

## The use and abuse of children

Maybe it's just a coincidence, but has anyone noticed how concern for child welfare has a way of turning into a proxy for bigger government? When the Natural Resources Defense Council ginned up a campaign to ban Alar, a chemical used to control the growth of apples, it claimed children were particularly vulnerable to the alleged carcinogen. When, more recently, Attorney General Janet Reno sent tanks in to gas the Branch Davidians at Mount Carmel, she did it, in part, for the children inside. She had to gas them, you see, to save them.

Now comes the Clinton administration to propose sweeping new restrictions on cigarette sales and advertising. Why? To protect the children, of course, a job best left to government officials. "We're their parents, and it is up to us to protect them," he said at a Thursday press briefing. "So today I am authorizing the Food and Drug Administration to initiate a broad series of steps . . . to stop sales and marketing of cigarettes and smokeless tobacco to children."

Among the measures: bans on cigarette vending machines that "circumvent any ban on sales to kids," on sales to young people without identification to prove their age, on billboard or magazine advertising that reach "substantial numbers of children and teens," and a requirement that the tobacco industry fund a \$150 million campaign aimed at stopping teens from smoking. What gives the feds the authority to impose such regulations? The administration says it comes from statutes empowering the Food and Drug Administration (FDA) to regulate drugs. According to its interpretation, the nicotine in tobacco is an addictive drug and the cigarette a drug-delivery device.

Reporters quite naturally wondered where all this was leading. If the FDA has the power to curb tobacco sales to children, asked one, "will the FDA retain power that would allow them at a future date to ban or curb the sale of tobacco to adults?" Mr. Clinton said he couldn't provide a "lawful answer" to the

question. When similar questions arose at a later press conference with FDA chief David Kessler, he carefully ducked them. On the Brinkley show Sunday, he suggested that the law is "flexible" enough to allow the agency to stop short of a complete ban.

But that doesn't mean it couldn't happen later. Once FDA claims jurisdiction to regulate cigarettes, the total ban that the administration at least publicly says it does not want becomes almost inevitable. If some outside "public interest" group doesn't sue the agency to force it to hold cigarettes to the same "safe and effective" standard to which it holds other drugs — a standard cigarettes obviously cannot meet — then some future agency administrator may try to impose the standard on his own. Indeed, the administration plan indicates that if after five years these regulations don't cut teen smoking to its satisfaction, the agency would consider still more restrictions.

The irony, of course, is that the proposals themselves may not do much to reduce juvenile smoking. As the surgeon general's report explained in 1989, "To date, however, no longitudinal study of the direct relationship of cigarette advertising to smoking initiation has been reported in the literature." According to a 1990 article in the *International Journal of Advertising*, "The literature makes clear that peer influence, especially from peers of the same sex, is the pre-eminent factor in the onset of smoking experimentation and the maintenance of smoking." And even if that weren't true, legal action over the controversial proposals is likely to tie them up in court for years, assuming federal lawmakers don't overturn them first.

But none of that matters in the therapeutic state being devised by the Clinton administration. What's important is good intentions. "Next week," says Newt Gingrich spokesman Tony Blankely, "the president will be in support of a glass of milk a day, and the next week he'll be for Girl Scout cookies." And if he does come up with a government cookie program, no doubt, he will be doing it for the children.

2046908657