

Harle, ainst a setting sun and the hell with the squares.

Still, cigarette companies tend to get touchy when they're criticized for their way of hawking the product, especially when singled out. And now the Brown & Williamson Tobacco Corporation is pressing a libel suit against Chicago's own Walter Jacobson, claiming its product, Viceroy, was damaged during a series of Perspectives Jacobson aired on the "killer" cigarette industry. The trial starts this week, and it's a good bet that in this the year of the libel suit, the national media will be descending on Chicago for a reason other than to interview William Perry.

If these stories don't sound familiar, it's because they ran in November 1981. One singled out Brown & Williamson for its alleged policy of gearing its ads to manipulate the young. Jacobson based his criticism on a "confidential report" he obtained from the Federal Trade Commission and quoted on the air: the company aimed to "present the cigarette as an initiation into the adult world" by equating the cigarette with "pot, wine, beer, sex," by presenting it "as an illicit pleasure... a basic symbol of the growing-up, maturing process."

Jacobson included "the Viceroy slicksters'" denial and followed their response with a pat Perspective conclusion: "They're not slicksters. They're liars."

Brown & Williamson claims it wrote Jacobson demanding a retraction. Instead, the same charges were repeated in March 1982, in a WBBM news report on the tobacco industry. The libel suit was filed soon after the second incident, and asked \$10 million in punitive damages from CBS Inc., and \$100,000 "or more" from Jacobson—they weren't particular.

The suit was tossed out of U.S. District Court in July 1982, with the late Judge J. Sam Perry agreeing that it would "unduly restrict the freedom of the press." Brown & Williamson appealed to the U.S. Court of Appeals, and in July 1983, Judge Richard Posner—a Reagan appointee—reversed the lower court and ordered the suit be tried. Last week, U.S. District Judge William T. Hart set the trial date for this coming Wednesday.

Brown & Williamson's attorneys argue that Jacobson took liberties with the FTC report. Jacobson presented the quotes, attorney Martin London told us, as if they were B & W's advertising goals, while the FTC stated only that B & W adopted "many of the ideas" in the report. London, who's B & W's lead trial attorney and will be flying in from New York City to handle the case, claimed his client adopted none of the report's suggestions; in fact, he said, B & W fired its advertising company shortly thereafter. And London complained that Jacobson never mentioned that the FTC report was not quoting B & W, and not even the advertising agency, but an outside firm hired by the agency primarily to find out why people smoke, whose study was completed six years before the Perspective aired.

The defendants plan on calling the principal author of the FTC study to the stand, said Frank Sullivan, hired by the defendants to handle publicity surrounding the case. (Sullivan used to be Mayor Daley's press secretary.) In presenting their defense, Sullivan said, Jacobson and CBS will "focus national attention on advertising tactics used by the cigarette industry, and whether their tactics are designed to attract the young."

B & W must expect this, which makes us wonder why they are bothering to pursue the suit. They are bringing national attention to a critical local story last aired over three years ago. B & W claims it intends to "clear its good name," but we've got our doubts. We think they're dragging Jacobson into court to run up CBS's legal bill and scare the bejeebers out of the media. Win or lose, B & W will deliver the same message: playing with us is playing with fire.

—GARY RIVLIN AND TED COX

## **B&W v. CBS: Walter Jacobson's Smoking Suit**

Cigarette companies do not have much to boast about when it comes to the morals of their advertising: a girl, looking no older than 20, with wet hair and a shiny, high-cut bathing suit, and the tag line, "Light my Lucky"; two young men with taut muscles and a young woman in a bikini whooping it up at a lake, and the tag, "Salem Spirit." The ads are full of sex, sexism, and scenes of seductive, rugged adventure—breaking loose on a chopped

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