Additionally, the recent IOM report recommended that, to ensure that one clear message about the health risks of tobacco use is disseminated, the government should see to it that the 'contradictory message [minimizing the risk] now conveyed by the tobacco industry''is stopped.96 The report recommended many restrictions that are similar to those in the proposed rule. For example, the report recommended that advertising either be banned entirely or restricted to a text-only format.97 The IOM said that such an approach would "eliminate all the images that imply that tobacco use is beneficial and make it attractive, and that encourage young people to use tobacco products." 98

The proposed labeling and advertising regulations are also based upon numerous studies and reports. The first and most compelling piece of evidence supporting restrictions on cigarette and smokeless tobacco product labeling, advertising, and promotion is that these products are among the most heavily advertised products in America. Between 1970 (1 year before Federal law prohibited cigarette advertisements on television and radio) and 1993, cigarette advertising and promotional expenditures increased from \$361 million to \$6 billion, a 1,562 percent increase.99 These messages were disseminated in print media, on billboards, at point of sale, by direct mail, on specialty items (hats, tee shirts, lighters), at concerts and sporting events, in direct mail solicitations, as sponsorships on television, and in other media. FDA is concerned that the amount of advertising, its attractive imagery, and the fact that it appears in so many forums, overwhelms the government's health messages.

Advertising and promotion of smokeless tobacco products, although a much smaller market than cigarettes, also increased over the years. The largest increase in advertising expenditures for smokeless tobacco products occurred for moist snuff. U.S.Tobacco (UST), the market leader in moist snuff, increased its television advertising expenditures from \$800,000 in 1972 to \$4.6 million in 1984,100 an increase of 485 percent. By 1993, total advertising and promotional expenditures for smokeless tobacco products exceeded \$119 million. This increase was largely attributable to the advertising of moist snuff (\$71.4 million).¹⁰¹ This increase in expenditures corresponds to the growth of the moist snuff portion of the smokeless tobacco market, from 36 million pounds in 1986 to 50 million pounds in 1993. All other segments of

the smokeless tobacco market declined during that period.¹⁰²

In addition to spending large amounts on advertising, the cigarette and smokeless tobacco product industries have disseminated a variety of advertising and promotional messages that have had an enormous impact upon young people's attitudes towards smoking. In summarizing its analysis of the industry's advertising practices, IOM stated:

The images typically associated with advertising and promotion convey the message that tobacco use is a desirable, socially approved, safe and healthful, and widely practiced behavior among young adults, whom children and youths want to emulate. As a result, tobacco advertising and promotion undoubtedly contribute to the multiple and convergent psychosocial influences that lead children and youths to begin using these products and become addicted to them.¹⁰³

The pervasiveness and magnitude of the labeling and advertising for these products create an atmosphere of "friendly familiarity" ¹⁰⁴ that affects and shapes a young person's views towards tobacco products. Thus, FDA's decision to propose stringent regulations for labeling and advertising is based upon compelling evidence that advertising and labeling play an important role in shaping a young person's attitude towards, and willingness to experiment with, cigarettes and smokeless tobacco products.

2. Advertising, Labeling, and Adolescents

Products may be advertised and promoted for their symbolic or fanciful attributes. Advertising utilizing this technique tries to convey that consumption of the product will enhance the user's self image ¹⁰⁵ or image in the community. Consumers purchasing products for these symbolic attributes hope to acquire the image as well as the product itself.¹⁰⁶ This psychosocial consumer phenomenon is particularly descriptive of adolescent consumer behavior. As one consumer psychologist remarked:

[adolescence] create[s] a lot of uncertainty about the self, and the need to belong and to find one's unique identity as a person becomes extremely important. At this age, choices of activities, friends, and "looks" often are crucial to social acceptance. Teens actively search for cues from their peers and from advertising for the "right" way to look and behave.* * * Teens use products to express their identities, to explore the world and their new-found freedoms in it, and also to rebel against the authority of their parents and other socializing agents. Consumers in this age sub-culture have a number of needs, including experimentation, belonging, independence, responsibility, and approval from others. Product usage is a significant medium to express these needs.¹⁰⁷

For example, adolescent males often use "such 'macho' products as cars, clothing, and cologne to bolster developing and fragile masculine selfconcepts." ¹⁰⁸

Adolescents view cigarettes as a symbol to be used in helping to create a desired self image and to communicate that image to others. Cigarette advertising reinforces this symbolism and links smoking to success, social acceptance, sophistication, and a desirable lifestyle. The rugged and masculine Marlboro Man conveying, in the words of the Chief Executive Officer and President of Philip Morris, "elements of adventure, freedom, being in charge of your own destiny," 109 and the cool Joe Camel, giving humorous dating tips, provide imagery that adolescents can accept as identifying badges. Not surprisingly, these brands are among the most popular with young people. One Canadian tobacco company described its "masculine" targeting in these words:

Since 1971, [the company's] marketing strategy has been to position [a cigarette brand] as a "masculine trademark for young males." It has been our belief that lifestyle imagery conveying a feeling of independence/freedom should be used to trigger the desire for individuality usually felt by maturing young males.¹¹⁰

Advertising for cigarette brands targeted to women have proven successful in attracting young female smokers. One study correlated trends in rising smoking initiation rates among girls with the introduction of several brands targeted at women. Some of these campaigns utilized themes thought to be appealing to women (e.g. liberation and feminism, images of slimness and sophistication). The advertising campaigns preceded a rapid increase in smoking initiation rates among girls under 18 that was not accompanied by any increase in smoking rates for women, boys, or men.

Thus, advertising can play an important role in a youth's decision to use tobacco. Many researchers, including those within the cigarette industry, have advanced a stage-based model of smoking uptake.¹¹¹ The first, preparatory stage is when a child or adolescent starts forming his or her attitudes and beliefs about smoking, and sees smoking as a coping mechanism, as a badge of maturity, as a way to enter a new peer group, or as a means to display independence.¹¹² During this stage, pervasive advertising imagery that glamorizes tobacco use may be an important factor in shaping beliefs. The