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Tobacco Settlement Excludes Black Media

WASHINGTON (NNPA) – The U.S. Justice Department and the Tobacco-Free Kids Action Fund have reached an agreement with the four major tobacco companies that requires them to spend more than \$30 million advertising with the three major television networks and run full-page ads in 35 White and Hispanic newspapers as well as purchasing space on their respective websites but not make a single purchase from a Black print or broadcast media company.

The 24-page proposed consent agreement, reached Friday, was scheduled to go before U.S. District Judge Gladys Kessler in the U.S. District Court for the District of Columbia on Wednesday, Jan. 15, for final approval. The proceeding has been rescheduled for Jan. 22.

“We are shocked and deeply disappointed that the Justice Department, the Tobacco-Free Action Fund and the tobacco industry would all agree to sign off an advertising plan that totally disrespects the Black community,” said Cloves C. Campbell, chairman of the National Newspaper Publishers Association, a federation of nearly 200 Black newspapers. “The industry’s past efforts to target African-American consumers have been thoroughly documented. It is sad that an industry that sought to exploit our community with a product that is harmful to our health now seeks to further devalue African-Americans by ignoring the Black media when it is being forced to atone what a federal judge determined was a deliberate effort to deceive the American public.”

THE CURRY REPORT

George E. Curry



Peter S. Hamm, director of communications for the Tobacco-Free Kids Action, said on Monday that the media outlets were selected by Judge Kessler and disclosed in an order issued Aug. 17, 2006. Hamm said he did not know how she determined what media outlets would be utilized to carry the newspaper ads and television commercials.

A telephone call Monday requesting comment from the Justice Department was not returned.

The story of the agreement was first disclosed by Target Market News, published by Ken Smikle. The Chicago-based publication said an advertising source placed the value of the total buy at \$30 million to \$45 million.

The advertising campaign, which won’t go into effect until all appeals have been exhausted by the tobacco companies, was agreed to as part of a settlement that found tobacco companies mislead the public about the dangers of smoking. The four defendants are: Altria, R.J. Reynolds Tobacco, Lorillard and Philip

Morris USA.

The U.S. Justice Department filed suit against the cigarette manufacturers on Sept. 22, 1999 charging that they had violated the Racketeer Influenced and Corruption Organizations Act (RICO). They were found guilty at the conclusion of a trial that lasted from Dec. 21, 2004 to June 9, 2005.

Judge Kessler wrote a stinging opinion, saying that the case “is about an industry, and in particular these Defendants, that survives, and profits, from selling a highly addictive product which causes diseases that lead to a staggering number of deaths per year, an immeasurable amount of human suffering and economic loss, and a profound burden on our national health care system. Defendants have known these facts for at least 50 years or more. Despite that knowledge, they have consistently, repeatedly, and with enormous skill and sophistication, denied these facts to the public, to the Government, and to the public health community... In short, Defendants have marketed and sold their lethal products with zeal, with deception, with a single-minded focus on their financial success, and without regard for the human tragedy or social costs that success exacted.”

The judge prohibited the companies from committing similar acts going forward and ordered them to make “corrective statements” about the lies they had told about the dangers of smoking.

Kessler’s ruling was unanimously upheld March 22, 2009 by a three-judge panel of the U.S. Court of Appeals for the District of Columbia. On June 28, 2010, the U.S. Supreme Court declined to accept an appeal.

Carefully-crafted “corrective statements” that include the wording, placement and timing of TV commercials and the content, type and size of fonts to be used in newspaper ads were covered in the agreement reached Friday. The statements will acknowledge that the advertising is being done under court order and that companies had misled the public on the health effects of smoking, the addictiveness of smoking and nicotine and the health effects of secondhand smoke.

The companies will also admit that they falsely sold and advertised low-tar and light cigarettes as less harmful than regular cigarettes and designed cigarettes to enhance the delivery of nicotine.

Read the rest of this story online at www.theskanner.com



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