disputed and blocked. "Here's the truth: Smoking is very addictive. And it's not easy to quit," read one proposed message.

"This was a classic case of a very wealthy set of defendants willing to appeal every conceivable issue time and time again," said Matthew Myers of the Campaign for Tobacco Free Kids, one of several anti-tobacco groups who intervened in the court case.

More than half a century ago, American media was saturated with tobacco advertising. Cigarettes were the most advertised product on TV and tobacco companies sponsored hundreds of shows, including "I Love Lucy," "The Flintstones" and "Perry Mason." People smoked almost everywhere, in restaurants, airplanes and doctor's offices.



In this Nov. 14, 2017 photo, Ellie Mixer-Keller poses for a photo in her home in Wauwatosa, Wis. Mixer-Keller, 62, says she knew the dangers of smoking. She smoked a pack a day for 30 years before quitting 12 years ago. Under a court order, the largest U.S. tobacco companies will be forced to advertise the deadly addictive effects of smoking starting the week of Nov. 26. This comes more than a decade after a judge ruled that the industry had misled the public about the risks of cigarettes. (AP Photo/Carrie Antlfinger)

Congress banned cigarette advertising from radio and TV in 1970 and subsequent restrictions have barred the industry from billboards and public transportation. Yet companies still spend more than \$8 billion annually on marketing, including print advertising, mailed coupons and store displays.

Anti-tobacco advocates estimate the upcoming TV advertisements will cost companies a tiny fraction of that, about \$30 million. The broadcast ads will air five times per week for one year and the newspaper ads will

run five times over several months in about 50 national daily papers.

Robin Koval, president of Truth Initiative, has seen mock-ups of the TV ads in court and says they are not very engaging.

"It's black type scrolling on a white screen with the most uninteresting voice in the background," said Koval, whose group runs educational anti-tobacco ads targeting youngsters.

Nine of 10 smokers begin smoking before age 18, which is why most prevention efforts focus on teenagers. Yet less than 5 percent of today's network TV viewers are under 25, according to Nielsen TV data cited by Koval's group. While lawyers were hammering out the details of the TV advertisements, consumers increasingly switched to online social media sites and streaming services like Facebook, YouTube and Netflix.

A former smoker who was shown the mock-up ads called them terrible.

"They weren't very compelling ads," said Ellie Mixter-Keller, 62, of Wauwatosa, Wisconsin, who smoked a pack a day for 30 years before quitting 12 years ago. "I just don't know if I would have cared about any of that."

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