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Daily Independent Editorial

The cigarette ad ban

The Federal Communications Commission has raised a serious constitutional question by its proposal to prohibit the broadcast of cigarette advertising on radio and television.

There is no proposal to ban such advertising in newspapers or magazines. Any such effort would be struck down immediately in the courts as a violation of the First Amendment to the Constitution which, among other things, prohibits the government from passing laws interfering with freedom of speech and press.

The difference here is that newspapers and magazines are privately owned and produced in plants which are privately owned and there can be as many such institutions as the traffic will bear.

Radio wave lengths and television channels are presumed to belong to all the people and are limited in number, hence parcelled out to applicants by the federal government and subject, in the person of the FCC, to some federal regulation.

We are quite willing to accept evidence of the relationship between lung cancer, heart and respiratory diseases and smoking. While the evidence may not be absolutely conclusive, it certainly has become overwhelming.

However, there is overwhelming medical evidence that the over-use of alcohol can produce cirrhosis of the liver, which can become fatal, and that alcoholism is a major social problem in the United States, far more serious, as a matter of fact, than is the use of narcotics and dangerous drugs.

In terms of social consequences, alcoholism is far more of a public concern than smoking.

Yet the use of alcohol is perfectly legal and practiced in varying degrees by a substantial majority of the people, and the idea of making smoking illegal has undoubtedly never been given serious consideration by any legislative body in the United States.

Prohibition was tried once in this country and was a colossal failure.

So how far should the government go in being its individual citizen's keeper? Dying of lung cancer, while one of the more terrible ways to die, doesn't create a social problem. We all must die. Social problems arise when alcoholics have to be institutionalized, and often becoming public charges! A heavy smoker may keep his wife awake all night with his coughing, but that can be solved by using another bedroom, rather than his becoming a public charge.

Several years ago we watched Bertrand Russell being interviewed on television. This was about the time when the relationship between lung cancer and tobacco was starting to be widely publicized. He being a celebrated British scientist as well as a philosopher, he was asked about his smoking. His reply made a lasting impression on us. He said:

"I understand the problem and am impressed by the evidence, but why should I give up something which gives me great satisfaction for the dubious privilege of living perhaps an extra four years in a nursing home?"