

Cancer Foes Shy at Equal TV Time

By Jack Anderson

In the battle against the cigarette-cancer hazard, the great health organizations, after standing up to the tobacco companies, have developed sudden timidity over tangle with the Nation's broadcasters.

The health crusaders simply don't know what to do with their breathtaking, totally unexpected opportunity to reply to all the cigarette commercials on radio and television. Under the "fairness doctrine," the Federal Communications Commission has ruled that the broadcasters must offer time for antismoking pitches.

This is expected to discourage the tobacco lords from spending an estimated \$230 million a year on radio-TV advertising. They aren't eager, understandably, to have their expensive sales appeals contradicted by grim cancer reminders.

But the health organizations have little more enthusiasm for the idea. The FCC ruling has impaled them on the horns of a dismaying dilemma. They don't want to appear to falter in the fight to protect the Nation's lungs. Yet they also don't want to offend the broadcasters, who give them



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free radio-TV time to raise funds.

It now looks as if they will put fund-raising, without which their salaries would go unpaid, ahead of antismoking warnings. They give lip service, of course, to the time-to-reply doctrine, but their hearts really are not in it.

The whole predicament was caused by a young, obscure, public-minded attorney, named John F. Banzhaf III, who occupies a back office in the Park Avenue law firm of Watson, Leavenworth, Kelton and Taggart.

TV Time for Cancer

Banzhaf felt strongly that the unnerving laboratory reports on cigarettes and cancer deserved the same attention on television that is given to the lyrical invitations to try "the seven-minute cigarette" or "the taste worth fighting for" or "the real taste that satisfies longer."

He suggested to the FCC that the "fairness doctrine" should apply. To the shock of the tobacco and television tycoons, the FCC agreed. Banzhaf's quixotic adventure brought down on his head the combined wrath of Wall Street, Madison Avenue, and Marlboro Country. His own law firm reminded him pointedly that it had a top-paying client by the name of Philip Morris.

Meanwhile, Washington's most prestigious law firms rushed over to the FCC with five pounds of documents, pro-

testing the ruling. Covington and Burling, the No. 1 legal plant in town, registered the objections of the Tobacco Institute. Arnold and Porter, the No. 2 firm, filed a complaint for Philip Morris. Pierson, Ball and Dowd complained in behalf of 61 radio-TV stations. The National Association of Broadcasters, the great radio-TV networks and a raft of individual stations signed in as adversaries.

There was no one to reply to this overwhelming opposition except poor Banzhaf whose employers had suggested brittlely that he had gone too far already. Desperately, he called upon the National Interagency Council on Smoking and Health for help.

This is sort of a clearing house for both private and public agencies concerned about the smoking danger. It is headed by Dr. Luther Terry, the former surgeon general, who produced the first Federal report on the link between cigarettes and cancer. He called in the various organizations to hear Banzhaf's plea.

It was Kenneth Langley, the National Tuberculosis Association's redheaded young press chief, who spoke what was on everyone's mind.

Facing the Facts

"I think," he said, "I should give you the facts of life about this situation. Organizations such as mine have founded their fund-raising cam-

paigns on TV. We are dependent upon donations of free time for our campaigns, and we are not able to do something that would embarrass our broadcasters."

His superior, Dr. James Perkins, agreed that the health organizations should keep out of the legal hassle. He suggested passing the buck to Congress, where the health lobby could play an indirect role.

"We have friends on the Hill. We have influence," he said.

"And we got creamed on the 1965 bill," interjected Dr. Terry, referring to the earlier failure to impose legislative curbs on cigarette advertising.

The questions came up of how much the legal battle would cost, how long it would take, and how far it would go.

"To the Supreme Court perhaps?" blurted the American Cancer Society's vice president in charge of public relations, Clifton Read.

The American Dental Association's Eric Bishop finally spoke up.

"We have to fish or cut bait," he declared. "Banzhaf has done us a service. If we don't pick up this battle, it will be difficult for anyone to respect us afterwards."

The delegates voted to authorize Dr. Terry to congratulate the FCC on the equivalent-time decision and to ask the FCC what support it wanted from the health organizations.

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