

# BILLBORED

NUMBER 14, MAY 1984

PRICE  
20 cents

THE UN-OFFICIAL NEWSLETTER OF B.U.G.A. U.P.  
Billboard-Utilising Graffitiists Against Unhealthy Promotions

## BUGA UP BUS BUST BACKFIRES

A B.U.G.A U.P. raid on Brookvale bus depot in the early hours of Saturday, May 5, was reported to the press in a UTA News Release as an act of vandalism. The press release claimed that fourteen buses had had their tyres let down and that the outside of the buses had been "sprayed with paint".

Media enquiries elicited the fact that cigarette and beer ads on 56 buses had been refaced. Our field officers report that this was the extent of the damage and that no tyres were let down or paint sprayed on the buses by them. This implies that UTA employees had let the tyres down in an attempt to discredit BUGA UP and make them appear irresponsible vandals.

The UTA, concerned that such an incident should not be repeated, announced that all 1 cigarette advertising panels were being removed from the outside of buses within the next week, weather permitting. No doubt the magnification by UTA staff of the extent of the damage contributed to this decision - so the attempt to discredit BUGA UP backfired, resulting in another victory against Unhealthy Promotions.



*Two victims of a "bus strike"*

## BUGA. U.P. ON B.B.C'S Q.E.D TV PROGRAM

Last October, a film-crew from the BBC programme "Q.E.D" came to Australia to make a programme about initiatives against cigarette advertising, particularly the Bill going through the Western Australian parliament at the time. (See "Billbored" No. 8, September 1983). The producer's original intention was to explore the issue through interviews with prominent figures on both sides of the fence. Unfortunately, the tobacco industry representatives backed out at the last minute, refusing to grant interviews on the grounds that the programme was going to be biased against the industry.

The result was that half of the thirty minute programme became vacant, and BUGA UP was given 15 minutes of British prime time. Called "The War of Words Down Under", it went to air amidst much publicity in April. The programme included footage of BUGA UP demonstrations at a shopping arcade and the Melbourne show, and ads being refaced in Sydney and Melbourne.

It examined at some length the history of the anti-tobacco advertising lobby, focussing on the Western Australian Bill, and interviewing WA Premier Brian Burke, whose forthright comments on the tobacco industry ("The tobacco industry lies") were intercut with extracts from an interview with Phil Scanlan of Amatil, taken from a Four Corners programme broadcast last year. No doubt the industry is now regretting that it refused an interview to the BBC on the basis that their approach was biased.

Highlights of the programme included the public refacing which took place at Moore Park Road in October, where the BBC approached an industry spy and asked him why he was filming the action from behind a curtain in his van. "Habit", he replied, and swore that he was not representing the tobacco industry.

BUGA UP associates in London have informed Sydney that Channel 9 have bought the programme rights for Australia. Only time will tell whether this was done with the intention of showing it here, or simply of suppressing it.

### 9.30 Q.E.D.

*The War of Words Down Under with Anthony Clare*

**BUGA UP is the provocative name of an organisation in Australia that is devoted to defacing adverts, organising street happenings and infuriating the tobacco companies. They're not anti-smoker, just anti-cigarette sponsorship and ads. If we oppose drug pushing, they argue, then we should oppose cigarette promotion too.**

**Australia is producing a movement of angry men and women - led by doctors who are prepared to break the law. Their fight is winning much public and even Government support. Their aim is to ban all cigarette promotion. Tonight Q.E.D. describes the maverick campaign.**

Film editor PETER ESSEX  
Series editor MICK RHODES  
Producer STEPHEN ROSE

★ Subtitles on Ceefax page 170

*London TV guide*

## ROTHMANS BOY TO SELL AUSTRALIA

Paul Hogan, the man who propelled rothmans to number one position through his promotion of winfield cigarettes and put fosters beer on the English map, has been engaged by the Australian Tourist Commission to promote tourism.

In his search for a symbol that truly epitomises Australia to spearhead the new drive, the Federal Minister for Sport, Recreation and Tourism, Mr Brown, has found something more Australian than the "piddling koala". He has chosen Hogan, who represents the Australian dream; the Harbour Bridge painter who rose from rags to riches, telling his "mates" on his way that smoking winfield is the patriotic thing to do.

The number of children who smoke winfield and drink fosters is compelling testimony to the power of Hogan as a role model.



PRESENTING THE NEW OCKER IMAGE: (centre left to right:)

*Hawke- Working man's hero and presenter of the winfield cup*

*Hogan- Ocker hero and Australia's most successful drug pusher*

*Brown- Vocal supporter of tobacco sponsorship, Minister for Sport, Recreation, Tourism.*

## BANNED "ANYHOW"

In spite of being banned from advertising cigarettes because of his influence among children, industry sources claim that Hogan has been under retainer from rothmans ever since the winfield days. The cigarette campaign, based on the "anyhow" slogan and Tchaikovsky theme, ensures that the Hogan/winfield link lives on in spite of his ads being banned due to their influence on children. The word "anyhow" is still used in winfield ads, and the theme tune is even played at sporting events sponsored by rothmans. Any Hogan appearance is still tainted by the winfield association.

## MINISTER FOR "RECREATIONAL" DRUG PUSHERS

Mr Brown's allegiance to the tobacco industry is no secret. Speaking at the Australian Council for Health, Physical Education and Recreation conference this month, he reaffirmed his commitment to their sponsorship of sport.

While claiming that he detests cigarettes, he echoed the industry line that sport sponsorship is not advertising. He said "I applaud the fact that cigarette advertising no longer takes place on television. I think it is very important because certainly the advertisements we see of glamorous women and glamorous people (sic) floating around Monte Carlo do have an effect on inducing people to smoke. But whether the name rothmans stuck on the fence of a sports ground alongside National Mutual and McDonalds makes people rush out and buy a packet of cigarettes and start smoking is a very doubtful premise."

## SPONSORSHIP OR ADVERTISING?

Mr Brown claimed that the tobacco industry spends \$13 million each year on sports sponsorship. He did not say how much of this went to the sports themselves, and how much was spent on advertising signs, payola etc. He said that he did not intend to "join that hallelujah chorus that deplores tobacco sponsorship" and would not be "party to a witch-hunt to ban cigarette advertising at sporting events."

But didn't you just say it isn't advertising, Mr Brown?

And anyhow, is a known drug pusher an appropriate "celebrity" to be promoting Australia?

## MEDICAL JOURNAL KOWTOWS TO ADVERTISERS

A furore arose in the medical profession in response to an editorial in the April 14 issue of the Medical Journal of Australia. Editor Alister Brass seems to have taken seriously his duties of placating the advertisers after the blast given to the tobacco and associated industries in a 1983 issue of the MJA, and is acting as apologist for the tobacco advertisers. In his comment "Smoke gets in your eyes", Brass painstakingly enumerates all the fired old excuses for smoking: it relieves anxiety, it promotes good fellowship and "provides cheap relaxation for workers who can't afford the self-indulgence of 'working out'." (At \$1.80 a packet a jog seems good value by comparison - Ed.) Commenting on a research article by Simon Chapman on the influence of the advertising dollar on editorial content in the-press, he states that "the role of advertising... in maintaining people's interest in cigarettes is much overrated. So is the alleged wickedness of capitalist tobacco companies". He then proceeds to put the Tobacco Institute argument for civil liberties which will be inhibited by a ban on tobacco advertising.

## "LIGI-IT" HEARTED PROVOCATION

This stand is a rather unusual one for any medical body nowadays and Brass's fellow physicians who are more committed to preventive medicine did not fail to let him know the fact. A torrent of letters abusing him for superficiality, irresponsibility and insensitivity poured into the MJA offices, leading the Editor to say that his article had only been a light-hearted attempt to provoke a few people". However light-hearted, it has no doubt already gone into the tobacco industry archives to show that the Australian Medical Association supports them in their stand against advertising bans.

## EDITORIAL BIAS

The Medical Journal has to date been extremely outspoken on the issue of tobacco advertising. Of course, the advertising industry claims that this is just the thin end of the wedge that will soon result in bans on alcohol and pharmaceutical advertising. Could it be that Simon Chapman's suggestion that advertisers can influence editorial content had touched a raw nerve with the editor of a magazine which depends on revenue from drug advertisers?

## THE TRIALS OF A CONSCIENTIOUS DOCTOR

Billboarded has been following for some time now the (il)legal career of Sydney B.U.G. Dr Arthur Chesterfield-Evans. After being fined a token \$20 in September last year for refacing a billboard, Dr Chesterfield-Evans lodged an appeal to try and establish the validity of his "Defence of Necessity".

On 25th May, Dr Chesterfield-Evans appeared in Parramatta District Court. Before the hearing he said, "If I saw someone about to tip cholera germs into the water supply, I would try to stop him, even if it meant stealing the flask. In the case of painting on cigarette posters, it's the same thing."

Acting on a precedent set in 1974, Judge Godfrey-Smith ruled that the offence of "wilfully marking premises with paint" with which Dr Chesterfield-Evans had been charged was invalid. A poster does not constitute premises within the meaning of the Offences in Public Places Act. The appeal was upheld, much to the chagrin of the prosecuting party.

BUGA UP spokesman Peter Vogel, speaking to the Daily Telegraph, said that this judgement would encourage many graffitiists as it would make it more difficult for advertisers to prosecute. Any B.U.G. should be happy to defend a charge of malicious injury to a billboard, since refacing invariably improves the ads.



*The billboard in Summer Hill at which Dr Chesterfield-Evans was arrested, shortly after performing risky surgery in August, 1982.*



*The same billboard today. A classic case of increasingly frequent post-operative complications.*

## THERE'S NO REGULATION LIKE SELF-REGULATION

The Seventh Annual Report of the Advertising Standards Council reveals that cigarette advertisements were the cause of most complaints during 1983. Of the 266 complaints received during the year, 17 percent were about cigarette ads. Compared with other much more heavily advertised product categories, such as foodstuffs (13% of complaints) this figure reflects the undeniable fact that cigarette advertising is inherently objectionable.

Among the many remarkable rulings summarised in the A.S.C. report, some offer particularly clear evidence of the depths to which they will stoop to avoid upholding complaints against an advertiser. A complaint was received from the Queensland Department of Consumer Affairs, claiming that a particular insecticide ad was misleading. After viewing a video cassette of the ad, the Council upheld the complaint. Some time later, however, it was discovered that they had viewed the wrong tape, and as the complaint was about a different ad, "no decision could be reported in respect of the commercial viewed by Council". Both the offending ads presumably continue to be broadcast.

Another landmark decision involved a complaint from the Australian Consumers' Association, pointing out that the horses and foals used in Marlboro ads are of "major appeal to children" and therefore in breach of the cigarette advertising code.

The complaint was dismissed, with the bold assertion that the horses are not a significant feature of the ad.

In view of the fact that A.S.C. hearings are not open to the public, and the cases reported are presumably the least embarrassing to the advertising industry, the un-censored version of what goes on defies imagination.

---

## A.C.T. to ACT on ADS

After lengthy debate on May 15th, the A.C.T. House of Assembly endorsed the "essential principle" of a Bill banning cigarette advertising in the Territory.

A Private Member's Bill proposed in the Senate by Jack Evans (Australian Democrats, West Australia) calling for total prohibition of all forms of tobacco promotion was previously endorsed by the Assembly's Standing Committee on health, housing and welfare. This committee stated that given the known health risks, an ad ban was justified even though it is impossible to prove conclusively that advertising causes people to smoke, saying:

"the committee takes the view that common sense tells us that it is a factor, that it therefore does promote smoking, and that all the factors which have any role in promoting smoking - advertising, peer group pressure, etc - are to be deplored.

It would of course be valuable to know, but it will be impossible, probably forever, to measure and thus prove the degree or extent to which advertising is a factor in promoting smoking. In the committee's view, however, the predication of support for a ban on tobacco advertising on the prior possession of such exact knowledge is not a logical prerequisite."

As well as endorsing the proposal for the A.C.T., the Assembly agreed that it would be far preferable if the Federal Government were to enact legislation banning tobacco advertising uniformly throughout the Commonwealth.

This recommendation has been passed on to the Minister for Health, no doubt to be filed with the umpteen similar recommendations dating back a decade which have fallen on equally deaf ears.

## BROADCASTING TRIBUNAL CONFESSES IMPOTENCE

As reported in January Billboard, the Broadcasting Tribunal's final policy statement on "Incidental or accidental" televising of cigarette advertising, in relation to sponsorship by tobacco companies, left the press and the public in some confusion as to their intentions. The Tribunal's report to the Minister for Communications, published in May, has done little to clarify the issue.

A staggering 39,306 submissions were received by the Tribunal, but an analysis of these reveals that almost all were "form letters" issued by the tobacco industry, and most of these mistakenly asked the tribunal not to "ban cigarette sponsorship". This of course was not the issue, and these submissions were therefore not relevant.

Readers will recall that BUGA UP made a novel submission to the Tribunal last year (11Billboard number 8, September 1983). The Tribunal's report includes a dissection of submissions by category. The submission from the "BUGA UP Broadcast Media Group" is, quite properly, listed under "Education".

## MANY BROADCASTS BREAK LAW

The Report also includes an Appendix explaining the Tribunal's decisions on eight particular breaches of the Act which were brought to its attention. These decisions were made retrospectively and with no intention of finding against a particular licensee, but more in terms of providing guidelines as to what does and what does not constitute a breach of the law. The report points out that the Tribunal in fact has no teeth by which to enforce its findings. It relies heavily upon the television or radio station concerned for cooperation in considering a complaint and cannot compel the industry self-regulatory body to comply with its findings and withdraw approval for any ad. It is ironic in view of the role of self-regulation in this fiasco that the AANA saw fit in its submission to query the powers usurped to itself by the ABT:

"By virtue of its great intimidatory power in relation to licensees, the Tribunal has rendered the courts almost irrelevant, and challenged the role which is properly that of Parliament."

Of the eight items considered by the ABT, six were ruled to be breaches of the Act. Four of these were paid advertisements lodged by tobacco companies themselves or their associates. They included the "Field of Battle" cricket advertisement for Benson & Hedges, ads lodged by both Benson & Hedges and their stooges the Australian Ballet for the 1984 smoking, one mean ballet season, and one Hoyts ad for the Winfield "Aussie Assault" film about the America's cup. Also considered to be outside the law was a promotion for Redhead matches with the refrain "strike up a friendship" which showed a couple smoking. Needless to say, the 1982 NSW Rugby League Grand Final incorporating the winfield dancing girls, flag waving etc. was defined as more than "incidental or accidental" as was the Winfield Masters Snooker Tournament in which everything but the balls carried a red and white logo.

## WHEN IS DUNHILL A CIGARETTE?

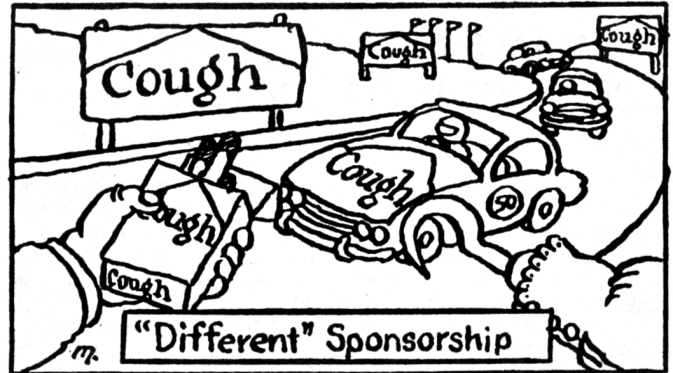
No doubt afraid of opening a Pandora's box, the Tribunal did not decide against the "House of Dunhill" television ad which shows a man buying a Dunhill lighter in the shop and carries the voice over "Dunhill, for those who appreciate the finer things." Even Amatil, however, would have upheld a complaint against this ad, as in their submission they suggested that "... a mere advertisement for a corporation which trades in cigarettes is not an advertisement for smoking ... it would only become so if lit contained depictions or mentions of specific cigarette

brands or of slogans specifically used by the corporation in respect of those brands ... So much for industry solidarity.

## LACK OF POWER OR LACK OF WILL?

The Tribunal's report concludes by pointing out that under its current constitution it lacks the ability to enforce compliance with the Act, as its only power of sanction is the ability to revoke the broadcaster's licence, which would not be appropriate for isolated breaches.

All in all, the Tribunal seems to have carried out the aim that it sets out so clearly at the end of its policy: "This Policy Statement is intended to avoid the need for more specific action."




Cartoon by Matthew Martin

## C.A.C. Claim: BUGA UP 'offensive and illegal'

Concerned by the usurping of the BUGA UP "go for it" logo by a drug-pusher earlier this year, BUGA UP applied for registration of its name as a business with the Corporate Affairs Commission, fearing that someone might try to adopt the acronym too. While accepting the \$70 fee, the CAC refused to process the application, commenting that the name would be offensive to the public and that it suggested an illegal activity. We can only assume that the suggestion of illegality was due to a misunderstanding by the CAC of the acronym. The introduction of legislation decriminalising male homosexual acts, however, has inspired us to try again.

**B.U.G.A. U.P. NEEDS YOUR SUPPORT**



If you would like to join the campaign against Unhealthy Promotions, or would like further information about B.U.G.A. U.P. write to:

N.S.W. B.U.G.A. U.P.  
Box 30  
Strawberry Hills  
N.S.W. 2012

Vic. B.U.G.A. U.P.  
Box 285  
Fitzroy  
Victoria 3065

W.A. B.U.G.A. U.P.  
Box 598  
Subiaco  
W.A. 6008