



## Misleading Advertising

excerpts taken from

### PETITION TO PROHIBIT FALSE AND/OR MISLEADING ADVERTISING SUBMITTED BY THE CENTER FOR SCIENCE IN THE PUBLIC INTEREST

The Center for Science in the Public Interest (CSPI) is a non-profit consumer organization, supported by over 750,000 members, that has worked since 1971 to improve national health policies. We have been especially concerned about the effect of food advertising on consumer health. We contend that advertising by the following companies is misleading:

#### 1) The Quaker Oats

**Company.** Quaker Oats has run television advertisements that make express health claims concerning the benefits of consuming Quaker Oats. These ads misleadingly portray Quaker Oatmeal as a "magic bullet" in the fight against heart disease by exaggerating the contribution that Quaker Oatmeal can make to lowering serum cholesterol levels.

A nationally broadcast television advertisement for Quaker Oatmeal states: "Recent clinical studies have found that eating delicious Quaker Oatmeal can increase your chances of bowling a perfect

game. That's because a diet low in saturated fat and high in sources of fiber, including Quaker Oatmeal, may lower cholesterol, and that may help reduce risk of heart disease."

This ad is misleading for two reasons. First, it mistakenly implies that Quaker Oatmeal is superior to other brands of oatmeal in reducing the risk of heart disease. The repeated mention of the association between Quaker Oatmeal and significant health benefits implies that Quaker Oatmeal, rather than oatmeal in general (as well as other foods high in soluble fiber), may help lower cholesterol and reduce the risk of heart disease.

Second, the ads misleadingly imply that one can obtain significant health benefits by eating customary servings of Quaker Oatmeal. In fact, one must eat abnormally large servings of oatmeal to achieve the health benefits promised in the ad. Furthermore, the TV ads imply that consumers can obtain significant health benefits by eating oatmeal on an ordinary (i.e. occasional)

basis. In fact, consumers would have to eat large portions of oatmeal every day for many years in order to improve their health. Although reducing serum cholesterol lowers the risk of heart disease, reduction in the risk of heart disease only occurs if the reduction in serum cholesterol lasts long enough to have an impact on atherosclerosis, which takes years or even decades to achieve.

2) **Pillsbury.** In a recent print advertisement for Pillsbury's "Grands!" Buttermilk Biscuits, the biscuits are described as "big, light, and fluffy." The Food and Drug Administration (FDA) has developed standard definitions that apply to terms used in advertising. FDA rules provide a number of definitions for the term "light." First, "light" when used to describe a fatty food (one that derives more than 50% of its calories from fat) can mean that at least one half of the fat has been removed. Second, for less fatty foods, it can mean that the calories have been cut



by at least one-third. Third, "light" can mean that at least half of the usual sodium content has been eliminated, but in this case the label must say "light in sodium." Finally, "light" can refer to color or texture, but the label must clearly say so.

Pillsbury's use of the term "light" to describe its biscuits does not satisfy any of the FDA's established definitions for the term. Pillsbury may contend that the term "light" is intended to be synonymous with the adjective "fluffy" or that it refers to its color. However, the advertisement provides no clear indication that either of these are the intended uses of the term "light."

**3) Ralston Foods.** An advertisement for Ralston Food's "Cookie Crisp" cereal directs consumers to "compare sugar levels." The advertisement includes a chart listing the sugar content of Cookie Crisp and other sugared breakfast cereals. The chart indicates that Ralston's Cookie Crisp cereal has one to two fewer grams of sugar per serving than the other listed cereals. The advertisement for Cookie Crisp cereal does not comply with the applicable FDA regulation, which permits use of the terms "less" and

"reduced" only where there is a minimum 25% difference in the relevant nutrient. The other listed cereals contain only eight or seventeen percent more sugar than Cookie Crisp.

The sugar content chart included in the Ralston ad reveals that the listed cereals contain 12-14 grams of sugar per serving, which, using household measures, translated to 3 to 4 teaspoons of sugar. The difference in sugar content between "Cookie Crisp" cereal and each of the other cereal products is only  $\frac{1}{4}$  to  $\frac{1}{2}$  of a teaspoon. The Ralston ad misleadingly implies that there is a significant difference in the sugar content of "Cookie Crisp" and the other cereal products when no such difference exists.

**4) Proctor and Gamble.** The CSPI contends that the advertisements for olestra (a fat substitute) and olestra-containing products that do not include disclosures informing consumers about the gastrointestinal and nutrient-depleting effects of olestra consumption are false and misleading.

A labeling requirement on the product is currently in effect. The FDA has proposed that the label read: "This Product

Contains Olestra. Olestra may cause abdominal cramping and loose stools. Olestra inhibits the absorption of some vitamins and other nutrients. Vitamins A, D, E, and K have been added." Though companies are required to label their products containing olestra, many advertisements make no mention of the potential side effects of discomfort associated with olestra consumption.

The CSPI believes that Proctor and Gamble's marketing materials regarding Olean (the company's trade name for olestra) are misleading because they provide a distorted view of olestra's risks and benefits. CSPI believes that label disclosures do not correct deceptive advertisements for olestra and olestra-containing products.





## Beer Ads on TV Beguile Adolescents, Study Finds

### Health Groups Ask for FTC Controls

Beer commercials on television are teaching America's adolescents that it's safe to drink relatively large amounts of beer, a new study by two health groups suggests. The groups are urging the Federal Trade Commission (FTC) to investigate televised beer advertising further and take legal action to stop deceptive advertising aimed at the young.

In the first study of the responses of children of alcoholics and other adolescents to beer commercials, the Center for Science in the Public Interest (CSPI) and the Children of Alcoholics Foundation (COAF) collaborated with Professor Charles Atkin of the Department of Communication at Michigan State University. Professor Atkin is the author of numerous studies on the effects of alcohol advertising on children.

The groups arranged to have five beer commercials shown to 450 youths, ages 11 to 15. Although all adolescents were susceptible to the commercials' messages, the children

of alcoholics revealed disturbing vulnerability in several respects.

Asked how many beers the characters in the commercials consumed, adolescents estimated an average of 3.7 beers for all the ads. This result suggests that beer ads may model high-risk drinking behavior as normative. Nearly half of all the adolescents said that the ad characters consumed five or more beers, a quantity considered to be potentially harmful binge drinking. The federal government defines moderate drinking as two drinks of alcohol per day for men and one for women, and in its Dietary Guidelines for Americans provides cautions about the risks of heavier alcohol consumption. While not statistically significant for all the ads, the children of alcoholics in the survey reported more drinking than did the other adolescents.

"This is a particularly tragic finding," commented COAF chairman Migs Woodside.

"These sons and daughters of alcoholics, one out of every

eight teenagers in the country, are already three to four times more likely to become alcoholics themselves. Our findings reveal that beer commercials heighten this already high vulnerability."

Children of alcoholics also were more likely than other children to report feeling confused, angry, sad, and embarrassed after watching the commercials. At the end of the survey, one child wrote: "I really think that these commercials don't make sense. People are not always happy, beautiful, or tough when they drink any alcohol."

"The [study's] findings...issue a clear warning signal that the ads promote dangerous and false notions of what constitutes safe drinking," the two research groups wrote the FTC. "Such messages imperil the youth of this country, especially the millions who grow up in alcoholic families, and put the entire nation at increased risk for countless health and safety problems related to alcohol consumption."



“The results of our study send an especially timely warning,” noted George Hacker, director of CSPI’s Alcohol Policies Project. “Seagram has just broken a 50-year voluntary ban by starting to advertise hard liquor on television. It is frightening to imagine an additional onslaught of TV commercials for hard liquor that send the same deceptive messages about drinking to our children as the beer ads we studied. Such ads can only compound already serious drinking problems among young people.”

The 17-page report recommends that the National Institute on Alcohol Abuse and Alcoholism and other federal agencies fund further research on the impact of alcohol ads on children of alcoholics and other high-risk populations. It also urges Congress to require that all alcohol advertising carry rotating health and safety messages, and recommends that the FTC:

- Restrict televised beer ads to times when persons under age 21 constitute fewer than 2 million persons or less than 15 percent of the viewing audience, whichever is less.

- Prohibit beer commercials from portraying “fantasy images or...youth-oriented animation and other themes that appeal to adolescents.”
- Take action against beer ads that endanger consumers, particularly underage drinkers, by encouraging excessive alcohol consumption.

Representative Joseph Kennedy and others have sponsored legislation that would regulate broadcast advertising of alcoholic beverages to control the content of the ads and when they could be aired, and require all ads to bear health and safety messages.

The letter to the FTC was signed by Hacker; Michael F. Jacobson, executive director of CSPI; Andrew C. Phillips, president of the Children of Alcoholics Foundation; and Migs Woodside, chairman of the Foundation.

CSPI is a non-profit health-education and advocacy organization widely recognized for its studies of nutrition, food safety, and alcohol. Based in Washington, D.C., it is supported in large part by the

750,000 subscribers to its Nutrition Action Healthletter. It does not accept funding from industry or government.

COAF is a non-profit educational organization that helps children and adults from addicted families through training, information, and referrals. The Foundation’s participation in this research effort was supported by the Christopher D. Smithers Foundation.

Copies of the report, “Adolescent Responses to Televised Beer Advertisements: Children of Alcoholics and Others,” are available from CSPI and COAF, (212) 757-2100 ext. 6370.





## ***Voluntary Alcohol Advertising Standards for Children Act***

To amend the Communications Act of 1934 to authorize the establishment of a voluntary broadcasting code for alcohol advertising, and for other purposes.

### **IN THE HOUSE OF REPRESENTATIVES**

April 10, 1997

The Congress finds the following:

- (1) Television advertising influences children's perception of the values and behavior that are common and acceptable in society.
- (2) Television station operators and cable television system operators should follow practices in connection with the advertising of alcoholic beverages that take into consideration that television broadcast and cable advertising have established a uniquely pervasive presence in the lives of American children.
- (3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.
- (4) In 1995, alcohol producers, led by brewers, spent \$682,600,000 advertising their products in the broadcast media. Much of that advertising appeared on sports programming, in prime time, or at other times when substantial numbers of underage persons were in the viewing and listening audience. Many of the themes used in the ads – humor, parties, athletic pursuits – have great appeal for young people. The most popular beer ads use animated characters, animals, or music which also amuse and attract children and teens.
- (5) The current advertising codes of brewers and distillers, even when observed by industry members, provide inadequate standards to restrain most of the current advertising messages that reach young people and teach them to drink. These codes are unenforceable, do not apply to all alcohol companies, and institutionalize, rather than restrict, advertising practices that subject young people to massive, continuous, and persuasive inducements to drink. Although individual broadcast networks and independent stations have adopted standards governing the acceptance of advertising for alcoholic beverages, those standards lack uniformity, do not apply to all broadcasters, nor do they help shield large audiences of underage persons from alcohol promotions.
- (6) Alcohol producers claim to have no interest in attracting underage persons, for whom the purchase and use of their products are illegal. The development of voluntary broadcast industry alcohol advertising standards to protect children would avoid broader government restrictions on alcohol advertising and permit alcohol producers to continue to legitimately promote their products to adult consumers. Therefore, enforceable voluntary broadcast standards provide a minimally restrictive, necessary condition on alcohol producer marketing activities, one that is consistent with their business missions and social responsibility.

*The above excerpt is from a document of the 105th congress. For more information or to see a complete version of this bill, see: <http://www.cspinet.org/booze.1292.html>*







## How to Avoid Food Poisoning

BY DAVID SCHARDT & STEPHEN SCHMIDT

*Nutrition Action Healthletter, July/August 1996*

*Center for Science in the Public Interest*

"I want to tell you about what it's like to survive a severe attack of Salmonella, because there are too many people who have died and can't tell you what it is like. I got Salmonella from something I ate. The most likely culprits are a chicken sandwich and an undercooked egg salad sandwich. I first got diarrhea which lasted for days and days. Then quite suddenly, the diarrhea stopped. Soon I felt as if there was a red hot brick inside me. It was the most awful thing I had ever experienced. I knew that I had to go to the hospital. And I knew that I was going to need surgery to live...." said Washington, D.C., businessman Bill Adler, Jr. who almost died in 1990 after eating Salmonella-contaminated food.

"Fifty-five thousand dollars later, I'm as healthy as I was before this happened," he says. The only casualties: the colostomy he had for nearly a year and the four inches that were cut from his colon.

Adler was lucky. He lived. Twenty-five Americans will die today – and another 16,000 will become ill – from something they ate.

Here are the foods that are most likely to make you sick. (The list doesn't include seafood, which we'll cover in an upcoming article.)

### Chicken and Turkey

If you're among the most susceptible, one out of every four chickens – and one out of every seven turkeys – has enough Salmonella to make you sick...or kill you.

Though cooking destroys the bacteria, they can remain in undercooked poultry. The bacteria are also found on items the uncooked

poultry has come in contact with, including cutting boards, counters, plates, and hands. The bacteria can be spread from a person's hands to anything they touch: refrigerator door, door knobs, faucet handles, etc. The U.S. Department of Agriculture estimates that anywhere from 350,000 to 2.5 million Americans are taken ill – and 350 to 2,500 die – every year after eating Salmonella-contaminated poultry and meat (about one percent of all cattle is also infected).

And that's for the best-studied bacterium. Others – Campylobacter, for example – aren't being monitored as closely. Campylobacter is thought to cause more illnesses than Salmonella. The problem, says Gomez, is that "local diagnostic labs don't test for Campylobacter, and state health departments aren't required to report it to the CDC (Centers for Disease Control). They should." Based on the results of a pilot surveillance program, CDC Director David Satcher was able to tell a congressional committee in May that Campylobacter is "the most frequently isolated foodborne bacterium from persons with diarrhea."

### Eggs

Most tainted eggs are contaminated within the hens' ovaries before their shells form. Washing the eggs before cracking them open is no guarantee that they'll be clean. So who's minding the egg carton? Nobody. There is no nationwide program that systematically monitors bacteria levels in eggs. But a new USDA survey suggests that the rate may be rising.

"Our analysis of eggs sent to processing plants for pasteurization in the Northeast showed that 39 percent of the samples were contaminated with Salmonella enteritidis in 1995, compared with 20 percent in 1991," says USDA animal scientist Allan T. Hogue. "And in the West," he adds, "12 percent were contaminated in 1995 versus six percent in 1991."



Many restaurants – and most high-risk sites like hospitals and nursing homes – use pasteurized eggs because the process kills disease-causing bacteria. Unfortunately, nobody knows whether the high rate of Salmonella contamination of eggs destined for pasteurization applies to the eggs sold in local supermarkets.

## Beef

Remember E. coli O157:H7? That's the bug that made more than 700 people ill – and sent four children to an early grave – in 1993 in Washington State, California, Idaho, and Nevada. The source was undercooked fast food hamburgers.

E. coli O157:H7 does its damage by producing a substance called “Shiga toxin,” which causes the bloody diarrhea that strikes most victims. “The toxin leads to kidney failure in about five percent of the victims, and then death in about five percent of those whose kidneys fail,” says microbiologist David Acheson of the New England Medical Center in Boston.

Since cooking beef to 165 kills the bacteria, E. coli on the surface of steaks and roasts is easily destroyed, even if they're eaten rare. But when raw beef is ground up, any bacteria on its surface can become incorporated into the mix. If the burger isn't cooked thoroughly, the E. coli that's on the inside can escape destruction.

## When to Get Help

Food poisoning usually involves nausea, vomiting, or diarrhea. Most cases clear up by themselves within a day or two without medical care. But if you get any of these symptoms, says infectious diseases specialist William Bishai of the Johns Hopkins School of Public Health, you need to call the doctor:

- Bloody diarrhea or pus in the stool. “That's the classic sign of an E. coli O157:H7 infection, which probably won't get better without medical care,” says Bishai.

- Headache, stiff neck, and fever. When all three occur together, it may be a sign of a *Listeria monocytogenes* infection. Untreated, it can kill you.
- Fever that lasts more than 24 hours. It could signal an infection that's not getting better. (Children are more likely to develop non-threatening fevers that last more than a day.)
- Faintness, rapid heart rate, or dizziness after sitting or standing up suddenly, but only when it's accompanied by nausea, vomiting, or diarrhea. Those are the signs of dehydration, which can lead to kidney failure.
- Diarrhea that hasn't let up after three days. It could lead to life-threatening dehydration.
- Weakness, numbness, or tingling, usually in the arms or legs, but sometimes around the mouth. It could be a sign of botulism or food poisoning from tainted seafood.

If you get food poisoning, report it to your local health department. That's the only way to get it into the official count. And drop us a note (CSPI – Food Poisoning Registry, Suite 300, 1875 Connecticut Ave., N.W., Washington, D.C. 20009).

## Who's Most Vulnerable?

- The elderly and infants.
- Pregnant women. “To accommodate the growth of the fetus, their immune systems, in a sense, relax,” says Bishai. “That makes them more susceptible to some microorganisms.”
- People with suppressed immune systems. That includes people with AIDS or those who are taking immunosuppressant drugs as part of their treatment for cancer, organ transplants, or conditions like asthma.





- Heavy antacid users or people with modified GI tracts. "Stomach acid helps destroy bacteria," says Bishai, "so people who take antacids, or drugs like Tagamet and Zantac, day in and day out are at much greater risk of developing food poisoning than people who take them sporadically or not at all."
- People who've had some of their stomach or intestines surgically removed may not be able to efficiently sweep harmful bacteria out of their bodies.

## Duel of the Cutting Boards

Which is safer: wooden or plastic cutting boards?

Until 1993, the conventional wisdom was that plastic was easier to keep free of bacteria. In 1993, microbiologist Dean Cliver smeared nine wooden and four plastic boards with chicken juice or broth that he had spiked with *E. coli*, *Listeria*, or *Salmonella*.

After three minutes, the surfaces of the plastic boards had up to 23 times more bacteria than the surfaces of the wooden boards. More amazingly, within ten minutes the wooden boards had completely absorbed the bacteria, and Cliver couldn't recover them.

"On wooden boards, bacteria are absorbed down into the wood fiber and remain beneath the surface," Cliver explains. "On plastic boards they cling to the surface, where they can more easily rub off onto other objects like food."

In 1994, Food and Drug Administration microbiologist Ben Tall weighed in with his own cutting board study. "Wood seems to be more forgiving, in that the bugs get down deep and it's probably harder for them to come back out," agrees Tall. But that was only true of new wooden boards, or of boards that had been sanitized through a dishwasher.

Until the question is settled, the best advice is to use either kind of board, as long as you keep it clean.

- Wood. "If you put it in the microwave for five minutes, you'll even kill the bacteria that are lurking deep inside," says Cliver.
- Plastic. "If it's knife-scarred," says Cliver, "the only effective way to clean it is in the dishwasher. It doesn't get hot enough in the microwave."

And if any board really gets hacked up, toss it.

## The Safe Food Kitchen

Eight tips to make your kitchen safer:

1. Handle raw meat, poultry, seafood, and eggs as if they were contaminated. Don't let the raw juices touch other foods, whether raw or cooked. After you handle raw meat, etc., wash your hands, utensils, and all surfaces that touched the raw food thoroughly with hot, soapy water.
2. Never eat shellfish like oysters, clams, or mussels, unless they've been thoroughly cooked. They could contain bacteria and viruses that cause food poisoning or hepatitis.
3. Marinate raw meat and poultry in the refrigerator, not on the counter. And don't baste your food with the uncooked marinade or serve the marinade unless you've cooked it.
4. Stuff raw poultry just before cooking it. Better yet, cook your poultry and stuffing separately.
5. Cook meats thoroughly, but don't overcook them. Heat kills bacteria, but too much heat causes meat, poultry, and fish to form possibly carcinogenic heterocyclic aromatic amines (HAAs).



6. Don't let your eggs run. They're safe when the whites are completely firm and the yolks are just beginning to thicken. Don't lick any batter that contains raw eggs.
7. Microwave your sponges on high for 30 to 60 seconds. That will keep them clean, says microbiologist Dean Cliver.
8. Antibacterial sponges, soaps, and sprays don't make up for sloppy kitchen hygiene. Until we can evaluate any published independent tests, we can't vouch for whether these products work or are safe.

## **Where to Get Help**

**USDA Meat & Poultry Hotline**  
(800-535-4555).

**FDA Seafood Hotline** (800-332-4010).  
They can also answer non-seafood food safety questions.

**Safe Tables Our Priority** (800-350-STOP).  
A consumer group formed by the parents of E. coli O157:H7 victims. It provides information on foodborne illnesses and will refer you to support groups, physicians, scientists, or lawyers.





## Article E

# Job Ads, Job Scams, and "900" Numbers

## Facts for Consumers from the Federal Trade Commission, September 1992

I saw an ad in the newspaper for a construction job. The ad said to dial an "800" toll-free number for an application. When I called, I was told to dial a "900" number to find out about job openings in my area. When I called that number, a recording told me to send a stamped self-addressed envelope to have a job application mailed to me. All I got was a one page generic job application and a "900" number charge for \$39.00 on my phone bill. (Paraphrased from a sample complaint letter to the FTC.)

Beware of employment ads directing applicants to call "900" telephone numbers. You will be charged either a flat fee or a per-minute charge for each "900" call, and the charge usually is much greater than the toll for an ordinary long-distance call. The Federal Trade Commission (FTC) recently sued two companies advertising jobs in the U.S. using "900" numbers. These companies not only failed to disclose the cost of each call, which ranged between \$10 and \$18 per call, they also provided little, if any, infor-

mation that would lead to a job. Some consumers had to call back several times to write down the recorded information and were billed for each call.

The FTC also sued two other firms that advertised they would find overseas jobs for upfront fees of as much as \$600. One of the companies claimed it had information on more than 10,000 currently available overseas jobs and that its customers would be matched with at least three prospective employers. The FTC charged that few or none of the company's job seekers received even an interview, much less a job.

### How to Protect Yourself

The FTC suggests the following precautions before you spend money to respond to job ads or sign job placement contracts. Know what a "900" number call will cost before you make the call. Reputable employment-service companies will state these costs upfront. If you have problems with charges on your phone bill for "900" numbers because of calls made to a

fraudulent business, contact your telephone company immediately. You can ask your phone company to delete the charges, although it is not legally obligated to do so. AT&T cannot disconnect your phone for failure to pay. For policy information related to other carriers, call the carrier or the Federal Communications Commission.

Realize that employment-service firms can only promise to help you find a job; they cannot guarantee that they will find you a suitable one. Check with your local consumer protection agency and the state Attorney General's Office to see if they have received any complaints about an employment company with whom you intend to sign a contract. Ask for a company's references and call them.

Most important, read your contract carefully before you sign it. If the employment-service representative makes claims that are not in the contract, remember the contract is what counts.



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## Article F

# Minnesota A.G. Files Legal Action Against Individuals Involved in Computer On-Line Scams

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## Humphrey says Cases "Represent Just the Tip of the Iceberg"

July 18, 1995

Minnesota Attorney General Hubert Humphrey III today filed lawsuits charging six separate companies and individuals with operating scams and illegal business activities on the internet and on the nation's computer on-line services.

The lawsuits allege that the companies and individuals violate the Minnesota Consumer Fraud Act, the False Advertising Statute and the Deceptive Trade Practices Act for scams ranging from the peddling of a substance which is claimed to help individuals suffering from cancer, AIDS, and other diseases, to illegal sports bet making, to a credit repair scheme which advises consumer to violate state and federal laws.

"This is classic consumer fraud and illegal gaming, offering computer users nothing more than the opportunity to lose their money, break the law and, in some cases, break their heart," said Minnesota Attorney General Hubert Humphrey III.

Humphrey said the lawsuits, which were filed today in Ramsey County District Court in St. Paul, Minnesota, are the result of a review conducted by his office of services available on-line. He said investigators from his office "surfed" the Internet and the on-line services and were surprised by what they found.

"Unfortunately, the lawsuits we have filed today represent just the tip of the iceberg. There are many, many more potential cases that involve some type of consumer fraud or

illegal activity. Far more than we can pursue," Humphrey said.

Humphrey said part of the reason criminals and scam artists are attracted to on-line fraud is the ability for them to be anonymous and difficult to trace. "Cyberspace is exciting, it's full of opportunities, but it's important that computer users use caution when it comes to offerings or business ventures made available through computer on-line services," he cautioned.

Humphrey has emerged as a national leader in focusing on crime and fraud in cyberspace. Last month, the National Association of Attorneys General approved a Humphrey-sponsored resolution which calls for the establishment of a working group of attorneys general to develop enforcement criteria and other strategies to combat illegal activities on-line.

The lawsuits filed today include:

**State v. Carolyn McClendon.** The case alleges that the defendant is making deceptive, misleading and unsupported claims in advertisements on CompuServe about the health benefits of taking a substance containing the element "germanium." The defendant's advertising materials falsely imply that persons with AIDS, cancer and other diseases may benefit from taking the germanium. In truth, there is an FDA ban on the import of germanium product into the United States due to health concerns and the fact that persons who take germanium may suffer irreversible kidney damage.



**State v. Susan Dean, d/b/a Dean's Executive Publishers, Inc., a/k/a Dean Executives Publishing.** This lawsuit involves a company offering to sell information on how consumers can send first class letters through the U.S. mail with two-cent stamps. Consumers must pay at least \$15.00 to receive defendant's packet of information about the use of two-cent stamps. The lawsuit alleges that defendant's claims about two-cent stamps are fraudulent because in truth it is illegal to intentionally underpay postage and people who do intentionally underpay postage may be prosecuted under federal law for mail fraud.

**State v. Excel International Services, Inc. d/b/a Exel Credit Services; Bonnie J. Burke; Lisa Smidt, a/k/a Lisa Smith.** This is a "credit repair" case alleging that the defendant's, through advertisements on America On-Line (AOL), purport to offer a method for consumers to obtain "new credit files" that will be cleansed of any derogatory credit information. Credit repair scams, which prey on persons with poor credit histories, require an "upfront" payment in exchange for a promise to clean up a person's credit record, often through illegal means. Defendants charge consumers up to \$395 (\$495 for a couple) for their services, which includes the advice that consumers obtain an Employer Identification Number (EIN) from the IRS and to use this number, instead of one's social security number, when applying for credit. Defendants represent that the program is "100% legal" when, in fact, consumers who follow defendants' advice may violate several federal and state laws that prohibit false statements on certain loan and credit applications.

**State v. International Network and Frederick Homan.** This case alleges that a California business and its Minnesota "sponsor" are operating an illegal pyramid

scheme via AOL. The scheme requires participants to send money in five separate phases to other participants, with the expectation of receiving a greater amount in return. According to the scheme, a participant will have "gifted out" \$18,650 but will have received \$157,900 in allegedly "tax free" income. Participants also pay a \$50 subscription fee to International Network. The defendants falsely represent that this scheme is "legal."

**State v. Granite Gate Resorts, Inc., d/b/a On Ramp Internet Computer Services; and Kerry Rogers.** This lawsuit alleges that defendants are planning to offer an illegal sports bookmaking service via the Internet, whereby consumers can place bets on various sporting events through the use of a credit card. Defendants have represented that this activity complies with federal law, when, in fact, the operation of this type of bookmaking operation violates federal law.

**State v. National Consumer Credit, d/b/a NCC Co.** This case alleges that the defendant falsely represents through advertisements on AOL that consumers can earn \$600 to \$800 per week, working two to three hours a day, locating people who are owed refunds by HUD, by obtaining defendant's packet of information for \$49 to \$69. In truth, it is difficult to locate individuals owed money by HUD and there is no guarantee that a tracer will earn any compensation. The lawsuit also alleges that the defendant is also operating an illegal credit repair scheme by making false promises that the company can lawfully create a "new credit file" for consumers with poor credit histories. Consumers who follow the defendant's credit repair packet, which costs \$69, may violate state and federal laws by providing false information on loan applications and misstating their actual social security numbers.





## **Tobacco Industry's Targeting of Youth, Minorities and Women**

### **AHA Public Advocacy Position**

The American Heart Association, united with the American Lung Association and the American Cancer Society as the Coalition on Smoking OR Health, supports legislation that seeks to restrict or prohibit unregulated tobacco advertising, promotion and marketing to young people, minorities or women. The AHA also works in partnership with the National Center for Tobacco-Free Kids on this important issue.

### **How does the tobacco industry target youth?**

The tobacco industry has long targeted young people with its cigarette advertising and promotional campaigns. The "Joe Camel" ad campaign initiated by the R.J. Reynolds Tobacco Co. is testimony to the tobacco industry's intent to reach young audiences. The "Joe Camel" magazine ads combine promotional pull-out sections, which offer "neon Camel signs," "Joe Camel leather jackets" and "Joe's feet flip flop sandals" in exchange for coupons from Camel cigarette packs. A young person would have to smoke up to 600 packs of Camels to receive some of the advertised promotions. Advertising and promotional campaigns aimed at young people continue despite the tobacco industry's own voluntary code of advertising, adopted in 1964, which states that cigarette companies will not advertise in publications "that are directed primarily to persons under 21 years of age."

*(Note: R.J. Reynolds announced in 1997 that it will discontinue the use of Joe Camel in their marketing campaign.)*

The Federal Office on Smoking and Health estimates that 3,000 young people begin smoking every day. According to the Final Report of the National Commission on Drug-Free Schools, children and adolescents consume more than one billion packs of cigarettes a year. Economist Kenneth Warner, Ph.D., estimates that the tobacco industry would need to recruit 5,000 new young smokers every day just to keep constant the total number of smokers (due to the number of people who quit or died from tobacco-related illness each year). The U.S. Department of Health and Human Services (HHS) estimates that 90 percent of smokers begin tobacco use before age 20; 50 percent of smokers begin tobacco use by age 14; and 25 percent begin their smoking addiction by age 12 (the 6th grade). The University of Michigan's "Monitoring the Future" study reported that in 1995 smoking among eighth graders rose by one-third, to 19 percent; and use by tenth graders rose to 35 percent. The Centers for Disease Control and Prevention reported in May 1996 that smoking among youth has reached its highest level in 16 years.

An April 1996 Journal of Marketing study concluded that children are three times more sensitive to advertising. According to a 1994 Centers for Disease Control report, 86 percent of underage smokers prefer Marlboro, Newport or Camel, the three most heavily advertised cigarette brands.

Tobacco industry overseas advertising and promotion have also increased over the past few years in countries such as Thailand, Japan, Taiwan and most recently Eastern



Europe and the former Soviet Union. According to the World Health Organization, if worldwide smoking rates among young people continue at their current pace, more than 200 million of today's children and teenagers will be killed by tobacco during the second quarter of the next century.

### **How does the tobacco industry target minorities?**

During the last decade, the tobacco industry has aggressively increased its advertising and promotional campaigns targeted at minorities. One of the industry's most notorious, and ultimately failed, minority cigarette marketing campaigns was for "Uptown" cigarettes. The American Heart Association and the Coalition on Smoking OR Health played an active role in the Philadelphia "Coalition Against Uptown Cigarettes," which brought health, consumer and social justice groups together to oppose the test marketing of Uptown in Philadelphia. R.J. Reynolds Tobacco Co., the manufacturers of Uptown, eventually withdrew the product under pressure from the coalition and HHS Secretary Louis Sullivan, MD. In addressing the issue of tobacco industry targeting of minorities, Dr. Sullivan said: "At a time when our people desperately need the message of health promotion, the tobacco industry's message is more disease, more suffering and more death for a group already bearing more than its share of smoking-related illnesses and mortality." Former District of Columbia Health Commissioner Reed Tuckson defined the tobacco industry's marketing practices as "the subjugation of people of color through disease." According to the

Centers for Disease Control, by 1996 smoking rates among African-American males had doubled within four years.

Black-owned and black-oriented magazines receive proportionately more revenues from cigarette advertising than do other consumer magazines. In addition, stronger, mentholated brands are more commonly advertised in black-oriented than in white-oriented magazines. Billboards advertising tobacco products are placed in African-American communities four to five times more often than in white communities. According to the National Coalition of Hispanic Health and Human Services Organization, the tobacco industry specifically targets Hispanic consumers because of the long-recognized "economic value of targeting advertising to low-income Hispanics and non-Hispanic blacks," and because "Hispanics tend to be much more 'brand-loyal' than their non-Hispanic white counterparts." The Hispanic coalition also concluded: "Billboards and posters targeting (the) cigarette message to Hispanics have spotted the landscape and store windows in Hispanic communities for many years, especially in low-income communities. Recent innovations have included sponsorship of community-based events such as festivals and annual fairs."

### **How does the tobacco industry target women?**

More than 145,000 women die every year from smoking-related diseases. Lung cancer has become the leading cause of cancer death among women, having increased by nearly 400 percent in the past 20 years. That statistic led former U.S. Surgeon





General Antonia Novello to comment that “the Virginia Slims Woman is catching up to the Marlboro Man.”

Ironically, since the 1980 Surgeon General’s Report on women and smoking, the tobacco industry has stepped up the introduction of cigarette brands targeted to women. The new wave of marketing to women includes cigarettes advertised for their perfumed scents and exotic flavors or whose names include the terms “slims” and “lights.” Product packaging and advertising has also featured watercolors and pastels.

One of the most egregious examples of the tobacco industry’s targeting of women was the introduction of “Dakota” by R.J. Reynolds in 1990. An internal Reynolds marketing plan revealed that Dakota was to be marketed to “virile females” between the ages of 18 and 24 who have no education beyond high school and who watch soap operas and attend tractor pulls. At a 1990 Interagency Committee on Smoking and Health meeting chaired by the Surgeon General, the Dakota marketing plan was called a “deliberate focus on young women of low socioeconomic status who are at high risk of pregnancy.” The target market for Dakota also happens to be the one group of women where smoking rates have declined the least and who are more likely than other women to continue to smoke during pregnancy.

In addition to Philip Morris’ sponsorship of the Virginia Slims Tennis Tournament, tobacco companies also sponsor national ballet tours, fashion shows and underwrite programs such as the Congressional Fellowships on Women and Public Policy,

sponsored by the Women’s Research and Education Institute. A recent study led by Kenneth Warner, Ph.D., also found that in general, the probability of a magazine covering smoking and health decreased as the magazine’s revenues increased from cigarette advertising; that relationship was substantially larger in the case of women’s magazines.

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