HOLLYWOOD AND BIG TOBACCO’S UNHOLY ALLIANCE: THE TRAJECTORY OF ON-SCREEN TOBACCO PLACEMENTS FROM THE 1920s TO PRESENT DAY

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ABSTRACT

By 1970, cigarettes had lost much of the cultural capital that they acquired from the 1920s to the 1960s. More than ever, smoking represented a de-legitimized cultural practice, and cigarette advertising had just been banned from two key advertising media. Cigarette companies found a solution to this problem by drawing upon the time-honored bond between Big Tobacco and Hollywood. For decades, tobacco companies had placed cigarettes in the hands of the era’s most influential stars. Their relationship was a symbiotic one: Film production companies and movie stars benefitted from cash payouts, while cigarette companies enjoyed the opportunity to cement positive cultural associations related to smoking. This thesis provides an overview of this relationship and concludes that by reinvesting in the practice of cinematic product placements (especially in youth-oriented films), tobacco companies successfully re-legitimized smoking and attracted a new generation of young smokers.
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Introduction

By 1970, cigarettes had lost much of the cultural capital that they acquired from the 1920s to the 1960s. Smokers, who once proudly brandished their cigarettes as symbols of cultural refinement and comradery, found themselves relegated to doorways and alleyways amid rising anti-smoking sentiment. Perhaps the loudest anti-smoking sentiment sounded from those concerned with widespread cigarette advertising on television and the radio. This type of advertising, they reasoned, chiefly targeted children through its placement in child-friendly television and radio programs.

Congress responded by passing the Public Health Cigarette Smoking Act of 1969 and banning cigarette advertising on the television and radio. At this juncture, tobacco companies faced a serious crisis: More than ever, smoking represented a de-legitimized cultural practice, and cigarette advertising had just been banned from two key advertising media. Cigarette companies found a solution to this problem by drawing upon the time-honored bond between Big Tobacco and Hollywood. For decades, tobacco companies had placed cigarettes in the hands of the era’s most influential stars. Their relationship was a symbiotic one: Film production companies and movie stars benefitted from cash payouts, while cigarette companies enjoyed the opportunity to cement positive cultural associations related to smoking. By reinvesting in the practice of cinematic product placements (especially in youth-oriented films), tobacco companies successfully re-legitimized smoking and attracted a new generation of young smokers.

As early as the 1920s, tobacco companies offered Hollywood stars the opportunity to plug their upcoming film while simultaneously touting the benefits of a particular cigarette. For example, Al Jolson used his Big Tobacco-funded advertising spot to let the public know about his upcoming movie, *The Jazz Singer*, as well as tout the soothing qualities of Lucky Strike
cigarettes at the same time. From the 1920s to the 1960s, more direct cinematic product placements came to replace these types of promotions. These product placements cemented a host of desirable thematic associations between smoking and on-screen behavior, including sexuality, masculinity, female independence, comradery, and elegance. It is in this period that the “code” of meanings associated with cigarettes emerged. Through on-screen smoking, cigarettes developed their own identity and vocabulary. This code played a crucial role in the 1970s focus on cinematic product placement, since children, especially through watching old programs on TV, already possessed an unconscious fluency in this unspoken language.

While the 1970 ban closed the door on television and radio advertising, tobacco companies astutely called upon the well-known cigarette vocabulary established in the movies as means to re-legitimize smoking and attract new, young smokers. From the 1970s to the end of the 1980s, a flurry of youth-oriented product placements hit the big screen in films such as Superman II and The Heavenly Kid. These films, along with many others, capitalized upon the themes of sexuality, rebellion, and social acceptance forged in the early days of the Hollywood-tobacco nexus. Intra-industry documents from the Truth Tobacco Industry Documents database provide indisputable evidence of tobacco companies’ concerted efforts to peddle their products to youth through on-screen placements.

It is no secret that those who try cigarettes at a young age stand an increased chance of becoming addicted to tobacco and developing a debilitating, lifelong habit. Statistics from 1993 by the Centers for Disease Control grimly report that 80 percent of the 3,000 people who started smoking each day (and developed a lifelong habit) tried their first cigarette before their
eighteenth birthday.\textsuperscript{1} This weighty association was not overlooked by tobacco executives, who coined a new, sanitized term to capture the importance of marketing to this vulnerable demographic: FUBYAS. This term, which stands for “first-usual-brand young adult smokers” captures the cigarette industry truism that the cigarette choice made by consumers under eighteen years of age will usually remain consistent into adulthood. In the 1970s and 1980s, the R.J. Reynolds Tobacco Company (RJR) faced dwindling profits amongst the 18-24 age segment.\textsuperscript{2} Recognizing this demographic’s fierce brand loyalty, RJR’s advertising gurus shrewdly decided to entice the FUBYAS population with a number of youth-oriented ad campaigns (most notably cinematic product placements).\textsuperscript{3}

A September 1981 report prepared by the Associated Film Productions Company for the Brown & Williamson (B&W) Tobacco company underscores Big Tobacco’s drive toward hooking the highly sought after FUBYAS population. The Associated Film Productions Company opens its report with a telling discussion of the way in which movie advertising permeates the unwitting viewer’s consciousness and implants brand associations and preferences. This section of the report reads, “The viewer is not looking for, or consciously aware of commercial product names used in the movie… the viewer will perceive it and store it in his memory for future recall or recognition.”\textsuperscript{4}

While many of the under-18 test subjects demonstrated strong cigarette brand recollection, virtually none reported negative sentiments toward or awareness of cigarette company sponsorship of the film.\textsuperscript{5} Frighteningly, product placement still leaves a mental imprint

\begin{footnotes}
\item[2] Ibid., 157.
\item[3] Ibid., 158.
\item[4] Ibid.
\item[5] Ibid.
\end{footnotes}
on those who don’t immediately recall any commercial placements. The authors of the report remark, “The conclusion is that quick and/or faint perception of product exposure, even unremembered, is effective in most cases.” It’s no wonder that Robert Richards, president of Productions Inc., a movie production company, bragged to William Smith (then-president of RJR) that “film is better than any commercial that has been run on television or any magazine, because the audience is totally unaware of any sponsor involvement.”

These youth-oriented product placements naturally drew the ire of citizen groups and political figures. Most notably, Congressman Tom Luken rallied unsuccessfully for the passage of H.R. 1250, or as it was known in Congress, the “Protect Our Children from Cigarettes Act of 1989.” The bill’s sponsors primarily aimed to outlaw the “promotion and certain advertising of tobacco products to children and the sale from vending machines of tobacco products to children” under the Federal Trade Commission Act.

In 1990, tobacco companies responded to growing government and public pressure by updating their voluntary Cigarette Advertising and Promotion Code to include a ban on paid product placement. This industry-wide response forced companies to radically alter their film-heavy advertising strategies. Internal documents from the Truth Tobacco Industry Documents database are particularly helpful in spelling out the specifics of the code and the way in which companies sought to skirt its prohibitions. To this day, youth-oriented product placement persists, though at slightly lower levels than in the 1970s and 1980s. The implications of the 1970 ban and cigarette companies’ shift toward youth-oriented product placements continue to

\[\text{\textsuperscript{6} Ibid.}\]
influence modern cinema and modern anti-tobacco efforts, as Big Tobacco’s opponents continue pressuring tobacco companies to kick their habit of product placement.
Chapter 1
How Tobacco Became the Star in Hollywood Films

Tobacco’s Transformation from Societal Ill to Societal Need

Given the cigarette’s explosion in popularity throughout the twentieth century, it is easy to forget its abject status throughout a large part of the nineteenth century. The cigarette owes much of its transformation from a societal ill to a vaunted social object to the growth of movies and a union between tobacco companies and Hollywood film studios. This powerful partnership elevated cigarettes to the forefront of American culture and created an expansive “code” of cigarette-related meanings. Put simply, this “code” is the array of cultural associations with cigarettes (including rebelliousness, masculinity, and sexuality) that developed through their appearances in movies from the 1920s to the 1960s. Hollywood actors and actresses forged these associations by brandishing cigarettes in on-screen situations that exemplified positive themes related to smoking. The National Cancer Institute (NCI) adopts a similar stance toward the importance of the Hollywood/tobacco nexus, arguing that “It would be surprising if A. D. Lasker, Edward Bernays, and other public relations specialists of that era failed to recognize the potential power of motion pictures as a way to change social norms concerning smoking.”

The long history of American advertising shows a pattern whereby companies sought to create a set of virtues and positive associations surrounding their product (going beyond merely featuring the qualities of their product). For example, in 1908, American Telephone and Telegraph (AT&T) instituted an advertising campaign designed to “sell” the public on the merits

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of a regulated private monopoly. Instead of merely attempting to sell their service, AT&T opted for a direct emotional appeal to their audience. The campaign also sought to teach the public about telephone etiquette and impressed upon the AT&T operators their responsibility to provide courteous service. Both of these facets of the campaign helped executives to craft the charming, personable dimension that has become so well-known in the advertising realm.9 Roland Marchand asserts that the success of American advertising largely lies in its ability to reflect and bolster the values of society, especially the “new.” Marchand writes, “If modern society was distinctively urban, the people in advertising were quintessential urban people. If modernity implied youthfulness, mobility, optimism, and a tolerance for diversity…most advertising leaders immediately recognized such qualities in their self-portraits.”10

This strategy transferred particularly well to the cigarette market, where tobacco companies sought to tie their products to the new values emerging out of America’s modernization process. Inherent in the nature of advertising is the “shape versus mirror” debate. As the name suggests, this debate concerns whether the hand of advertising actually shapes society’s values or merely reflects the majority culture.11 Given America’s wide-scale shift from rural to urban in the late nineteenth and early twentieth century (and an attendant shift in values), it appears that tobacco companies mirrored and capitalized upon the characteristics of a rapidly modernizing society. Overall, the process of urbanization and modernization inspired a “new tempo” that rejected the stagnant and embraced the revolutionary. This rejection of the traditional became a key characteristic of turn-of-the-century American society and was heralded

10 Ibid., 2-3.
by the “apostles of modernity” (the American advertising executives who keenly identified and reinforced this transformation).\textsuperscript{12} Tobacco companies shrewdly joined the trend by linking cigarettes to America’s modern tempo.

Among the American populace, the process of modernity took many forms. In particular, it manifested itself in a rebellion against the repressive elements of nineteenth-century Victorian culture, an assertion of a new concept of masculinity, and a more open embrace of female sexuality. The processes of industrialism, individualism, secularism, and liberalism – all spurred by modernization – inspired Americans to question Victorian ideals and resulted in a state of “re-moralization” (as opposed to de-moralization.)\textsuperscript{13} As Americans widened their definition of masculinity in an increasingly diverse, open nation, it became possible for cigarette companies to tie their product to redefined male behaviors. The ideal Victorian male upheld notions of patriarchy, self-restraint, and strict morality. The new male, however, took on a more footloose and unattached persona that did adhere to the same rigid rules of conduct.

Increasingly liberal attitudes toward sexuality (particularly in regard to women) also defined America’s modernization. As Michael Schudson, a Professor of Journalism at Columbia University, argues, “…the ‘roaring ’20s’ was already the decade of the liberated women flappers who were gaining ground toward social and civic equality. Women were newly public people and needed, more than before, social currencies acceptable in the public world defined by men. The cigarette was one such coin.”\textsuperscript{14} By mirroring these American values forged by modernization, cigarette companies ably connected with a reshaping populace. Tobacco

\textsuperscript{14} Michael Schudson, Advertising, the Uneasy Persuasion, (New York: Basic Books, 1984), 182.
companies’ development of a positive vocabulary surrounding their products aligned with proven advertising strategies and led to the development of a code of favorable cigarette-related meanings that fit seamlessly into an increasingly modern American culture. Therefore, America’s story of modernity not only includes the rejection of Victorian ideals, but also the cigarette industry’s success in capitalizing upon these widespread changes.

The code of cigarette-related meaning can best be understood in contrast to what preceded it. Before the development of the code, Victorian ideals gave expression to a negative interpretation of cigarettes. These ideals also created conceptions of morality, masculinity, and female sexuality that sharply contrasted with those forged by modernization. Nineteenth-century Americans associated cigarettes with a host of unfavorable characteristics. For one, the link between cigarettes and the moral decadence of European, Latin American, and Middle Eastern nations led many in the United States to see the cigarette smoker as indulgent, foreign, and irreverent toward traditional morality.15 Throughout the nineteenth century, traditional Victorian values clashed against cultural “decadence,” which University of London Professor Carolyn Burdett describes as the “valuing of artificiality over nature; a position of ennui or boredom rather than of moral earnestness or the valuing of hard work; an interest in perversity and paradox, and in transgressive modes of sexuality.”16

Nineteenth-century views toward the cigarette also cast the cigarette smoker as an effeminized male. In that era, cigarette smokers were not breadwinners who supported a family. Instead, society considered them “Dandies,” a designation which carried with it a host of

pejorative feminine characteristics. Dandies were noted for their keen interest in elegance, aesthetics, and desire to convey an impeccable appearance. Popular images also portrayed Dandies as unmarried, impulsive individuals who openly transgressed societal mores in an effort to seek pleasure.\textsuperscript{17} Essentially, the nineteenth-century cigarette smoker represented the exact opposite of the twentieth-century cigarette smoker, who came to be known for his masculine, self-assured characteristics. Furthermore, the laborious and expensive process of creating hand-rolled cigarettes often suggested that an individual possessed enough leisure time to indulge in an expensive hobby. In a culture that prized hard work and restraint, those with too much leisure time suffered society’s scorn.\textsuperscript{18} The cigar smokers, by contrast, were seen as family men who earned their wealth through self-discipline and sacrifice. Instead of defying society’s moral codes, the cigar smokers upheld a sense of respectability and authority.\textsuperscript{19} These men projected a distinctly bourgeois image of a hard-working, successful individual who enjoyed a cigar after dinner or while engaging in intellectual conversation. Unlike the free-wheeling Dandy, the cigar smoker displayed a greater measure of class and self-restraint.

\textit{Harper’s Weekly}’s “Coffin Nails: The Tobacco Controversy in the 19th Century” provides a wealth of articles which support these unfavorable views of cigarette smokers. A May 1870 issue chastised the cigarette smoker in a piece entitled “The Hero of a Fast Novel.” This piece lambasted the adventures of a “fast,” or morally loose, protagonist who spent his time overindulging (usually by going into debt or spending someone else’s money) in food and fineries. The article paints a picture of decadence by describing the man’s “golden tazze, costly

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  \item\textsuperscript{19} Ibid.
\end{itemize}
china, exquisite pictures, Oriental stuffs, silks, satins, and furs.” When his debts catch up with him, the young man “betakes himself from the low white shore to his yacht.” Of course, cigarettes figure prominently in this piece, as the protagonist enjoys perfumed cigarettes while consuming foie gras and truffles.\textsuperscript{20} By presenting cigarettes in conjunction with the exploits of a freewheeling, disreputable individual, this piece sought to tie cigarettes to a larger unfavorable archetype: the feminine Dandy or painted lady. The message to the reader is clear: if one wishes to avoid projecting this type of disgraceful persona, one ought to avoid cigarettes, which are inseparable from these profligate behaviors.

An 1882 cartoon from the same publication offers an equally disparaging view toward cigarette smokers. This cartoon, evocatively titled “Swell Struggling with the Cig’rette Poisoner” presents the image of a “swell,” (a decadent rich man) who, much like the “fast” youth of the previous article, engaged in wanton spending and egotistical endeavors. His ostentatious evening clothes and top hat imply a debased night of consumption. A snake composed of cigarette ribs and a death-like skeleton wraps around the man’s body, suggesting the deadly and addictive nature of the activity. The dozens of cigarettes that make up the snake’s ribs demonstrate the idea of chain-smoking and compulsive tobacco consumption. The snake’s skeletal head appears to facilitate the swell’s smoking habit by offering him a light. The man’s outfit, combined with his addiction to cigarettes, creates a clear connection between unsavory lifestyles and a tobacco

\textsuperscript{20} Ibid.
addiction that leads to one’s inevitable death.21

The types of Americans that smoked cheap cigarettes in the late nineteenth century further degraded the product’s status. James Bonsack’s perfection of a method to mass-produce cigarettes led to an explosion in their popularity amongst boys, the working class, and immigrants (particularly from Southern and Eastern Europe). These smokers perpetuated the now-counterintuitive notion that smoking was unmanly. In large part, boys were considered immature because they did not have to provide for a family. An 1885 editorial in The New York Times reinforced this notion, arguing, “A grown man has no possible excuse for thus imitating the small boy… The decadence of Spain began when the Spaniards adopted cigarettes and if this pernicious habit obtains among adult Americans, the ruin of the Republic is close at hand…”22

21 Ibid.
22 Ibid.
The public interpreted working-class and immigrant men’s poverty as a product of their lack of social and moral respectability. These groups’ heavy consumption of cheap cigarettes helped bolster public disapproval of smoking and sharply contrasted with the serious, cigar-smoking breadwinner.

It is also important to note the way in which nineteenth-century Americans regarded female cigarette smokers. In the late Victorian period, female smoking abounded among women “on the fringe of respectable society.” Female smoking flew in the face of the ideal feminine norms of the era, and women who decided to smoke associated themselves with a decidedly “dirty” habit.23 Just like the shift from the cigarette-smoking Dandy of the nineteenth century to the manly smoker of the twentieth century, the emergence of the classy, independent female smoker largely owes its existence to tobacco companies’ clever exploitation of modern values.

The American public maintained its dismal outlook toward smoking well into the early twentieth century. A 1910 children’s health book entitled Health Lessons provides valuable insights into mainstream views of cigarettes in the crucial period before the Big Tobacco/Hollywood union and the cigarette’s subsequent ascendancy. By characterizing tobacco usage as both a physical and societal ill, this book presents a reasonably enlightened view toward cigarettes. The book’s author Alvin Davison writes, “The cigarette habit is dangerous to young people. The small cost of a single smoke and the mildness of the tobacco tempt boys to form a habit which very few are strong enough to break away from, even when they learn it will gradually weaken the body.”24 Davison warns his young audience that acquiring a smoking habit

will turn off future employers and advocates for a national law aimed at banning the morally ruinous practice.\textsuperscript{25} \textit{Health Lessons} also ties cigarette consumption to a loss of taste and appetite, the stunting of proper growth, and even the onset of insanity.\textsuperscript{26}

Davison’s book also correctly identifies nicotine as a poison, a declaration that cigarette companies successfully obscured for much of the twentieth century. Although he concedes that some individuals smoke without ill effects, Davison maintains that nicotine prevents the organs from doing their “best work.”\textsuperscript{27} He also employs a rudimentary experiment by which the nicotine drawn from a pipeful of tobacco is shown to kill a fish in twenty-five minutes. In Davison’s view, these ill effects pose an acute risk to young smokers. He writes, “In the young who use much tobacco, certain organs are seriously weakened by the poison.”\textsuperscript{28} In a manner similar to \textit{Harper’s Weekly}’s “Swell Struggling with the Cigarette Poisoner,” \textit{Health Lessons} stresses the way in which cigarettes build an unsightly and unmanageable addiction that ought to be avoided by upright individuals.\textsuperscript{29}

Given the cigarette’s abysmal position in late nineteenth and early twentieth-century American culture, its explosion of popularity in the 1920s presents an interesting quandary: how did the cigarette trade unmanliness for masculinity, exchange depravity for refinement (especially for women), and change undesirability into sociability? In other words, how did tobacco companies make the cigarette an emblem of modernity?

Part of the answer to this question lies in an examination of the emergence of the American film industry and the fast friendship between Big Tobacco and Hollywood. In early

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\textsuperscript{25} Ibid. \\
\textsuperscript{26} Ibid., 72-73. \\
\textsuperscript{27} Ibid., 72. \\
\textsuperscript{28} Ibid. \\
\textsuperscript{29} Ibid., 71.
\end{flushright}
twentieth-century America, film served as the perfect vehicle for modernity. It was more progressive than vaudeville and country-western, and its depictions of fast-living, successful people dovetailed with an increasingly progressive American populace. According to Tobacco Control, nearly two-hundred movie stars through the 1930s and 1940s (two-thirds of them being the period’s top box-office actors) held contracts with tobacco companies. In 1937-1938 alone, Clark Gable, Gary Cooper, Spencer Tracy, and Joan Crawford were paid $10,000 each to promote Lucky Strikes. That year, American Tobacco spent over $218,000 on Hollywood contracts.\(^{30}\) The code of cigarette meanings established in this period (and into the 1950s and 1960s) became crucial in the 1970s and 1980s, when cigarette manufacturers reeling from falling cigarette sales cleverly used this code to attract youth smokers through on-screen product placements. However, the relationship between tobacco companies and film producers began not with on-screen product placements, but cigarette-sponsored movie promotions. These took the form of printed testimonials wherein movie stars and film directors touted the ways in which a specific brand of cigarette helped them improve their acting, demeanor, physique, or voice.

In the 2008 article, “Signed, sealed and delivered: ‘big tobacco’ in Hollywood, 1927–1951,” K.L. Lum et. al provide an illuminating view into the origins of the Hollywood/tobacco nexus and its development throughout the early twentieth century. They assert that the tobacco industry used its multimillion-dollar advertising budgets to fund motion picture publicity on the condition that the stars provide cigarette testimonials as a part of the promotion of their films. This relationship, which they termed “cross-promotion,” led to a synergistic relationship between Hollywood and Big Tobacco in which positive images of smoking turned the tide of America’s

previously negative view of cigarettes. In the early days of American cinema, the motion picture industry relied on relatively modest advertising budgets to promote its films. However, at the same time, advertising-driven competition between Lucky Strike, Chesterfield, and Camel led these companies to rank among the largest advertisers in the entire country. Therefore, movie producers’ need for advertising funds and fast-growing intra-industry competition set the stage for a long and profitable relationship between film studios and tobacco producers.

Al Jolson’s 1927 endorsement of Lucky Strikes provides perhaps the earliest notable example of this revolutionary advertising arrangement. In a printed promotion for *The Jazz Singer*, Jolson provided the following glowing endorsement of the cigarettes:

> Talking pictures demand a very clear voice...Toasting kills off all the irritants, so my voice is as clear as a bell in every scene. Folks, let me tell you, the good old flavor of Luckies is as sweet and soothing as the best ‘‘Mammy’’ song ever written...There’s one great thing about the toasted flavor...it surely satisfies the craving for sweets. That’s how I always keep in good shape and always feel peppy.

Here, Jolson makes a clear case for the ability of Lucky Strikes to soothe his voice for his singing-intensive role in *The Jazz Singer*. The promotion, which American Tobacco wrote on Jolson’s behalf, also prominently features him singing in blackface from behind a box of Lucky Strikes. The clever mix between cigarette testimonial and movie plug also graces this promotion with a soft, human touch.

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32 Ibid., 315.
33 Ibid.
Lucky Strike’s 1927 campaign also focused on attracting female smokers to the male-dominated habit. By getting their products in the hands of “good, wholesome” actresses, the company sought to evince the feminine aspects of smoking while downplaying its rough-and-tumble reputation. Lucky Strike titled this campaign “Precious Voice” and recruited Academy Award-winning actress and silent film star Alice Brady as the primary spokesperson. Brady’s testimonial focused on cigarettes’ ability to reduce the stress and strain of constantly posing for a camera. She further added that Lucky Strikes both “protect her voice” and “afford her the greatest amount of genuine enjoyment.” This testimonial, which stood out as one of the first prominent female tobacco promotions, set into motion a long trend of tobacco companies making inroads among female smokers. *Fortune* magazine describes Brady’s promotion as “so well timed...that public cigarette smoking by women in America can be correctly dated from 1927.”

Lucky Strike’s “Reach for a Lucky instead of a sweet” similarly harnessed the power of the era’s most popular stars to engage in highly visible cross-promotion. In 1928, silent film actor John Gilbert, famed composer George Gershwin, and actress Billie Burke all exclaimed the way in which Lucky Strikes kept food cravings at bay and helped them maintain the top physical condition necessary for a life in the public eye.

Jolson’s and Brady’s Lucky Strike promotions established a slew of positive associations with smoking. By tying smoking to peppiness, Jolson helped solidify the popular idea that smoking serves as a social lubricant that can facilitate conversation. Brady’s declaration that cigarettes soothed the impact of day-to-day stress promoted the belief that cigarettes could

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34 Ibid.
35 Ibid.
induce relaxation. Metro–Goldwyn–Mayer (MGM) director King Vidor also spoke about the mellowing qualities of cigarettes. In a 1927 advertisement for the hit silent film *The Big Parade*, Vidor told the American public, “It is wonderful to find a cigarette that relaxes your nerves and at the same time insures you against throat irritation—a condition from which film directors are bound to suffer.”37 From 1928-1951, this type of cross-promotion played a prominent role in the advertising strategies of a number of U.S. film studios. The figure below provides greater insight into the breakdown of this trend. Although it is challenging to quantify exactly how much these promotions influenced cigarette sales, it is known that 20 to 25 percent of all major studios’ feature-length class “A” motion pictures appeared in conjunction with Lucky Strike advertising in 1937. This fact alone speaks to the enormous benefits of the Hollywood/Big Tobacco partnership.38

37 Ibid.
38 Ibid., 321.
By the late 1920s, demographic shifts and the budding celebrity culture changed the nature of movie-going. At first, many Americans condemned the activity as “immigrant entertainment” and a cheap substitute for theatre and other forms of “high” culture. In *The Making of American Audiences*, Richard Butsch asserts, “The image of the urban nickelodeon as an immigrant refuge made it inappropriate for middle-class clientele.”39 This trend shifted as middle-class Americans (particularly youth) abandoned vaudeville and stage entertainment in favor of movies. A change in clientele facilitated the transition from the dark, crowded

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neighborhood nickelodeon to the larger, ornate former drama theaters that now showed movies. As middle-class movie attendance grew, movies became increasingly respectable. This trend resulted in the creation of a cross-class approval surrounding the concept of movie-going.\(^{40}\)

Of course, by tying stardom to smoking, Hollywood royalty laid the foundation for the well-known associations between cigarettes and rebelliousness, masculinity, and sexuality. As modern society eclipsed Victorian ideals and gave rise to a breaking of old moral codes, new notions of masculinity, and an increasing openness toward sexuality, cigarette producers wisely sought connections to these themes in on-screen placements. The emulative nature of smoking established in the early days of Hollywood would come to play a crucial role in 1970s and 1980s youth-oriented product promotions that relied on children emulating the behavior of actors in on-screen smoking scenes.

From the 1930s to the early 1940s, cinematic cigarette appearances evolved from the simple printed testimonials of Al Jolson to full-fledged appearances in evocative movie scenes. Throughout the 1930s, movie stars created associations with cigarettes that resonated with modern attitudes toward rebelliousness, masculinity, and sexuality. For example, William Powell's role as a retired detective in *The Thin Man* prominently featured smoking (alongside heavy drinking, crime-fighting, and other “masculine” characteristics) and helped to turn the nineteenth-century cigarette smoking Dandy into the modern, manly smoker.\(^{41}\) In a similar sense, the on-screen smoking of glamorous actresses such as Barbara Stanwyck and Roselyn Russell defied the Victorian distaste toward female cigarette smokers. These women, and many others, lent beauty and charm to an object historically excluded from respectable female spheres.

\(^{40}\) Ibid., 19-20.
The classic 1942 film *Now, Voyager* provides an excellent example of the way in which the cigarette served as a symbol of rebellion. The film’s main actress, Bette Davis, plays a wealthy young woman named Charlotte Vale who feels stifled by her mother and the trappings of Boston’s socialite culture. The cigarette plays a crucial role in her transformation from a repressed spinster to a vivacious woman. To elude the watchful eye of her mother, Vale is forced to smoke in secrecy. However, her smoking and her womanhood come out into the open after she falls for Jeremiah Duvaux Durrance on a cruise (played by Paul Henreid). Durrance is trapped in an unfulfilling marriage, and the pair share cigarettes to convey their joint departure from the bondage of their past lives.

In a well-known scene, Durrance takes two cigarettes from a pack, lights them both in his mouth, and offers one to Vale. The passage of this previously forbidden object from man to woman heralds Vale’s sharp rejection of her family and willingness to embrace a more romantic, edgy lifestyle. Durrance’s marriage prevents him from consummating his newfound love, but he uses a cigarette as means to leave the option on the table. While handing Vale a lit cigarette, he says, “Shall we just have a cigarette on it . . . May I sometimes come here?” Clearly, the possibility of transgressing societal injunctions against adultery remains an option as the movie draws to a close. The NCI’s “The Role of the Media in Promoting and Reducing Tobacco Use” notes the way in which these cigarette appearances influenced American youth. The monograph asserts that the rebellion and sexuality displayed in *Now, Voyager*’s famous cigarette scene led

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the sharing of a lit cigarette to become the “preferred romantic gesture” of thousands of high school students in the wake of the film’s release.43

James Dean’s Rebel Without a Cause further established the connection between smoking and rebelliousness within the twentieth-century code of cigarette meanings. His character had become so well associated with smoking that promotional films for the movie usually featured the cool and confident Dean brandishing a cigarette.44 The film’s title, along with the mannerisms of the film’s protagonist, Jim Stark, act in concert to create the archetypal rebellious smoker: Stark is dashing, daring, and approaches life with a type of bravado that would later resurface with the Marlboro Man and Joe Camel. Two particular scenes emphasize the way in which Dean’s character further tied cigarettes to notions of independence and the rejection of authority. In the well-known “Chickie Run” sequence, the unflappable Stark calmly lights a cigarette in preparation for a game of chicken against the local gang leader. Here, Stark’s rebelliousness and rejection of fear win him the race. In a later scene, Stark approaches his love interest Judy after having disposed of his rival in the ultimate test of wits. His self-assured

44 Ibid.
lighting of a cigarette represents his feeling that he stands above societal constraints.  

![Rebel Without a Cause poster](http://www.fanpop.com/clubs/rebel-without-a-cause/images/11767582/title/rebel-without-cause-poster-photo)


The encoding of masculinity within the cigarette’s on-screen appearances also played a prominent role in the development and expansion of the twentieth-century cigarette code. In the eyes of many movie buffs, Humphrey Bogart’s role in *Casablanca* stands out in terms of tying smoking to manliness. Bogart plays the brash Rick Blaine, the consummate man’s man: he is a staunch capitalist whose adventures run the gambit from gun running in Ethiopia to fighting against Francisco Franco in the Spanish Civil War. He is unaffected by emotional treaties and often states, “I stick my neck out for nobody.”  

Fittingly, Bogart wields a cigarette throughout much of the film.

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46 *Casablanca*, Directed by Michael Curtiz, (1943; New York: Warner Bros., 2003), DVD.
In fact, Bogart’s heavy smoking throughout Casablanca led to the development of the “Humphrey Bogart Cigarette.” Though the term itself was coined by French professor Annie Leclerc in *Au feu du jour*, Richard Klein’s *Cigarettes are Sublime* provides a rich analysis of Leclerc’s assertions as well a greater explanation of the connection between cigarettes and masculinity. Leclerc writes, “It’s the cigarette of the cop, the journalist, the bad guy, the cigarette of someone ‘in the know...’ It is the military cigarette, colonial, imperial... It is the phantom of power desire, aspired to, smoked for...”

This quote suggests that Bogart’s masculinity came by using the cigarette in a deeply-encoded, power-laden fashion that mirrored the cigarette usage of military figures, politicians, and other traditional male powerholders. In other words, Bogart’s extensive use of the cigarette created an aura of manliness already well-established among other groups of smokers.

Klein asserts that Bogart’s cigarette usage in his interactions with females further underscores his machismo because it “deromanticizes romance... gives it a keener edge of cruelty, irony, and raw seduction.” Bogart’s use of the cigarette, along with many other male leads in the early twentieth century, imbued the object with a type of “swaggering self-assurance.”

In both his interactions with females as well as his interactions with other males and authority figures, the cigarette-smoking Bogart maintains a sharp masculine image. For example, he harshly rejects his joisted lover Yvonne and flatly denies the orders of Captain Louis Renault, Casablanca’s prefect of police. This type of masculinity, which derives from the

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48 Ibid., 55.
49 Ibid., 166.
50 Casablanca, Directed by Michael Curtiz, (1943; New York: Warner Bros., 2003), DVD.
ability to beat one’s own path, remained tied to smoking and resurfaced with renewed vigor in 1970s and 1980s cinematic tobacco product placements.

Besides serving as a symbol of rebellion and masculinity, the early twentieth-century cigarette became closely intertwined with sexuality (particularly amongst females) and added romance to the growing cigarette vocabulary. Some film scholars attribute this development to the repressive tenets of the Hays Code. In 1930, outraged film industry leaders responded to Hollywood’s increasingly scandalous reputation by introducing the Hayes Code. The code prohibited, among other things, nudity, passionate encounters, and any scene which would tend to depreciate the morality of the viewer. Directors and screenwriters who wished to convey sexuality had to find a subtler stand-in for more overt physical displays. Given the already well-developed connections between cigarettes and femininity (demonstrated by Lucky Strike’s female-oriented advertising campaigns of the 1920s and 1930s as well as Edward Bernays’ famous “Freedom Torches” public relations stunt), cigarettes seemed an obvious place to turn as a means to discreetly express on-screen sexuality.51 Since the cigarette’s association with female sexuality had already been well-established by the 1930s, Hayes-era symbolism served as a useful vehicle to accelerate this association.

In an interview with Mic magazine, Robert Proctor, a professor at Stanford University, posited that the connection began soon after the institution of the draconian 1934 Hayes Code. While acknowledging that societal associations between cigarettes and sex really took off in the 1960s and 1970s, he contended that “the mingling of smoke becomes a sexual symbol already in

the '40s.” Lauren Bacall’s sensual use of the cigarette in the 1944 hit *To Have and Have Not* defined one of her most memorable performances and helped cement the cigarette’s association with romance. In a well-known scene, Marie Browning (played by Bacall) leans toward Harry Morgan (played by Humphrey Bogart) and seductively asks, “Anybody got a match?” Morgan tosses her a book of matches and she vigorously lights the cigarette and takes a long drag while maintaining eye contact with Morgan. All the while, Morgan looks Browning up and down, obviously transfixed by her sexualized use of the cigarette. The scene ends as Browning flirtatiously tosses back the matchbook, takes a final drag while looking at Morgan, and walks away. As is the case with Paul Henreid’s cigarette gesture in *Now, Voyager*, the cigarette serves as a stand-in for sex and leaves open the possibility of a later sexual encounter. The 1944 film *Double Indemnity* similarly used the cigarette to imply off-screen sex. The picture below illustrates how Fred MacMurray and Barbara Stanwyck’s relaxed positions in tandem with the

52 Ibid.
53 *To Have and Have Not*, Directed by Howard Hawks, (1944; New York: Warner Bros., 2003), DVD.
act of smoking create an atmosphere of post-coital relaxation.\textsuperscript{54}

\begin{figure}
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In the same interview with \textit{Mic} magazine, Proctor asserted that the role of cigarettes in tandem with romance in the 1967 film \textit{The Graduate} made the greatest impact on the way in which Americans came to see smoking as a ritualized, sexualized practice. Referring to the movie’s explicit tie between cigarettes and sex, he said, “They (the tobacco companies) developed it to make smoking seem even more sexy and glamorous and that included things like smoking after sex.”\textsuperscript{55} Mrs. Robinson’s (played by Anne Bancroft) constant smoking, especially as a means to seduce the young Benjamin Braddock and culminate their sexual encounters, has led to the near-universal association between her character and cigarettes. During one of the pair’s rendezvous, Mrs. Robinson is shown smoking as Braddock nervously enters her hotel

\textsuperscript{54} \textit{Double Indemnity}, Directed by Billy Wilder, (1944; New York: Paramount Pictures, 1998), DVD.
room. He quickly kisses her as the cigarette smoke remains in her mouth. As Braddock fumbles around the room, Mrs. Robinson declares that she’s going to get undressed and would like him to watch. Later scenes demonstrate the way in which Bancroft makes an overt connection between sex and smoking. 56 Both in this sequence and Lauren Bacall’s scene with Bogart, the cigarette implies both physical pleasure and a degree of sexual dominance.

![Image](image.png)


**The Road Ahead for Big Tobacco**

In other industries, the creation of positive associations with a commercial product through the use of media is a perfectly acceptable practice. Television advertisements and slick magazine promotions for products ranging from beauty supplies to anti-virus software are riddled with language that aims to tie a company’s product to feelings of security, confidence, or satisfaction. The biggest difference between these products and cigarettes obviously lies in the inherent unhealthfulness of cigarettes. Most products, even alcohol and fast food, can be

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56 *The Graduate*, Directed by Mike Nichols, (1967; New York: AVCO Embassy Pictures, 1999), DVD.
consumed somewhat safely in moderation. Tobacco, on the other hand, never has produced a long-term positive effect for its consumer. While cigarettes may produce pleasure in the short term, their advertisements merely serve as inducements toward a long-term addiction. When viewed in this light, tobacco companies’ persistent efforts toward creating a favorable code of meanings associated with cigarettes takes on an especially sinister tone. Knowing that cigarettes wrought little but dependence, sickness, and emptiness, the Big Tobacco/Hollywood partnership worked toward imbuing them with notions of rebelliousness, masculinity, and sexuality.

Stanton Glantz, a professor of medicine at the Center for Tobacco Control Research and Education at the University of California, San Francisco, expresses a similar view toward the deliberate advertising tactics of tobacco companies. In an interview with Mic magazine, he stated, “They (the cigarette companies) also were very early to understand the importance of embedding the (modern) behavior in the society.”\(^5\) The cigarette companies were also early to understand the value of aligning themselves with a growing film industry. In the early twentieth century, Hollywood and the act of movie-going increased in respectability and gradually reached a larger, cross-class audience by separating itself from the taint of the “lower class.” In the same manner, tobacco producers astutely joined the trend by separating themselves from the negative nineteenth-century attitudes regarding the character of cigarette smokers and instead emphasizing their products’ rebellion, masculinity, and sexuality. Doing so allowed them to make cigarettes inseparable from the growing cultural consciousness developed by films.

Armed with this arsenal of meanings, cigarette manufacturers nimbly skirted the 1970 ban on cigarette advertisements on television and radio by creating a new paradigm consisting of

youth-oriented product placements in popular movies. In a study of the role of cigarette cross-promotion from 1927 to 1951, K.L Lum et al conclude that “classic” films, such as those discussed earlier in this chapter, and their heavy use of cigarette-related imagery supported the public’s tolerance of onscreen smoking.\textsuperscript{58} They write, “Evidence suggests that this integration was a commercial collaboration ‘signed, sealed and delivered’ (as Lucky Strike endorsement agreements from the 1930s put it) by the tobacco companies, major studios and many of the era’s best remembered stars.”\textsuperscript{59}

The next chapter will discuss in greater detail the prelude to and effects of the 1970 ban. By 1970, cigarettes had lost much of the cultural capital that they acquired from the 1920s to the 1960s. Smokers, who once proudly displayed their cigarettes as symbols of cultural refinement and comradery, found themselves relegated to doorways and alleyways amid rising anti-smoking sentiment. Perhaps the loudest anti-smoking sentiment sounded from those concerned with widespread cigarette advertising on television and the radio. This type of advertising, they reasoned, chiefly targeted children through its placement in child-friendly television and radio programs. Cigarette companies found a solution to this problem by drawing upon the time-honored code written through the connection between Big Tobacco and Hollywood. This code played a crucial role in the coming focus on cinematic product placement, since children -- especially through watching old programs on TV -- already possessed an unconscious fluency in this unspoken language.

\textsuperscript{59} Ibid., 321.
Chapter 2

1970 Ban on TV and Radio Cigarette Ads and its Fallout

Tough Times for Big Tobacco

By 1970, cigarette companies had suffered several devastating blows. First and foremost, adults were abandoning the practice of smoking in alarming numbers. From 1953 to 1963, per capita consumption of cigarettes among adults ages 18 years and older had spiked from 3500 to 4500 cigarettes. However, after 1963, adult cigarette consumption dipped under 4000 cigarettes per year. Although this drop may not seem significant on its face, the difference of 500 (or more) cigarettes smoked multiplied by millions of smokers generated panic among tobacco companies.

Stanford University’s Robert Proctor addresses this feeling of panic in Golden Holocaust: Origins of the Cigarette Catastrophe and the Case for Abolition. He writes that documents such as Claude Teague’s 1953 “Survey of Cancer Research,” which proved that tobacco companies had long known about the link between cigarette smoking and cancer, caused tobacco companies to overhaul their marketing strategies amid souring public opinion. Proctor argues, “They don’t like it, because it shows what any right-minded judge of facts from the time should have known: cigarettes were killing people. They find it hard to get truth on their side, but sadly, and all too often, there are other ways to win than in court.” These “other ways” refer to the slew of new and increasingly deceptive strategies employed by cigarette companies in order

60 Institute of Medicine, Ending the tobacco problem: A blueprint for the nation, (Washington, DC: The National Academies Press, 2007), 42.
to combat the anti-smoking message and to address the decreasing number of new smokers. For example, it was during this period that “smooth” and “low tar” cigarettes entered the marketplace. Big Tobacco’s use of less than ethical means to combat Teague’s report and other reports like it foreshadows the industry’s clever response to the 1970 ban and highlights the continuing resourcefulness of tobacco companies.

Allan Brandt’s *The Cigarette Century: The Rise, Fall, and Deadly Persistence of the Product That Defined America* paints a similar picture of the cigarette industry at this time. He writes, “For decades, the industry had maintained an impregnable firewall around its internal research strategies and promotional tactics. But now, with its ongoing denials of the danger and addictiveness of smoking collapsing in the face of overwhelming evidence, the industry began to face new moral quandaries.” In a more abstract sense, by the mid-1960s, cigarettes no longer held the immense cultural regard that they enjoyed from the 1920s to the late 1950s. The cigarette’s role as a vaunted social object was now called into question. Though society once roundly praised cigarettes for their ability to elicit positive characteristics, cigarettes took a turn toward becoming a decidedly de-legitimized practice. Smokers bore the brunt of this trend amid rising anti-smoking sentiment.

What factors can explain this sudden shift? How did American society evolve from nearly unchecked approval of smoking to a new era of anti-smoking rhetoric? One part of the answer lies in the 1964 Surgeon General’s Report. Surgeon General Luther Terry, M.D. released the report, which reached the damning conclusion that smoking is a cause of lung cancer and laryngeal cancer in men, a probable cause of lung cancer in women, and the chief cause of

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chronic bronchitis. Widespread newspaper and television coverage followed the publication of the report. Later media polls identified the release of the seminal report as one of the top news stories of 1964.\footnote{Centers for Disease Control and Prevention, \textit{History of the Surgeon General's Reports on Smoking and Health}, 2009, \url{https://www.cdc.gov/tobacco/data_statistics/sgr/history/} (accessed 18 January 2017).}

Anti-smoking advocates dealt several more major blows to Big Tobacco in the next few years. The passage of the Federal Cigarette Labeling and Advertising Act of 1965 and the Public Health Cigarette Smoking Act of 1969 cast a larger shadow over public opinion of the cigarette. These laws required a health warning on cigarette packages, banned cigarette advertising in the broadcasting media, and stipulated an annual report on the negative health impacts of smoking. The September 1965 establishment of the National Clearinghouse for Smoking and Health (a unit within the Public Health Service) greatly expanded the visibility of anti-smoking messages, funded state and community programs designed to reduce tobacco use, and disseminated research on the dangers of tobacco.\footnote{Ibid.}

By 1967, a portion of the Federal Communications Commission’s imposed Fairness Doctrine stipulated that all television stations air one anti-smoking public service announcement for every three cigarette ads aired.\footnote{Andrew Glass, \textit{Congress bans cigarette ads on the air}, April 1, 1970, 2009, \url{http://www.politico.com/story/2009/04/congress-bans-cigarette-ads-on-the-air-april-1-1970-020715} (accessed 20 January 2017).} Essentially, it was no longer possible for mature, rational adults with access to information to deny the damning evidence linking cigarettes to a host of health problems. All of these factors acting in concert sharply reduced the number of adult smokers, a development that greatly alarmed tobacco producers, who had enjoyed steadily rising sales throughout the 20th century.
Though anti-smoking sentiment in America had existed, albeit in a less vocal form, since the inception of the practice, the 1960s brought a new dimension to the debate: concern with widespread cigarette advertising on television and the radio, which brought on the legislative result of the 1970 ban on cigarette advertisements on television and radio. Just as they did in the 1950s, cigarette companies in the post-ban era cleverly evaded this problem, as well as the problem of the loss of adult smokers, by calling upon the well-hewn “code” of meanings forged between Big Tobacco and Hollywood. This code paved the way for the immense success of cinematic product placements in the 1980s, as this unspoken language had already permeated American society and thousands of children had already become unwittingly fluent in its terminology.

In addition, since adults smoked increasingly fewer cigarettes, the youth market represented an untapped reservoir of revenue. As Allan Brandt asserts, tobacco companies recognized children’s inability to make an “informed choice” about the risks of smoking, a fact that powerfully refutes the traditional industry view that smoking represented a “consensual behavior” for adults who willingly assume the risks.66 By capitalizing on the youth market, cigarette manufacturers adroitly navigated the 1970 ban on cigarette advertisements on television and radio, and in the process, gave rise to a new advertising paradigm of youth-oriented product placements in children’s movies.

Prelude to the 1970 Ban

The 1970 ban on cigarette advertising on radio and television represented the culmination of a decades-long effort to de-legitimize smoking and spread information about its risks. Throughout the 1930s, 1940s, and 1950s, epidemiologists crafted increasingly convincing statistical studies that demonstrated the link between lung cancer deaths and smoking through the use of large-scale, long-term, case-control surveys. Pathologists brought new evidence to bear against the myth that the 20th-century spike in lung cancer could be attributed to air pollution, radioactivity, or asbestos contamination instead of smoking. These individuals also drew convincing statistical correlations between smoking and bronchitis, emphysema, and coronary heart disease. The U.S. government made a crucial foray into the smoking debate through a 1957 declaration by Surgeon General Leroy E. Burney that reaffirmed the U.S. Public Health Service’s contention of a causal relationship between smoking and lung cancer. After decades of nearly unchecked power in the American marketplace, Big Tobacco began to lose ground in its efforts to dismiss anti-smoking activists. It would be four more years, however, until the executive branch decided to take action.

In 1961, an alliance of noteworthy private health organizations, including the American Cancer Society, the American Heart Association, the National Tuberculosis Association, and the American Public Health Association, drafted a letter to President John F. Kennedy. The letter detailed the groups’ desire to establish a national commission on smoking geared toward “seeking a solution to this health problem that would interfere least with the freedom of industry...

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or the happiness of individuals.”68 This letter marked the first time that public health forces had mobilized into a coalition to seek tobacco reform on the federal level.

The 1962 Royal College of Physicians’ “Report on Smoking” helped push President Kennedy toward acceding to the pressure of these public health organizations. Though the report contained a number of notable assertions about the danger of smoking, the following bold proclamations prompted wide circulation of the report:

Several serious diseases, in particular lung cancer, affect smokers more often than non-smokers. Cigarette smokers have the greatest risk of dying from these diseases, and the risk is greater for heavier smokers. The many deaths caused by these diseases present a challenge to medicine, in so far as they are due to smoking they should be preventable. This report is intended to give doctors and others evidence on the hazards of smoking so that they may decide what should be done.69

That same year, President Kennedy directed Surgeon General Luther Terry to gather a group of ten experts to scrutinize the existing scientific literature on the “smoking question.” These experts spanned fields ranging from medicine and surgery to statistics and pharmacology.

After poring through more than 7,000 articles, the committee completed its report on January 11, 1964. Surgeon General Terry and his committee wished to see the report publicized as widely as possible, stating that they chose to release the report on a Saturday in order to maximize its coverage in the Sunday paper. Reflecting on the event two decades later, he asserted that the report “hit the country like a bombshell. It was front page news and a lead story on every radio and television station in the United States and many abroad.”70 The committee

68 Ibid.
70 Ibid.
found that, among other discoveries, cigarette smoking led to a 70 percent increase in the mortality rate of smokers over non-smokers. The committee also found that average smokers ran a nine-to ten-fold higher risk of developing lung cancer compared to non-smokers.\footnote{Ibid.}

The 1964 Report on Smoking and Health set into motion a chain of anti-smoking bills and drastically shifted public opinion on the practice. By 1968, 78 percent of Americans stated they were aware of the connection between smoking and cancer (up over 30 percent from the percentage in 1958).\footnote{Ibid.} Now that Terry and his partners had put forth the most incriminating piece of anti-smoking research to date, it was up to Congress to place the force of law behind the committee’s assertions.

Congress soon lent the legislative backing necessary to strengthen the findings of the 1964 Report on Smoking and Health. In 1965, Congress passed the Federal Cigarette Labeling and Advertising Act of 1965. This act mandated the now-tepid warning, which read, “Caution: Cigarette Smoking May Be Hazardous to Your Health.” Unfortunately, the act failed to require this type of warning on cigarette advertisements. The Federal Cigarette Labeling and Advertising Act of 1965 also created a wider regulatory structure surrounding cigarette usage by instructing the FTC to compile annual reports on the effectiveness of cigarette labeling and different types of promotional strategies used by Big Tobacco. The act further compelled the Department of Health, Education, and Welfare to conduct yearly research on the health effects of smoking.\footnote{Centers for Disease Control and Prevention, Selected Actions of the U.S. Government Regarding the Regulation of Tobacco Sales, Marketing, and Use, 2012, https://www.cdc.gov/tobacco/data_statistics/briefs/policy/legislation/ (accessed 18 January 2017).}

The implementation of a warning label essentially eliminated the possibility that reasonable, rational adults could turn a blind eye to the dangers of smoking. Not surprisingly, the
passage of the Cigarette Labeling and Advertising Act of 1965 coincided with several trends that greatly disturbed tobacco companies. For one, 29.6 percent of people who had smoked had quit by the end of 1965. Total cigarette sales also plummeted by nearly ten billion in the years following the act.74 As the mounting evidence forced rational, adult smokers to face the indisputable consequences of cigarette smoking, tobacco companies began to pivot toward the youth market. Unlike adults, children represented a largely untapped (and less rational) class of consumers. By the end of the 1960s, Big Tobacco set its sights on connecting with this demographic.

The accumulation of anti-tobacco measures throughout the 1960s culminated in the passage of the 1969 Cigarette Labeling and Advertising Act. The 1969 Congressional hearings on the part of the House Committee on Interstate and Foreign Commerce that preceded the act provide valuable insight into lawmakers’ concerns over tobacco companies’ usage of television and radio as a means to propagate misleading information about cigarettes. Across a diverse range of testimony, concern over advertising cigarettes to youth punctuates many of the statements. Although Big Tobacco obviously did not formally announce its pivot toward children, mounting distress over cigarette companies’ penetration into the youth market characterizes the hearings and reveals this crucial shift.

Jeffery Cohelan, a Democratic U.S. Representative from California and co-sponsor of the bill, identified the task of “warning young people before they start to smoke and encouraging those already addicted to reconsider their habit” as the chief aim of the bill. Cohelan tied the allure of smoking for youth to the attractive packaging and duplicitous advertisements that

intimately link smoking to “that which is desirable and beautiful in life.”\textsuperscript{75} In his view, the “electronic age” poses a special problem for youth smoking initiation, as it allows tobacco companies to disseminate the “benefits” of their products with a heretofore unseen degree of attractiveness and creative visual appeals.\textsuperscript{76}

James Corman, another Democratic representative from California, also regarded the bill as an essential step in the battle to stop youth tobacco addiction. He pointed out that more than half of youth become cigarette smokers before they are eighteen years old and are left fighting a “losing battle” against a habit that is almost impossible to break. While conceding that adult smokers were a largely lost cause, Corman, significantly, urged the government to do what it could to limit youth exposure. He believed that a ban on television and radio cigarette advertisements would help meet this goal by keeping cigarettes off the airwaves when “youngsters of the elementary and secondary grades” would be most likely to watch or listen to the media. Above all, Corman argued that youth psychology made them particularly receptive to the media-based appeals characteristic of tobacco advertisements because of teens’ “notorious” ability to convince themselves that “this can never happen to me.”\textsuperscript{77}

Another compelling argument for the implementation of the ban on tobacco advertisements on television and radio came from Democratic Representative Morris Udall from Arizona. Like Representative Corman, Udall believed that the federal government bears the task of regulating an industry that poses an acute risk to children. Udall also echoes the “lost cause” sentiment of Corman, arguing that, “They (adults) are hooked, and there is very little Congress

\textsuperscript{75} Committee on Interstate and Foreign Commerce, United States House of Representatives, 91st Cong. 1-464 (1969), Washington, D.C.
\textsuperscript{76} Ibid.
\textsuperscript{77} Ibid.
can do for them except, perhaps, to expand the Medicare program. What concerns me is that 
cigarette advertising is aimed less and less at adults.”

He blasted tobacco companies for 
pushing cigarettes “not on the basis of taste but rather sex appeal,” and “very effective 
nonsense.” Specifically, Udall pointed out the way in which broadcast cigarette advertisements 
consistently portrayed smokers as healthy and handsome and held up cigarettes as symbols of 
popularity or success.

Not surprisingly, these ideas connect seamlessly with the code of meanings that tobacco 
companies assiduously sought to plant in American society through films. Udall’s final point 
focused on Big Tobacco’s efforts to capture the youth market after suffering a steep decline in 
the number of adult smokers. He characterized tobacco advertising efforts as a “blatant attempt 
to create a new market for cigarettes, to entice a new generation of smokers” and advised 
Congress to avoid inaction. Congress indeed acted quickly, passing the bill with an 
overwhelmingly favorable vote in late 1969. The bill, however, would not be signed into law 
until April 1970 and would not take effect until January 2nd, 1971.

With their market position in peril and public perception at an all-time low, Big Tobacco 
recognized the ultimatum presented by the 1970 ban: adapt to the new marketing paradigm or 
wither under public scrutiny. The series of anti-cigarette measures that characterized the 1960s, 
combined with the accelerating rate of adult smoker attrition and adult abandonment of the 
practice, presented a crisis of legitimacy to the tobacco industry that exceeded any other 
challenges it had faced in the 20th century. Predictably, tobacco companies chose to adapt and 
came to thrive in a more restrictive advertising environment by heavily pursuing the youth

78 Ibid.
79 Ibid.
market by means of more insidious strategies. The next section will explore the aftermath of the 1970 ban and how, after nearly a decade of freefall, the tobacco industry ultimately landed on its feet, successfully pivoting toward the youth market.

**Effects of the Ban**

Tobacco companies mounted surprisingly little resistance to the 1970 ban. This can be partially explained by the fact that Big Tobacco had already begun to realize the many ways in which the ban could actually act as a positive development within the industry. In fact, by the time the last cigarette ad aired on the Tonight Show with Johnny Carson on January 1st, 1971, cigarette companies stood poised to capitalize on the ban.

Perhaps the gravest unintended consequence (or greatest benefit, from the perspective of Big Tobacco) of the 1970 ban was the way in which it paradoxically decreased the number of anti-smoking television spots. In a *Tobacco Control* publication David Burns et. al estimated that after 1970, anti-smoking spots decreased by as much as 80 percent. The fact that U.S. per capita cigarette consumption decreased by 6.9 percent between 1967 and 1970 evidences the effectiveness of these anti-smoking advertisements. In the years preceding widespread anti-smoking television spots from 1965-1967, per capita cigarette consumption had increased by about 2 percent per year.\(^8\)

In order to understand this counterintuitive situation, one must understand the mechanics of the Fairness Doctrine. This 1949 policy mandated that television and radio stations holding FCC-issued broadcast licenses allocate some of their programming to controversial issues of

“public importance” and facilitate the airing of opposing views on those issues. In 1967, the FCC deemed cigarette advertising to be “controversial” and accordingly widened the scope of the Fairness Doctrine to encompass anti-smoking advertising. Anti-smoking public service announcements generally could not garner a prime-time spot before 1967. From 1967 to 1970, television stations aired approximately one anti-tobacco advertisement for every three tobacco advertisements. More than $200 million (in 1970 dollars) went toward supporting anti-tobacco advertising spots during the same period.81

The airing of anti-smoking advertising spots proved a powerful deterrent against smoking. Statistical studies conducted by Stanford University’s Eugene Lewit examining smoking habits in the Fairness Doctrine era demonstrate reductions in smoking initiation, tobacco consumption, and smoking prevalence. Lewit’s work further reveals that the interaction between television watching and the Fairness Doctrine period had a “negative and statistically significant impact on the probability of smoking.” In other words, youth who watched a lot of television during the Fairness Doctrine era of antismoking commercials were less inclined to begin the habit.82

Given the effectiveness of anti-smoking advertising, it is not difficult to imagine how tobacco companies benefitted from the ban of cigarettes on broadcast media. When cigarettes could no longer be advertised on television and radio, the anti-smoking spots were simultaneously removed. Without a federal law requiring the airing of anti-tobacco advertisements, these television spots lost their funding and quickly faded away. The disappearance of anti-smoking media immediately began to affect smoking habits. According to

82 Ibid., 518.
Gideon Doron, total cigarette sales increased an average of 2.5 percent in the five years following the ban, and grew a total of 4.4 percent in 1973.\textsuperscript{83}

The 1970 ban also generated unintended economic benefits for tobacco companies. Banning television and radio advertising allowed the six largest cigarette producers (R. J. Reynolds [RJR], Philip Morris, American Tobacco, Brown and Williamson, P. Lorillard, and Liggett & Myers) to tighten their stranglehold on the cigarette market. In the absence of national advertising, new companies can rarely enter into and thrive within a highly competitive market such as the cigarette market. Doron’s assertion that “erection of barriers to entry is generally believed to be a major objective for an industry in negotiating regulation” suggests that the large tobacco companies had already realized the benefits of an advertising ban before its inception.\textsuperscript{84}

Frank Saunders, a top executive from Philip Morris, noted in a 1971 interview with \textit{News and Observer} that “TV advertising was never designed to create new smokers” and asserted that “its main purpose was to switch people from one brand to another.”\textsuperscript{85} In other words, cigarette companies use advertising as a means to control market share, not create market expansion. While one cannot necessarily apply this assertion to all large tobacco companies, Saunders’ position as an executive for Philip Morris, an industry leader, suggests that other large tobacco companies may have viewed the ban in a similar fashion. Doron sums up the implications of this relationship by positing, “Since advertising does not necessarily contribute to market expansion for the cigarette industry and anti-advertising does contract market size, it would obviously be in the industry’s interest to bring about the elimination of both forms of advertising.”\textsuperscript{86} Within this

\textsuperscript{83} Gideon Doron, “How Smoking Increased When TV Advertising of Cigarettes Was Banned,” \textit{American Enterprise Institute} (1979): 51.
\textsuperscript{84} Ibid.
\textsuperscript{85} Ibid., 50.
\textsuperscript{86} Ibid., 50-51
context, it appears that Big Tobacco found a silver lining in the inevitable ban on television and radio advertising. Major tobacco companies, eager to shore up their market position, wisely acquiesced to the ban without mounting a legal battle.

In a more oblique fashion, the ban helped the tobacco industry portray itself in a health-conscious, consumer-friendly light. After the 1970 ban, Big Tobacco shrewdly fell into line with the public’s anti-smoking sentiment and accordingly began to peddle a range of “safer” low-tar and low-nicotine cigarettes. Advertising these “safer” cigarettes through unregulated print media became massively profitable. From 1970 to 1976, the market share of low-tar and low-nicotine cigarettes jumped from 1 to 16 percent. Emphasizing tar and nicotine content allowed tobacco companies to appear as though that had acceded to public pressure. Moreover, the psychological appeal of smoking a “healthier” cigarette undoubtedly drew in new consumers who were previously wary of smoking. These customers, who once avoided cigarettes in light of well-publicized health consequences, may have found that this type of advertising allayed their fears. The 1970 ban and its inadvertent promotion of milder cigarettes held huge implications for youth smoking initiation, as youth inherently prefer a smoother smoke and require more mild cigarettes to receive the same nicotine payoff as smoking a regular cigarette.87

Part of this focus on a more “healthful” cigarette following the 1970 ban came in the form of a second “Tar Derby.” The first Tar Derby began in the mid-1960s as a response to an onslaught of damning public health documents and sharply decreasing public opinion toward cigarettes. Tobacco’s largest producers responded to this issue by engaging in a literal “race to the bottom” in which each company tried to claim an increasingly lower tar content. Of course, as is widely known, “low tar” does not equal “safe.” This shift toward a cigarette that projected a

87 Ibid. 51
healthier image characterized 1960s cigarette advertisements. The second Tar Derby materialized in the post-ban era. In a similar fashion, tobacco companies played on public fears about smoking’s negative health effects by touting low-tar cigarette options. As regulatory policy analyst John Calfee reports, “Since 1970 FTC-measured tar and nicotine content has been advertised consistently and has declined substantially.”

Big Tobacco moved swiftly to concentrate its advertising and promotional efforts in new areas following the 1970 ban. These new areas, which included child-friendly promotions, sports sponsorships, and most notably, youth-oriented product placements, more than made up for the lost airtime. This connection between a loss of television and radio advertising and an influx of youth-oriented advertisements strongly supports the idea that Big Tobacco specially targeted youth consumers throughout the 20th century. Most importantly, these new avenues lacked the federal oversight given to broadcast media. In the words of anti-tobacco activist Dr. Ronald David, “After the Fairness Doctrine antismoking messages ended, there was no systematic tobacco control advertising at the national level for 30 years, until 2000.” The next section will explore this disturbing phenomenon by focusing primarily on youth-oriented tobacco product placements.

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When One Door Closes, Another Door Opens

J.W. Pollay, a marketing professor at the University of British Columbia, provided an apt description of how Big Tobacco skirted the 1970 ban by remarking, “It’s like squeezing a balloon. You can shut down one media, but the problem just moves somewhere else.”91 This means that tobacco companies responded to the ban and their crisis of legitimacy by simply shifting to another media substitute. Indeed, the diversification of cigarette advertising characterized the post-1970 era. Troublingly, a marked turn toward youth-oriented appeals also characterized this period. Professor Pollay asserts that Big Tobacco began the 1970s with a desire to recruit “new starters” to replace smokers lost through attrition and a record blemished by a decade of anti-smoking legislation. He argues that these companies “carefully and extensively researched the process of conceiving, developing, and deploying cigarette advertising targeted to youth,” focusing on brand images that conveyed “independence, freedom, and peer acceptance” and creating advertising that displayed smokers as “attractive, autonomous, accepted, admired, and athletic.”92 The tobacco promotion programs of the 1970s and 1980s evidence Big Tobacco’s pivot toward these positive themes in an effort to capture a youth consumer base.

For example, during the 1970s and 1980s, Philip Morris sponsored the Marlboro Resort Program. This promotional effort advertised the purchase of cigarettes as an opportunity for a smoker to win an all-expenses-paid spring break, summer vacation, or Christmas break trip to destinations such as Fort Lauderdale and Daytona Beach. Philip Morris clearly did not suffer

91 Ibid., 84.
much from the inability to use television and radio to advertise this program, as the company simply bulked up its expenditures on posters, Marlboro towels and t-shirts, mass sampling programs, and point-of-sale incentives publicizing the Marlboro Resort Program. Of course, these trips offered concerts, auto racing, sporting events, and other youth-oriented activities. In designing the program, Marlboro executives reasoned that, “vacationers who are young adults” are “ideal candidates for Marlboro.”

A 1974 report to R.J. Reynolds’ (RJR) board of directors further underscores tobacco companies’ new focus on attracting youth smokers. In the report, the directors clearly state that the company wishes to capture the market among youth smokers, which it classifies as those between 14 and 24 years old. They proclaim, “Thus, our strategy becomes clear for our established brands—direct advertising appeals to the younger smokers.” The report goes on to detail R.J. Reynolds’ plans to inundate beaches and other youth hotspots with the mass distribution of t-shirts and other promotional items. The directors also discuss their plans to expand R.J. Reynolds’ sponsorship of NASCAR auto racing because, in their words, “63% of spectators are under the age of 35.” Brown & Williamson similarly set its sights on the youth demographic following the 1970 ban, remarking in a 1974 problem lab meeting that the company needs to “contact leading firms in terms of children research . . . contact Sesame Street . . . contact Gerber, Schwinn, Mattel” and “determine why these young people were not becoming smokers.”

Philip Morris economist Myron Johnson expressed similar concerns about cornering the youth market, commenting that a higher-priced cigarette would mean that Philip Morris

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93 Ibid., 12.
94 Ibid., 7.
95 Ibid.
96 Ibid., 8.
would “no longer be able to rely on a rapidly increasing pool of teenagers from which to replace smokers through lost normal attrition…”

The infamous Moviegoer Continuous Purchase Program acts as an even more transparent example of the youth-oriented avenues tobacco companies pursued after the 1970 ban. In 1985, RJR marketed its Camel cigarettes in movie theaters across America through this unique promotional program. Both in terms of its structure and its prizes, this promotion bore striking similarities to cereal box promotions. The initiative sought to create favorable brand associations in the movie business by allowing consumers to cash in their cigarette proof of purchase labels in exchange for movie-themed prizes. The nature of the prizes offered reveal that the Moviegoer Continuous Purchase Program operated under a youth-oriented marketing logic. Possible prizes included a *Beverly Hills Cop* t-shirt, a pair of *Risky Business* sunglasses, and an *Indiana Jones* fedora.

It is hard to imagine adult smokers saving up their Camel packs in order to send them in for a movie prop fedora or a pair of themed sunglasses. Akin to cereal box promotions, the Moviegoer Continuous Purchase Program appeared to cater to a young audience allured by Hollywood stardom and the opportunity to earn “exclusive” prizes. RJR further extended its reach into movie theaters by promoting a Camel Film Club. This program suckered young moviegoers into serving as free advertising for Camel by wearing buttons that granted them a $1.00 discount for showings of select movies. Members of the club also received news about movies that contained RJR products. RJR disguised this ploy as a “monthly film recommendation.”

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97 Ibid., 11.
99 Ibid.
Though these new promotional avenues boosted cigarette sales, they were quickly eclipsed by the more subtle and well-established tactic of youth-oriented tobacco product placements on the movie screen. As a part of a pivot toward youth consumers, tobacco companies overhauled the code of cigarette-related meanings developed in early-20th century movies. This meant trading Humphrey Bogart for Sylvester Stallone and forging new associations between cigarette smoking and values held in regard by teenagers in the 1970s and 1980s. This strategy proved extremely effective, both in terms of attracting new youth smokers and re-legitimizing the practice in American culture after it suffered substantial criticism in the 1960s. In order to understand why these product placements experienced such great success, it is important to briefly consider the proliferation of youth-oriented movies throughout the 1970s and 1980s.

David Bordwell, Professor of Film Studies at University of Wisconsin–Madison, writes that 1970 marked the “age of the blockbuster,” an era in which moviemakers largely worked toward “selling out, winning the weekend, building franchises, and catering to disposable teenage income.”100 While Bordwell’s comments cannot accurately describe the totality of the movies produced throughout the 1970s and 1980s, they capture the shift toward child-friendly blockbusters characterized by, as he puts it, “laughs and bullets.” During the 1970s and 1980s, filmmakers popularized the fantasy comedy (such as Ghostbusters) and brought forth numerous movies replete with increasingly sophisticated special effects and action-filled plots (such as Jaws and Die Hard).101 One can easily see how youth found this era’s films to be especially attractive. Therefore, when searching for new avenues to peddle their products, cinematic

101 Ibid.
product placement stood out as an attractive choice for tobacco companies interested in luring in youth smokers. Though some youth-oriented tobacco product placements appeared in 1970s films, the practice really took off in the 1980s.

Aside from the explosion of child-friendly blockbusters that consistently packed theaters with young adults and provided a prime venue for product placement, those product placements of the 1980s succeeded because of the deeply-rooted “code” of cigarette meanings established through on-screen tobacco appearances from the 1920s to the 1960s. Chapter One defined this code in terms of the connection forged between cigarettes and masculinity, rebelliousness, and sexuality through the use of popular actors and evocative on-screen scenes. Tobacco product placements in 1980s films played on this same well-established (and well-coded) language with some modern variations. While masculinity figured prominently in 1980s smoking scenes, it presented a much more physical and exaggerated image of manhood couched in terms that directly related to youth. Unlike the cigarette usage of Humphrey Bogart and Paul Henreid, the 1980s connection between smoking and masculinity was less about chivalry and more about brash, active rebelliousness. Tobacco product placements in the 1980s tended to combine sexuality with notions of popularity and social success, whereas older sexual smoking scenes tended to relate a more sophisticated, “adult” notion of physicality.

Gary Cross’s *Men to Boys: The Making of Modern Immaturity* explores how a shift in the definition of masculinity has affected cinema content. Cross notes the departure of leading men such as Cary Grant, Gary Cooper, and Clark Gable, who acted as the “classic images of maturity.”102 These men, he asserts, were replaced by the new males of the action-hero movie in the 1970s and 1980s. Cross writes, “By the mid-1970s, we see this shift toward the sensuality of

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action and violence, culminating in the ‘spectacular’ bodies of Sylvester Stallone and Arnold Schwarzenegger.” As opposed to the action heroes of yesterday, who navigated tough situations with a self-assured coolness and character, the new action hero was much more quick-tempered and appealed to young men “obsessed with their physiques and sexuality.”

Understanding this shift toward the more physical, virile on-screen male presence helps explain why tobacco companies ramped up their product placement efforts throughout the 1980s. Much in the same way that early-20th century cigarette manufacturers reflected society’s values in their product placements, cigarette companies in the 1980s sought to tie their product to this new notion of manhood.

However, in both periods of cinematic product placement, tobacco companies worked toward the same goal: legitimizing a de-legitimized practice. In the early 20th century, tobacco producers sought to extract cigarettes from notions of dandyism, disreputable behavior, and health concerns. Big Tobacco in the 1980s similarly endeavored to reverse the tide of anti-smoking sentiment that had risen throughout the 1960s and culminated in the 1970 ban. In doing so, tobacco companies connected cigarettes with a new type of masculinity. Matthew Hilton, a professor at the University of London, notes this shift in Smoking in British Popular Culture: 1800–2000. Hilton writes that the modern cigarette, similar to its historical counterpart, acts as the “arena in which various masculinities could be defined.”

Along with the new masculinity of the 1970s and 1980s came an increasingly aggressive smoking culture replete with brash, swaggering meaning. For example, Hilton notes that some

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103 Ibid., 154-155.
104 Ibid., 186.
smokers speak of “grinding,” “crushing,” or even “killing” a cigarette butt.\textsuperscript{106} In his view, this type of smoking represents the culmination of a new, raw emphasis on individuality that seamlessly integrated cultural products from the mass market.\textsuperscript{107} In a less direct fashion, choosing to smoke cigarettes becomes an act of defiance by the 1980s because most rational, mature people have already made the decision to kick their habit. This interpretation meshes particularly well with the 1970s and 1980s cinematic focus on the extremely marketable rough-and-tumble action hero. The next portion of this chapter will explore the practice of youth-oriented cinematic product placements throughout the 1980s using several notable examples.

An internal report from Brown & Williamson (B&W) dated 1981 provides a useful explication of Big Tobacco’s approach toward product placement in the 1980s and offers a sound introduction to the deviousness of the practice. The report is innocuously titled, “Recall and Recognition of Commercial Products in Motion Pictures.” Its authors cleverly disguised it as a study of the overall effectiveness of product placement \textit{in general}.\textsuperscript{108} Still, it contains strong clues indicating that the tobacco industry sought to maintain the longstanding union between the movie industry and its products. The report also provides evidence for the malleability of young minds; a facet of psychology to which the tobacco industry paid particular attention.

The document purports to measure how well moviegoers could recall a range of commercial products displayed in the 1981 film \textit{The Cannonball Run}. It is important to note that this film boasts some of the period’s most recognizable entertainment role models (such as Burt Reynolds, Farrah Fawcett, and Jackie Chan) and contains a high-energy, zany plotline that

\textsuperscript{106} Ibid.
\textsuperscript{107} Ibid.
appeals to adolescents. The report’s authors open with a telling discussion of the way in which product placements filter into the moviegoer’s consciousness despite their best efforts to focus on the plot and characters. They write, “When people are watching a movie their primary concern is concentrating on the storyline…Therefore, the viewer is not looking for, or consciously aware of names used in the movie.” The authors then assure the B&W executives, “The probability that some of the brands will be recalled by…seeing the products in the store or seeing and hearing them advertised is very good.” In essence, product placement exploits an area of the mind that is left undefended during the process of media consumption.

The results of the study demonstrated the concerning effectiveness of product placement amongst adolescents. Shockingly, 100 percent of respondents under eighteen years of age recalled the use of Camel cigarettes. This staggering figure easily exceeds their ability to recall Coca-Cola product appearances (a mere 45 percent), and Subaru product placements (just 14 percent). Twenty-five percent of those under eighteen also correctly identified Red Man Tobacco usage in the film. Notably, moviegoers above eighteen years of age displayed a much lower

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110 “Recall and Recognition of Commercial Products in Motion Pictures” (1981), 1.
111 Ibid.
ability to recall Camel’s on-screen presence.\textsuperscript{112}

![Figure 6: “Recall and Recognition of Commercial Products in Motion Pictures,” Truth Tobacco Industry Documents. Accessed January 22, 2017. https://www.industrydocumentslibrary.ucsf.edu/tobacco/docs/#id=nqgl0136](image)

Though the report does not specifically mention why tobacco executives thought the children recalled tobacco products with such accuracy, it is safe to assume that placing cigarettes in the hands of the movie’s action heroes (most notably Burt Reynolds and Jackie Chan) rooted them in the minds of children. Knowledge of tobacco companies’ drive to hook young smokers, as evidenced by this report, is crucial in evaluating the tactics used in the unabashed, youth-oriented tobacco product placements that proliferated in the decade’s movies.

In many cases, cigarette placements in popular movies served to reinforce the association between cigarette smoking and a new notion of brash masculinity. As was the case with \textit{The Cannonball Run}, the cigarette’s compelling appearance alongside a sexualized, brash masculinity occurred in many other 1970s and 1980s movies. A 1989 article in the \textit{Tobacco & Youth Reporter} aptly summarizes the decade’s dangerous trend of youth-centered cigarette

\textsuperscript{112} Ibid.
product placement through the lens of appeals to adolescent male sensibilities. In particular, cigarette companies characterized their product as a tempting adolescent behavior and a symbol of male status.

The core premise of the 1985 film *The Heavenly Kid* is based on an angel who is sent to Earth to teach a shy high-schooler how to “score” with girls. Of course, cigarettes form a crucial component of the angel’s plan to elevate his unfortunate counterpart’s social status. Many scenes depict the young angel jauntily brandishing a pack of Pall Mall cigarettes (an RJR product) whenever an attractive female approaches him in school. In one scene, the angel suggests that learning to smoke should compose a large part of any male teen’s plan to pick up girls.113 This close association between sexual successfulness and smoking surely increased the cigarette’s power in this on-screen appearance.

Figure 7: “The Heavenly Kid,” 80s Movie Rewind. Accessed January 22, 2017. http://www.fast-rewind.com/cgi-bin/ubb/ultimatebb.cgi?ubb=get_topic;f=2;t=010283;p=0

Tobacco companies also edged adolescent male consumers closer to a smoking habit by presenting cigarettes as a tempting, and ultimately harmless male rite of passage. The appearance

of cigarettes in the 1985 coming-of-age comedy *Heaven Help Us* sends a clear message to burgeoning male smokers: you are not a “man” until you rebelliously smoke a cigarette. In this film, several male Catholic prep school students are displayed smoking Lucky Strikes in a drug store. Suddenly, one of the school’s older students enters the drug store. The younger students quickly snuff out their cigarettes for fear of punishment from the older student. Their trepidation soon turns to rejoicing as the older teen confidently orders a pack of Chesterfields. To the younger boys’ surprise, their suave schoolmate even asks them for a light! In this sense, the act of bonding with an older male through cigarettes is presented as the apex of coolness. For the rest of the film, the macho, self-possessed older student puffs on a cigarette while his younger schoolmates bask in his masculinity. These evocative associations between smoking and one’s manhood abound in other 1980s adolescent films such as *Field of Dreams*, *Grease*, and *Indiana Jones*.

The cigarette placements found within *Beverly Hills Cop* provide an excellent example of that way in which tobacco companies capitalized on the “laughs and bullets” trend of the 1970s and 1980s. This 1984 film follows the adventures of the street-smart Axel Foley (played by Eddie Murphy) as he tries to solve his friend’s murder. This product placement stemmed from the American Tobacco Companies’ (ATC) concern that its competitors were surpassing them in terms of cinematic product placements. In a 1982 internal memo, John McGinn, ATC’s product manager, laments how “active the competition is in promoting their products in major films.” He remedied this problem by partnering with Cliff McMullen of Unique Product Placements of

114 Ibid.
North Hollywood. McMullen excitedly relates to McGinn that “many times we can get a display, a sign, a t-shirt, a logo, etc. inserted into a positive scene…”\textsuperscript{117} The placement of Lucky Strikes and Pall Mall cigarettes in \textit{Beverly Hills Cop} cost the company around $25,000.\textsuperscript{118}

\begin{figure}[h]
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In the same internal report, ATC’s advertising director WJ Moore notes, “Our participation has varied from simple product use between principals in the film to the spectacular opening in \textit{Beverly Hills Cop}.”\textsuperscript{119} Here, Moore is referring to the opening scene of the movie in which Eddie Murphy’s character chases down a truckload of contraband Lucky Strikes and Pall Mall cigarettes. This scene features over 25 pans over the boxes of cigarettes and Murphy’s character even remarks that “These are very popular cigarettes with the children.”\textsuperscript{120} The high-

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energy, action-packed nature of the scene, acting in concert with the placement of two popular youth brands of cigarettes, made for an extremely overt (and convincing) youth-oriented product placement.

It may appear that Big Tobacco primarily sought to peddle cigarettes to young male consumers by displaying its products in conjunction with virile, dynamic male stars. However, tobacco companies made an equally forceful push to recruit young female smokers into their ranks through similar appeals to rebellious, confident behaviors. Consider the case of the 1980 film *Superman II*, the wildly popular sequel to the 1978 film *Superman*. Though the larger-than-life heroism of Superman provides an example for adolescent male moviegoers, Lois Lane acts as a strong, successful model for young female viewers. Throughout the duration of the film, Lane sticks by Superman’s side, evades death, and ultimately triumphs over the villainous General Zod. As the University of California, San Francisco’s *Smoke Free Movies* project notes with dismay, she is never far from a Marlboro cigarette (her smoke of choice) or a cleverly-placed Marlboro advertisement.121

In one particular scene, Lane holds a Marlboro between her lips as she brags about the “natural” quality of the orange juice that she’s drinking.122 Here, the clear connotation is that cigarettes are a “natural” product, so consumers need not fear adverse health effects. Dr. Paul Magnus asserts that the association between Marlboros and Lois Lane creates an easily imitable standard of female strength and beauty. In a way, the effect of the cigarette brandished by Lois Lane acts as the female companion to the masculine cigarette. He writes, “She (Lois Lane) is a bright, independent, and daring reporter on *The Daily Planet*… Lois Lane, role model for

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122 Ibid.
millions of teenage girls and children, also smokes cigarettes.”

In this sense, cigarette appearances in Superman II reject the notion that cigarettes in movies only appear in the hands of the “bad guy.” Dr. Magnus then laments, “How many thousands of girls, primed for smoking, will the movie have given the last nudge into a cigarette habit or pushed a bit closer? How many who are already hooked will be encouraged to continue?”

In an era saturated with product placements in children’s movies, Dr. Magnus’ questions reach the heart of the issue: How many well-placed product placements served as the final spark that ignited a lifelong cigarette habit for America’s teens?

While cinematic product placements of tobacco products certainly serve as a tool to foster associations between smoking and desirable attributes, this is not the sole reason why cigarettes appear in popular films. David L.L. Shields, a scholar from the American Nonsmokers' Rights Foundation, adds nuance to the discussion regarding cinematic product placements by

123 Ibid.
124 Ibid.
laying out the “artistic expression” aspect of on-screen tobacco appearances. In 1999, Shields and a team of researchers set out to determine the reasons for which producers, actors, writers, and directors consented to cigarette appearances in their movies.125

The researchers’ question, “Why is tobacco used in film?” elicited particularly illuminating responses from film directors and actors. The respondents overwhelmingly asserted that cigarettes appear on screen because the film’s director wishes to use them as a prop to develop some aspect of the character and lend authenticity to real-life situations. One director remarked, “You can create visually a tremendous sense of tension or conflict or whatever by having people use a cigarette and, also, by the way they smoke it, whether it is with a certain kind of desperation or intensity.”126

In a similar fashion, a number of interviewees explained that cigarette smoking can also reveal “inner dissonance or psychological inconsistency.” As one director pointed out, a character could go for a jog and then light up a cigarette at the end of his workout.127 Obviously, this type of paradoxical behavior can serve an artistic purpose as a reflection of a character’s frenetic mental state. Discussing cigarettes as a flexible prop within the film industry, respondents tied cigarette use to a number of attributes including recklessness, toughness, nervousness, and social anxiety.128 The manifold connotations given to cigarette smoking in films suggests that not all on-screen tobacco appearances take the form of manipulative advertisements designed to sugar-coat the negative effects of cigarette smoking. At the same time, despite the fact that these placements are not purely positive, they nevertheless normalize

126 Ibid, 380.
127 Ibid.
128 Ibid.
smoking in a number of settings and reflect and reinforce the longstanding “code” of meaning-laden cigarette placements in movies.

Aside from character developments, responses from interviewees indicated that tobacco depiction adds an element of realism to certain cinematic scenes. These individuals argued that certain scenes, namely those set in bars, mid-century locations, and seedy locales would not appear authentic without the presence of cigarettes. In this sense, it appears that film directors sometimes make a conscious artistic choice to display cigarettes in their film, as opposed to being propositioned by tobacco companies hungry to hook new smokers. One actress remarked that, “There’s nothing arbitrary about smoking on film…it’s a deliberate choice.”

Aside from the artistic expression argument for placing cigarettes in movies, David Shields and his team of researchers also posit that the deeply-ingrained culture of smoking amongst actors contributes to prominent on-screen time for tobacco products. Multiple respondents described the way in which actors’ preferences to smoke on camera lead to more cigarette smoking in movies. It is not a stretch to theorize that modern actors’ desire to smoke on screen stems from their belief that smoking is part of the classic “look” an actor must portray. Actors from Hollywood’s Golden Age established this look through the heavy use of cigarette imagery. Though David Shield’s findings do not completely absolve Big Tobacco of its product placement sins, they do reveal the way in actors and producers themselves (not just tobacco companies) often place cigarettes in films without the motivation of an explicit cash payment. Still, his findings affirm that the embedded link between cigarettes and certain cinematic meanings can promote tobacco use without Big Tobacco directly calling the shots.

\(^{129}\) Ibid, 381).
Unfettered Growth to New Restrictions

As is often the case in the battles between social movements and their business adversaries, each side wins and loses battles, and momentum swings between both parties. Sometimes, it appears that the social activists are gaining ground. It certainly appeared this way throughout the 1960s, as the federal government officially joined the anti-smoking effort for the first time in the nation’s history. Anti-smoking advertisements and legislation decreased smoking rates after decades of uninterrupted growth. By 1970, Big Tobacco faced a profound crisis in terms of decreasing cigarette consumption and low public support for the practice.

Tobacco companies turned the tables in 1970 when they transformed the seemingly disadvantageous advertising ban into an industry-wide victory. The 1970 ban effectively eliminated the anti-tobacco broadcast advertising, consolidated the cigarette market among the largest players, and allowed tobacco companies to market “healthier” (and more addictive) cigarettes in a disingenuous effort to respond to public outcry.

The graph below demonstrates how, after a decline in per capita cigarette consumption from the mid to late-1960s, per capita consumption began to rise throughout the 1970s. It is important to note that this growth did not last for long. As tobacco companies found themselves swimming against the tide of anti-smoking measures by the late 1980s, per capita cigarette consumption sharply declined. Still, the rise in per capita consumption directly following the 1970 ban provides an illustration of the way in which the ban failed to meet its goals. Most importantly, the end of television and radio advertising compelled cigarette producers to tap into the lucrative youth market through a host of new marketing efforts. In fact, from 1970 to 1980, the sharp decrease in youth smoking that began in 1965 had begun to level off and even
increased during some years. Tobacco product placements in youth-oriented movies proved the most enduring of these efforts, continuing throughout the 1980s without much outcry.

Throughout Big Tobacco’s long relationship with product placement firms and Hollywood producers, industry executives have placed advertising imperatives above the health of America’s youth. The 1980s brought a period of unchecked tobacco product placements within a litany of youth-oriented films. In those years, cigarettes found their way into movie scenes that equated their usage with the well-established code of cigarette meanings forged between Big Tobacco and Hollywood’s longstanding relationship.

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The momentum, however, would soon swing back in the favor of regulation by the late 1980s. The final chapter will explore the period of fervent anti-tobacco action that followed the gross product placement abuses of the 1980s. In particular, it will cover the Congressional investigations of Big Tobacco (particularly Democratic Congressman Luken’s Subcommittee), the Federal Trade Commission’s response, the eventual Cigarette Advertising and Promotion Code, and the fervent regulation of the 1990s.
Chapter 3

Aftermath of Youth-Oriented Product Placements: 1980s-Present

The Era of Regulation Intensifies

Eventually, Big Tobacco’s egregious marketing abuses were wrested from the anonymity of dark movie theaters and subjected to the harsh light of Congressional scrutiny by Democratic Congressman Thomas Luken’s 1989-1990 House Subcommittee on Transportation, Tourism, and Hazardous Materials.\(^\text{131}\) Though partisan gridlock stunted the Subcommittee’s ability to pass legislation restricting tobacco product placement, the Subcommittee’s weighty testimony inspired an ancillary 1990 Federal Trade Commission (FTC) inquiry into questionable tobacco industry practices.\(^\text{132}\) Faced with federal and public pressure, the tobacco industry adopted its voluntary “Cigarette Advertising and Promotion Code,” a measure intended to prohibit paid product placement.\(^\text{133}\) However, internal tobacco company documents from the so-called “voluntary era” demonstrate that tobacco companies have failed to regulate themselves and consistently flout their own self-imposed code through clever marketing loopholes and flat-out defiance. Despite the seeming defeat of Luken and his allies and the failure to enact the 1989 Protect Our Children from Cigarettes bill, the anti-tobacco front that coalesced in the late-1980s manifested major anti-smoking legislation and action in the 1990s.

This chapter provides a closer look at the trajectory of youth-oriented product placements from 1980 to present day, with special attention paid to the role of governmental and intra-


industry pressure. First, the chapter will cover how the Congress and FTC mounted an effort to limit the presence of tobacco products in American movie theaters. Next, this chapter examines more modern internal tobacco industry documents and contemporary scholarship concerning the era of voluntary self-regulation. Finally, the chapter will cover the way in which the failed Congressional and FTC actions of the late 1980s laid the groundwork for an explosion of anti-smoking measures in the 1990s. Although the story of Big Tobacco throughout the 20th century can be read as “business as usual,” encouraging signs exist that suggest the tide is beginning to turn.

**Congressional and FTC Response**

Although federal investigation into tobacco product placement did not begin in earnest until 1989, parents and watchful citizens grew more concerned with the increasing appearances of cigarettes in movies. In fact, as early as 1984, citizens were calling for the federal government to regulate the frequency and nature of tobacco product placement in films. These individuals took particular objection with the way in which Big Tobacco had made inroads into youth-oriented films and demanded FTC oversight.

In May of 1984, Grace Reinbold, a concerned consumer, sent an impassioned letter to Wallace S. Snyder of the FTC’s Division of Advertising Practices and Lee Peeler of the FTC’s Bureau of Consumer Protection, in which she called for “action to protect the young people of America from being fed with advertising that glamorizes a particularly unhealthy habit.”

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fostering a lucrative product placement arrangement that draws in thousands of unwitting youth media consumers.\textsuperscript{135}

Ms. Reinbold levels a condemnation of youth-oriented product placement rooted in both moral and legal arguments. This two-pronged approach foreshadowed the testimony evident in the Luken Subcommittee’s Congressional investigation of tobacco product placement. She begins her argument by petitioning the FTC to take action against tobacco product placement on the grounds that Phillip Morris and Warner Communications, Inc. are engaged in “unfair and deceptive trade acts or trade practices which are detrimental to the public, particularly the minor public.”\textsuperscript{136} The prominent display of cigarette trademarks in a slew of films, she argues, constitutes the “prohibited advertising of cigarettes and unfair trade practice in commerce.”

Reinbold also censures product placement firms for their role as key intermediaries that facilitate interactions between tobacco companies and film production companies. In order to highlight the detrimental work of product placement firms, she highlights a statement made by Robert H. Kovoloff, President of Associated Film Productions, a renowned product placement firm. In reference to his company’s prolific product placement rates, Kovoloff brags, “We don’t miss many, do we?”\textsuperscript{137} In Reinbold’s view, product placement firms’ ability to stealthily and effectively place cigarettes in youth-oriented movies underscores exactly why the tobacco product placement issue merits public and governmental attention.

Reinbold also turns toward moral appeals in an effort to compel the FTC to initiate an investigation of Big Tobacco. Her letter introduces her son Jason, who she argues has fallen victim to near-universal tobacco product placement. Specifically, Reinbold cites an example of a

\textsuperscript{135} Ibid.
\textsuperscript{136} Ibid.
\textsuperscript{137} Ibid.
time in which she and her son were watching an HBO (an asset of Warner Communications) program called “Braingames.” During the course of the program, Jason spotted a Marlboro logo prominently displayed during a sports segment of the show. Reinbold argues that many children, such as her son Jason, succumb to on-screen tobacco product placements because children “are too young to exercise intelligent judgements as to the purchasing of Marlboro cigarettes.”

Here, Reinbold essentially describes the classic argument against advertising to children. Since children cannot assess the consequences of their actions, discern between competing products, and make other consumer-related decisions, they cannot act as free, satisfactorily rational agents. Without free agents on both sides of the transaction, a free market cannot exist. Little did Reinbold know that her request for federal action against Big Tobacco would be fulfilled just five years into the future.

The deluge of youth-oriented tobacco product placements through the 1980s proves that Big Tobacco enjoyed relatively unchecked influence in movie theaters for nearly a decade. However, public discovery of three key incidents ignited the powder keg of anti-tobacco product placement sentiment and paved the way for Congressional and FTC investigations. All three of these incidents involved explicit payments made by tobacco companies in exchange for the placement of their products within films.

The first blow to Big Tobacco’s product placement efforts came in the form of a series of internal memos from Brown & Williamson (B&W) leaked by anti-tobacco activists. These memos revealed that B&W spent a staggering $950,000 across a span of four years to place its products in over twenty movies. From 1979-1983, the tobacco giant made payments to a number of the entertainment industry’s biggest superstars – including Paul Newman and Sean Connery –

\[138\] Ibid.
in the form of cash, checks, cars, and jewelry. Perhaps most egregious was the company’s $500,000 payout to Sylvester Stallone. In the leaked document, the action movie star agreed to “use Brown & Williamson tobacco products in no less than five feature films.” 139 James F. Ripslinger, Senior Vice President of Associated Film Productions, closes his letter with gratitude toward the cigarette industry’s new cash cow, saying, “On behalf of our client Brown & Williamson Tobacco Corp., we wish to thank you for this long-term commitment…”140

The second and third blows came from Phillip Morris. In 1980, the company paid UK £20,000 to Dovemead Limited (a British production company) so that Marlboro cigarettes would be displayed in positive scenes within Superman II in 1980. This agreement also contained a clause which dictated that Philip Morris executives would be able to pre-screen the film and nix any scenes that might “reasonably be construed as detrimental to the Marlboro brand name.” Later, in 1989, Philip Morris paid $350,000 to Danjaq SA, the holding company that manages the copyright and trademarks related to James Bond on screen, for Lark cigarettes to be used as a bomb detonator in License to Kill.141 The arrangements for this product placement were made through Leo Burnett Company, Inc., the same advertising agency responsible for the creation of Tony the Tiger, Charlie the Tuna, and the Marlboro Man142. The agreement also stipulated that License to Kill would contain no “visual or oral references” to any tobacco product other than Lark cigarettes.

139 Myron Levin, “Tobacco Firm Paid $950,000 to Place Cigarettes in Films: Movies: Company paid actors in cash, cars or jewelry in early ’80s, memos say. Industry says it has halted practice,” Los Angeles Times 19 May 1994: 1.
140 “Mr. Sylvester Stallone,” June 14, 1983, Truth Tobacco Industry Documents, University of California, San Francisco, San Francisco, CA.
These three examples of explicit cash payments transferred between tobacco companies and entertainment firms aroused the attention of Thomas Luken, a longstanding Democratic representative of Ohio’s 1st and 2nd Congressional districts. A January 27, 1989 press release from Congressman Luken’s office indicates that Luken announced his intent to probe the cigarette industry. Interestingly, this press release was found within Phillip Morris’s own collection of the *Truth Tobacco Industry Documents* database, indicating the company’s fear over investigation. At the time, Luken chaired the House Subcommittee on Transportation, Tourism, and Hazardous Materials, which exercises oversight jurisdiction over the FTC. Speaking at a “Tobacco Use in America” conference in Houston on January 27th, 1989, Luken explained, “We want to find out the extent to which the merchants of addiction are paying the film producers to get cigarettes used in the movies.” He later asserted, “This practice is a subtle way of getting young people to smoke and also has the effect of circumventing the federal ban on cigarette advertising on television.” With these fiery words, the government’s first wide-scale investigation into tobacco product placement had begun.\(^{143}\)

Congressman Luken initiated his investigation by requesting that Phillip Morris and five other cigarette companies provide information about their companies’ payments to have movie producers feature their products in popular films. These efforts did not represent Luken’s first foray into investigating Big Tobacco, however. In 1988, Congressman Luken unsuccessfully introduced the Cigarette Restrictions Act of 1988, H.R. 5113, into Congress. Chiefly, this bill sought to ban the consumer sales promotion of cigarettes under section 4 of the Federal Trade Commission Act, which prohibits “unfair or deceptive acts or practices.”\(^{144}\) Though the bill


\(^{144}\) Ibid.
never made it into law, Luken’s stewardship over the bill underscored his commitment to
reforming the way in which tobacco companies promote their products.

In order to regulate Big Tobacco’s product placement behavior, the House Subcommittee
on Transportation, Tourism, and Hazardous Materials sought to pass H.R. 1250, or as it was
known in Congress, the “Protect Our Children from Cigarettes Act of 1989.” The bill’s sponsors
primarily aimed to outlaw the “promotion and certain advertising of tobacco products to children
and the sale from vending machines of tobacco products to children” under the Federal Trade
Commission Act.145 Though the bill died in the House of Representatives, the lively
Congressional debate engendered a series of hearings that included testimony from some of the
era’s foremost advertising and tobacco experts.

Three components of the Federal Trade Commission Act warrant particular attention in
order to understand the legal foundation of Congressman Luken’s challenge to Big Tobacco’s
product placement regime. Section 3a.1 states, “No person may engage in the consumer sales
promotion of any tobacco product in or affecting commerce if that consumer sales promotion is
or may be seen or heard by any person under the age of 18.” Section 3b.2g defines a component
of “consumer sales promotion” as “payment to have a registered brand name of a tobacco
product appear in a movie or play unless the brand name is the name of a corporation in
existence on August 1, 1988.” Section 4 of the bill asserts the FTC’s authority over tobacco
promotion and outlines the punishment for violating Section 3. Armed with these three precepts,
Luken and his Congressional allies launched their assault on tobacco product placement.146

146 Ibid.
Congressman Luken’s Subcommittee began its investigation with a series of hearings that ran from July 1989 to March 1990.\textsuperscript{147} A closer look at the hearing’s key players and their respective positions provides an overview of the subcommittee’s successes and setbacks along the trajectory of the legislative process. Relatively early on in the hearing, the committee heard the statement of Joe Tye, the chief operating officer of Baystate Medical Center in Springfield, MA. Tye also edited the \textit{Tobacco and Youth Reporter} and served as the president of “Stop Teenage Addiction to Tobacco” (STAT). Tye argues that the system of tobacco product placement has become so inextricably linked to Hollywood that teenagers cannot help but fall victim to strategic, malicious cigarette placements. By creating a cinematic paradigm in which the “good guys” always smoke the sponsor’s brand, youth are exposed to an onslaught of powerful associations between smoking and positive behaviors. Tye laments, “One of the most insidious...the most cost-effective weapons in their (the tobacco companies’) arsenal for reaching young people is cigarette advertising buried in movies.”\textsuperscript{148}

By this point in the hearing, the subcommittee had reviewed over three dozen movies. Tye notes that nearly all of those films displayed admirable characters smoking in a “highly glamorized fashion.” Tye brings three pieces of cinematic work to bear against the tobacco companies. Each of these films bolsters his argument about the troubling thematic associations projected by tobacco product placements. Of particular note is his interpretation of \textit{Supergirl}, a 1984 film that details the heroic deeds of a female superhero. The Liggett Tobacco Company paid $30,000 to feature Eve cigarettes on billboards and put them in the hands of many of the


\textsuperscript{148} Ibid.
main characters. Tye played a clip from the film that shows several of the main characters smoking as a means to display “the cool rebelliousness and rejection of authority that many teenagers admire.” In many ways, his views align with those of the *Tobacco and Youth Reporter* (discussed in section one of the thesis), which asserts that tobacco companies make a deliberate effort to place cigarettes in the hands of charismatic characters.\(^{149}\)

Tye’s testimony also reveals the troubling inconsistency of government regulation of tobacco product placement. In 1970, the Public Health Cigarette Smoking Act of 1969 was officially signed into law. From that point forward, tobacco producers could not advertise cigarettes on the radio and television. Why then, Tye argues, is it considered permissible for tobacco companies to act in blatant disregard of government regulation? He asserts, “The logic that applied 20 years ago to outlawing cigarette advertising from television and radio airwaves applies in double measure to cigarette advertising in movies.”\(^{150}\) In light of adolescents’ acute sensitivity to movie product placement (as demonstrated by B&W’s “Recall and Recognition of Commercial Products in Motion Pictures”) Tye made a strong case for FTC regulation of tobacco product placement.

The tobacco industry’s perspective on H.R. 1250 and the deliberations of Congressman Luken’s subcommittee also merit close scrutiny. The testimony of Charles Whitley, a Congressman from North Carolina and lobbyist on behalf of The Tobacco Institute, provides an apt summary of Big Tobacco’s position at the end of the 1980s. Whitley’s objections to H.R. 1250 rest upon his application of the *Central Hudson* test to Luken’s desire to abolish cinematic tobacco product placements.

\(^{149}\) Ibid.
\(^{150}\) Ibid.
The *Central Hudson* test, which stemmed from the *Central Hudson Gas & Electric Corp.* v. *Public Service Commission* (447 U.S. 557 [1980]) United States Supreme Court ruling, constitutes a four-part test used to determine the legality of commercial speech regulations in respect to the First Amendment. The case itself occurred in the state of New York during the winter of 1973-74. There, the Central Hudson Gas and Electric Corp. sued the state’s Public Service Commission over its ban on all advertising that promotes the use of electricity. At the time, the commissioners feared that the state’s utility system could not provide all of its customers with electricity over the course of the winter.151

The Supreme Court ultimately ruled in favor of the Central Hudson Gas and Electric Corp. and asserted that the regulation of the Public Service Commission of New York “violates the First and Fourteenth Amendments because it completely bans promotional advertising by an electrical utility.”152 The ruling also established the four-part *Central Hudson* test. In order to determine that the interests of commercial speakers outweigh the interests of government regulators, a court must determine:

1. Whether the commercial speech concerns a lawful activity and is not misleading;
2. Whether the government interest asserted to justify the regulation is "substantial";
3. Whether the regulation "directly advances" that government interest; and
4. Whether the regulation is no more extensive than necessary to serve that interest.153

152 Ibid.
Since the four prongs of the *Central Hudson* test set high standards for courts to prove unconstitutional commercial speech, courts that apply this test often err on the side of caution in condemning commercial free speech. Daniel Troy from the Free Speech & Election Law Practice Group expresses dismay over the inconsistency of the test. He argues, “The lack of clarity about the rights of advertisers has also encouraged bureaucrats and politicians to attack the commercial speech of politically unpopular interests – most dramatically tobacco.” 154

In his testimony, Whitley focuses on the second prong of the *Central Hudson* test in an effort to invalidate the proposed H.R. 1250. This portion of the test states that commercial speech can be abolished only if there is a significant government interest to be advanced, and the proposed action effectively advances that interest.155 On this point, Whitley contends that “there is not any empirical evidence to show that abolishing advertising…would stop young people from starting to smoke or continuing to smoke.”156

Whitley attempts to further discredit this link by citing the words of Surgeon General C. Everett Koop, the period’s foremost expert on public health and the feasibility of antismoking measures. In a recent report, Koop had asserted, “There is no scientifically rigorous study available to the public that provides a definitive answer to the basic question of whether advertising and promotion increased the level of tobacco consumption.” The lack of evidence to prove that the government’s proposed measure (H.R. 1250) would effectively advance their

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154 Ibid.
156 Ibid.
interest leads Whitley to conclude that H.R. 1250 fails the *Central Hudson* test and ought to be invalidated.\textsuperscript{157}

Representative Whitley’s determination to protect Big Tobacco’s freedom of commercial speech also hearkens back to the findings of David Shields, who argues that cigarette appearances help preserve a film’s intrinsic artistic factors and authenticity. Here, Whitley appears concerned that an outright ban on tobacco product placement would stifle movie producers’ ability to freely represent scenes in an authentic fashion. He cites the $350,000 transaction that allowed *License to Kill* producers to use a Lark cigarette package as a bomb detonator. Whitley’s view on the transaction contradicts the widely-accepted version of the story. In his view, the producers of the James Bond movie sought to add an element of realism and Bond-esque coolness by including the packaging. Whitley asserts that “there was never an approach by a cigarette company to a movie producer suggesting that there be a smoking scene, that there be the use of any tobacco advertising…”\textsuperscript{158}

Whitley further takes issue with the way in which Luken’s subcommittee had described the product placement transactions that prominently placed cigarettes in *Beverly Hills Cop*. He argues, “The supposition is, of course, that Phillip Morris approached the producer of this movie and said that if you will use our brand we will pay you a lot of money.” In Whitley’s view, the exact opposite occurred. He explains that, in his view, the producers of the film decided to include a scene with cigarettes and *then* approached the American Tobacco Company to ask permission to use their empty tobacco cartons to produce a cigarette hijacking scene.\textsuperscript{159} It appears as though Whitley’s speculation attempts to rebuff the idea that Big Tobacco engaged in

\textsuperscript{157} Ibid.
\textsuperscript{158} Ibid.
\textsuperscript{159} Ibid.
a deliberate, extended effort to place its products in youth-oriented films. Through the “artistic freedom” argument, he attempts discredit the most egregious cigarette product placements under the auspices of retaining artistic liberty and authentic cinematic scenes.

Shortly after Mr. Whitley’s testimony, the subcommittee called Professor Jean Boddewyn to testify. As a professor of marketing and international business at the City University of New York, Boddewyn brought several decades of experience studying the regulation of advertising. Interestingly, Boddewyn was also asked to testify in a similar hearing before the World Health Organization on the regulation of pharmaceutical products. He also published an article on tobacco advertising and consumption in the *British Journal of Addiction*. Professor Boddewyn mounts a statistics-based attack against H.R. 1250 (the bill proposed by Luken’s subcommittee) using international comparisons. Just like Mr. Whitley, he can be placed squarely in the anti-regulation, free market crowd. In the late 1980s, an era characterized by a drive toward small government and fewer regulations, Professor Boddewyn held the viewpoint of many other conservatives: the government has no business regulating personal choices (even if they involve youth), and parents bear the obligation of taking care of their own children.

While many individuals who provided testimony for Luken’s subcommittee expressed concern over youth exposure to tobacco product placement, Boddewyn instead argued for a reinterpretation of youth smoking perceptions. In his view, the steadily declining proportion of U.S. smokers among high school seniors and 20-to-24-year-olds suggests that “more drastic restrictions” represent a gross overstep in federal power. Boddewyn then muses, “We are doing

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better than quite a few countries with a ban (on cigarette product placements), so why do we need a ban?" Finland and Sweden, for example, imposed hefty restrictions on cigarette advertising but still face rising numbers of youth smokers. Boddewyn quips, “There, in Norway, the situation resembles that of King Kanut, who was the King of Norway, telling the tide to recede just when the tide had already taken place.”

Professor Boddewyn calls into question the very link between cigarette product placement and youth smoking. By citing studies conducted by the Children Research Unit in London, and similar studies conducted in sixteen other countries, Boddewyn concludes that “personal and social factors are much more important than advertising,” which plays a “miniscule role” in getting adolescents hooked on cigarettes. Of course, this assertion neglects the fact that most product placements capitalize on themes present in everyday social interactions between teens. Shrewd tobacco executives have and continue to insert their products into cinematic situations displaying youthful rebellion, machismo, and the search for oneself. In this sense, his argument aligns with Representative Whitley’s point that a conclusive link has not been established between tobacco advertising and youth smoking rates.

To conclude his comments, Professor Boddewyn summarizes his two main contentions with H.R. 1250, focusing on its scope and its ambiguity. In his eyes, H.R. 1250 applies a “neutron bomb”-level solution to a relatively unexplored and unproven phenomena. Again, Boddewyn turns to Norway as a prime example of the failure in regulating cigarette advertisements. There, he says, a “neutron bomb” solution left the country with a blank advertising easel. Instead of reduced juvenile smoking, this “blank easel” led to the contradictory result of increased youth smoking. Boddewyn employs a rather strange metaphor to explain the

161 Ibid.
way in which it is impossible to determine the effectiveness of measures against juvenile smoking. By likening anti-smoking measures to truffles, a tasteless food that makes other foods taste better, he asserts that one cannot ascertain which exact measure within the “pot” of anti-smoking measures actually elicits a positive effect. Given this ambiguity, Boddewyn recommends caution and restraint. He warns the committee, “H.R. 1250…is not about cuisine-like truffles, it is about curtailing freedom of commercial expression.” Essentially, Boddewyn’s position takes the form of a standard, non-interference libertarian argument with a touch of psychology.

Martin Redish, a professor of law at Northwestern University expresses similar qualms about H.R. 1250 and its ability to interfere with the free market. At this hearing, Redish represented the Tobacco Institute, the industry’s chief lobbying and trade group. Redish goes farther than most other H.R. 1250 detractors, proclaiming that “A total ban on truthful advertising of a lawful product would effectively amount to a governmental attempt to influence consumer behavior by resorting to mind control.” Citing the Supreme Court precedent that under the First Amendment there can be no such thing as a “false idea or opinion,” he defends the seemingly misleading tobacco advertising that displays smoking in conjunction with a healthy lifestyle. By banning this type of advertising, Redish asserts, one would undermine the American principle that each individual, not the government, must make his or her own decision.

162 Ibid.
164 Ibid.
Redish then broadens the scope of his argument by making the claim that H.R. 1250 would eviscerate the principles of sovereignty and the intellectual integrity of the individual that undergird the First Amendment right to free expression. Essentially, he believes that each individual ought to observe all competing information and opinions in order to make a decision, not just the information that the government deems appropriate or useful. Redish laments, “If we do not trust the individual to make such choices in the private realm, it is difficult to understand how we can nevertheless adhere to this view in the political realm.”

Here, Redish seems to miss the key point that youth-oriented cigarette advertisements (particularly those directed through the filter of the subconscious such as product placements) cannot reasonably be considered “competing information” and their recipients cannot reasonably be considered “sovereign.” Furthermore, free agency cannot be ascribed to a child, who inherently lacks the mental capabilities to take part in the free marketplace. The idea of competing information seems to imply that consumers are aware of the fact that they are being offered a piece of information or an opinion. The mechanisms of product placement are specifically designed to mask the transmission of information. In this sense, the information in competition with tobacco product placement is placed at an inherent disadvantage, for it cannot be clearly compared with the pro-tobacco messages. Furthermore, with underdeveloped brains and strong peer pressure, it is difficult to imagine how youth possess the “intellectual integrity” necessary to discern between competing information.

Interestingly, Redish also focuses on the Central Hudson test. However, where Whitley focused on the second prong of the test, Redish hones in on the fourth prong. This prong states that the proposed measure must be appropriately tailored to achieve the stated goal. He believes that H.R. 1250 unequivocally fails on this count. Redish argues, “…in the name of protecting
children, the bill effectively prohibits all advertising directed to adults.”\textsuperscript{165} It seems that he fears a “slippery slope” whereby passage of the bill would allow government bureaucrats to silence an increasing number of advertisers in the name of protecting children. He even goes so far as to express his concern over the possibility of a future advertising environment only suited toward the intellectual and communicative level of children.\textsuperscript{166} Just like Professor Boddewyn, Redish attacks the scope of H.R. 1250. Where Boddewyn uses the exaggerated metaphor of a neutron bomb, Redish opts for a more reasonable comparison. He closes his argument contending that “The bill employs a sledgehammer when the First Amendment demands use of a scalpel.”\textsuperscript{167}

After months of debate at the subcommittee level, H.R. 1250 was introduced in the House of Representatives on March 2, 1989. Much to Luken’s dismay, a powerful anti-tobacco lobby and an executive branch averse to interfering with the free market kept his trademark bill from garnering enough votes to move to the Senate. The bill, which would have essentially dictated the content that Hollywood producers could place in their movies, simply went too far for this relatively conservative era.

Still, the critics were not to be deterred in their effort to curtail Big Tobacco’s product placement activities. In 1990, the Center for the Study of Commercialism (CSC) launched an inquiry into the product placement activities of various tobacco firms. After extensive deliberation, the CSC concluded that “The practice of placing product advertisements in motion pictures without disclosure is deceptive, misleading, and unfair to consumers as a matter of law.” The CSC then recommended that the FTC require the motion-picture industry to enact strict reforms to dilute the power of tobacco product placement. Although this inquiry ultimately

\textsuperscript{165} Ibid.
\textsuperscript{166} Ibid.
\textsuperscript{167} Ibid.
proved fruitless in terms of compelling industry reforms, it helped to shift public opinion against the tobacco industry’s targeting of youth. The force of the CSC investigation, coupled with the extensive testimony surrounding H.R. 1250, ushered in the “voluntary era,” or the modern era of self-regulation within the tobacco industry.168

**Tobacco Product Placement in the Voluntary Era**

In 1990, tobacco companies responded to growing government and public pressure by updating their voluntary Cigarette Advertising and Promotion Code to include a ban on paid product placement. This industry-wide response forced companies to radically alter their film-heavy advertising strategies. Internal documents from the *Truth Tobacco Industry Documents* database are especially helpful in spelling out the specifics of the code and the way in which companies sought to skirt its prohibitions. In particular, the code prohibits cigarette manufacturers from paying to have their products appear as “a prop in any movie produced for viewing by the general public.” The new voluntary code also prohibits cigarette advertisements from displaying tobacco products in a manner that equates smoking with attractiveness, athleticism, social prominence, or sexual successfulness.”169 The “Cigarette Advertising and Promotion Code” provides the full list of provisions contained within the voluntary code. Essentially, the new prohibitions were supposed to address the youth-oriented facets of past cigarette product placements that made them particularly attractive to young adults.

It may at first appear puzzling the tobacco companies would agree to such regulations. After all, the youth consumer represented a major source of profit for Big Tobacco that they could not stand to lose. However, it is important to remember that Congressman Luken’s bill, while unsuccessful, nonetheless created a serious PR problem by holding well-publicized hearings that included the testimony of the era’s most influential anti-tobacco advocates. The tobacco industry’s acceptance of self-regulation also acted as part of a broader American trend whereby industries accepted self-regulation as a means to improve public image. The 1930 Hayes Code, the 1954 Comics Code Authority, and the Motion Picture Production Code of 1967 were all self-regulation efforts on the part of industries seeking to remedy PR concerns. Finally, the self-regulation of the tobacco industry can also be understood as a strategy to maintain the reputation of the largest producers by keeping smaller, less trustworthy producers out of the market.

A 1990 Phillip Morris document entitled “Marketing New Products in a Restrictive Environment” outlines the company’s efforts to continue to market its products successfully amidst increasing government and public scrutiny. Here, Phillip Morris executives predict that existing conditions on advertising and promotional programs in conventional media are “certain to increase” in the early 1990s. As a result, and possibly as a preemptive action against impending regulation, the company launched a number of initiatives that did not rely on conventional media. Since overt product placements in youth-oriented movies were no longer an option, Phillip Morris planned “new types and forms of packaging that can act as a means of communication.” In the meeting’s proceedings, Phillip Morris executives reiterate their desire to attract young smokers. They state their “project rationale” is driven by the desire to take advantage of young adults’ search for “personal individuality” in their consumer products. This
section of the report contains a mock-up of a proposed cigarette packaging which, in the words of Phillip Morris executives, projects a “distinctive young masculine appearance.” The drive to connect cigarettes with positive personal characteristics such as “personal individuality” hearkens back to when the cigarette industry first began to co-opt the “code” of cigarette-related meanings. Here, Phillip Morris sought a new way to invoke the meanings of the code through packaging.

Reports from the marketing meeting indicate that the newly-packaged cigarettes were reviewed positively by young adult males in a concept study. Researchers marveled over the innovative qualities of the new pack design, which exuded the sensual, macho trappings of cinematic product placements without transgressing the recently implemented voluntary code. At the end of the section concerning the new pack design, the Phillip Morris marketing specialists boasted, “Test concluded: Pack has tremendous appeal among young smokers.” Clearly, Phillip Morris simply switched from product placement to pack design as a means to lure in young smokers through a host of positive cigarette-related themes.

More flagrant transgressions of the Cigarette Advertising and Promotion Code occurred in both the United Kingdom and Australia as tobacco companies shifted from U.S. movies to other forms of advertising. There, Philip Morris and Winfield (a subsidiary of British American Tobacco Australia) blatantly flouted the industry’s self-imposed ban on youth-oriented promotions and product placements. In Great Britain, the once-exiled Marlboro Man (who was banned from United States airwaves and television broadcasts) resurfaced as the newly-minted “Formula One Grand Prix Moto Racing Cowboy.” This suave cigarette spokesperson donned a

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171 Ibid.
dapper red and white “V” necked sweater and exuded the same air of machismo and confidence as his U.S. counterpart. Of course, the front of his sweater prominently featured the unmistakable Marlboro badge.¹⁷²

Alex Dumas, the Managing Director of Spasm, a large Australian advertising agency, laid out his views regarding the effectiveness of Big Tobacco’s system of self-regulation in an article for Advertising, Marketing and Media Weekly. Here, he lays out what he sees as the “Five Myths” of both intra-industry and government regulation of tobacco. Myth number three reads, “The industry is capable of policing itself.” Dumas asserts that both cigarette manufacturers and their accompanying agencies are “neither capable nor willing” to adhere to their own voluntary code of ethics. Dumas censures the industry for working around the voluntary code by focusing their advertising dollars on sports sponsorship. In particular, he highlights Benson & Hedges’ (a Philip Morris International company) sponsorship of the Centenary Test, a popular match between the English and Australian Cricket teams. Given the worldwide youth interest in televised sports, Dumas queries, “Does that company really expect us to believe that that commercial was not selling cigarettes and selling them, in particular, to children?”¹⁷³

Stanton Glantz notes that instances of tobacco product placement in films actually increased during the 1990s despite the implementation of the Cigarette Advertising and Promotion Code and increasing public scrutiny.¹⁷⁴ Work by the Center for Tobacco Control Research and Education, an antismoking advocacy group that includes Glantz, reveals that cigarette companies have made little progress, if no progress at all, toward an industry-wide

solution. Researchers from the Center for Tobacco Control Research and Education estimated that about 52 percent of adolescent smoking across the last eighteen years can be attributed to tobacco product placements in movies. So, during the 1990s, it appears that tobacco companies both sought alternatives to youth-oriented product placements and violated their own code.

Perhaps equally troubling is the fact that their analysis of 1,769 films released over the past eighteen years revealed that 65 percent of PG-13 movies have provided Big Tobacco with product placement opportunities. Marlboro, the brand for which teenage smokers consistently express a preference, totaled 75 percent of total product placements across the eighteen-year period. Despite seemingly stringent self-regulation within the tobacco industry, the researchers conclude, “The number of films with tobacco brands has, if anything, increased.”

Throughout Big Tobacco’s long relationship with product placement firms and Hollywood producers, industry executives have placed advertising imperatives above the health of America’s youth. The 1980s brought a period of unchecked tobacco product placements within a litany of youth-oriented films. In those years, cigarettes found their way into movie scenes that equated their usage with positive social and physical characteristics. Following a brief period of fervent anti-tobacco action with Congressman Luken’s Subcommittee and the FTC, tobacco companies agreed to adhere to the compellingly-worded Cigarette Advertising and Promotion Code. However, if a single constant exists that characterizes Big Tobacco’s response to criticism, it is the industry’s adroit evasion of regulations and skillful repackaging of previously banned behaviors.

Anti-Smoking Measures in the 1990s

Despite the Congressman Luken’s failure to pass his bill and the fact that the number of youth-oriented product placements failed to decrease (and even slightly increased) throughout the 1990s, these developments must be evaluated in the broader context of the anti-smoking tide of the 1990s. When viewed through this lens, these initiatives appear less like an abject failure and more like a necessary building block.

In 1992, the Supreme Court dealt a severe blow to the tobacco industry in its decision in *Cipollone v. Liggett Group, Inc.* In this case, the husband of Rose Cipollone sued the Liggett cigarette company for several common-law claims stemming from her death from smoking. After forty years of smoking various types of cigarettes, Rose Cipollone died of lung cancer. According to her son, Cipollone chose many of these brands based on a mistaken belief in the healthfulness of the product. She began with L&M’s “pure white Miracle Tip” cigarettes that promised “effective filtration.” Later, she adopted Virginia Slims, a brand geared toward women and specifically designed to project a user-friendly, healthy, and glamorous appearance. Cipollone then switched to Parliaments after hearing the company glow that their flush-tipped cigarettes were the “thoughtful choice in low-tar smoking.” Finally, she took up smoking Lorillard’s low-tar and low-nicotine “True” cigarettes, which were advertised as the alternative to quitting the habit altogether.

After several rulings in lower courts and a series of appeals, the question of Liggett’s responsibility for Cipollone’s death reached the United States Supreme Court. The Court faced the question of whether or not federally mandated cigarette warnings precluded common-law

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claims against cigarette manufacturers. Cipollone’s lawyer Marc Edell sought to prove that the tobacco company had breached express warranty by publicizing false health claims in advertisements that contradicted mandated health warnings. In a split opinion, the Supreme Court ruled that the mere existence of cigarette warnings does not prevent common-law claims against cigarette manufacturers. In other words, the cigarette warnings required by federal law (here, the warning stating that “the Surgeon General has determined that cigarette smoking is dangerous to your health”) do not invalidate suits brought by smokers who sue cigarette manufacturers based on state personal injury laws. Furthermore, the justices ruled that individuals can sue tobacco companies for making fraudulent statements as well as for conspiring to mislead the public about the health risks of smoking.

Harvard University’s Allan Brandt underscores the significance of the Cipollone case in changing public outlook toward the cigarette in American society. He writes, “For the first time, the courts – even the Supreme Court – had emerged as a critical battle site in the tobacco wars. The industry had long feared the emergence of such…litigation.” For much of the 20th century, anti-tobacco activists had failed to find a useful venue from which they could press their claims against Big Tobacco. The outcome of the Cipollone case ushered in an era in which tobacco regulation and public health issues would be decided in the courts. In the years to come, the issue of liability would become Big Tobacco’s “Achilles’ heel” and the companies would have to face these types of cases after avoiding responsibility since the early 1950s. Perhaps most importantly, the protracted trial allowed Cipollone’s lawyers to unearth and publicize a mountain of previously secret internal tobacco company documents. These documents provided

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177 Ibid., 342-343.
178 Ibid., 349-350.
179 Ibid., 353.
indisputable evidence for Big Tobacco’s deception of the public and served as a veritable
goldmine for future public health researchers.\textsuperscript{180} In Brandt’s words, “Tobacco regulation had
crashed and burned in Congress, where the tobacco lobby had proven itself so powerful and
effective, but public health would finally have its day in court.”\textsuperscript{181}

The Castano class action lawsuit provided a less triumphant, albeit important,
development in the series of anti-tobacco measures spurred by Luken and his allies. In 1994,
consumers launched a massive class-action lawsuit against R.J.R. Nabisco Holdings Corporation,
the American Tobacco Company, Brown and Williamson Tobacco Corporation, Philip Morris
Companies Inc., Lorillard Corporation, United States Tobacco, the Liggett Group Inc., and the
Tobacco Institute, which serves as the industry’s lobbying group. The plaintiffs, millions of
smokers, alleged that these companies had hidden information about the addictiveness of
nicotine and had calibrated nicotine levels in order to generate addiction. Under immense public
pressure, Liggett parted ways with its industry allies and decided to settle with the \textit{Castano}
plaintiffs. The decision sent shockwaves throughout the tobacco industry and led to a massive
dip in the value of tobacco stock.\textsuperscript{182}

In 1996, a Federal appeals panel in New Orleans dismissed the lawsuit. If permitted, the
lawsuit would have allowed any cigarette smoker in the United States to join the lawsuit, which
was poised to cost Big Tobacco billions of dollars in claims. Despite this setback, anti-tobacco
activists remained undeterred. The decision compelled 60 plaintiffs’ lawyers to take the fight to
the state level by initiating new class-action lawsuits in all 50 states, where some were successful

\textsuperscript{180} Ibid., 353-354.
\textsuperscript{181} Ibid.
March 1, 2017.
in forcing tobacco companies to pay out over $3.4 billion to the plaintiffs. As John P. Coale, a lawyer for the plaintiff stated, “The tobacco companies are hardly home free. It will now be 50 times more expensive for them, because they'll have legal expenses in all 50 states.”\(^{183}\)

The decisive defeat of Joe Camel in the latter years of the 1990s provides further evidence for the powerful anti-smoking front inspired by Luken’s efforts. Joe Camel first appeared in the United States in 1987 and spread like wildfire across a number of advertising mediums. Within just a few months, Joe Camel, an anthropomorphic cartoon animal, began to appear on decals, logos, billboards, posters, and magazines. Allan Brandt writes that Joe Camel represented the “slightly older figure whom young boys idolize” with his urban appeal and party-animal persona. Furthermore, Joe Camel epitomized the rebellious, independent, and hyper-masculine image with which youth had come to identify.\(^{184}\) In a complete affront to common sense, RJR vehemently denied that Joe Camel was designed to attract youth smokers. The company even ran a series of ads in the late 1980s that stated, “First of all, we don’t want young people to smoke. And we’re running ads aimed specifically at young people advising them that we think smoking is strictly for adults.”\(^{185}\) RJR even reached the outlandish conclusion that “kids just don’t pay attention to cigarette ads, and that’s exactly as it should be.”\(^{186}\)

Allan Brandt asserts that the Joe Camel campaign represented a fork in the road for tobacco companies and their ability to advertise to children. He writes, “If the company could attract young smokers, its future would be secure. If anti-tobacco advocates could prevent smoking among children, the future of the industry was bleak…the battle for the young smoker

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\(^{183}\) Ibid.


\(^{185}\) Ibid., 389.

\(^{186}\) Ibid.
exposed the industry to a new and more aggressive assault.” The downfall of Joe Camel provides strong reason to believe that anti-tobacco forces will attack Big Tobacco with fervor, and confirms that Congressman Luken should not be regarded as merely a lone legislator waging a losing battle.

In 1997, after ten years of near-ubiquitous appearances, Joe Camel came to an end. A stalwart coalition of anti-smoking activists successfully petitioned President Bill Clinton, several Surgeons General, the American Medical Association, and the Federal Trade Commission to put an end to the youth-oriented cigarette mascot. These activists maintained that youthful, slick Joe Camel could not possibly have been designed to attract adult smokers. President Clinton made headlines by directly addressing the issue of youth-oriented cigarette advertising, stating, “We must put tobacco ads like Joe Camel out of our children's reach forever.” Chief domestic policy advisor Bruce Reed tersely remarked, “Joe Camel is dead. He had it coming.”

Although Joe Camel was only one part of the equation when it came to Big Tobacco’s targeting of youth consumers, it represented a key victory and proved that tobacco companies’ transgressions could be conquered through effective mobilization and concerted appeals to national powerholders. In the wake of Joe Camel’s defeat, Eric Solberg, executive director of Doctors Ought to Care, a Houston-based anti-tobacco group, offered an apt characterization of the future anti-tobacco front. Solberg proclaimed, “Joe Camel represented an icon that refueled the moral outrage of the anti-smoking movement.”

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187 Ibid., 391.
189 Ibid.
The 1998 Master Settlement Agreement (MSA), which came just one year after the defeat of Joe Camel, provides another example of the type of anti-tobacco action built upon Luken’s work. In response to tobacco companies’ blatant flouting of their own voluntary code through enticing package designs and youth-oriented marketing such as Joe Camel, a number of states’ attorneys general vowed to provide greater legal support for the 1990 voluntary code. This legal groundwork came in the form of the 1998 MSA with the United States’ largest tobacco companies. The MSA levies strict civil penalties against tobacco companies that secure cinematic product placements through both direct and indirect means. Section III of the MSA enumerates the agreement’s key provision. It reads, “No Participating Manufacturer may ... make or cause to be made, any payment or other consideration to any other person or entity to use, display, make reference to or use as a prop any Tobacco Product, Tobacco Product package, advertisement for a Tobacco Product, or any other item bearing a Brand Name in any motion picture ...”190

Furthermore, under Section III of the 1998 MSA, any state can file a suit against Big Tobacco in that state’s court for violating the MSA. If the court finds that no “good-faith dispute” exists over the interpretation of Section III of the MSA, then tobacco companies can be held liable for a Section III violation. A good-faith dispute could occur if, for example, the FTC and DOJ discover that a tobacco company declined to discourage, but didn’t directly encourage, a third party from using its products.191

The MSA also provides an enforcement mechanism to crack down on industry executives who seek to place their products in movies through both direct and indirect means. Since the

191 Ibid, 351.
1990 voluntary code, Hollywood producers rarely exchange material goods for tobacco product placements. Instead, Big Tobacco usually gives away “free samples” to film producers in exchange for product placements in their films. Tobacco companies have also made use of advertising agency intermediaries to facilitate covert transactions with film producers who wish to “purchase” their products for a movie. Under Section III of the MSA, these types of indirect exchanges are illegal.\(^\text{192}\)

Outside of the legal realm, anti-tobacco activists followed in Luken’s footsteps and scored a number of other victories against Big Tobacco. In July of 1992, Congress passed the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. Congressman Mike Synar of Oklahoma successfully added the Synar Amendment to the bill, which specifically focuses on limiting youth access to tobacco. The amendment requires that states pass laws prohibiting any retailer of tobacco products from selling or distributing these products to anyone younger than 18 years of age and provided for inspections of tobacco sales outlets to ensure proper sales practices. Furthermore, the amendment also dictates that states must comply with this provision in order to receive Substance Abuse Prevention and Treatment Block Grant (SABG) awards.\(^\text{193}\)

Research conducted over the next fifteen years provided evidence for the success of the Synar Amendment. According to the Substance Abuse and Mental Health Services Administration (SAMHSA), the percentage of retailers violating the amendment has fallen from 40.1 percent in 1997 to 9.1 percent in 2012. At the same time, the percentage of youth reporting that they were able to buy tobacco products at gas stations fell from 38.7 percent in 1995 to 14

\(^{192}\) Ibid, 348-349.  
percent in 2011. A 2009 study by Joseph DiFranza, M.D., and colleagues directly tied the decrease in youth smoking to the passage of this amendment. In many states, Synar’s vision led to the development of legislation that restricts tobacco vending machines, requires age-of-sale signs and creates a system of criminal penalties for store clerks who sell tobacco to minors. \(^{194}\)

The 1990s also brought the higher tobacco excise taxes, smoke-free indoor air laws, and increased access to cessation treatments. Congressman Luken’s original goal of restricting youth access to tobacco is evident in all of these trends, which help characterize the 1990s as the most anti-tobacco decade yet. Though government action against Big Tobacco appeared to reach an apex in the late 1980s with Congressman Luken’s damning subcommittee hearings on tobacco product placement, the host of anti-tobacco measures passed in the 1990s suggest that Luken’s groundbreaking inquiry had created a spark among the American public.

\(^{194}\) Ibid.
Conclusion

Recent research from the National Institutes of Health (NIH) indicating that character smoking, regardless of negative or positive portrayal, predicts adolescent smoking addiction and provides further support for the need to end youth-oriented tobacco product placements. The NIH’s 24-month study of cinematic product placements indicated that out of 3,848 major film characters, cigarette appearances were associated with 518 negative characters, 2,486 positive characters, and 844 mixed/neutral characters. Still, follow-up polls with adolescents who viewed the movie indicated that each type of smoking (negative, positive, and neutral) independently played a role in smoking initiation. In other words, the sheer number of film characters using cigarettes, regardless of each character’s connotation, leads youth to develop smoking habits. For this reason, the NIH argues that limiting cinematic tobacco product placements is a pressing public health issue.195

Given Big Tobacco’s stubbornness to reform its advertising practices, how might the government better regulate tobacco product placement in movies? Matthew Fuchs offers a useful present-day view of the issue by mapping out a blueprint for a three-pronged effort against tobacco product placements. Fuchs begins with an explanation of a joint Department of Justice (DOJ) and FTC investigation of ongoing tobacco product placement. He is particularly frustrated by the DOJ’s unwillingness to “get the ball rolling” in regards to pressuring major tobacco

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companies to reveal their product placement activities. Fuchs envisions an initiative in which the DOJ asks tobacco companies under penalty for lying in an official investigation whether or not they have coordinated any tobacco product placements. The companies’ responses to these letters could then provide impetus for further inquiry.196

While Fuchs applauds the FTC for being “comparatively active” in investigating product placement, he pushes for greater clarity within the FTC’s annual investigative orders. While the FTC requires tobacco companies to reveal annual sales and advertising expenditures, including product placements, the mandate’s overly-vague language allows shrewd tobacco companies to skirt its requirements. For example, tobacco companies can avoid disclosing arrangements made for product placements if they take place through a third party such as a public relations firm. In order to mount a successful offensive against tobacco product placements, Fuchs further recommends that the DOJ must go beyond obvious cash transactions to investigate free samples and promotional placements facilitated by third parties.197

In order to completely bypass the inevitable messiness of litigation through the DOJ and FTC, Fuchs suggests directly exerting pressure on Hollywood producers. First, he envisions an initiative in which Congress threatens to revoke Hollywood’s control of editing its own cinematic content. Second, Fuchs notes that consumer groups can exert pressure on the motion picture industry by filing an Article 78 suit against the Motion Pictures Association of America (MPAA). This class of lawsuit would allow consumers to demand the MPAA give an “R” rating to any movie that displays cigarette smoking or cigarette advertisements. An Article 78 Suit

197 Ibid, 350-351.
could also force producers to show an anti-smoking Public Service Announcement (PSA) before movies with tobacco scenes.\(^\text{198}\)

After decades of an industry operating in secrecy in movie theaters across America, the issue of targeting potential youth smokers through cinematic product placements and other youth-oriented avenues became an issue of national concern in the 1980s and 1990s. The emergence and defeat of Joe Camel provides perhaps the most compelling example of the public’s increased awareness of and strong response to youth-oriented tobacco marketing efforts. Unlike Congressman Luken, Joe Camel’s detractors successfully snuffed out this blatant attempt to attract young smokers. Above all, the downfall of Joe Camel proves that tobacco companies will face enormous pressure in the future as they inevitably craft new angles to attract youth to smoking.

Still, despite these encouraging signs, the ambiguous nature of cinematic product placement helps tobacco industries evade regulation. The meaning of the practice can quickly become muddled. Is the artful placement of a cigarette in a main character’s hand an example of artistic expression (as David Shields suggests), or a product of Big Tobacco’s sinister intentions? The fight against tobacco product placements sits at the edge of permissible interference in the market. Unlike other more “popular” anti-smoking measures, such as the bills protecting non-smokers against secondhand smoke, the prospect of regulating cinematic content is a bit more radical. For that reason, product placement remains a useful venue for tobacco companies.

Perhaps another anti-tobacco pioneer such as Congressman Luken will rise up and lead a renewed crusade against Big Tobacco. Until that day, parents, government agencies, and consumers must exert unremitting pressure on tobacco companies. For the sake of the nation’s

\(^{198}\) Ibid, 353-354
children, hopefully this type of committed coalition can target film studios and cigarette companies engaging in youth-oriented product placement, forcing them kick their habit of product placement once and for all.
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ACADEMIC VITA
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Education

The Pennsylvania State University
May 2017
GPA: 3.99, Bachelor of Arts in History, enhanced Spanish minor
- Schreyer Honors College
- Paterno Fellows Program: Honors program including advanced coursework, study abroad and/or internship, ethics study, and leadership/service commitment
- Phi Beta Kappa
- Phi Alpha Theta History Honor Society

Internships

The Taylor Law Firm, Brookville, PA
Summer 2016
Intern
- Composed court petitions and participated in Jefferson County Children and Youth Services client consultations and hearings

Clarion County Public Defender’s Office, Clarion, PA
Summer 2016
Intern
- Assisted Clarion County Public Defender in prepping for trial by discussing case theory, analyzing trial strategy, and researching PA law
- Participated in client consultations, jail visits, court hearings, and trials

U.S. Army War College, Carlisle, PA
Summer 2015
Research Assistant
- Conducted research on Asia-Pacific issues and U.S.-China relations with Strategic Studies Institute
- Networked with U.S. Army Officers and participated in seminar discussions

Research and Publications

U.S. Army War College, Carlisle, PA
Summer 2015-Spring 2017
Research Assistant
- Authored and published “The Taiwan Problem: If It Ain't Broke, Don't Fix It” in The Diplomat and International Affairs Forum
- Co-authored and published “Japan Unleashed: The Good, the Bad, and the Ugly” in The National Interest
- Co-authored and published “China: A Solution in the Middle East?” in The Diplomat

Department of Political Science, The Pennsylvania State University
Spring 2015
Researcher and Coder
- Conducted research for Dr. Douglas Lemke’s NSF-funded “De Facto States in World Politics” project
- Gathered data about de facto states in order to test dyadic hypotheses about civil war onset

Activities

Schreyer Honors College, The Pennsylvania State University
Spring 2015
• Named grant recipient for trip to study media in post-apartheid South Africa

Schreyer Honors College, The Pennsylvania State University  
• Named grant recipient for trip to study Arab-Israeli archeology in Israel

Schreyer Honors College, The Pennsylvania State University  
• Selected as a protégé for the Society of Distinguished Alumni Mentoring Program  
• Selected as a mentee for the Mentoring with Honors Program  
• Presented research paper on youth-oriented tobacco product placements at the History Department’s annual undergraduate research conference  
• Competed with Penn State’s Mock Trial Team

**Employment**

College of Communications, The Pennsylvania State University  
Writer and Editor  
• Edited and composed promotional material for the College  
• Conducted website analysis and honed departmental recruiting strategies

Self-Employed, Clarion, PA  
• Provide home maintenance and landscaping services

**Leadership and Service**

Music Service Club, The Pennsylvania State University  
Co-founder, President, Vice President, Treasurer, and Communications Chair  
• Perform for the elderly and disabled within the State College community  
• Forge partnerships with Penn State service and music groups  
• Build relationships with the Schreyer Honors College and university service leaders

Council of LionHearts, The Pennsylvania State University  
Council Member  
• Serve on council of service leaders from Penn State’s most active volunteer organizations  
• Share best practices for event planning, membership retention, and club administration Talk about how many students we get to volunteer, how we help further service at Penn State, helped created day of service involvement fair

Immaculate Conception Church, Clarion, PA  
• Volunteered over 300 hours as usher, altar server, and church musician

**Honors**

The Pennsylvania State University  
• Eric A. Walker Award  
  o Given to one Penn State student each year who most increases the reputation of the school  
• Best Schreyer Honors Senior Thesis Award, Department of History  
• Luther H. Harshbarger Award for outstanding academic achievement in the History major  
• Academic Excellence Scholarship, Schreyer Honors College  
• Margaret & Stanley F. Paulson Liberal Arts Scholarship, Penn State College of the Liberal Arts  
• Second-place thesis award, Penn State Department of History