

Mr. HYDE. The only ruling that we have, the only specific regulation we have with respect to advertising is the cigarette ruling.

However, there are many instances where complaints have been brought to our attention that the advertising is fraudulent or offended public policy.

Mr. ADAMS. What about harmful to health?

Mr. HYDE. The distinction here is this. According to the Surgeon General and according to his advisory committee and according to the finding of Congress, the normal use of cigarettes may be injurious to health.

In the cases that you are mentioning there are certain conditions as to the use. Certain medicines would not be used except under advice of the physician. Certain medicines should not be used except in accordance with the directions printed on the bottle and so forth.

What is involved here is a finding by Congress that the normal use of cigarettes according to the Surgeon General may be injurious to health. That is the difference.

Mr. BROWN. Are you talking about if taken internally? Is there any requirement of a warning in the advertising of a product on television and radio that it is dangerous if taken internally?

Mr. HYDE. I don't know of any.

Mr. BROWN. But a warning must be on the label of a can or other container. I think there is a distinction here. I would like to draw it.

Mr. JAFFE. Also there is the distinction that the Congress made between advertising and labeling. As I understand it the labeling requirements apply to drugs but cigarettes have been carefully exempted by Congress from any such regulation.

Mr. ADAMS. I was just inquiring generally because the subject was brought up of the cigarette ruling and its extension to other products. I don't know what the rule is. I was asking for information on it.

And I would like somebody who is familiar with it in the broadcasting industry to answer, what do you do if you have a product that the FDA or the FTC states is dangerous in a particular fashion and it is being advertised? What do you do about it?

Mr. WASILEWSKI. We comply with all laws in the first place, Mr. Adams.

Mr. ADAMS. What is the law?

Mr. WASILEWSKI. The law does not require us to put on any warning label in addition. Let me go back, if I may. This is the thrust of the argument in the cigarette case at the present time.

The Congress considered whether or not there should be a requirement in the advertising of cigarettes; whether the advertisement itself should say, "Caution. Cigarette smoking may be dangerous to your health." Congress considered this and did not adopt it into law.

Now, the FCC adopted it not in regard to the advertising but they let somebody else come in and say the same thing. We comply with the FTC act but there is no requirement for us to carry a warning.

Furthermore, prescription drugs are not advertised on—

Mr. ADAMS. I am not talking about drugs. I am talking about the fact that one product is mentioned, like Drano. There are many others.

Mr. WASILEWSKI. Take aspirin. We advertise Bayer aspirin. There is no requirement to say, "Be careful. Don't put these in the hands of your children," or, "Don't take more than two every 4 hours."