

[An open letter from the New York State Commissioner of Health to
Disney, GE, News Corp., Sony, Time Warner and Viacom concerning:]

THE PROBLEM OF SMOKING IN YOUTH RATED MOVIES

To the CEOs:

I am writing to you about a matter of great importance. In recent years, the U.S. public health community, state Attorneys General, shareholders, parents, and tens of thousands of young people have attempted to work with your motion picture subsidiaries and with the Motion Picture Association of America to reduce smoking imagery in movies and mitigate its devastating impact on youth.

Since 2003, despite ongoing dialogue with studios and their trade organization, the Motion Picture Association of America (MPAA), the U.S. film industry has failed to take substantive steps to address one of the most easily solved public health threats in the world.

THE SCIENCE IS CLEAR:
exposure to smoking in movies is the single most powerful pro-tobacco influence on children today, accounting for the recruitment of half of all new adolescent smokers.

Research in the United States, Germany, Mexico and New Zealand has shown a dose-response relationship between exposure and smoking initiation; that is, after controlling for all other factors, the more on-screen smoking images children see, the more likely they will become smokers.

THE GOOD NEWS is that reducing children's exposure to smoking on screen also reduces smoking initiation.

On May 1, 2007, thirty-one Attorneys General sent yet another letter to the studios urging them to take action on this issue and stated that "there is simply no justification for further delay." On May 10, 2007, the MPAA—having promised a "comprehensive" answer for more than a year—announced that it would "consider" tobacco imagery in its ratings, starting immediately.

The MPAA's acknowledgment that smoking in movies is a problem is important; but its vague and arbitrarily applied tobacco ratings policy cannot avert addiction, disease and premature death.

Learn more at www.smokefreemovies.ucsf.edu

RESEARCHERS REPORT that, in the six months after the MPAA's rating announcement, top box office movies delivered an estimated 11 billion tobacco impressions to theater audiences across the U.S. and Canada, no substantial change from the same six-month period in the four preceding years.

Further, not one of the youth-rated, nationally-distributed movies with smoking rated and released after May 10 carried tobacco descriptors alerting consumers to their hazardous content.

We are aware that some companies have developed internal policies on this matter. Unfortunately, published policies provide no benchmarks to measure progress; they describe numerous exceptions in vague and subjective terms; make no effort to block potential tobacco influence in the production chain; and fail to address the global production and distribution of the company's products.

THEREFORE, we respectfully ask you to exercise your powerful leadership positions to:

1 ascertain and report your subsidiaries' current position on the four policy solutions first described to the MPAA in October 2003, and outlined below;

2 implement policies throughout your domestic and international subsidiaries to permanently, substantially and verifiably reduce youth exposure to tobacco imagery in future films, in any distribution channel or exhibition medium; and

3 advocate adoption and implementation of these policies industry-wide.

The four policy solutions listed below have been endorsed by leading health organizations. If adopted and implemented, they can substantially reduce youth exposure to on-screen smoking, prevent illness, and save lives.

Implementation of the policies does not require government action or restrict creative choice; nor is it associated with any costs. However, taken together, implementation of the four policy actions will dramatically improve the health of New York children for decades to come.

These four policy recommendations, first communicated to the MPAA in 2003, are as follows:

1 RATE NEW SMOKING MOVIES "R." Any film that shows or implies tobacco use should be rated "R." The only exceptions should be when the presentation of tobacco use clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent the smoking of a real historical figure.

2 CERTIFY NO "PAYOFFS." The producers should post a certificate in the closing credits of any film with tobacco presence declaring that nobody on the production received anything of value from anyone in exchange for tobacco depictions in the film.

3 REQUIRE STRONG ANTI-SMOKING ADS. Studios and theaters should require a genuinely strong anti-smoking ad (not one produced by a tobacco company) to run before any film with any tobacco presence, in any distribution channel, regardless of its MPAA rating.

4 STOP IDENTIFYING TOBACCO BRANDS and eliminate brand imagery from the background of any movie scene.

Today, the tobacco imagery in youth-rated (G, PG and PG-13) films delivers nearly 200,000 U.S. adolescents into tobacco addiction each year. Given the compelling scientific evidence of ongoing harm and the significant public support for change, your studio subsidiaries need to take the lead and the credit for doing the right thing and protecting children.

We look forward to your immediate action and stand ready with our national partners to assist you in resolving any concerns you might have about the proposed solutions and the details and timetable for their implementation.

Sincerely,

RICHARD F. DAINES, MD
Commissioner of Health
New York State Department of Health



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DEPARTMENT OF HEALTH