Letter from Westminster

Reluctant tobacco companies: reluctant Government

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A year has gone by since the Government started talks with the tobacco companies about a code of practice on cigarette advertising to replace the code due to expire on 31 March of this year. It has been an incident-packed 12 months—but not so far as these negotiations have been concerned.

There was a moment early in the summer when it seemed as if there was some movement but it proved illusory and though still shrouded in secrecy at the industry's behest all the shroud conceals is that the talks have achieved nothing. They have not actually broken down—Sir George Young, the junior health minister, who has been leading for the Government, is due to see the companies again later this month—but no progress has been made. Given that the talks started well before the present code expired—it has been carried on by default since then—this is not something to be proud of.

One explanation is that Sir George simply does not carry the political clout necessary to persuade the reluctant companies to reach agreement. Another is that it is all a game of bluff. The last thing the Government wants is to legislate, and the companies, knowing that full well, have decided simply to bide their time in an attempt to get an agreement that suits them. Governments, however, are not the only people who can legislate. It is difficult for a backbencher to get a Bill through Parliament but by no means impossible, especially if the Government is not averse to lending a helping hand—unofficially, at least to start with.

When the Commons returned after the summer recess for the overspill the first day was spent debating the reorganisation of the Health Service. It was very much a case of going through the motions, since it is generally accepted that reorganisation is necessary and the proposed changes are reasonable. What was, however, noticeable was the fact that nearly every speaker mentioned the cigarette issue and the lack of progress being made in the talks.

The Government's attitude is still as set out in May by Mr Patrick Jenkin, Social Services Secretary. He said, "So long as progress by agreement is possible it would be wrong to introduce legislation, for instance, on advertising, although no Government could rule that out for all time."

Well, there has been no progress. So what about legislation? Not from a reluctant Government, the matter being one of those which falls into the conscience sphere—which means free votes and a free hand to parliamentary cowboys like Mr Teddy Taylor, Mr Ivan Lawrence, and Sir Ronald Bell—but the word from the Elephant and Castle is that should some backbencher be lucky in the ballot for private members' time in the new session and choose the subject nobody would be upset. The brave chap could probably expect a certain amount of drafting help at the very least, and who knows what might happen

should he guide his Bill sufficiently far along the parliamentary process?

Backbench MPs to the rescue?

The new session also means that should a backbencher use the ten-minute rule procedure—another of the "weapons" open to him—to introduce a Bill it might make some headway through the parliamentary machine, especially if the Government whips did not object when it came up for a second reading. Mr Laurie Pavitt, the veteran Labour MP for Brent South, offered during the NHS debate to introduce a Bill—and as the man responsible for the one which led to health warnings being printed on cigarette packets he has some experience of the parliamentary course.

"The Government need not do their homework on the subject," he said. "I will do it. All they need do is tell the Chief Whip he should not block it. When the Secretary of State enters into fresh negotiations with the tobacco industry he can say that he is under pressure from his colleagues in the House and that if the industry does not introduce suitable measures Parliament will."

Should somebody oppose a ten-minute rule Bill there would be a Commons vote—and even if the Bill got no further that would at least provide a test of opinion, which can be useful in arguing the case for reaching a voluntary agreement. So far as the Opposition is concerned, Mr Stan Orme, Social Services spokesman, made clear it would consider how to assist the Government in getting legislation through. Later he told me that he is going to ask his colleagues on the Shadow Cabinet to agree that one of the half days on which the Opposition chooses the business in the new session is devoted to the subject.

It is clear that once again pressure is building up at Westminster, and even if it does not impel the Government to take action it might persuade the tobacco industry that agreement is the better part of valour.

Perhaps the last word—for the moment—can rest with Mrs Renée Short, Labour MP for Wolverhampton North-east, chairman of the Social Services Select Committee, who urged a ban on advertising except at the point of sale.

"That would stop all press and magazine advertising and there would be no advertising at football grounds, where there is so much television coverage of advertisements," she said. "No one would weep to see all that go."

Ministers have been very upset by the contents of the DHSS postbag after the recent *Panorama* programme on BBC television about brain death. The result was letters returning kidney donor cards, often in pieces, not all of which came from people who had seen the programme. The uproar was such—the DHSS were only given a preview by the BBC at the last moment—that a second programme is to be shown on 17 November giving, as Mr Jenkin told the Commons, the medical profession a chance to refute effectively the charges made in the original programme.