

Remarks of Senator Marlow W. Cook Before the
Meeting of the 50th Anniversary of the Kentucky
Farm Bureau at Convention Center, Louisville, Ky.

FOR RELEASE 12:00 Noon

NOVEMBER 18, 1969

Senator Marlow W. Cook (R-Ky) in a speech before the 50th anniversary meeting of the Kentucky Farm Bureau Federation in Louisville, Kentucky, said the tobacco states were well represented at a recent executive session of the Senate Commerce Committee. That Committee considered new smoking-health legislation.

Cook, a newcomer to the Committee said the tobacco industry received the important provisions in the bill that it wanted. He stated that the states would be prohibited from regulating cigarette marketing and advertising; the Federal Trade Commission would likewise be prohibited until July 1971; and that a more reasonable health warning on cigarette packages was recommended than the one recently passed by the House of Representatives.

Shaw R
'72

Cook was unconcerned about the banning of cigarette advertising on television after January 1, 1971. He said the manufacturers had already agreed to withdraw from television by September of 1970.

Kentucky's Junior Senator also expressed optimism for the future of the state's burley industry. Cook was confident the efforts of the industry and the medical-scientific community would "eventually clear up much of the confusion and misconception about the effects of cigarette smoking." As an example Cook cited the clearing of benzopyrene as a cause of lung cancer by the American Cancer Society. Benzopyrene is present in cigarette smoke.

He also stated that the Department of Agriculture had estimated that burley tobacco would continue at its current use during the next five years.

In December I will have been a member of the United States Senate for one year. During that period many issues were raised that I could address myself to today. However, within the context of the last few weeks, there is but one appropriate subject to discuss at this golden anniversary luncheon - burley tobacco.

Historically, tobacco has always had a peculiar double nature. Long before the founding of this state and nation, the tobacco leaf was both a valuable and vulnerable commodity. In colonial Virginia around 1621, the King of England found the leaf to be so precious that he made it a royal monopoly. And yet, eleven years later in the Massachusetts colony tobacco was so vulnerable that its use was forbidden.

Tobacco has also played an important role in the history and development of Kentucky. The high grade, Kentucky burley leaf is world famous and contributes greatly to our economy. In 1968 as the chief cash crop to Kentucky farmers it was worth almost \$300 million. It represents 34% of the farm cash income of the more than 150,000 farm families who grow it. This agricultural effort also supports sizable service and marketing industries such as fertilizer, gasoline and machinery. Also, the largest tobacco market in the United States with thirty warehouses is in Lexington. The manufacture of cigarettes, after food, chemicals and electrical machinery comprises the fourth largest industry in Kentucky.

In recent times the burley leaf has been equally valuable and controversial - but thus far not quite as vulnerable.

A few weeks ago, the Senate Commerce Committee met in executive session to discuss H. R. 6543, the Public Health Cigarette Smoking Act of 1969, passed this summer by the House of Representatives. As both a newcomer to the Commerce Committee and as your United States Senator, I would like to share with you this afternoon the major decisions reached.

more

TI08751159

To the tobacco industry the heart of any meaningful legislation is a section prohibiting the individual state legislatures from enacting laws regulating the marketing and advertising of tobacco products within their borders. As you may remember, numerous states and municipalities have suggested that the sale of tobacco be severely restricted. Of course, we have always feared and opposed a multiplicity of dissimilar laws and regulations by the 50 states. There is general agreement that no industry, including ours, could long survive such a state of affairs. Fortunately, the Constitution provides that Congress shall regulate the flow of commerce between the several states. The committee, therefore, agreed to this reasonable approach and voted to prohibit the individual states from exercising any regulatory authority in this area.

Almost equally important is the need for legislation controlling the Federal Trade Commission, and thereby keeping that body from unreasonably interfering with the marketing and advertising of a legal product.

I have long taken the position that your elected representatives in Congress - and not the federal bureaucracy - should retain jurisdiction over this entire matter. Just this last September a special committee of the American Bar Association reported to the President that the Federal Trade Commission is bogged down in poor planning, bad management and general incompetence. Yet, this is the same agency which the anti-tobacco forces in Congress would like to grant the discretionary, policy-making power over the marketing of cigarettes. Also, the recent activities and statements of these non-elected bureaucrats make it abundantly clear that this commission is a clear and present danger to a long established and respectable industry.

However, given the political realities in Congress and the strength of the anti-tobacco forces, an outright ban against the Federal Trade Commission was not politically possible. Therefore, I supported, along with Senator Howard Baker of Tennessee, an

more

amendment suspending the Federal Trade Commission from implementing any regulations for one and one-half years after the cessation of broadcast advertising of cigarettes. After the lapse of this eighteen month period, the Federal Trade Commission must submit a full report to the Congress stating the reasons for any actions it may wish to initiate in this area. By a very close 10-9 vote, the Commission agreed to this amendment.

An effort was also made to retain the present caution label on cigarette packages. The House bill contained new and much stronger language to the effect that cigarette smoking is dangerous to health and causes lung cancer and other diseases. The anti-tobacco forces in the Senate had pushed for similar language.

The House had previously held weeks of hearings on this subject - and received the testimony of over 30 scientists and physicians. It is interesting to note that the House Committee report stated:

. . . The Committee concludes that nothing new has been determined with respect to the relationship between cigarette smoking and human health since its hearings in 1964 and 1965. The arguments pro and con with respect to cigarettes are the same now as then, though supported by a larger statistical base.

Yet in spite of this statement, the House had passed a new warning label apparently unsubstantiated by any new medical evidence. However, some members of the Commerce Committee wished to pass a similar warning. A recent paper by Doctor Rune Cederlof presented to the National Institute of Public Health in Stockholm, Sweden, questioned much of the statistical studies which indicates that people die of lung cancer simply because they smoke. The paper also attributed coronary heart disease to reasons other than smoking. This is significant because the National Institute of Public Health is the prestigious body which advises the Nobel Prize Committee about their choices for medical honors.

more

TI08751161

While making no claim to any expertise in the smoking-health field, I feel that if legislators are to enact laws based upon scientific and medical studies - then we should take into account all of the findings including those like that just cited. Following this logic I supported an amendment saying that excessive cigarette smoking is dangerous to health. This statement is more consistent with all of the studies in this area. It also follows the generally recognized opinion that many products are injurious to health if abused - but not when used in moderation.

The Committee also decided that after January 1, 1971, all television and radio cigarette advertising shall be prohibited. While this particular provision made the headlines, it was generally thought to be the least important since the cigarette manufacturers had already agreed to a voluntary withdrawal as of September, 1970. Most tobacco spokesmen agree that the broadcast ban will not substantially affect overall cigarette sales. Generally television advertising affects only the sales of particular brands of cigarettes. Testimony from the Senate hearings conducted this past June indicates that in many European countries where there is no television advertising - cigarette consumption has continued to rise. For example, cigarettes have not been advertised on television in England and Ireland since 1965, and in New Zealand since 1963 - and yet available data for these countries shows a steady increase in total and per-adult consumption since those dates. Italy, which has had no television advertising since 1962, shows a similar increase.

Since this bill has not yet been reported to the Senate for final action, it is difficult to predict the final form this legislation will take. Therefore, its effect on Kentucky's multi-million dollar industry is equally unpredictable.

Whatever the outcome, however, I refuse to believe that the future of burley in Kentucky is gloomy. While we do have an uphill battle, there are a number of reasons for my optimism.

more

First, due to the efforts and cooperation between the industry and the medical and scientific community, much valuable research is being performed to determine the exact relationship between cigarette smoking and health.

Our own University of Kentucky formulated a tobacco and health program following the 1964 release of the Surgeon General's report. The commendable objective of the University of Kentucky Tobacco and Health Research Institute is to ascertain the nature and magnitude of the relationship between tobacco and health - and, should a causal relationship be established - develop ways to identify and eliminate detrimental compounds.

Just within the last month, one substance - benzopyrene - found in cigarette smoke and suspected of being a cancer causing agent has been completely cleared. Doctor E. Cuyler Hammond, Vice President of the American Cancer Society, has found that persons inhaling benzopyrene in much greater quantities than occur in cigarette smoking had no more lung cancer than the general population. This convincing evidence disputes the 1964 Surgeon General's report in regard to this substance. I am convinced that research such as this will eventually clear up much of the confusion and misconception about the effects of cigarette smoking.

Also, the Department of Agriculture has estimated that based on census population data, the total consumption of cigarettes in 1975 will be virtually unchanged from current levels. This takes into account the present anti-smoking campaign. The Department also estimates that the annual use of burley products will continue to range between 500 to 600 million pounds during the next five years.

So to both friend and foe, I would say that high grade Kentucky burley tobacco is here to stay.