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M E M O R A N D U M

TO: Californians Against Unfair Tax Increases
FROM: Bill Berman
DATE: May 10, 1988
RE: News Update #17

On May 2, Coalition for a Healthy California submitted signed petitions in favor of the Tobacco Tax Initiative to County Registrars throughout the state.

While the sponsors of the initiative were busy turning in the petitions, spokespersons for CAUTI were holding a series of statewide news briefings to announce the opposition to the Tobacco Tax Initiative. In our effort to limit the amount of positive media attention the proponents of the initiative would receive, we scheduled our press conferences within hours of the proponents news conferences. This planning proved successful and we are very pleased with the relatively low amount of coverage the proponents received and for the "balanced" approach to the issue most news outlets took. In fact, the Tobacco Tax Initiative was repeatedly referred to as "controversial," which is to CAUTI's benefit.

For your information, within the attached new clippings, there is a news article discussing Assemblywoman Delaine Eastin's bill calling for a tax on cigars, pipe tobacco and snuff. The proceeds from the tax would be used to fund library services.

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Fremont, CA
(Alameda Co.)
Argus
(Cir. D. 25,000)
(Cir. S. 25,900)

APR 20 1988

Allen's P. C. B. Est. 1888

Editorials

Three cities need to limit smoking

THE SAN LEANDRO City Council is considering a law restricting smoking in public places and will hold a public hearing on the issue in June.

That's good news for residents of San Leandro and all of Alameda County, where only two other cities — Hayward and Newark — have yet to limit smoking by law.

While San Leandro's consideration of the issue is laudable, Mayor Dave Karp's approach to tackling the problem is not. He told Alameda Newspapers Tuesday that he prefers a voluntary approach over passage of a law.

No way.

Smoking in public can only be effectively controlled if mandated by law.

Carolyn Bovat, coordinator of the anti-smoking effort in the county, is right when she says that "volunteerism never works."

Granted, there are restaurants, businesses and employers who have already voluntarily instituted no-smoking policies. Their efforts are worthy of praise.

BUT, FOR every one of them, there are many who have not and will not voluntarily limit smoking unless forced by law.

The county and 11 other cities realized this when they passed laws creating smoke-free environments within their boundaries.

Medical studies continue to reveal the dangers posed to people who breathe secondhand smoke, demonstrating a strong need for laws that regulate smoking in public places.

Non-smokers far outnumber smokers in today's society, yet they are more susceptible to lung diseases and respiratory illnesses if they are continually subjected to the smoke of others. They have a right to demand a smokeless environment in public buildings and at their work places.

That demand has been answered throughout the nation as more and more cities have passed stringent anti-smoking laws. In California alone, 130 cities have approved such ordinances, including Contra Costa County and all of its cities.

NO, THE anti-smoking trend does not allow any government to trample the rights of individuals who want to smoke. Their rights are safeguarded as long as they don't obstruct the rights of non-smokers to breathe the clean air.

There's no way San Leandro, Hayward and Newark should fail to follow the wise path already blazed by their neighboring cities. Only their cooperation in passing laws restricting smoking can make the entire county smoke-free and a healthier place to live.

San Francisco, CA
(San Francisco Co.)
Chronicle
(Cir. D. 630,954)
(Cir. Sat. 483,291)

APR 25 1988

Allen's P. C. B Est. 1888

'Spittoons' Aloft

^{0.54}
A **NEWLY-RELEASED** report by the federal government, showing that nearly nine out of 10 people believe passive smoking is harmful, contributes significant support to the growing popularity of anti-smoking policies aboard airliners and in other public areas.

The study by the national Centers for Disease Control reported that 88 percent of those questioned in 1986 tobacco-use surveys said they considered second-hand smoke to be generally harmful to human health, and 61 percent said they preferred to sit in the nonsmoking sections of airplanes, restaurants and other public places.

Surprisingly, 43 percent of even the die-hard smokers reported they were annoyed by the cigaret smoke of others.

INCREASED ATTENTION to air quality and its effect on closed environments was emphasized over the weekend when two new prohibitions against cigaret smoking went into effect: the Northwest Airlines ban on all of its domestic flights and the federal mandate on all U.S. airline flights of two hours or less.

The elimination of exposure to tobacco smoke will continue to be in the public interest. Hopefully, as one anti-smoker put it, "the ash-tray in the airliner cabin is going the way of the spittoon."

San Francisco, CA
(San Francisco Co.)
Chronicle
(Cir. D. 630,954)
(Cir. Sat. 483,251)

MAY 3 - 1988

Allen's P. O. B. 111, 11111

Cigaret Tax, School Aid Head for Ballot

United Press International

Sacramento

Initiatives to raise the cigarette tax and guarantee schools a minimum share of state tax revenue appeared headed for a vote in November after backers turned in petitions yesterday to get them on the ballot.

The proposals attracted far more than enough signatures to bring them to a vote. The secretary of state's office must certify that the names are from registered California voters.

Backers of the initiative to raise the cigarette tax by 25 cents a pack claimed more than 1 million signatures. The measure, a proposed amendment to the state constitution, requires 595,485 valid signatures.

Petitions were turned in after news conferences held in several cities. In San Jose, an ambulance brought petitions with 68,000 signatures to the Santa Clara County registrar of voters, and paramedics wheeled them into the office on a gurney.

Twenty percent of the money raised from the new tax would go for programs to teach children not to smoke, and 45 percent would be allocated for people who cannot afford health care.

An additional 5 percent would be used for research into tobacco-related diseases, and another 5 percent would be used for fire protection, preserving wildlife habitat and improving state parks. The remaining 25 percent would be allocated by the Legislature among all of these programs.

The education finance measure would guarantee that the share of state and local tax revenues allocated to schools from kindergarten through community college cannot be reduced and must be raised to keep step with increases in enrollment and the cost of living.

A group calling itself the School Funding for Instructional Improvement & Accountability Coalition gathered 1,017,633 signatures for its petitions. The measure also would give schools a claim on surplus tax money until their needs are met.

OPINION

EDITORIALS

New assaults on tobacco

SELL Philip Morris. And RJR-Nabisco, American Brands and Lorillard. The nation's tobacco companies are in for hard times.

On Saturday, a nationwide ban on smoking on airline flights of two hours or less went into effect. That means that on an estimated 13,600 flights a day, the smoking lamp is emphatically *not* lit. At the same time, Northwest Airlines activated its no-smoking policy on the majority of its flights.

In another blow to the fortunes of the tobacco industry, a judge in a landmark cigarette liability case in Newark, N.J., issued a scathing ruling concluding there is ample evidence to support the claim that the industry covered up evidence of tobacco's harmful effects in order to keep sales up.

The airline smoking ban flows from a federal law aimed at protecting the health of the majority of airline passengers, who do not smoke, and the flight crews, who are not allowed to light up while on duty. Second-hand smoke is more than an unpleasant smell; it's a hazard.

California already has a law, which went into effect Jan. 1, banning smoking on flights entirely within the state. There has been little fallout from that law. Passengers, both smokers and non-smokers, have adapted to it just as people over the years have accepted regulations forbidding smoking in elevators and movie theaters.

In the New Jersey case, Antonio Cipollone claims three tobacco companies caused for the lung cancer death of his wife, Rose, who died at age 58 in 1984 after smoking for 40 years. The case is being conducted before a jury in the court of U.S. District Judge H. Lee Sarokin.

On Thursday, the judge declared in a 33-page opinion that there is ample evidence of a conspiracy by the industry to conceal and misrepresent information on the dangers of smoking and to "refute, undermine and neutralize information coming from the scientific and medical community." He denied defense motions to dismiss all charges.

With their price supports and friendly lawmakers, tobacco growers and manufacturers long have had things their way. Now the tide has turned. ■

APR 20 1988

Allen's P. C. B. Est. 1888



Nick Lammers — staff photo

Assemblywoman Delaine Eastin gestures with a cigar while describing her tobacco-tax bill.

Eastin urges tobacco tax to aid libraries

By Sam Delson
Staff writer

FREMONT — Standing in the lobby of a library that is closed three days a week, Assemblywoman Delaine Eastin campaigned Tuesday for legislation that would tax cigars, pipe tobacco and snuff to raise \$12 million a year for library services.

"Let's face it, libraries in California are in dire straits," Eastin told about 50 library officials and schoolchildren brought to the Irvington branch of the Fremont Public Library for her press conference. The library is closed Sundays, Mondays and Tuesdays but Eastin was allowed to kick off her campaign for the bill.

"California's libraries have had to limit their hours of service, have cut staff, have cut book-buying dramatically, and worst of all, in some cases have had to close their doors," said Eastin, D-Fremont.

Eastin's measure, Assembly Bill 4662, would place a state excise tax on non-cigarette tobacco products equal to the current tax on cigarettes.

Representatives of the Tobacco Institute, a potent lobbying organization for the tobacco industry, declined to comment on the bill Tuesday afternoon.

The state has a 10-cent-per-pack cigarette tax but no tax on other tobacco products. The new tax would add almost 10 percent to the cost of cigars, snuff and pipe tobacco.

The bill would establish a state Tobacco Tax Fund, with 60 percent of the fund's money going to school libraries and 40 percent used for public libraries. It also would create a Public Library Relief Fund, which would guarantee money for distressed areas such as Shasta County, which recently closed its only public library.

Eastin admitted that there is no direct tie between tobacco and libraries, but she said Gov. George Deukmejian would veto the bill if it relied on the state's general funds instead of financing itself via the tobacco tax. The administration has not taken a position on the bill, which will face its first committee hearing May 23.

She said the tobacco tax is supported by many tobacco users, including her snuff-using brother, Daniel Eastin of Hayward, and cigar-smoking Alameda County Sheriff Charley Plummer.

Alameda County has one of the best-funded library systems in the state. Because of this, the county's public libraries would receive no funding from Eastin's bill, according to Fremont main library branch Manager Sandy Pantages.

But the bill would provide needed funds for East Bay school libraries and a "safety net" for the county library system, Pantages said.

Eastin said budget cuts have left many school libraries filled with outdated books that she called "horribly racist and stunningly inappropriate." As examples, she read from books that describe Africans as savages, report man has never landed on the moon, and list countries that no longer exist.

She cited a 1987 study that found more than 80 percent of the nonfiction books in California school libraries are at least 10 years old, and 40 percent are at least 20 years old. She said such books "give children a distorted view of the world."

Several other efforts to boost tobacco taxes have failed in recent years, including a bill by Sacramento Assemblyman Lloyd Connelly last year. A coalition of health-care groups plans to submit petitions next week to place a measure on the November state ballot that would increase tobacco taxes by \$650 million per year.

San Francisco, CA
(San Francisco Co.)
San Francisco Banner/
Daily Journal
(Cir. 5 x W. 1,500)

APR 1 - 1968

Allen's P. C. B. Est. 1888

Tobacco Products

SB 1960

Introduced in the Senate February 8, 1968

An act to add Chapter 10.9 (commencing with Section 25919.50) to Division 20 of the Health and Safety Code, relating to tobacco products.

LEGISLATIVE COUNSEL'S DIGEST

SB 1960, as introduced, Petris. Distribution of tobacco products.

Existing law makes the distribution or furnishing of tobacco products to minors a misdemeanor.

This bill would make it unlawful for any person, for compensation, to knowingly distribute or furnish in a public place, or for a firm, corporation, or person who employs or contracts with any firm, corporation, or person to furnish in a public place, (1) unsolicited tobacco products or (2) coupons, certificates, or other written material which may be redeemed for remuneration upon proof of purchase of tobacco products, to members of the general public in this state without charge.

This bill would impose a state-mandated local program since it would make a violation of its provisions a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

Cl
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San Jose, CA
(Santa Clara Co.)
Mercury News
(AM Edition)
(Cir. D. 243,078)

APR 26 1988

Allen's P. C. B. Est. 1888

A Personal View / Philipp Harper

1-54 Burned up about foul air

I USED to smoke cigarettes, lots of them.

A cigarette was the first thing I reached for in the morning and often the last thing I put down at night. I lit up in all the usual places, and in some that weren't so usual.

I smoked during and after meals, in the shower, while shaving and even — and it kind of nauseates me to admit this — while brushing my teeth. On more late nights than I care to remember, I sifted through overflowing ashtrays in search of a serviceable butt.

Was I hooked on tobacco? Absolutely.

Was it my right to be hooked, and to puff away with such suicidal intensity? Sure it was.

People do have the right to smoke. They also have the right — inherent if not legal — to be addicted to alcohol and drugs.

What they don't have is the right to make other people pay or suffer for their addictions. There is no right to drive while drunk, no right to steal to support a drug habit.

Nor, as society finally is recognizing, is there a right to blow smoke on other people — at least not in confined public spaces.

So it is that smoking has been banned on about 80 percent of the commercial airline flights in the United States. Cigarette smokers can continue to indulge themselves on flights lasting more than two hours.

Have the rights of smokers been abridged, as some allege? No, because in these circumstances they have none. All the action really amounts to is a partial assertion of the right of non-smokers to breathe air that hasn't been willfully and unnecessarily fouled by others.

This right won't be fully exercisable until smoking has been banned on all flights and in all public places; as it should be. That day will come; the signs are everywhere.

In the meantime, let me apologize to all the people who were forced to breathe the filth I spewed into the air during my 14 years as a smoker. I've spent the last eight learning just how unpleasant and unhealthy — how intolerable — that can be.

Philipp Harper is a Mercury News editorial writer.

Even smokers dislike second-hand smoke, federal survey finds

EX-MINER NEWS SERVICES

ATLANTA — Nine in 10 Americans believe "passive smoking" is harmful, eight in 10 are annoyed by others' smoke and six in 10 seek out nonsmoking sections of public places, a Centers for Disease Control survey shows.

Eighty-eight percent of those questioned in the government's 1986 tobacco use surveys considered environmental, or passive, smoke from the cigarettes of others to be generally harmful to human health, the CDC reported Thursday.

Among that total were 79 percent of smokers who said they, too, thought passive smoke was harmful.

The survey also found that 79 percent of all respondents — including 43 percent of smokers — were annoyed by others' cigarette smoke.

And 61 percent of all respondents, when given a choice, sit in the nonsmoking sections of restaurants, airliners and other public places. Fourteen percent of the smokers choose nonsmoking sections.

The survey, among a scientifically selected group of Americans, has a margin of error of 2 percent.

Fourteen percent of the smokers choose nonsmoking sections in restaurants

— CDC survey

It's rush and puff, but few fliers fume over smoking ban

By MICHAEL SZYMANSKI
Daily News Staff Writer

Max Baer stood over an ashtray at Los Angeles International Airport puffing on his True cigarette a few hours after a nationwide ban on smoking on domestic flights went into effect Saturday.

"I knew it was going to be like this, rush, rush, a last-minute puff before getting on the plane," said Baer, 66, of Laguna Hills, as he waited to board Delta Flight 1908 to Las Vegas.

To compensate for his midflight anxiety on the hourlong flight to Nevada, Baer said he would drink a few more vodka and tonics than he normally would. And maybe a beer, too.

The federal ban on flights of less than two hours became the law Saturday, affecting about 13,600 flights a day or about 80 percent of all domestic flights.

There were no early reports of violations, which could bring a fine of up to \$1,000. Tampering with a lavatory smoke alarm in order to sneak a smoke could bring a \$2,000 fine.

At LAX, smokers like Baer arriving for the first of the non-smoking flights were somewhat irritated, but thankful for the chance to light up once they hit the lobby.

"People are still buying cigarettes here, but not for the plane," said airport gift-shop manager Yanira Lopez. "They're smoking up the whole terminal."

The same was true across the country.

"I survived," said Tom Brand, of Fort Lauderdale, Fla., but he lit up the moment he stepped off a plane at Hartsfield Atlanta International Airport, Associated Press reported.

Many people welcomed the ban.

An Eastern representative boarded passengers on a flight from Washington's National Airport to Boston apologized over the intercom to smokers. Her words of "I'm sorry" were greeted with a spontaneous "we're not" from about a dozen waiting passengers.

"The new rule is a good idea," said Elva Weller, of Green Valley, Ariz., at LAX, who began smoking at age 16 but has given it up. "I have been on planes where the smell just permeates the plane."

"People are still buying cigarettes here, but not for the plane. They're smoking up the whole terminal."

— Yanira Lopez
LAX gift shop manager

Delta stewardess Kate Shirley landed at LAX after her first experience with the new law on a flight from Phoenix. For an hour and 15 minutes, she had to tell smokers they lost their right to light up.

"They took it well; I don't think there'll be trouble," Shirley said. "But I tell you, if they took away my right to eat candy or some other vice, I'm sure I'd be pretty upset."

Van Nuys psychiatrist Marc Graf, of Kaiser Permanente, said Saturday he expected some incidents of violence on planes because of the smoking ban.

"There will be altercations because people's smoking rituals are broken against their will," Graf said. "Tensions will be high in a high stress situation, and that wasn't taken into consideration when they made this law."

Rick Flint, 31, said he knew his wife, Debbie, 32, arriving from Sacramento, would be dying to light up as soon as her plane lands.

"We don't like to fly," said Flint, a construction worker who is helping to build the annex to an LAX terminal. "I'm not sure how we'll calm ourselves down now."

At Terminal 7, flight attendant Tracy Roberts was just shutting the door to United Flight 734 to Denver when a young man named Scott rushed up, cigarette in mouth, tickle in hand.

"I had to have one last one," Scott told her.

"This flight is two hours and eight minutes, you can smoke, but not now," Roberts said, pointing to a "No Smoking Beyond This Point" above her.

Scott sighed, put out his Benzo & Hedges and boarded the plane saying, "My mom and dad don't know I smoke."

Vaso Bowler, of Canoga Park, a smoker for 15 years, said the new ban may get her to finally quit. Seeing a non-smoking friend off to Portland, she said she usually douses her cigarette when she is outnumbered by non-smokers.

"I'm the only one now I know who smokes," Bowler said. "Maybe I will quit now."

Michael Fields, flying in from Atlanta, was allowed to smoke on his flight, but he was ridiculed by fellow passengers.

"There were only two people smoking on my flight, and I felt very uncomfortable," said Fields, in town for a philanthropy convention.

"We were giving him a real hard time," said non-smoking travel

friend Herman Reese.

Fields said he was forced to keep moving from seat to seat on the plane. He decided to wait until they all landed.

And, as soon as he entered the baggage claim area, he lit up.

Van Nuys, CA
(Los Angeles Co.)
Daily News
(Cir. D. 132,936)
(Cir. Sat. 119,818)
(Cir. Sun. 152,512)

APR 24 1988

Allen's P. O. B. Est. 1872

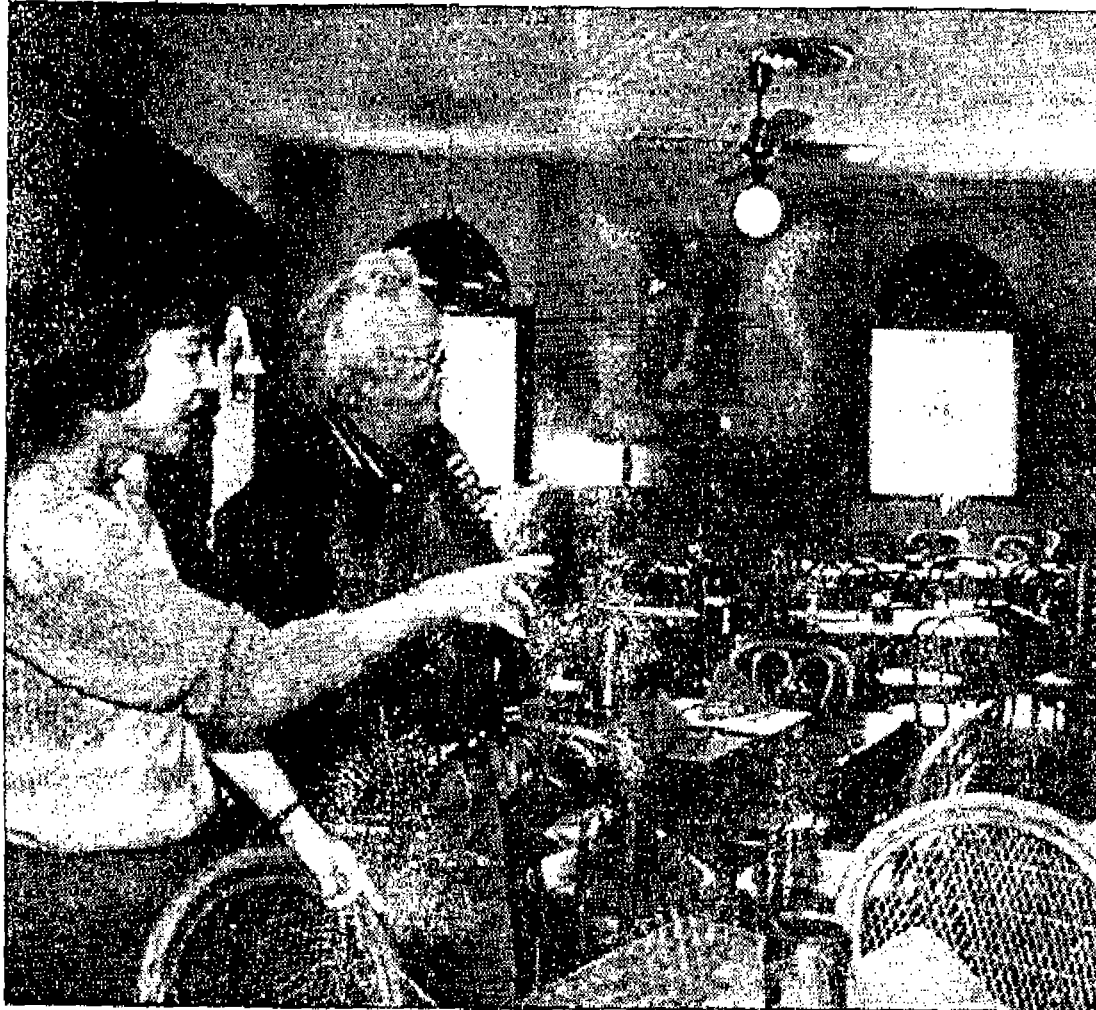
APR 6 - 1988

Allen's P. C. B. Est. 1888

When the smoke clears . . .

Bob
Hos
W

C54



Progress photo by Michael Mustacoli

HOW ABOUT THERE? — Ileen Rosenberg of Rosie's Cantina in Millbrae shows customer Aaron Friedman where she intends to post NO SMOKING signs now that the city has a new smoking control ordinance.

New law puts smokers in their place

By ELLEN KAREL
Staff Writer

MILLBRAE — The city's new smoking control ordinance, aimed at protecting non-smokers rights in public and in the workplace, goes into effect April 21.

The city is the seventh in the county to pass such an ordinance.

Under the new law, which the City Council passed unanimously at its March 22 meeting, employers have three months to adopt and implement policies for employees.

The city chose to stay away from giving com

panies specific advice on what to include in the policies.

Smoking will be prohibited in public areas of retail stores, supermarkets and banks, as well as in doctor's waiting rooms.

Library users and theater goers will have to retreat to a designated area of the lobby to light up.

Bowlers cannot smoke in the lane areas, but can puff out in the lobby.

Bars and hotel lobbies are exempt. However, owners can ban smoking if they wish.

See Smoke, Page A2

APR 28 1978
CITY OF DALY CITY
CLERK'S OFFICE

SMOKE

'Smoking is not very pleasant'

From Page A1

Restaurants that seat 20 or more people must reserve at least half their seating for non-smokers.

The first draft of the ordinance called for smoking controls in larger restaurants only, those with 50 seats or more.

Members voted to extend the ordinance to smaller restaurants at the suggestion of Council Member Janet Fogarty during a meeting prior to final approval.

Because of an oversight, the draft was not modified.

The copy of the ordinance members had before them when they voted their approval included the original reference to restaurants with more than 50 seats.

City Administrator James Erickson said an amendment to reflect the council's intent would be introduced at the April 28 meeting.

Ordinances in Burlingame and San Bruno apply only to restaurants with 50 or more seats.

Some restaurant owners are saying they are glad the council passed the ordinance but are not sure how they will enforce it.

"I personally welcome it," said Ileen Rosenberg of Rosie's Cantina on Broadway. "I've never been keen on smoking, even though I have smokers in my family."

However, Rosenberg said the ordinance poses logistical pro-

blems.

"We're set up with most of our two-seat tables against the wall and the four-seat tables in the center of the room," she said. "I'm having trouble figuring out how to rearrange things."

Alice Wong of the Hong Kong Flower Lounge echoed Rosenberg's feelings.

"I like the idea," said Wong. "Smoking is not very pleasant, especially in a restaurant."

"But we have tables of different sizes and we don't know which groups will have smokers in them. It's hard to know which tables to put in the non-smoking area," she said.

Fortunately, said Wong, fewer people are smoking these days.

"There really aren't that many, so maybe it won't be a big problem," she said.

Jerry Coleman, Burlingame's city attorney, said his city has had little problem since it passed an ordinance last May.

"At first we got some complaints about restaurants, so we had to call and remind them," he said. "That's about it."

In San Bruno, Stan Gustavson said he gets about one call a week on his city's ordinance, which went into effect last October.

"People are calling to get an interpretation," he said. "They're not necessarily calling to complain that there's been a violation."

An employee may call and say

her boss feels installing a fan is sufficient protection. She disagrees and wants to know what I think," he said.

Although San Bruno, like Millbrae, does not dictate policy to companies, the city's ordinance states that in the case of a dispute, the problem must be resolved in favor of the non-smoker.

The city itself has designated its downstairs lounge and conference rooms as "courtesy areas."

Essentially, smoking is permitted unless someone objects.

The city attorneys say the public seems to have adjusted to the new laws.

No one — either smoker or business owner — has ever been cited or taken to court in either town.

Daly City Mayor Jane Powell said the subject of smoking controls has never come up in her city.

"Daly City has its share of issues," she said. "Smoking isn't one of them."

"It absolutely has never come up, and I think that's because so few people are smoking these days," said Powell, who quit her three-pack-a-day habit 11 years ago.

Smoking is permitted in one section of the Daly City council chambers.

"We've never had any questions or complaints," she said.

C54

Three tobacco companies seek yet another mistrial ruling in cigarette liability lawsuit

By Daniel J. Walker
Associated Press

Recorder
4/26/88

NEWARK — Three tobacco company defendants in a cigarette liability suit will again ask for a mistrial in the wake of a judge's opinion that narrowed the claims against them, attorneys said Monday.

Lawyers for Philip Morris Co., Liggett Group Inc. and Lorillard Inc. will file papers this week seeking a mistrial over U.S. District Judge H. Lee Sarokin's ruling last Thursday, said Steven C. Parrish, a lawyer for Morris and Lorillard.

The companies have sought at least four mistrials during the course of the court proceedings, which began Feb. 1

Sarokin ruled on motions for a "directed verdict" on the claims brought by Antonio Cipollone against the companies on behalf of his wife Rosa, who died in 1984 after four decades of smoking the defendants' brands of cigarettes.

Such motions, routinely filed at the

end of the plaintiff's case in civil suits, ask the judge to tell the jury that not enough evidence has been presented to support the claims.

Sarokin granted the companies' request to dismiss the charges that the companies failed to market a safer product and do enough research on smoking, but said that the evidence permits the jury to find a "tobacco industry conspiracy, vast in its scope, devious in its purpose and devastating in its results."

"The jury may reasonably conclude that defendants were members of and engaged in that conspiracy with full knowledge and disregard for the illness and death it would cause, and that Mrs. Cipollone was merely one of its victims," he wrote.

The companies say that because so much evidence on the safer cigarette and research issues has been introduced, the jury could not fairly decide on the remaining contentions.

Sarokin also let stand allegations that Liggett failed to warn Mrs. Cipollone about the dangers of cigarettes, but threw out the charge against Morris and Lorillard because she did not smoke their cigarettes after 1966, when Congress mandated warnings on cigarette packs.

"There's no way to unring the bell, so to speak," said Parrish.

However, an attorney for Cipollone said, the evidence over a safer cigarette and research suppression can be applied equally to the notion that the tobacco companies conspired to harm smokers.

"At the heart of their case is their bad faith actions," said the attorney, Cynthia A. Walters. "The central issues don't change."

Parrish said that if Sarokin refuses to grant the mistrial motion, the parties will face the "incredibly complicated" task of deciding what evidence is thrown out and how to explain it to the jurors, who were informed of the judge's decision.

Debate on smoking ban

lights up the skies

4/22/88
I think it's an infringement on my rights. I'm tired of being overprotected.

— Donna Martilla

By Mike Cassidy
Mercury News Staff Writer

ABOARD FLIGHT 1670 — Precisely 57 seconds after the captain had turned off the "no smoking" sign, the man in seat 20D took his first sweet tug on a Vantage.

The guy in 24D fired up next. Then 22B flicked her Bic, and soon the back five rows of the San Jose-to-Las Vegas flight were filled with familiar tobacco haze.

Thursday was clearly the day to smoke 'em if you had 'em.

Because starting Saturday, airlines will be demanding that passengers on most U.S. flights extinguish all smoking materials — for good.

On flights of two hours or less — about 80 percent of all domestic trips — there will be no smoking. None. Forget it. It could get ugly. Fear ugly.

Not since "Tastes great" took on "Less filling" has so much passion been stirred in America.

The news has non-smokers dancing in the aisles — at least when their seat belts are not securely fastened around their waists. Smokers, meanwhile, are puffing in misery and talking of revolution.

"I think it's an infringement on my rights. I'm tired of being overprotected," said Donna Martilla, a 30-year smoker on her way to Las Vegas on Thursday. "It's

"Nineteen-Eighty-Four." The whole bit. The new law might be painful for those who are seriously hooked on tobacco, said Scott Stewart, a USAir flight attendant and an avid smoker.

"Some of them are people who are afraid to fly in the first place, and this calms your nerves," he said, patting the pack in his pocket. "We're going to have problems."

Talk about terror in the skies.

But Stewart's crew mate, flight attendant Susan Logan of San Diego, said smokers have been a pain in the neck long enough.

See SMOKING, Back Page

It's just plain rude to me to have someone blowing their breath in your face.

— Frank Pedroza

RECEIVED
APR 22 1988

SMOKING, from Page 1A

"I don't like smoke. It offends me," said Logan, who spends much of her time in the back of airplanes. "I get off the airplane and I've got a headache. I smell like smoke. My eyes are watering."

Becky and Frank Pedroza of San Jose said Logan was dead on.

"Even if you're in the non-smoking section, you can still smell it," said Frank Pedroza, a San Jose police officer on his way to visit friends in Nevada. "It's just plain rude to me to have someone blowing their breath in your face."

Make no mistake: Pedroza does not like smokers.

He said that when he's on patrol, he watches for smokers who toss their butts out the car window. Technically, they're litter bugs, he said.

"That's my favorite ticket to write," he said.

Even some smokers say they'd rather their comrades lay off the ciggies while airborne.

Jon Somes, a 41-year-old smoker from Los Gatos, said he usually chooses to sit in the non-smoking section.

Stiff fines

"It bugs me, too," he said. "Even if you're a smoker, it kind of bugs your eyes."

People who smoke on flights covered under the new law could be fined \$1,000. And forget about sneaking into the bathroom for a few quick drags. They're equipped with smoke alarms. Tampering with the electronic sniffers will cost you \$2,000.

By the way, on long flights with a stop, each segment is subject to the two-hour rule. A flight to Denver with a stop in Salt Lake City, for example, spends nearly three hours in the air, but smoking is banned on both hops.

California has had a similar smoking ban on in-state flights since Jan. 1.

Recent airline and academic surveys indicate that a vast majority of all passengers and a small majority of smoking passengers support the smoking ban. Most fliers would even extend it to trips longer than two hours.

But don't talk to the folks in the smoking section about any stinking surveys. They're not buying it.

"I cannot believe a smoker

agreeing with a ban on smoking," said Norm Rauch of San Diego.

Two-hour limit

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And Stewart of Huntington, W.Va., said he's going to try to work only flights that are longer than the two-hour limit. Even so, he said, he's sure he'll be suffering through some shorter hops.

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Hayward, CA
(Alameda Co.)
Review
(Cir. D. 48,576)
(Cir. S. 50,244)

APR 20 1988

Allen's P. C. B. En. 1888

Smoking hearing set June 20

By Mike Myslinski
Staff writer

SAN LEANDRO — A June 20 public hearing has been set by the City Council on the issue of whether the city needs a law restricting smoking in restaurants, work places and public buildings.

Not satisfied with anti-smoking petitions signed by 245 residents, the council Monday night scheduled the hearing to help decide. It acted after the leader of a health coalition who is behind the petition drive urged the city to put a law on the books.

San Leandro, Hayward and Newark are the only remaining Alameda County cities with no anti-smoking regulations, Carolyn Bovat told the council.

Council members put off their comments until the public hearing, but Mayor Dave Karp said Tuesday

"It's the coalition's position that volunteerism never works."

—Smoking foe Carolyn Bovat

that he prefers a voluntary approach to the problem.

Bovat is coordinator of the vocal Smoking Action Coalition, comprised of Alameda County chapters of the American cancer, lung and heart associations.

A council hope expressed in March that restaurants would voluntarily set up non-smoking sections is unrealistic, Bovat said.

"It's the coalition's position that volunteerism never works," she said Tuesday.

She has submitted the coalition's

model ordinance to the city for consideration.

Karp has not yet studied the draft law but questioned the need for an ordinance. He said he has personally lobbied San Leandro restaurants during the past three months to voluntarily set up non-smoking sections. Nearly all agreed to do so, Karp said.

"I would prefer these people do it voluntarily," he said. A veteran smoker, Karp said the "terrible" habit is a nuisance but one that may not need to be restricted by city

decree. "I hate to put something in an ordinance."

Karp, 53, said he smoked for 17 years, quit in 1959, then started again three years ago.

He defended the council's decision to schedule the hearing two months away. The proposed ordinance needs to be studied, he said.

Meanwhile, the Chamber of Commerce plans to survey local businesses about the proposed restrictions.

The health coalition's model ordinance requires only larger restaurants to set up non-smoking areas and forces employers to set up non-smoking areas. Common work areas would have to be made smoke-free if a non-smoking employee makes such a request. Violators would be fined \$100 for a first offense and \$500 for three or more offenses in a 12-month period.

Hayward, CA
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Review
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(Cir. S. 50,244)

APR 28 1988

Allen's P. C. B. Est. 1888

Smokers' group fired up over air rules

By Tom Goff
Staff writer

The head of a national smokers' rights group flew into San Francisco International Airport Wednesday, sparked up a Camel and declared war.

"We smokers are really pretty easy to get along with, but we're backed into a corner," fumed Dave Brenton. "Now they've got a fight on their hands."

Brenton, president of the 800-member Smokers Rights Alliance, arrived on a nationwide tour to defend smokers' rights and to set up the nation's second smokers' information booth in an airport terminal.

"We've got to get politically involved," Brenton said over a Camel Light in the smoking section of an airport cafe. "We can't take a let's-hold-where-we-are attitude. It's already gone too far. We have been far too silent."

Brenton said Alliance staffers will occupy the booth at peak flight periods over the next few months to hand out literature that asks smokers and sympathetic non-smokers to

write the government to repeal the rules.

Last week, the first federal smoking ban took effect on scheduled flights lasting less than two hours. At the same time, Northwest Airlines went one step further, becoming

the first airline to outlaw smoking on all its domestic flights.

Brenton, 34, a former computer programmer and a Dave Brenton pack-and-a-half-a-day smoker, arrived from Los Angeles after a smokeless flight.

"It's been an hour and half," he said before lighting up with a lighter that said "Smokers Are People Too."

Brenton said the Mesa-based organization's first major goal is to force the repeal of Arizona smoking

bans. Arizona and 41 other states restrict smoking in public places.

Brenton railed against anti-smoking groups that "have unlimited access to public service announcements" and accused them of misinforming the public and "tweaking information."

"It's a battle of misinformation," Brenton said. "We've all heard for 20 years the publicity put out by the anti-smoking organizations in this country. We feel that information is extraordinarily biased and does not accurately reflect the situation. We're dealing with scientific conjecture at this point."

Brenton said "there is absolutely no firm evidence" that secondary smoke is harmful.

He also said that many of the smoking restrictions in place in more than half the nation's work places "are fire or safety laws." He added that many pre-date the smoking furor.

"Campbell's Soup banned smoking in the 1800s for a single reason: nobody wants ashes in their soup."

"The business community doesn't need laws to deal with this. They

were dealing with it before the problems had come along."

Brenton said the recent airline ban passed by only five votes in Congress.

"Nobody believed it would pass," he said. "We're convinced Congress fixed something that wasn't broken."

Brenton said that only 2 percent of the 45,000 consumer complaints lodged last year with the federal Department of Transportation addressed in-flight smoking.

Northwest, which Brenton said received five times as many complaints, was "either doing something very wrong in maintaining their ventilation or they were being targeted by the anti-smoking groups."

Without anti-smoking laws, "it wouldn't be fair game on smokers day in the late 1980s," Brenton said.

"A lot of people who weren't in the anti-smoking corps have been liberated by the new rules to be abusive and manipulative."

Brenton recalled one Los Angeles talk show caller who said, "Why don't you smoke yourself to death?"



San Jose, CA
(Santa Clara Co.)
Mercury News
(AM Edition)
(Cir. D. 243,078)

APR 22 1988

Allen's P. C. B. Ed. 1988

Debate on smoking ban lights up the skies

By Mike Cassidy
Mercury News Staff Writer

ABOARD FLIGHT 1670 — Precisely 57 seconds after the captain had turned off the "no smoking" sign, the man in seat 20D took his first sweet tug on a Vantage.

The guy in 24D fired up next. Then 22B flicked her Bic, and soon the back five rows of the San Jose-to-Las Vegas flight were filled with familiar tobacco haze.

Thursday was clearly the day to smoke 'em if you had 'em.

Because starting Saturday, airlines will be demanding that passengers on most U.S. flights extinguish all smoking materials — for good.

On flights of two hours or less — about 80 percent of all domestic trips — there will be no smoking. None. Forget it. It could get ugly. Real ugly.

Not since "Tastes great" took on "Less filling" has so much passion been stirred in America.

The news has non-smokers dancing in the aisles — at least when their seat belts are not securely fastened around their waists. Smokers, meanwhile, are puffing in misery and talking of revolution.

"I think it's an infringement on my rights. I'm tired of being overprotected," said Donna Martilla, a 30-year smoker on her way to Las Vegas on Thursday. "It's

"Nineteen-Eighty-Four. The whole bit." The new law might be painful for those who are seriously hooked on tobacco, said Scott Stewart, a USAir flight attendant and an avid smoker.

"Some of them are people who are afraid to fly in the first place, and this calms your nerves," he said, patting the pack in his pocket. "We're going to have problems."

Talk about terror in the skies. But Stewart's crew mate, flight attendant Susan Logan of San Diego, said smokers have been a pain in the neck long enough.

See SMOKING, Back Page

'It's just plain rude to me to have someone blowing their breath in your face.'

— Frank Pedroza

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Last day before smoking ban in air

SMOKING, from Page 1A

"I don't like smoke. It offends me," said Logan, who spends much of her time in the back of airplanes. "I get off the airplane and I've got a headache. I smell like smoke. My eyes are watering."

Becky and Frank Pedroza of San Jose said Logan was dead on.

"Even if you're in the non-smoking section, you can still smell it," said Frank Pedroza, a San Jose police officer on his way to visit friends in Nevada. "It's just plain rude to me to have someone blowing their breath in your face."

Make no mistake: Pedroza does not like smokers.

He said that when he's on patrol, he watches for smokers who toss their butts out the car window. Technically, they're litter bugs, he said.

"That's my favorite ticket to write," he said.

Even some smokers say they'd rather their comrades lay off the ciggies while airborne.

Jon Somes, a 41-year-old smoker from Los Gatos, said he usually chooses to sit in the non-smoking section.

Stiff fines

"It bugs me, too," he said. "Even if you're a smoker, it kind of bugs your eyes."

People who smoke on flights covered under the new law could be fined \$1,000. And forget about sneaking into the bathroom for a few quick drags. They're equipped with smoke alarms. Tampering with the electronic sniffers will cost you \$2,000.

By the way, on long flights with a stop, each segment is subject to the two-hour rule. A flight to Denver with a stop in Salt Lake City, for example, spends nearly three hours in the air, but smoking is banned on both hops.

California has had a similar smoking ban on in-state flights since Jan. 1.

Recent airline and academic surveys indicate that a vast majority of all passengers and a small majority of smoking passengers support the smoking ban. Most fliers would even extend it to trips longer than two hours.

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Contra Costa Times 5/3/88

Cigarette tax petitions filed

More than 1 million sign for 25¢-a-pack increase

Staff and wire reports

MARTINEZ — Petitions bearing signatures of 33,791 Contra Costans were among more than a million filed throughout the state Monday seeking an additional 25-cent-per-pack cigarette tax.

If the signatures are validated and voters approve the initiative in November, \$700 million each year would be used for anti-smoking education programs, health care and medical research, according to the initiative.

Bruce Walker of the Coalition for a Healthy California delivered two boxes of petitions to the county Elections Office in Martinez on Monday. An hour earlier, he had left 54,757 signatures at the Alameda County election office.

"It's a thorough and fair initiative," said Clifford Egan, president of the Contra Costa Chapter of the American Lung Association. "It's a

user's tax in that those who are buying cigarettes and tobacco products are the ones who will bear the health costs of smoking."

The association is loaning space in its Pleasant Hill office to the Northern California organizing effort. The American Cancer Society, American Heart Association, California School Board Association and the State Fireman's Association are also backing the initiative.

Opposing it is a group that accuses the medical community of trying to enrich itself and says that poor people will bear the brunt of the tax.

"Doctors saw the opportunity to find what is a noble-sounding idea and piggyback on it to enrich themselves," said Jeff Raimundo, a spokesman for Californians Against Unfair Tax Increases, which is sponsored by the tobacco industry.

According to Raimundo, Califor-

nians with the lowest incomes will pay 40 percent of the tax. The largest portion of revenue, about \$350 million per year, would go directly into doctors' pocketbooks to pay for treating patients who can't afford medical care, he said.

According to the initiative, money raised by the tax hike will be used to pay the hidden costs of smoking. Those costs — estimated to be \$6 billion a year in California — are mostly based on treatment of tobacco-related illnesses.

The money would be divided as follows: 20 percent for anti-smoking programs aimed at youths; 45 percent for health care for people who can't afford insurance coverage; 5 percent for medical research, and 5 percent for fire protection, wildlife habitats and parks.

The Legislature would allocate an additional 25 percent among those programs.

RECEIVED
MAY 6 1988

U.S. to brand nicotine an addictive drug

By Carolyn Skorneck

ASSOCIATED PRESS

WASHINGTON — A coming report by Surgeon General C. Everett Koop will say that nicotine is an addictive drug, the head of the federal Office of Smoking and Health says.

Dr. Ronald M. Davis said Sunday he hoped the report would spur the public to understand that cigarette smoking "is more than just a simple habit."

"We have to at least give it the serious attention that we do for the illicit drugs such as heroin, cocaine, etc.," Davis said on CBS-TV's "Face the Nation."

Walker Merryman, a spokesman for the Tobacco Institute, said Davis' statements appear to be based on Koop's coming report, "which, apparently, he has seen. We have not and do not intend to comment on something we have not seen."

Davis didn't specify what steps should be taken once Koop issues his report, but he questioned the way cigarettes are distributed.

"Why ... do we sell tobacco products in vending machines?" he asked. "We don't allow other addicting drugs to be sold in vending machines. Why do we allow free samples of the product to be sent through the mail? Or to be passed out on public property where kids and others have free access to them?"

"When we call this drug an addicting drug, we have to take it

— From A-1

more seriously than we currently do."

Government officials have said for years that nicotine is an addictive drug "just like cocaine, just like heroin and other drugs that people commonly accept as addicting," he said.

"But this report, which will be released in a few weeks, looks at the evidence in far greater detail than we've ever looked at before," Davis said. "It compares this drug nicotine versus other drugs."

The report would be the first by a federal official with as high a rank as the surgeon general to declare nicotine addictive.

Davis noted that the 1986 surgeon general's report on smoking, which documented the health hazards of passive smoking, accelerated the trend toward restricting or banning smoking in public places and in the work place. Among the changes triggered by that report is the recently inaugurated ban on smoking on commercial airplane flights that last two hours or less.

Davis said he believed that as smoking becomes less socially acceptable, "We'll begin to take actions that we've taken long ago for most other consumer products."

— See SMOKE, back page

Business

Management • Markets • Commercial Real Estate

San Jose Mercury News, Thursday morning, May 5, 1988

Section I

RJR Nabisco readies almost-smokeless cigarette

ATLANTA (AP) — The nation's largest cigarette manufacturer said Wednesday it will begin test-marketing an almost-smokeless cigarette in the final three months of the year.

"We are very positive about the prospects for this new cigarette and believe it will provide consumers with another alternative in their selection of cigarette brands and styles," said F. Ross Johnson, chairman of R.J.R. Nabisco Inc.

Johnson spoke at the company's annual stockholders' meeting in Atlanta.

The company is not saying where the cigarette will be sold or under what brand name, but it is saying where the cigarettes sold domestically each year: about one-third of the almost 600 billion R.J. Reynolds Tobacco manufactures are sold in the United States.

R.J. Reynolds Tobacco manufactures about one-third of the almost 600 billion cigarettes sold domestically each year.

The product will be manufactured at one of R.J. Reynolds' plants in the Winston-Salem area, Pichel said. He declined to say how much inventory would be on hand before the cigarette is marketed.

R.J. Reynolds Tobacco manufactures about one-third of the almost 600 billion cigarettes sold domestically each year.

The brand names include Winston, Salem, Camel and Vantage.

The cigarette will emit almost no smoke from the lit end, and smoke exhaled will dissipate more rapidly than that of normal cigarettes, R.J. Reynolds said.

However, the cigarette does give off nicotine and carbon monoxide, and the American Medical Association and other medical groups have asked the federal Food and Drug Administration to regulate the cigarette. It will be several months before a decision on that request is reached.

Financial analysts are unsure what impact the smokeless cigarette will have on RJR.

"I think it's a possibility, somewhere between zero and 10 percent," said Lawrence Adelman, an analyst with Dean Witter Reynolds Inc. in New York City. He said it is too early to tell whether the product will be a success. No other tobacco companies have announced plans to produce a similar cigarette, although they are believed to be working on the technology.

Kaplan said brand loyalty is high among smokers, who might not be inclined to try the new cigarette.

But smokers who find their habit reinforced at work and in public might prefer the product as an alternative, "but keep their pack of Winstons to smoke in their car," Adelman said.

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United May Extend Smoking Ban

Chairman Says Federal Restrictions Don't Go Far Enough

By ROBERT E. DALLOS,
Times Staff Writer

ST. PAUL, Minn.—United Airlines is likely to toughen smoking restrictions on its airliners soon, its chairman said Tuesday, extending the current federally mandated smoking ban during domestic flights of two hours or less to some longer flights.

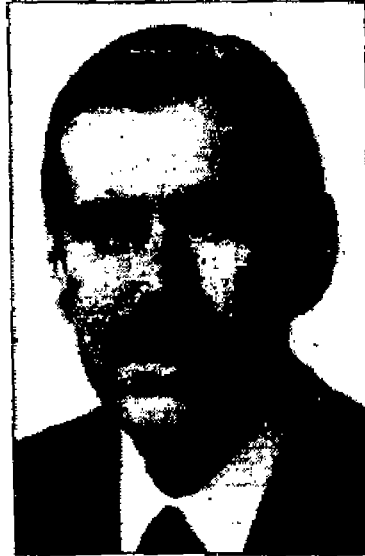
Stephen M. Wolf, head of both United and its parent company, Allegis Corp., said in a speech to members of the Society of American Business Editors and Writers here that the two-hour ban is too short and "awkward."

"If we apply the current rule, you wind up with some unusual aberrations," he said. As an example, he said a Chicago-Washington flight can be less or more than two hours, depending on which direction the flight is going and on how strong the winds are.

"It is difficult to tell travelers that on certain flights on a route they can smoke and on others they cannot," Wolf said. He said United may put its smoking prohibition in terms of miles rather than hours. A decision is "imminent," he added.

He said the airline is also "continuing to look at" the possibility of a total ban on smoking similar to rules put into effect by Northwest Airlines on April 23, the same day that the government's two-hour ban became effective.

Wolf, former chairman of Tiger International, parent of the Los Angeles-based air cargo carrier



Stephen M. Wolf

Flying Tiger Line, became head of Allegis in December. Tuesday's speech and question-and-answer period constituted his first meeting with journalists since then.

Commenting on the effort by United's pilots union to buy the airline, Wolf did not rule out the possibility but said that it would take "a black satchel full of cash."

The pilots said last year that they were interested in buying the airline from Allegis for about \$4 billion, saying they were primarily interested in encouraging the company to dispose of its hotel and car rental subsidiaries so that it could devote all its efforts to operating the airline.

Some of Allegis' major shareholders felt the same way and that resulted in a restructuring of Allegis, the sale of all the non-airline subsidiaries and a change of management.

Although Allegis' actions have satisfied 90% of the pilots' goals, Wolf said, "I think they are still quite interested in acquiring United and [they] continue to pursue acquisition of the company."

He said, "the management and the board of directors is not going to stand in the way of a transaction that works for shareholders, customers and employees."

There has been speculation recently that Allegis, which will change its name back to UAL Inc. later this month, may buy Tiger International or Flying Tiger. Wolf, in answer to a question, said Allegis has no current interest in such a move, but he would not rule out the possibility.

"You must leave me the ability to reconsider," he said. "No one knows what tomorrow holds, but at the moment it is 'no.'"

In his prepared talk, Wolf said the airline industry is moving from price competition to service competition.

"I believe that the competitive arena will firmly move to service," he said. ". . . [It] will be the prime determinant of how well any airline competes in the future. Now that we are back to running an airline at United—and nothing else—we have put the focus of our attention directly on service."

