

THE WSMAKERS

Warrior Waxman Battles Tobacco

Lawmaker Crusades to Restrict Cigarette Ads In His Fight to Create a 'Smokeless Nation'

By Robyn Griggs

A few years ago, American Association of Advertising Agencies president John O'Toole introduced himself to Rep. Henry Waxman and said he would be testifying on behalf of the ad industry during one of Waxman's many hearings on tobacco advertising. "You have three days to change your mind," warned Waxman.

After several subsequent confrontations, O'Toole has come to regard the powerful congressman as a premier ad basher. "Oh, God," he mutters, "how I love Henry. . ."

Since Waxman took over as chair of the Health and Environment Subcommittee in 1979—a maneuver achieved in large part by supporting a surgeon general's report on the dangers of smoking—he has boisterously used the rostrum to beat up on tobacco companies through their most visible venue: advertising.

But for his part, the Los Angeles Democrat insists he does not hate the entire trade. "I think it's a legitimate way to promote business. My issue here is not that advertising per se is a bad thing—but that tobacco advertising is a bad thing.

"Can you imagine the stigma of people involved in the promotion of cocaine or heroin? I think those who promote cigarettes should have that same stigma," says Waxman, speaking by phone from his Washington, D.C., office.

A Waxman aide says the congressman also has opposed federal subsidies for the tobacco industry, although he "has not led the charge against them because there are other people who are more knowledgeable and better positioned to do that."

The 40-year-old ex-smoker has kept his crusade against tobacco on his own turf—the subcommittee he heads. And he's had some victories, including the 1984 requirement that cigarette packages and advertisements carry rotating warnings.

Now, after a decade of seeing other proposals to restrict tobacco advertising fail, Waxman took matters into his own hands this summer and submitted the granddaddy of all anti-tobacco legislation, the Tobacco Control and Health Protection Act.

The omnibus measure shocked the ad industry. It would limit tobacco ads to "tombstone" formats with no graphics or photos; allow states and localities to add their own restrictions and warnings;

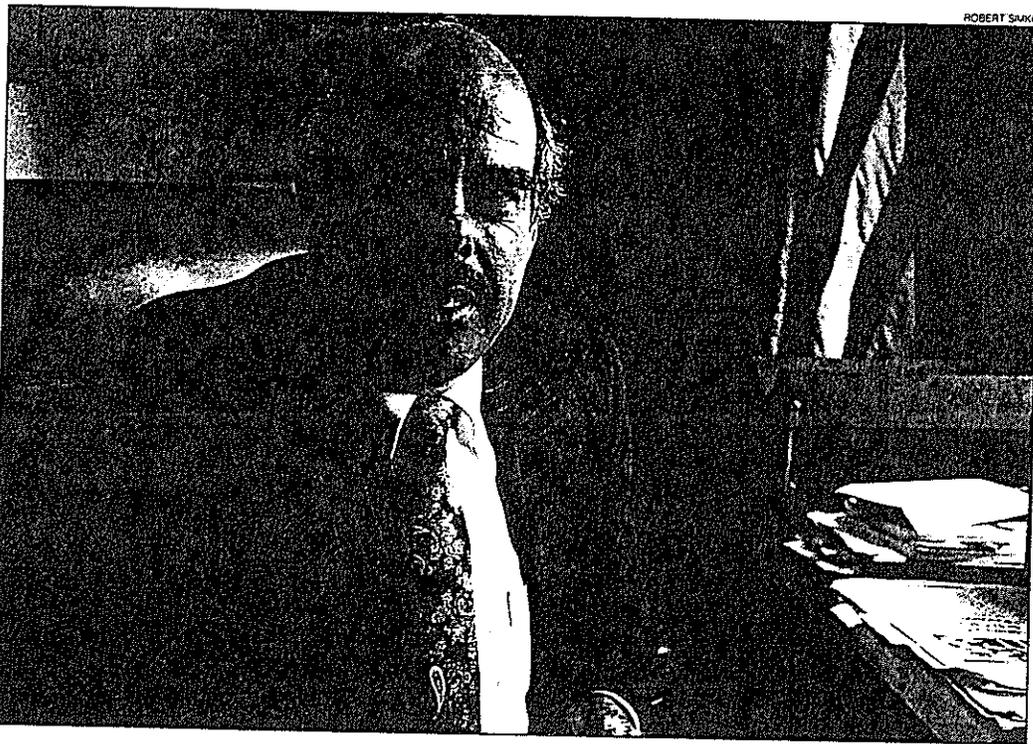
prohibit free distribution, coupon promotions and sponsorship of athletic and artistic events; and require warnings that would cover 20% of an ad's area.

Waxman had pledged to move quickly toward a subcommittee vote on his bill, but he was unable to push it through before Congress recessed last week. He won't give up.

"We're going to push this issue," he vows. "We're going to move it forward whether we get it passed this year or not. We're not going to let it go."

Waxman's drive, his political acumen and his track record on other bills lead observers to believe the congressman might get his way.

"Henry is highly respected, and when he takes a position on public health issues, many members of Congress take it very seriously," says Rep. Richard Durbin (D-Ill.), who recalls Waxman's help was invaluable in pushing through the airline smoking ban he sponsored last spring. "His positions on issues mean a lot to us. I don't always agree with him, but I start off listening very closely to what he has to say."



ROBERT SAIKO

When it comes to Waxman's anti-tobacco bill, Durbin predicts, "I'm certain he will bring together all his troops and resources."

Those resources are considerable. Waxman—whose West Los Angeles connections have garnered him the nickname "Hollywood Henry" in some circles—has been able to amass a campaign war chest so large that he

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Old Friends Now Lead Geer DuBois

By Jane Weaver

NEW YORK—On his first day as a group director at Ammirati & Puris in 1987, John Hayes was surprised to hear that old pal Rodney Underwood was also starting as a creative group head at A&P that day. Equally amazed was Underwood, whom Hayes had worked with in the late '70s at Scali, McCabe, Sloves. The two split up again last year when Underwood left to become executive vp/executive creative director at Geer DuBois. But this summer finds their paths crossing again—and this time hardly by coincidence.

Last month, Underwood wooed Hayes—one of A&P's most highly regarded account people—over to Geer DuBois as president of the \$135-million agency. For the 37-year-old Hayes, Geer DuBois obviously presents a great chance to run an agency at a young age. But it's not an opportunity without risk. In recent years, the onetime hot shop has floundered creatively and stagnated in new business efforts. But Underwood has been working to reinvigorate the 43-year-old shop, hiring new creative talent and bringing in new business to augment billings from marketers like Jaguar cars and the Sony Business and Professional Group.

"There's an upward momentum here," Hayes says, insisting that "if it were a desperate agency, I wouldn't be here." He points to recent wins of the \$2-million Italian Trade Commission and the \$3-million Yoo Hoo soda accounts as examples of a turnaround. Geer DuBois is also making a play for the estimated \$35-million Royal Caribbean Cruise Line, now in review.

While at A&P, Hayes worked for clients like Cadbury Schweppes and Aetna. He was admired for his energetic involvement with such marketers. Hayes, who remains a

staunch A&P loyalist, emphasizes his motivation in moving to Geer DuBois is because of an opportunity too good to refuse—not a desire to leave A&P. "The key reason I'm here is to be a partner with Rodney."

For Geer DuBois, the appointment of Hayes completes a process of change within the independent agency which began a year ago with Underwood's arrival. "I needed to put into place leadership that would see this agency

years ago in the media department of Foote, Cone & Belding/Los Angeles. The desire to return to New York brought him to Scali, McCabe, Sloves, where he was an account executive on Hertz and Chesebrough-Pond's, and where he forged his friendship with Underwood. In late 1982, he joined the formerly named Saatchi & Saatchi Compton, rising to management director responsible for new business and the agency's entire share of

Procter & Gamble's soap division. Soon after becoming the youngest member ever named to the board at S&SC, he left for A&P as a senior vp/group director.

"[Hayes] is extremely good at inspiring trust from clients and getting terrific creative from an agency," says Phil Voss, the former chairman of Saatchi & Saatchi Compton. Voss feels that Hayes could be the "spark plug that brings [Geer DuBois] back. He's extremely good at new business." With a strong creative force working with him, "he could make it the hot agency of the future."

"He'll bring those same qualities to [Geer DuBois]. He'll be very good for them," agrees Martin Puris, co-chairman/ceo at A&P.

As Hayes settles into his new office overlooking lower Manhattan, he acknowledges some anxiety over the hectic changes. He's an avid cyclist who loves to take long "rejuvenating" rides through upstate New York, but the move to Geer DuBois and the birth in July of his third son have kept him off his bike this summer. "There's a lot going on, but it's not

overwhelming," he admits.

From their days at SMS, Hayes and Underwood thought "wouldn't it be great if we ran our own agency," says Hayes. "Now, the saga ends." □



Hayes fulfills a fantasy at Geer DuBois.

through the next 30 years of independence," says agency chairman Peter Geer. "John's a straight arrow. You get what you see and that builds confidence in people."

A New Jersey native, Hayes got his start 13

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has leftover funds to offer the campaigns of fellow congressmen—a practice that has brought him a good amount of clout, several favors and criticism in some corners.

Waxman's political roots run deep in his native California, where he earned his law degree from the University of California at Los Angeles and served three terms in the state assembly. Now the L.A. native holds a secure congressional seat in his West L.A. district, where his anti-smoking stance is very popular. His wealthy Hollywood contacts and ability to pull together celebrity-studded hearings to support his causes haven't hurt his prestige in Washington, either.

But Washington sources are speculating that Waxman may have postponed several scheduled votes on his tobacco bill because he had not assembled the support needed to win.

He also could run into trouble with Rep. John Dingell (D-Mich.), chairman of the Energy and Commerce Committee, which would handle Waxman's bill if it gets the nod from his subcommittee. Waxman's stance on environmental issues led him into a battle of wills with Dingell, an organized-labor advocate, during the Clean

Air Act debate last spring. Waxman's side won; the act passed.

Then there is the tobacco lobby. "We should never underestimate the political clout of the tobacco lobby," says Durbin. "There isn't another lobby in town that is as massive and pervasive, and they've undoubtedly kicked into high gear with political contributions."

Despite the obstacles, Waxman does not like to lose, and he's determined to make this a "smoke-free nation." As an ex-smoker himself, Waxman says he understands nicotine addiction.

"My previous smoking experience makes me sympathetic to smokers who find it tough to quit," he says. "And I don't believe it would make sense to ban the sale of cigarettes any more than it made sense to ban the sale of alcohol during Prohibition. People have to decide for themselves whether or not to smoke. But we don't have to spend \$3 billion a year to actively promote cigarette smoking."

While Waxman is no favorite in ad circles these days, he does inspire respect and admiration among even his harshest critics. "He is highly organized, very intent and intense. He certainly is one of the more influential members of the House of Representatives, and anytime he champions a cause or initiative it has to be taken seriously," says Helm. □