

We don't say that but a warning may be on the label.

Mr. ADAMS. Is tobacco the only product that is given this special status?

Mr. HYDE. The ruling with respect to cigarette advertising is the only such ruling, yes.

Dean BARROW. Congressman Brown.

Mr. BROWN. I would like to point out that the position of Congress with reference to tobacco is ambivalent—we subsidize growing tobacco.

Dean BARROW. Mr. Bell.

Mr. BELL. I would like to make a couple of comments on what was said.

First of all, to answer that question again, I think another way to state what Mr. Wasilewski was saying is that the rules generally are that on labeling with respect to advertising, and this would be an FTC matter with respect to general advertising applying the FDA rules, the only rule at all is that advertising cannot be inconsistent with labeling.

That has been the rule that the broadcasters have followed with their own codes.

If there is a warning on a package that says "Keep out of the reach of children" under the radio and television codes they would not permit children to be shown utilizing the product.

That is the general standard of responsibility I think that is shown in presenting advertising rather than having an affirmative warning in the advertising you could have have a warning in almost every commercial about almost every product if it is not used properly.

With respect to Chairman Hyde's comments about why and how they distinguish cigarettes from other products, he pointed out that they did because Congress has spoken. But Congress has spoken on a lot of subjects, including automobile safety and packaging and on other matters of that kind affecting the consumer and all of which also have some effect on advertising.

By logic, therefore, you would almost have to say that anytime that Congress declared as a matter of public policy that there was a danger involved in a given product, that a special rule should be developed with respect to the advertising of that product.

Therefore, I think that is unrealistic in terms of approach.

I also want to say here in defense of this question that Professor Jaffee raised about whether or not advertising of cigarettes is not inducing people to smoke and, therefore, he distinguishes between advertising and other aspects of the Fairness Doctrine, I think it should be noted for the record here that it has been clearly demonstrated in the case of cigarette advertising that the question is not one of inducing people to smoke.

It has been shown in a number of studies, for example, one study among high school students a year or so ago in Scholastic Roto magazine, that in some 2,300 schools the reason young people started smoking was because the "in" group in school was smoking or their peers were smoking and that advertising was not the factor.

Basically, with respect to cigarette smoking which is an inherent habit people have, there are other factors, in other words, besides the advertising that relate to whether or not they do smoke.