

## Tobacco firms fight ban on advertisements

Clare Dyer *legal correspondent, BMJ*

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Four UK tobacco companies went to the House of Lords yesterday to try to stop the government going ahead with a ban on tobacco advertising before the European Court of Justice in Luxembourg rules on the issue late this year or early next year.

Gallaher, Rothmans UK, British American Tobacco, and Imperial asked five law lords to overturn an appeal court ruling last December which said that UK regulations implementing the ban could go ahead.

Ministers had hoped that the regulations would come into

force last January, with phased withdrawal of advertising. But an injunction imposed by the appeal court pending the Lords hearing has stopped them proceeding with the ban.

Jonathan Sumption QC, for the tobacco companies, urged the five law lords to reverse a Court of Appeal decision in the government's favour and reimpose an injunction blocking the introduction of the ban until after the European Court has ruled on the legality of the European directive on tobacco advertising. The UK regulations had

been drawn up as part of the European directive.

Mr Sumption said that the European challenge was highly likely to succeed and it would be wrong to allow the government to proceed in the meantime. The date set for member states to implement the directive was 31 July 2000 and there was no need for the government to "jump the gun."

He said that the ban would involve restrictions and criminal sanctions on individuals, including tobacconists, and on manufacturers. It would be impossible to compensate them in damages if the Luxembourg court later ruled that the directive was invalid.

The appeal, which the government is strongly contesting, finished hearing this week, and judgment is expected in June. □

## FDA approves device for female sexual dysfunction

Debbie Josefson *San Francisco*

After years of ignoring the matter, the US Food and Drug Administration (FDA) has approved a device designed to improve female sexual function. Although devices and drugs to combat male impotence and erectile dysfunction have been on the market for years, this is the first time that the FDA has approved an analogous treatment for women.

The device, known as the EROS clitoral therapy device (EROS-CTD), is designed to treat female sexual arousal disorder and is approved for women who experience reduced sensation, lubrication, and ability to achieve orgasm.

Available by prescription only, the device consists of a small vacuum pump that is placed over the clitoris to apply gentle suction to the region and increase blood flow, aiding in sexual arousal.

The device was tested on 25 women, of whom 15 complained of sexual arousal disorder and 10 were functioning normally. The study tested for sensation, ability to achieve orgasm, sexual satisfaction, and lubrication.

Of the 15 women who complained of female sexual arousal disorder, all 15 experienced increased sensation, 7 more orgasms, 12 more satisfaction, and 11 more lubrication. Of the 10 normally functioning controls, 4 experienced more sensation, 4 improved orgasm, 2 better satisfaction and 3 more lubrication with the device. No adverse effects were reported from the device.

Treatment with the battery operated vacuum pump is expected to be particularly effective in postmenopausal women and women who have had hysterectomies or experienced surgically induced menopause. It is expected to cost about \$359 (£224).

About 43% of all women experience some form of sexual dysfunction, according to the American Urological Association. □

## Campaigners accuse tobacco firm of dubious ploy

Simon Chapman *Sydney*

The antismoking campaign group Quit from Melbourne, Australia, has accused the cigarette manufacturer Philip Morris of trying to win popularity among young people through dubious marketing devices. The company has been giving away, with its cigarettes, free key rings with a concealed vial suitable for carrying drugs.

Quit's staff were given such a key ring when they recently bought a box of Philip Morris's Alpine Extra Light cigarettes. The metal tube attached to the ring can be unscrewed to reveal inside a small glass vial with a metal screw top. Although it is not specified what the vial is for, research suggests that most young people think it would be suitable for carrying drugs.

Quit's director, Todd Harper, asked the Centre for Behavioural Research in Cancer in Melbourne to investigate what young people thought it was for. The key ring was shown to groups of adolescents in a Melbourne shopping mall. After examining the key ring, all indicated that it would be used as some sort of container.



Will this free key ring—with its concealed vial suitable for carrying drugs—attract young smokers?

With no prompting on what the vial might contain, 10 of the 13 groups suggested drugs. Their answers included various expressions, such as "drugs," "coke," "stash," and "speed." One summed it up: "It's a key ring, and it's what typically people use to carry ... drugs."

Asked by a television reporter what the vial was meant to contain, a Philip Morris spokesperson replied "perfume."

Anne Jones, chief executive officer of Action on Smoking and Health, Australia, said that it was not surprising that the tobacco company decided to give away key rings with such a container as a sales promotion with their cigarettes because it wanted to attract young people who used illicit drugs.

Among the 30 million pages of tobacco industry internal doc-

uments posted on the web ([www.tobaccoarchive.com](http://www.tobaccoarchive.com)), thanks to a ruling in a Minnesota court in 1994, are several that indicate that the tobacco industry has long held an interest in young people who use illicit drugs.

A 1983 Philip Morris memo notes: "It almost looks as though stimulants and cigarettes are interchangeable to these kids (a notion that has some intuitive validity)."

Ms Jones also cited a document from British American Tobacco describing results of a brainstorming session by marketers in the 1980s, which stated: "We therefore have to compete to increase our market share using every trick that we know." (Structured Creativity Group Presentation, D E Creighton, 1980s, BAT (file No G2108) 102690336-350 Minnesota document depository). □