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Democrats Set Sights on Drug Ads and Media Ownership

Power Shift in Congress Could Affect a Host of Marketing Issues

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WASHINGTON (AdAge.com) -- With Democrats on the verge of gaining control of the U.S. Senate along with the House, marketing issues could get far more attention from Congress.



A Democratic-dominated Congress is likely to take aim at a number of marketing issues.

Drugs and food

Marketing groups believe a Senate switch would immediately put under the microscope prescription-drug and children's food advertising. Prescription-drug advertising has been one focus of Sen. Ted Kennedy, D-Mass., and the senator has co-sponsored legislation that would impose a two-year moratorium on advertising a drug after its approval. Mr. Kennedy has also criticized the Food and Drug Administration for not giving direct-to-consumer drug ads sufficient scrutiny, and he would become chairman of the Senate Health Committee in a Democratic Senate.

Sen. Tom Harkin, D-Iowa., who has been critical of food advertising and particularly fast-food advertising to children, becomes chairman of the Senate Agriculture Committee.

Rep. John Dingell

In the House, the changes chairmanships can bring became apparent today when Rep. John Dingell, D-Mich., outlined some issues he would push as incoming chairman of the House Energy and Commerce Committee.

Mr. Dingell highlighted privacy issues and prescription-drug ads. He added that he takes a pretty dim view of some of the Federal Communications Commission's easing of media ownership rules and also requested that approval of AT&T's deal for Bell South be held off until the acquisition can be reviewed by his panel.

Too much bowing to industry

He charged the FCC "has been very responsive to industry desires to reduce or eliminate

controls on [media] ownership and [not] to maintain the diversity and localism."

The FCC "has not completed all the outrages they are going to do under existing law. We are going to have to take a careful look and see whether [media-ownership changes are] justified and whether we are still having local service or not," he said.

Three other key House changes: U.S. Rep. Ed Markey, D-Mass., becomes chairman of the Energy and Commerce Committee's telecom panel; U.S. Rep. Henry Waxman, D-Calif., becomes chairman of the House Government Reform Committee; and U.S. Rep. John Conyers, D-Mich., becomes chairman of the House Judiciary Committee.

Warnings from ad groups

There were warnings today from ad groups on the potential impacts of the congressional changes.

Adonis Hoffman, senior VP-general counsel for the American Association of Advertising Agencies, said he expected that Congress would impose greater oversight and that Messrs. Dingell and Waxman could look more closely at prescription-drug ads. He said other media issues could surface too, noting children's media.

"All in all, with the first open presidential election in years looming in 2008, Democratic control of either house will be characterized by high-level debates on popular issues. In the advertising, marketing and communications category, that leaves a lot of room for grandstanding," he said.

Dan Jaffe, exec VP of the Association of National Advertisers, warned that along with DTC ads, food advertising and privacy, Democratic promises to cut the deficit could renew congressional debate over advertising taxes.