

BILLBORED

NUMBER 8, SEPTEMBER 1983

THE UN-OFFICIAL NEWSLETTER OF B.U.G.A. U.P.
BILLBOARD UTILISING GRAFFITISTS AGAINST
UNHEALTHY PROMOTIONS

PRICE
20 cents

"YES" TO AD-BAN REFERENDUM

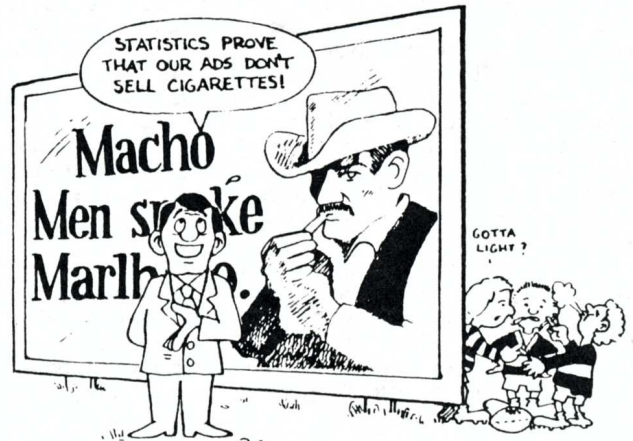
A referendum held by North Sydney Council on September 24th revealed that a majority of electors in the North Sydney Municipality want to ban tobacco advertising in their area. Over 60% voted "yes" to the question: "Should the council seek to have the advertising of cigarettes and tobacco prohibited in public places?".

This question was one of 15 optional questions asked along with the local government elections.

The only problem is that the local councils do not have the power to carry out the ban. This was established in 1979 when the North Sydney Council lost a Supreme Court battle with Pacific Outdoor Advertising, who wanted to erect a large marlboro billboard at Crows Nest, against the wishes of the Council.

The Council now intend to use the referendum results to convince the State government to change the local government act to give councils the power to restrict offensive ads.

John Lawrenson, president of the Outdoor Advertising Association, said that the council had wasted taxpayers'



money on the referendum because they had no power to act on it. He also pointed out that a poll commissioned by the tobacco institute showed that 72 percent of people believed that if a product was legal to sell, then it should be legal to advertise it.

One can only wonder why there is such a difference in findings between an industry-sponsored survey and a properly conducted referendum.

DOCTOR B.U.G. RECEIVES TOKEN FINE

The case of a Sydney medical practitioner arrested for re-facing a billboard was concluded in Burwood Court on September 7th. (See Billbored No.5, April 1983)

The hearing had been adjourned from February so that the defendant, Dr. Arthur Chesterfield-Evans, could present evidence from expert witnesses. To appear at the hearing, he had to cut short a lecture tour of America where he was expounding the virtues of B.U.G.A. U.P.s techniques.

Although he admitted having re-faced the billboard, Dr Chesterfield-Evans maintained that he had not committed a crime.

The defence was based on a claim of "necessity". Counsel for the defence told the Magistrate, Mrs Sleeman, that if his client had been arrested for damaging a truck which was rolling uncontrolled towards a group of children, the charge would be dismissed. He argued that the offending billboard was just as dangerous to children as a runaway truck, and that the defendant was merely trying to avert disaster by his actions.

In support of this defence, Dr Chesterfield-Evans called two expert witnesses.

The first was Dr. Greg Chesher, reader in Pharmacology who specialises in the field of drug addiction. He testified that nicotine is highly addictive, and that once lured into trying cigarettes, unsuspecting children could become physically and psychologically dependant. He added that he thought that a BUGA'ed UP ad was much less likely to induce children to smoke than the original.

The second witness was Simon Chapman, coordinator of the Health Commission's "Quit for Life" campaign. Mr Chapman is a specialist in the field of cigarette advertising and counter-advertising, with a long list of published papers to his credit. He testified that cigarette advertising does encourage children to start smoking, and that Dr Chesterfield-Evans' graffiti had "made a humorous change to the advertisement and perhaps people would be jolted into awareness that the message was more sensible than the original".

After hearing all the evidence, Mrs Sleeman said that while she sympathised with the defendant's motives, she could see no evidence that re-facing the billboard had prevented illness or death, and the defence of necessity therefore could not succeed.

She imposed a token \$20 fine.

Dr Chesterfield-Evans has lodged an appeal in the belief that he can demonstrate to the Court's satisfaction that re-facing billboards does prevent injury and death, as required by the Defence of Necessity.



UNI PROFESSOR ACQUITTED

Theodore McDonald, Professor of Education at the University of Newcastle, has been acquitted of several charges of "malicious injury to a billboard" (see "Billboarded" No. 6, May 1983).

Appearing in Newcastle Court of Petty Sessions, Professor McDonald told the court that on the night in question, he had driven his fourteen year old son to a number of locations where he believed his son intended to photograph billboards which had been "re-faced by B.U.G.A. U.P. ". He had borrowed a camera and flash for the purpose. He explained that it was not until they returned home that he realised that his son had in fact thrown paint at the billboards.

He went on to say that although he believed his son's actions were morally correct, he had reprimanded him as such acts of civil disobedience should only be carried out by adults.

When the police prosecutor asked where his son had got the paint, Professor McDonald replied that it must have been left near the billboards earlier that day. The prosecutor then asked whether it had been "left there by B.U.G.A. U.P. ". When the laughter from the gallery died down, he replied no, that his son had put it there earlier.

Professor McDonald told the court that he fully supported his son's actions and was proud of him. He explained how his professional studies of children's cognitive processes had convinced him, as a Christian and a parent, that everything possible should be done to stop cigarette advertising.

THE GUILTY GO FREE (AGAIN)

The distinction between the law and justice was once again highlighted when Sydney B.U.G. Fred Cole was convicted for "resisting arrest" and "remaining on enclosed lands" on September 5th.

The charges arose out of events which took place at Centrepont shopping centre on Monday, 9th May this year, where a rothmans promotion was taking place. (see Billboarded No. 7, August 1983).

Briefly, Fred had been interviewing shoppers for his weekly radio programme "Puff Off", and when he didn't leave when asked to by the security guards, he was dragged off by the police. On the way back to the police station, they had taken the cassette on which he had recorded his interviews and also the events leading up to the arrest.

The police claim that Fred had resisted arrest by struggling, and denied all knowledge of any tape. He was charged with "remaining on enclosed lands" as he did not leave when asked to by the Centrepont management.

The defence hinged largely on the question of whether the shopping plaza fell within the definition of "enclosed lands". Witnesses for the prosecution told the court that the ends of the arcade can be sealed off by means of metal grilles, which satisfied the magistrate that the charge was valid.

Fred was fined \$150, reaffirming the drug pusher's "right" to silence anyone who speaks out against them.

So much for freedom of speech.

B.U.G.A. U.P. SPOIL-SPORTS

As mentioned in the August issue of Billboarded, the Australian Broadcasting Tribunal has issued a draft policy on "incidental" cigarette advertising on radio and television. The Tribunal has called for public response to the proposal that the definition of "incidental" be considerably tightened.

The new definition would make it virtually impossible to use sponsorship as a means of cigarette advertising.

When submissions closed at the end of August, the Tobacco Institute issued a press statement proudly announcing that the Tribunal had been swamped with letters from 30,000 sports fans, urging them not to ban tobacco sponsorship. The Tobacco Institute was also quick to point out that there had been only a handful of submissions in support of the Tribunal's Draft Policy.

Amongst those in support was B.U.G.A. U.P.'s own submission, which took the form of a photo album containing stills taken from televised sports events over the last year. The photos were accompanied by captions which explained in a tongue-in-cheek way how a 15-year old child would interpret the proliferation of cigarette ads which accompanied the images of health, fun and heroism of sporting events.

Sources within the A.B.T. told B.U.G.A. U.P. that the unusual nature of the submission had made it the "talk of the office". It also seems that the tobacco industry's jubilation over the number of complaints it had mustered was somewhat misplaced. The Tribunal pointed out that it had neither the power nor the intention to prevent tobacco companies from sponsoring sport. All they were proposing was the enforcement of the law which prohibits the broadcasting of their ads.

It seems that 30,000 pro-drug-pushing letters were outside the terms of reference.



My sister got upset because the horses kept hurting their legs when they tripped on all the signs. I thought it was boring. There weren't even any ads because it was on channel 2.

A page out of the photo album submitted to the Broadcasting Tribunal by "N. King, Age 15".

HEALTH COMMISSION'S AD WORKS; SELF-REGULATION TO THE RESCUE

The Tobacco Institute has succeeded in having one of the Health Commission's most successful ads banned from television.

The ad, which was part of the "Quit for Life" campaign, featured a mock life-insurance salesman, who offered viewers a "10 year plan" in return for a \$5000 investment, "permanent lung damage could be practically guaranteed".

The ad was co-sponsored by the Hospitals Contribution Fund, an insurance group which offers discounts to non-smokers, and their logo was shown at the end.

The Tobacco Institute complained to the Advertising Standards Council, claiming that the ad was untruthful. The ASC agreed, saying that because it claimed that smokers have bad breath, would have lung damage after 10 years, would have clogged arteries and heart, and could look forward to an early and painful death, the ad was misleading.

Meanwhile, similar complaints against another ad which likened a smoker's lung to a tar-soaked sponge were dismissed. The reason given at the time was that unlike the H.C.F. ad, this one did not advertise a definite service, and was therefore simply part of the general debate on smoking.

To avoid further conflict, the Health Commission removed the H.C.F. tag from the end of the commercial, and ran it again.

Once again, the Tobacco Institute complained, and once again the ad was banned. The Chairman of the A.S.C., Sir Richard Kirby, said that:

"The Council has demonstrated ... that it would not allow untruthful or misleading statements, presented as statements of fact, to be made even in social or advocacy promotion.

"The fact that it might be difficult on occasion for the Council to distinguish between argument, exaggeration or statement of fact, would not justify us avoiding the problems.

"After all, the problems have arisen because the benefits of advertising have been perceived as real by an increasing public."

So once again, the Advertising Standards Council has revealed itself as nothing more than a puppet of the vested interests which control it. Their actions are particularly amusing in the context of the concurrent campaign being waged by the advertising industry against the "threat to freedom of speech" and the possibility of "censorship of specific advertisements" by the proposed Western Australian cigarette ad ban.

N.S.W. Minister for Health, Mr Brereton, said that the A.S.C. was obviously not acting in the public interest, and that he would be lodging a complaint with the Trade Practices Commission, the legal body which authorises the A.S.C. to restrict ads.

Similar threats were made on two previous occasions when Health Commission ads have been banned, but no action was ever taken, so there is no reason to expect any meaningful action this time either.

QUOTE OF THE MONTH

"Ethics in advertising! I didn't know there were any!"

Tony Fisher, creative director of MCR Compton.

B.U.G.A. U.P. RECOMMENDATIONS ON SELF-REGULATION

The Media Council of Australia is reviewing the voluntary codes for advertising, and has called for submissions from the public.

Highlights of the B.U.G.A. U.P. submission were changes to:

* Code of Ethics

Clause 11 reads "Advertisements shall not exploit children nor contain anything which might result in their physical, mental or moral harm." The word "children" should be replaced by "people".

Also, another clause should be added to read "Advertisements shall not be positioned or designed so as to deface the environment"

* Cigarette Code

Must be immediately scrapped altogether, and replaced by a code which states simply that tobacco products or companies associated with their production will not be advertised or promoted in any way.

* Alcoholic Beverages Code

To ensure that advertisements are directed only to adults, they should not be displayed in public places where they will be seen by a significant proportion of children or broadcast by radio or television between the hours of 6 am and 9 pm.

Better still, alcohol advertising should be abandoned altogether.

* Proposal for a "Gambling" Code

A code is needed to control gambling ads. They should not imply that winning is inevitable, or that gambling is a good alternative to prudent investment.

The submission also called on the Media Council to actually enforce the codes as well as review them. The covering letter concluded with:

"The Voluntary Codes have lost all credibility through constant abuse. Something must be done to protect the consumer's right to truth and responsibility in the advertising to which he is constantly subjected.

As the link between consumer and advertiser, the Media Council should act immediately to bring into line those advertisers who are souring the industry's relationship with the consumer. We trust you will appreciate the importance of understanding our point of view, as we represent a growing body of public opinion."

Other than a letter acknowledging receipt of the submission, there has been no reaction to B.U.G.A. U.P.'s constructive criticism.



AUSSIE AD ACTION IMPRESSES B.B.C.

B.B.C. Television are planning to send a film crew to make a documentary on Australian initiatives against cigarette advertising.

The proposed film was inspired by the legislation against cigarette advertising soon to come before the Western Australian Parliament. A researcher from the B.B.C. has been "sounding out" the local scene, and has commented that B.U.G.A. U.P. seemed to be Australia's most cohesive movement opposed to cigarette ads, and would probably feature significantly in their film.

The documentary will apparently be a thorough analysis of the advertising issue across Australia. B.B.C. researchers have already been in contact with the Victorian Cancer Council, the Australian Consumers Association in Sydney, the West Australian Council on Smoking and Health, MOP UP (Movement Opposed to the Promotion of Unhealthy Products) in Melbourne, and B.U.G.A. U.P. in Sydney, Melbourne, Adelaide and Perth.

The only people they are having trouble getting in touch with, says one researcher, is the advertising industry, who have apparently been instructed by their tobacco bosses not to cooperate.

**GIVE
HER ONE
TONIGHT**

THE RAPE MEN

**ROSES HAVE
LITTLE PRICKS
TOO!**

B.U.G.A. U.P.

Beautiful roses grown and distributed by B.U.G.A. U.P. The largest rose growers in the Southern Hemisphere.

UNHEALTHY PROMOTION OF THE MONTH

A classic example of how a perfectly harmless product can be promoted in an unhealthy way.

This ad from "The Rose Men", goes beyond merely suggesting that sex is a gift that men "give" to women. It also suggests that women's "favours" can be bought by giving flowers. It virtually incites rape.

TOBACCO PUSHERS GET COLD FEET

A representative of the Tobacco Institute showed his true colours this month when he failed to appear at a debate on cigarette advertising to be held at Sydney University.

The debate had been organised by the Department of Pharmacology, and was to involve representatives from the Health Commission and the Tobacco Institute. The topic for the debate was to be the morality of using civil disobedience against cigarette advertising. A recently convicted doctor was to give his reasons for breaking the law by refacing advertisements, followed by arguments for and against.

John Dollison, Chief Executive of the Tobacco Institute had agreed to present the Industry case, but when the day came, he rang to say that he would not attend because he had learnt that the debate was going to be filmed by the B.B.C. who were making a documentary about the cigarette ad debate. When accused of being afraid to present his case in a public forum, he explained that he would not object if the film was being made for local television, but he "knew" that the B.B.C. were making an "anti-smoking film".

This was an unusually honest confession for a drug pusher of Mr Dollison's calibre. It certainly confirms the suspicion that the tobacco industry has considerable powers over the commercial media which ensure that any unfavourable coverage of the cigarette debate is censored.

ATHLETES SNUB DRUG PUSHERS

The N.S.W. Amateur Athletics Association has reversed a recent decision to seek sponsorship from tobacco companies.

At a meeting of the Association last month, the Honorary Medical Officer, Dr Alex Tahmindjis, presented two jars containing pathological specimens. One contained the lungs of a non-smoker, the other the lungs of a smoker.

He then asked the committee to judge for themselves whether smoking was an activity that should be promoted by athletes. The vote was 32 to 5 against accepting tobacco sponsorship.

Now Dr Tahmindjis is calling on the medical profession to support the Athletics Association by contributing to a special trust fund. He said "Most doctors are against smoking because they see the horrible effects of it every day. It's about time they put their money where their mouths are".

**LET'S END
UNHEALTHY
PROMOTIONS**

YOU CAN HELP

go for it!

Write to B.U.G.A. U.P. at

N.S.W: Box 78, Wentworth Building
University of Sydney 2006

Vic: Box 285 Fitzroy, Victoria 3065

New Address in Western Australia:
Box 598, Subiaco, W.A. 6008