



# CEI UpDate

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## THE TRUE SCOURGE: MOTHER NATURE?

by Angela Logomasini

“Better safe than sorry” has become the mantra of environmental activists. Regulators should protect us from all potential health risks, no matter how small or theoretical, they say. But with the rise of the mosquito-transmitted and deadly West Nile virus, they are singing a different tune. Apparently, some risks are too small to worry about.

When the virus broke out in 1999, environmental activists dismissed it, suggesting that we need not worry. “A person has a much better chance of winning the lottery” than getting West Nile, says a spokesman for Citizens Campaign for the Environment (CCE) in a letter to the *Buffalo News*. “These diseases only kill the old and people whose health is already poor,” says the New York Green Party in literature opposing pesticide spraying. It’s not serious because it only killed seven people last year, Karl Coplan — a member of a coalition trying to prevent pesticide spraying — told the *Ottawa Citizen*. After all, more people die of the flu, says Coplan.

What’s going on? In 1999, seven people died and 55 additional people became seriously ill last year in New York City

after being bitten by West Nile-carrying mosquitoes. This year, environmentalists continue to speak about the “dire problems” associated with pesticides. But they are a bit more careful when dismissing the risks of West Nile — perhaps because their position has grown to be quite embarrassing.

So far, more than 2,350 people have become ill this year and about 116 have died. The virus, which appeared in New York in 1999, has marched south and west every year. In 2000, birds infected by West Nile appeared in 17 states. The number of affected states jumped to 27 in 2001, and the virus has traveled to almost every state in the nation this year. Only six western states and Hawaii have escaped West Nile, but researchers say the virus will soon appear there as well.



Photo by James Gathany

Despite the spread of this disease and its rising death toll, the environmentalist’s cry, “better safe than sorry”, only seems to apply when it means eliminating man-made chemicals. But what about risks posed by good old Mother Nature? These groups claim that the risks associated with pesticides are greater than  
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## FROM THE GENERAL COUNSEL



by Sam Kazman

## THE FREE SPEECH PRESCRIPTION

In recent years the Food and Drug Administration has taken a beating in federal court. Its defeats have come not where you'd expect, in medical and nutritional disputes, but in the area of speech. "Commercial speech" — speech tied to commercial transactions, such as advertising — is receiving increasing judicial protection under the First Amendment, and FDA, perhaps more than any other federal agency, has been on the short end of these rulings.

In 1998, for example, a federal district court overturned FDA's restrictions on the distribution by drug companies of information on "off-label" uses for their products. Under these restrictions, companies had been prohibited from such practices as handing out reprints of medical journal studies on new uses for already-approved drugs. In 1999, a federal appeals court reversed FDA's disapproval of a nutritional supplement health claim regarding the benefits of folic acid. The court found that FDA should consider using a mandatory disclaimer rather than an outright ban. And this past April, the U.S. Supreme Court overturned a ban on the advertising of "compounded pharmaceuticals" — drugs that are individually prepared by pharmacists for specific patients.

In response to these cases, FDA recently invited public comment on harmonizing its regulations with the First Amendment. That move, not surprisingly, was not welcomed by regulatory advocates. These advocates may treat most speech as sacred, but they view commercial speech as bordering on the profane. As two former FDA officials wrote in the *Washington Post*, the court rulings that extended the First Amendment to product advertising were an unhealthy "outgrowth of a movement led by conservative judges, academics and advocacy groups." In their view, this development "severely limits the government's role in monitoring commercial speech about products with serious health consequences. It is hard to imagine that this was the intent of the Founders in 1789 or is in the public's interest today."

If nothing more, at least those court rulings got these folks talking about original intent.

But of course there is more — namely the fact that, as the judiciary increasingly recognizes, markets are pretty good at handling not only products but information as well. To the extent that government involvement is necessary to protect the public, this can be accomplished by means far less restrictive than the informational bans that have traditionally been the regulators' tool of choice. As the Supreme Court noted in its April ruling, "If the First Amendment means anything, it means that regulating speech must be a last — not first — resort. Yet here it seems to have been the first strategy the Government thought to try."

To the extent that government involvement is necessary, mandatory disclaimers are clearly preferable. Rather than totally ban a claim with which it disagrees, FDA would instead require an accompanying statement describing its own view. A specific health claim, for example, might be supported by only the slimmest of evidence, or by preliminary evidence, or by a preponderance of evidence. It's quite possible that claims in the first two categories would mislead people into thinking that they were scientifically "proven." That deceptive effect, however, might well be alleviated by an accompanying warning that, in FDA's view, the evidence for the claim was inconclusive.

(Some claims, of course, might be *totally* unsupported. In all likelihood, these claims would be inherently false and therefore unprotected by the First Amendment.)

Disclaimers may not always work, but the court rulings indicate that their ineffectiveness will have to be empirically demonstrated rather than simply assumed. And where they do work, disclaimers have several important advantages. For producers, a mandatory disclaimer is far less intrusive than an outright ban. The public is also better served; rather than being left totally in the dark under a ban, consumers can now make up their own minds. Finally, FDA itself will be forced to do a better job — having lost the regulatory monopolist's ability to simply bar speech, it will have to engage in the more careful endeavor of persuasion. In a sense, it will have to compete for credibility.

That may be a new experience for FDA, but it will almost certainly be a beneficial one.

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those of West Nile. Actually, nature has always posed the greatest challenges to the survival of mankind, while chemicals are key to our survival.

In fact, despite the increased usage of manmade chemicals, the average worldwide human life span has increased from around 30 years at the turn of the century to more than 60 today — and it continues to rise. Chemicals have played a crucial role in that progress by making possible such innovations as pharmaceuticals, safe drinking water, and, yes, pest control.

Yet CCE notes in its anti-pesticide literature that we should stop spraying because recent studies show that “environmental factors” cause a majority of cancers. CCE fails to mention that in such studies, “environmental factors” include everything except heredity. In their 1981 landmark study, scientists Sir Richard Doll and Richard Peto note that environmental pollu-

## In contrast, millions of people die every year in the developing world because they lack access to affordable pesticides to control biological pathogens.

tion may cause about two percent of cancers (far from a majority). Other “environmental” factors — such as lifestyle choices (smoking and diet), occupational exposure to carcinogens, natural carcinogens, and viral infections — cause the rest.

The fact of the matter is that pesticide risks are inconsequential. For example, according to the EPA’s risk assessment on malathion, regulatory standards ensure that a three-year-old toddler could stand for 20 minutes in a cloud of malathion that remains at the full, legally-allowed concentration level as released from a fogger truck. In addition, that same child could be exposed to absurdly high levels of the same pesticide from full, legal applications to a lawn. Together, these exposures would not harm the child.

The most damning information on malathion is that it might cause cancer in rodents at high levels. So do coffee, broccoli, carrots, and numerous other healthy foods we eat everyday. What matters is the level of exposure — and pesticide exposure levels are very low.

The legal level of malathion spraying, for example, is only about half an ounce per acre. For pyrethroid pesticides, which are made from chrysanthemum flowers, applicators apply 1/100<sup>th</sup> of a pound of pesticide per acre — enough to kill some mosquitoes, but not much else. These products then degrade quickly in the environment.

In contrast, millions of people die every year in the developing world because they lack access to affordable pesticides to control biological pathogens. For example, environmental groups have pressed many nations to ban the use of the pesticide DDT to control malaria-carrying pests. DDT is the most affordable and effective pesticide for controlling malaria. Since these nations began banning this product, malaria rates have

skyrocketed. According to the World Health Organization (WHO), malaria alone infects 300 to 400 million people a year and kills one to two million.

In the United States, it is true that risks associated with insect borne diseases are relatively low, but that’s partly because we use pesticides. Pesticides were recently used to control a dengue outbreak in Hawaii. They are now being used in Loudon County, Va., where two locally-transmitted malaria cases have shown up. Because of such potential risks, mosquito-ridden counties in the United States, such as those in Florida, spray regularly — without waiting for people to become seriously ill or die.

Such successful mosquito control efforts are in jeopardy because of CCE-styled campaigns to eliminate pesticide use. A key problem is that the resulting regulations are reducing the use and effectiveness of pesticides. In a 1992 study called *Emerging Infections*, the National Academy of Sciences (NAS) warned that we could see “a resurgence of the vector population” caused by a “diminishing supply of effective pesticides” because “state and federal regulations increasingly restrict the use and supply of such chemicals.”

Activists should consider more closely the true scourge of mankind before advocating the elimination of pesticides. Indeed, proper use of these chemicals has eliminated nature’s scourge in the developed world, where people once suffered from massive disease outbreaks. Today, inadequate access to these chemicals means millions continue to die throughout the developing world.

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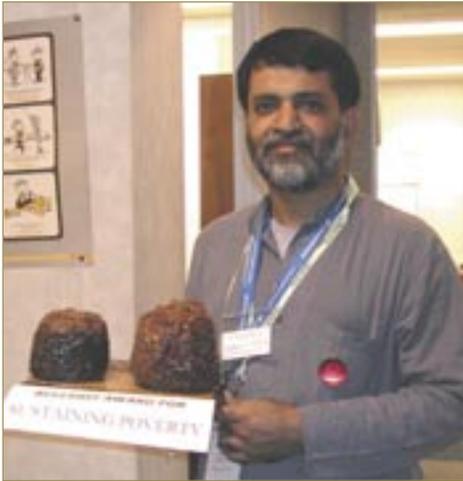
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# Q&A with Barun Mitra

## Free Trade at the Grassroots in Johannesburg



*Barun S. Mitra is one of the founders of the Liberty Institute, a non-profit, independent public policy research and education organization based in India. His interests include development, environmental policy, international trade, and technology-related issues. He has been published in a wide range of national and international newspapers and magazines such as The Economic Times and The Wall Street Journal.*

*He received widespread media acclaim at the United Nations' World Summit on Sustainable Development in Johannesburg for leading a free-market protest by farmers and entrepreneurs from less-developed nations and sponsoring a sarcastic award (pictured) honoring the environmental activists Vandana Shiva, Greenpeace, and the Third World Network for their efforts to stifle economic growth in the world's poorest regions.*

*He is editor of Population: The Ultimate Resource, published by the Liberty Institute, which was awarded the Sir Anthony Fisher Memorial International Prize in 2001 for the best book from a new think tank. His latest essay, "Sustainable Development vs. Sustained Development," (coauthored with Rakhi Gupta) is featured in CEI's latest book Global Warming and Other Eco-Myths, now available from Prima Publishing.*

**CEI:** You made an enormous splash at the World Summit on Sustainable Development in Johannesburg organizing people from less-developed nations to protest the agenda being pushed by Vandana Shiva, Greenpeace, and the Third World Network. The media reported on the sarcastic award you gave them for sustaining poverty. Did you expect such a large and positive response to your work?

**Mitra:** Frankly, no. The coverage that we (those of us who argued for liberty and free markets) got in Johannesburg was far beyond expectation. We succeeded in sharing our views at a number of fora and media outlets. But I think we succeeded due to the grassroots support we received. For instance, a group of 70 farmers from India came to Johannesburg to demand free trade in agriculture and access to the best technologies. Then African farmers spontaneously agreed to join us in our efforts. Most of all, we got support from the street vendors in Johannesburg. They were the first casualty of the Summit — having been pushed out of its limits. These vendors agreed to join hands with the farmers on the issue of freedom to trade. The August 28th march, in which they participated with slogans like "Free Trade IS Fair Trade", "Freedom to Farm", and "Access to Markets and Technologies" made it a unique event.

I suppose the media were expecting routine protests and were perhaps hoping for a riot. Instead, they found a very orderly rally of grassroots people who were calling for greater trade and faster globalization. It is in that spirit that one of the farmers suggested that an award be given to people who claim to speak on behalf of the poor, but in effect are responsible for promoting ideas that increase governmental control, perpetuating poverty. It seemed to attract quite a lot of attention.

**CEI:** Many in the media believe President Bush was largely successful in

shifting the focus of the Summit from the environment to the need to promote development in poor countries. His delegation placed a strong emphasis on the need to address poverty, hunger, and disease rates before addressing environmental concerns. Do you think the message was heard?

**Mitra:** While many may not credit the U.S. administration for achieving it, the most significant outcome of the Summit was getting the focus back on development. Rather than pitting development against environment, as had become quite customary at such gatherings, the focus firmly shifted to development. I will always remember the President of Uganda, speaking at the plenary session, saying that those who opposed the construction of dams in his country were unconcerned about the need for electricity among his people, and were the enemy of the people.

**CEI:** The biggest story of the Summit was the refusal of Zambia and Zimbabwe to accept food aid containing biotech crops. What is the best way for leaders of free-market NGOs to counteract the EU's scaremongering regarding food safety in these nations?

**Mitra:** While this was one of the big stories during the Summit, the truth is that both governments have now agreed to accept milled corn as food aid. This once again brought to light the despicable tendency among some leaders and activists to play politics even when real people are facing starvation. It was quite clear that rather than ensuring access to food, safety issues were being raised to protect markets in the EU.

It's necessary therefore to identify and network with people and groups that are against trade restrictions and governmental control over technologies. That is how we discovered Indian farmers who were willing to defy the government and plant genetically im-

proved cotton that is resistant to the bollworm pest. That is perhaps why, despite all the publicity the cotton farmers got in the Indian state of Gujarat last year for defying the government order to destroy their Bt cotton crop, neither Vandana Shiva nor Jose Bove nor any of the multinational NGOs dared to go to Gujarat to uproot the crop.

**CEI:** In one of his dispatches from the Summit, Ronald Bailey pointed out that some of the world's most severe cases of extreme poverty can be found within walking distance of the city. If the media focused more attention on the seriousness of the poverty, would more people have been willing to challenge the environmentalists' agenda?

**Mitra:** A lot of the NGOs and environmentalists lost a lot

of sympathy in Johannesburg because of their touching faith in the ability of governments in developing countries to regulate and plan development and protect the environment. South Africa was a classic contrast — first world facilities side by side with third world poverty — providing a visible demonstration of the limits of the power of governments to provide development or environmental quality. Unfortunately the conventional media seem to have made a habit of missing the obvious.

**CEI:** What are some of the challenges of running a free-market NGO in a less-developed nation? Are there lessons you've learned while working in India that you feel could benefit leaders of similar groups in wealthy nations?

**Mitra:** The narrow intellectual spectrum in which most public discourse takes place in countries like India can be very frustrating. It amazes me to see a vibrant democracy governed by broad consensus rather than substantive intellectual spurring. So the primary objective of The Liberty Institute is to widen the scope of debate, particularly on public policy issues. We like to believe

that our only constraint is our creative ability to explore and expand intellectual frontiers.

While this may seem a daunting task, we are often surprised to find that people at the grassroots level are doing what we sought to discover through intellectual exercise. The mind-boggling range of initiatives that people in the informal sectors of the economy undertake is simply amazing. We are now learning to give a voice to what people at the bottom of the economic ladder have been practicing. Our involvement with farm-

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### **South Africa was a classic contrast — first world facilities side by side with third world poverty — providing a visible demonstration of the limits of the power of governments to provide development or environmental quality.**

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ers is just one demonstration of the new partnerships we are trying to build — a new bond between theory and practice. This is the source of our optimism, our faith in people's ability to solve their own problems when their freedoms and choices are respected.

Perhaps this is something leaders of think tanks in wealthy countries might find worth exploring. This would entail a much greater engagement with the international community — something that for much of the past century had been the exclusive domain of the intellectual and political left. But their big government agenda and paternalistic attitude have been completely exposed by the economic collapse of the socialist world. The environmentalists are seeking to fill that void by speaking the language of participation while denying people the only instrument that makes real participation in a vibrant economy possible — an unfettered marketplace.

September 11th brought home the universal nature of the threat we all face. By the same token, we must seek to uphold the indivisible and universal nature of liberty. Rather than shut the world out,

we must go out and bat for freedom. Think tanks in wealthy countries are well-placed to take on this role.

**CEI:** You recently received the Sir Anthony Fisher Prize from the Atlas Economic Research Foundation for your collection of essays in honor of Julian Simon. What was it about Simon's work that impressed you the most?

**Mitra:** Julian Simon's neverending optimism, spirit of inquiry, and most importantly, his unlimited faith in humanity. I think that's why he was such a good teacher.

He would do anything to help his students realize their potential. I first wrote to him in the late 1980s following his famous victory over Paul Ehrlich on the question of prices of commodities. I was very fortunate to work with him on

a few of his projects. He taught me economics (I am an engineer by training). He introduced me to the Atlas Foundation and many other people around the world. And his wife Rita participated in our Freedom Workshop in 1997 — just a year before his sudden death. That was an experience that those of us who were together for a few days with the Simons will never forget. Therefore, it was most gratifying to receive the prestigious Fisher Award for a volume published in honor of Julian Simon.

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# SOFTWARE WARS

by James V. DeLong

A September 18th *New York Times* editorial rhapsodized about Linux and open source software, exuberant that an operating system “written and updated by volunteer programmers in a communitarian spirit, and available for free” might challenge Microsoft’s Windows and result in major savings in computer costs.

The *NYT* was also pleased that governments such as Germany and China are supporting Linux, and it urged everyone, including U.S. agencies, to join them so as to foster competition.

This view has some validity. Competition is always good. And the Linux backers have recognized an important truth. Persuading many smart people to each devote a small piece of time to an effort can produce impressive results. They are also right when they argue that opening up computer code to the eyes of the whole programming community can be extremely productive. Microsoft itself sees increasing virtue in this idea, and is developing “shared source” to open up code to scrutiny while the company keeps firm hold of the pen.

But the *NYT* misses some important points. First, none of this is “free.” Software is a complicated industrial product requiring continuing maintenance — and support money must come from somewhere. Linux programmers are not street people who sleep on steam grates so as to indulge their passion. They are supported, often handsomely, by universities and IT companies. But even this backing is not sufficient to keep Linux going, and hardware companies, notably IBM, are now pouring in billions. There is nothing wrong with any of this; the universities and IT companies have good internal motives for encouraging their staff and students to support Linux, and IBM has good competitive reasons in that it wants to dish Sun and Microsoft. But their actions are based on the hard calculus of self-interest. It is not the folk song army depicted by the *NYT*.

Furthermore, if IT companies, universities, and IBM want to donate the fruits of their staffs’ labor to computer purchasers, including governments, that is their privilege. But we have just gone through half a decade in which the business model was “give it away,” and it did not work. In the end, software might be bundled with hardware, or vendors might give away Linux tied to a services contract — both are increasingly common — but the code writers will want pay for producing it, which means money must ultimately come from users somehow.

This increased reliance on bundling raises an amusing possibility. When Microsoft integrated browsing functionality with its operating system, the government called it an illegal tie under the antitrust laws. So why isn’t IBM’s integration of Linux with hardware also an illegal tie? CEI regards both contentions as nonsense, of course, but the government antitrust lawyers will not find it easy to draw the distinction. We cannot wait until Microsoft files suit.

Another problem is the creation of applications for Linux. The *NYT* also praised Linux because it said outside developers complain that Windows’ closed nature makes it difficult to create compatible apps. But during the antitrust trial, a serious problem, according to the government and its supporters — including the *NYT* — was that the huge number of programs that had been written for Windows created an “applications barrier to entry” — making it impossible for anyone else to compete. So which is it, guys: too hard or too easy to write? Too many programs or too few?

In fact, creating apps for Linux presents problems. The General Public License controlling its distribution can be paraphrased as “thou shalt not charge for this program and its source code shall be public.” This license is viral. If an app written for Linux incorporates any GPL-covered code, then it is also subject to the demands of the GPL.

True open source believers think this is just fine — all apps *should* be open and free. But it is not clear that the freeware spirit, or the IT/university/IBM willingness to subsidize, runs deep enough to provide

anything approaching the number of apps available for Windows — where good old reliable greed creates an incentive for developers. The Linux community is moving toward proprietary apps, but it is chancy. Writing apps without incorporating some operating system code is difficult, and those who engraft proprietary apps onto Linux are taking a legal risk.

Finally, and the *Times* to the contrary, governments should not treat software as an arena for industrial policy. The incentives behind the Linux movement are not necessarily the incentives required for the long-term production of software suited for the public as well as the nerds. Governments, which are as naïve as *NYT* editorial writers, should keep their hands off.




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**Warren Brookes Journalism Fellow Hugo Gurdon calls the Canadian Prime Minister to task for ignoring the cost of the Kyoto Protocol:**

Prime Minister Jean Chrétien intends to ratify the Kyoto climate change accord this autumn, but is still haggling over its terms — which puts the cart before the horse. He wants Canada credited for selling clean-burning natural gas, and says it should therefore have to reduce carbon dioxide emissions by only 170 megatons rather than the 240 megatons originally agreed.

The PM knows CO<sub>2</sub> is generated by economic activity, and cutting emissions will depress growth. His government used to lowball the damage estimate at half a percent of GDP — once, long ago, it even suggested Kyoto would actually turbo charge growth — but such flights of fancy are over and Ottawa now says complying will cost about 2.6% of GDP. Ross McKittrick, associate professor of economics at Guelph University, who has written in this newspaper, puts the figure at 2.7%. So Ottawa and the “skeptics” are in the same ballpark.

— *National Post*, September 13

**Senior Fellow Marlo Lewis, Jr. warns of the consequences of the Bush administration’s changes to current greenhouse gas monitoring programs:**

Which climate-related initiative poses the biggest threat to America’s economic future? Is it (a) the Kyoto Protocol, with its growth-chilling restrictions on carbon-based energy use, (b) Senator Jim Jeffords’ (I-VT) “Clean Power Act,” which would impose Kyoto-like carbon dioxide (CO<sub>2</sub>) controls on the electric power industry, or (c) the recent Kyoto-inspired California law to regulate CO<sub>2</sub> from automobiles?

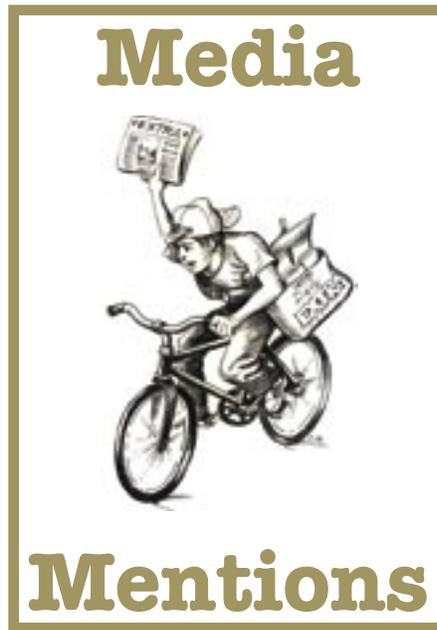
Actually, the most pernicious climate policy is none of these headline grabbers but one most people have never heard of. Although it will not directly suppress energy use, it will mobilize corporate lobbying for Kyoto and dozens of kindred energy rationing schemes like the Jeffords bill and the California law. Surprisingly, the chief sponsor of this political force-multiplier for the Kyoto agenda is Mr. Anti-Kyoto, President George W. Bush.

On February 14, 2002 President Bush directed various agencies to transform the Department of Energy’s Voluntary Reporting of Greenhouse Gases program into a program awarding “transferable credits” for “voluntary” emission reductions. The bureaucracy is now moving swiftly to implement Bush’s directive.

— *Tech Central Station*, September 10

**Senior Fellow James V. DeLong defends innovators in the airline industry against the charges of their disgruntled competitors:**

Orbitz started selling airline tickets over the Internet on



June 1, 2001. It is owned by five major carriers and supported to a lesser degree by 37 more “charter associates.” The five owners have almost 80% of the domestic airline travel market, and the associates account for most of the rest — so Orbitz represents a comprehensive, industry-wide initiative.

Orbitz’s charter requires it to display information in an unbiased manner, sorted only by price, number of stops, length of trip or other basic criteria. It is contractually bound to avoid favoritism based on carrier identity, advertising on Orbitz, sponsorship, or any other factor not related to price or quality of service.

In other words, Orbitz is a comprehensive source of information that allows travelers to find easily the best prices for the flights they want. But more than that: Orbitz represents an opportunity for the airlines to reduce the costs of marketing and selling tickets, allowing them to pass on savings to the consumer. Unfortunately for the consumer, Orbitz’s competitors in ticket selling are trying to use antitrust laws to maintain their position in the market. They claim that Orbitz will have excessive power over ticket selling and will allow the airlines to coordinate their fares to the detriment of consumers.

— *Consumers’ Research*, August 2002

**Director of Food Safety Policy Gregory Conko and Research Associate Juan Carlos Hidalgo caution cities from trying to ban their way to safety:**

Residents of a city facing a permanent threat from earthquakes know how important it is to exercise caution. Thus, it may seem reasonable for city, state or national governments to mandate taking extra precautionary steps when writing health and safety rules. Unfortunately, it isn’t always clear what the cautious choice is because even commonplace activities are replete with risks. But a new proposal making its way through the San Francisco commission on the environment tries to get around this inconvenient fact by predetermining a one-size-fits-all strategy for resolving these questions. And that could end up doing more harm than good.

Since January, the commission has been developing recommendations for the mayor and Board of Supervisors on how the city should implement a regulatory philosophy known as the “Precautionary Principle.”

There is no official definition of this principle, but its supporters believe that governments should restrict or ban activities that are suspected of posing environmental or human health risks, even if there is no scientific evidence to support those fears.

— *San Francisco Daily Journal & Los Angeles Daily Journal*, August 26

### Terrorism for Trees

Days before the first-year anniversary of the 9/11 terrorist attacks, the Earth Liberation Front (ELF) took credit for an act of eco-terrorism that torched a Forest Service lab in Irvine, Pennsylvania. The August 11 blaze destroyed 70 years of research and caused \$700,000 in property damage. According to the *Washington Times*, ELF encourages violence against those in the natural resource industry who threaten forests "by proposed timber sales, oil drilling and greed-driven manipulation of nature."

ELF has vowed to target the Forest Service lab "for complete destruction" once it is rebuilt. Both the Forest Service and Congress are taking the threat seriously. Rep. George Radanovich (R-Calif.) wants ELF treated as a national security threat, "ELF is as cowardly as al Qaeda and as dangerous as the Taliban. It is critical for us to track them down and prosecute them to the fullest extent of the law."

### Internet Ads Keep on Quacking

A favorable finding for the First Amendment was handed down in a Cleveland, Ohio court recently. On September 17, District Judge Kathleen O'Malley ruled that gubernatorial candidate Tim Hagan may use internet ads that feature Gov. Bob Taft's head on a duck's body, saying "Taftquack." Insurance company AFLAC brought the suit claiming the ads mimic the company's TV spots in which a duck quacks "AFLAC." The court said the ads are political speech and don't infringe on AFLAC's trademark. The suit recalls MasterCard's five million dollar suit against Ralph Nader's "Priceless" campaign ads in the last presidential election. (see DeLong: August/September 2000 edition)

## ...END NOTES



### PETA Protests Paying Tuition in Pork

According to the *St. Louis Dispatch*, People for the Ethical Treatment of Animals (PETA) is protesting a program at Lindenwood University that allows parents to pay tuition bills in bacon, sausage and ham. The Missouri college accepts pork in lieu of cash to help defray tuition costs for farming families. The meat is served in the cafeteria. But PETA says the practice doesn't reflect the school's Christian roots, arguing that Jesus was a vegetarian, (though it's likely Jesus ate fish and partook of lamb at Passover). That isn't the only reason PETA wants the program stopped.

They say it promotes factory farming, which is cruel to animals. The real cruelty seems to be in PETA trying to stop farmers' children from getting a college education.

### Vegetarianism No Longer En Vogue?

Carnivorism is gaining converts. *Fox News* reports that many sworn vegetarians are finding it hard to subsist on a meat-free diet. Actress Drew Barrymore told the *London Daily Star* that she can't resist chicken and fish any longer, "I still don't eat a ton of meat, and I don't wear a ton of leather, but I just don't put strict restrictions on myself anymore." She isn't the only one. Many former vegetarians are rethinking their meat boycotts. Beth Mertz, who became a vegetarian to protest the mistreatment of animals, hormones, and antibiotics, started eating meat again after a trip to Africa, "I don't think it's inherently wrong to eat meat, but I don't like the way it's done in the U.S." Perhaps Ms. Mertz should include a trip to a slaughterhouse on her next overseas trip.



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