

Vanguard's fight with media raises broad questions on copy acceptance

The tobacco-less smoke, despite its rebuff by New York media, still plans to push on for national distribution. Tobacco men, and ad men generally, will be watching intently to see how it fares with media in other markets

Until now, the interest surrounding the introduction of Vanguard, the tobaccoless cigarette, mainly centered on the product's controversial ad campaign. But suddenly this week the Vanguard situation took on implications for the cigarette industry in particular and advertising in general.

Bantob Products Corp., Bay Shore, Long Island, maker of Vanguard, has been concerned with media acceptance of its copy. The company last week filed damage suits totalling \$25,000,000. Gerald Schaflander, hard-riding, money-raising former agency man, now in control of Bantob as president, charged that pressure by tobacco interests is keeping his ads out of media.

FTC looms on horizon

Schaflander, however, is moving ahead at top speed in order to get national distribution for Vanguard, despite the fact that he has been stymied somewhat by the refusal of New York City media to accept his copy. At the same time, the Federal Trade Commission is poised to move in—just where, no one knows.

Those are the latest in a series of developments that have made the Bantob case a myriad of complexities and a cause for seemingly unmerited scrutiny by top cigarette makers. With the cancer scare ever hovering, Vanguard undoubtedly won't be the only no-tobacco cigarette, or at least the only cigarette that makes claims of "no tobacco tar, no nicotine, no fears."

What happens with Vanguard could well set precedents for media acceptance standards with respect to "no-fear cigarettes." It could also mean closer FTC controls on the tobacco industry and on the economic pressures that may influence media's acceptance

policies.

Although the FTC rarely reveals that it is working on a case before its investigation is completed, Harry Babcock, executive director of the commission, told PRINTERS' INK: "We've received complaints with respect to these activities, and we're certainly looking into them."

The 39-year-old president of Bantob, who has worked as account executive with Young & Rubicam and the now disbanded Biow agency (he was on the Marlboro account when Marlboro was a woman's cigarette) and who once headed his own agency, Gerald, John, Associates, has made it clear what he believes the activities are. "The cigarette monopoly," Schaflander charges, "is in a conspiracy to keep our product off the market. He contends that economic pressures by cigarette adver-

tisers have forced media to refuse Vanguard advertising.

Media deny that they have been subjected to threats, either direct or implied, by cigarette advertisers. Most of them state that they rejected Vanguard advertising because the National Better Business Bureau found the claims unsubstantiated. But, some observers point out, this could be called a sanctimonious stand for the media that have ignored NBBB findings on other occasions.

In the past, some cigarette advertisers have not shown reluctance to use economic pressures. Just last spring, at least one cigarette maker struck at the transportation advertising for a Reader's Digest article, "The Growing Horror of Lung Cancer," in New York City. Transportation Displays, Inc., removed the posters.

Moreover, "The Tobacco Leaf," a trade publication, stated in an editorial: "Under the circumstances, the most effective weapon against smokers is economic pressure and we believe that it should be used in a legal manner the industry deems necessary for its own preservation."

Through its legal firm, Javits and

LATE FLASH

VANGUARD NEWS

EXTRA

September 26, 1959
Published by Bantob Products Corp., Orinoco Drive, Bayshore, L.I.
Vol. 1, No. 1

'THE PUBLIC
BE DAMNED'

No-tobacco cigarette sues tobacco magazine for \$10 million

RAY SHURE, N.Y.—(AP) The distribution, marketing and Bantob Products, manufacturing and promotion of the industry's VANGUARD...

**AN EDITORIAL:
'VANGUARD FIGHTS BACK'**

When you turn the page you'll see the advertising... So did Darwin Radio and TV... Tel. to New York...

'locked out' by major N.Y. media

NEW YORK CITY, N.Y.—(AP) The major metropolitan N.Y. newspapers, radio and TV stations have all either refused to carry ads for Vanguard...

"Vanguard News," four-page tabloid, is distributed by mail and at transportation depots

Javits, Bantob filed a damage suit for \$500,000 against "The Tobacco Leaf." Last week the damages sought were raised to \$10,000,000. Also last week, Schaflander reported that he has filed a damage suit for \$15,000,000 against the five top cigarette advertisers through Javits and Javits. One of the law partners, Benjamin Javits, is a member of Bantob's board of directors and a brother of Jacob Javits, Republican Senator from New York. Jacob Javits is also an investor in Bantob, whose only product is the tobaccoless smoke.

Vanguard contains a combination of several vegetable fibers in place of tobacco. The original product included cornsilk, but Schaflander says there is no cornsilk in Vanguard now. The product was tested in Dayton in June and July. Prepared by H. W. Warden Associates, Bantob's agency, Vanguard advertising was carried by all media—newspapers, radio and television. The initial response was heavy; the agency reports that Vanguard won two per cent of the Dayton cigarette market in a few weeks. Schaflander pulled the product out of the test market in July and decided to hit New York City.

Markup is high, taxes are low

Jim Barrett, Warden's media director, points out that the test was financially successful for everyone involved—Bantob, retailers and media. The markup on Vanguard is high; it sells for the same price as regular cigarettes, although it escapes the eight-cent-a-pack federal tobacco levy and state taxes of five cents or more. (Legislators from tobacco-growing states are trying to correct that "oversight.") To combat the Vanguard advertising, several other cigarette advertisers apparently increased promotion efforts in Dayton.

When Schaflander shifted to New York City, he found media in the New York area wouldn't accept the copy, with the sole exception of the Bergen (N.J.) Evening Record. The advertising was turned down on the basis that the "Now smoke without fear" claim in the headline is unsubstantiated, that the copy, which links tobacco smoke with cancer and heart problems, has a scare theme and that it disparages competition. Maye Russ, head of the food, drug and cosmetics division of the NBBB, reports that Bantob has submitted no evidence that the smoke from Vanguards is harmless. Although there are no tobacco tars because there is no tobacco, possibly, there are other tars from the burning vegetable fibers. The New York Times made the additional point that the advertising copy does not clearly indicate that Vanguards are tobaccoless.

The agency says it won't modify the claims because it feels that if media

in Dayton accepted the advertising, media in New York City also should accept it. Bantob responded to the rejection by media with the lawsuit against the cigarette companies. This action produced a wave of publicity in New York newspapers and on broadcast news programs. Bantob also is circularizing the "Vanguard News," a four-page tabloid that presents Vanguard's side and asks the support of the public in getting its advertising carried by New York media. The circular is being distributed by hand at metropolitan-area transportation centers and by mail to 50,000 "opinion leaders," doctors and dentists.

The product, along with point-of-purchase materials, has been distributed to several New York-area food chains. Food store advertising that included mention of Vanguard in moderate terms has been accepted by the New York Daily News. Thus New Yorkers are learning about Vanguard.

According to Henry Baron, Bantob executive vice-president, about 50 persons a day are calling the company with offers to invest money in it. (Baron, a syrup manufacturer who invested in the company, works for no pay; he says Schaflander is the only Bantob executive on salary.) At this point it seems that Schaflander will be able to raise the capital to build national distribution for the product.

However, a group of original investors in the company has hired a lawyer to see what can be done about its charge of mismanagement by Schaflander.

Baron doesn't act disturbed about the possibility of legal action by the original investors. "In any beginning

company, there are always disgruntled stockholders," he says. "If they don't like the way Schaflander is running things, they can sell their stock to us. They only own \$25,000 worth."

Bantob plans to use local media to achieve national distribution. Thus media across the country will be confronted with the question of whether to accept Bantob advertising. If they don't, Bantob may have trouble getting distribution and has so stated in its suits. The company has concentrated on distribution through food and drug chains. It's doubtful whether they'll stock Vanguards without the promise of advertising support.

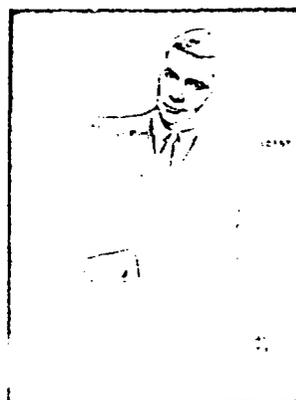
Drug chain's negative report

Gallaher Drug Stores, a chain that is headquartered in Dayton and took part in the Vanguard test promotion, would just as soon not see any more Vanguard advertising because it prefers not to carry the product, according to Dorothy Long, the chain's tobacco buyer. "Sales right after the advertising were very good," she told PRINTERS' INK. But soon many of the customers who bought cartons brought back eight or nine packs to exchange for real cigarettes. We won't give any point-of-sale support for the product, whether it's advertised or not."

Bantob says the new version of Vanguard tastes better than the one in the Dayton tests.

One thing seems certain: When another advertiser brings out a "no-nicotine, no-tobacco tars, no-fear" cigarette, he, the tobacco industry, media, the NBBB and the FTC will be guided by what happens in the Vanguard case right now.

Fashionable switch



the worldly look

HART SCHAFFNER & MARX



Richard Avedon, having made a name as a women's fashion photographer, is now taking in new terrain. This Hart Schaffner & Marx ad (left) marks the first time he has gotten into men's fashion. BBDO is the agency. Avedon, as shown at right, is taking his usual painstaking care with his work in men's fashions. Here Avedon focuses on a model while an assistant keeps the model's trousers from swaying.