



American Advertising Federation  
American Association of Advertising Agencies  
Association of National Advertisers  
CBS Corporation  
The Walt Disney Company  
Grocery Manufacturers Association  
Magazine Publishers of America

National Association of Broadcasters  
National Cable & Telecommunications Association  
National Newspaper Association  
NBC Universal  
Newspaper Association of America  
Pharmaceutical Research & Manufacturers of America  
Time Warner, Inc.

## Talking Points

### URGENT ALERT

Deduction for advertising costs is under attack

The Senate Finance Committee TODAY is deliberating the elimination of the ordinary and necessary business expense deduction for the cost of advertising prescription medications. The next 24 hours represent your narrow window of opportunity to make known your views and those of the advertising and media communities that no discriminatory tax should be imposed on advertising. Call and/or email your United States Senators today. A list of Senators is attached. Please make the following points:

- Advertising is critical to the economic recovery of our nation. It provides \$6 trillion in sales and 21 million jobs. In these challenging economic times we cannot afford to make any form of advertising more expensive by taxing it.
- Our message is not one of opposition to healthcare reform. We simply are opposed to taxing one form of speech – advertising about one class of products (prescription drugs).
- The United States Supreme Court has said that even a tax can be applied in a form that is unconstitutional – when the purpose of the tax is to reduce speech by making it more expensive.
- The United States Senate three times has rejected amendments that would have denied the deduction for the cost of tobacco advertising – they rejected the amendments because they were taxes on speech. Today, tobacco advertising remains fully deductible as a business expense. It would be ironic to now repeal the deduction for the cost of advertising prescription medications.
- Please urge Senator Baucus and Senator Grassley, and the members of the Finance Committee to reject a tax that penalizes advertising that could be a central part to the economic recovery of our nation.



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## Sample Email

Here is a sample email that you should get your members to send to their home state:

Senators. The individual companies should add a sentence about their business.

To: (Senator's LD)

From: XXX

Subject: Protect the Deduction for advertising

Advertising is critical to the economic recovery of our nation and any changes will be especially detrimental to our industry. Today, the Senate Finance Committee is deliberating the elimination of the ordinary and necessary business expense deduction for the cost of advertising prescription medications. If enacted this change would further harm my company and could very well be an unconstitutional restriction of free speech.

In America, advertising provides \$6 trillion in sales and 21 million jobs. In these challenging economic times we cannot afford to make any form of advertising more expensive by taxing it.

Please urge the Finance Committee to reject a tax that penalizes advertising.

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### Find your legislative representatives.

U.S. Congress:

<http://www.congress.org/congressorg/home/>

Enter your Zip Code to find federal, state and local officials.