

Smoke Free Movies | Update | August 9, 2007

As pressure builds on MPAA and major studios, Hollywood continues to duck and weave

*MPAA holds fast to May 10 waffle; Disney and General Electric (Universal)
reveal limited corporate policies after June 22 House hearing;
WHO and health groups in US, UK and Europe united on R-rating*

The Disney Company's announcement that it will keep its Disney-branded films smokefree, responding to a June 22 podium request from House Subcommittee on Telecommunications and the Internet Chair Edward Markey (D-MA) for information on corporate policies in the film industry, recycled a [three-year-old Disney policy](#) that has [failed](#) to reduce youth-exposure to harmful tobacco imagery.

Disney said it "expected" smoking in its Disney-labeled (G/PG) films would be "nonexistent," but made no such pledge for its Touchstone (mostly PG-13) and Miramax (mostly R-rated) marketing labels. G/PG movies since 1998 have contributed a small fraction (<5%) of adolescent exposure to smoking in movies.

Disney did, for the first time, add that it would put anti-smoking PSAs on DVDs of future films with smoking — a remedy requested by state Attorneys General in 2005 and urged on Disney by Rep. Markey before its announcement. Including such spots on DVDs has been one of the policies SmokeFreeMovies has been advocating. We are waiting to see whether Disney will commit to using effective spots such as the American Legacy Foundation's "truth" campaign (as The Weinstein Company started to do in 2006). Disney has also not spelled out how it will implement its commitment to "encourage" theaters to show PSAs before movies with smoking. The simplest, most effective, and least expensive way to ensure that such PSA's appeared in theaters would be for Disney simply to include them on the distribution reel with the feature film.

General Electric's Universal Pictures released its policy a few days after Disney's joint announcement with Rep Markey's office. Adopted in late April of 2007 but not public until now, Universal's policy states the "presumption" that youth-rated movies will be free of smoking and other tobacco imagery — the strongest statement yet from inside the film industry. Unlike Disney, it also created an internal monitoring and compliance committee.

While the Universal policy is stronger and more accountable than Disney's, it is limited to Universal's films produced in-house, by its wholly-owned units, marketed to adolescents in the U.S. The "presumption" can be "rebutted...based on the importance of the [tobacco] incident to the film, from a factual or creative standpoint, and/or the difficulty in removing it from the film." This exception could be a blueprint for *keeping* tobacco imagery in a Universal movie.

Universal did not go as far as Disney (and The Weinstein Company) in pledging to include tobacco control PSA's with its films that include smoking. It only said that its

films that include smoking will carry a “health warning” in the end credits, after exposure has taken place. (This would be like telling someone you poisoned them *after* they took the poison.) In contrast to showing an anti-tobacco message *before* a film, there is no research showing that a “warning” or indeed any tobacco-related message *after* the film is noticed, let alone mitigates the effect of smoking in movies on adolescents. A “health warning” is not the same as an anti-tobacco PSA proven to influence attitudes.

None of the studios has adopted the simple, easily understood, enforceable, and effective policy of simply announcing that they will no longer produce or distribute youth-rated films containing smoking. Such a policy would reduce the number of times kids see smoking in movies (what advertisers call “impressions”) by about 60%, which would be expected to lead to a proportionate drop in the number of kids Hollywood delivers to Big Tobacco.

[Hallmark Channel](#) (Crown Media Holdings), a family-fare cable offering with original movies, is the other media company besides Disney to respond directly to Rep. Markey’s request for information on corporate screen smoking policies. Hallmark has an interest in cable issues before Rep. Markey’s subcommittee and has testified on these questions at least twice since 2002 on its own behalf and on behalf of the National Cable and Telecommunications Association.

Hallmark announced that it “will discourage and, in fact, seek to eliminate any further depiction of cigarette smoking in our original movies.” Hallmark does not mention any initiative to notify parents of tobacco imagery in its vast movie and TV show library, to mitigate the impact of exposure to it through PSAs (Hallmark is ad-supported), or to help update cable and broadcast video rating codes to include smoking.

Rep. Markey in his public comments since June 22 has consistently hoped for commitments on anti-tobacco PSAs and pledges to “discourage and eliminate” smoking in movies, particularly those aimed at young people.

Before June 22, only [Disney](#) and [Time Warner](#) had posted corporate policies on movie smoking; both policies had been judged inadequate and no substantial change in corporate performance was discernible to the end of last year. Time Warner’s response to Mr. Markey, if any, is undisclosed. Sony, Paramount (Viacom), and Fox (News Corp.) have also made no public comment.

On May 10, the MPAA announced that its rating system would take smoking into account, effective immediately. Results so far? Of the twenty-two top-grossing PG-13 movies content-analyzed by the online service ScreenIt.com May 1-August 3, thirteen of them (59%) include tobacco imagery; none include tobacco in its MPAA rating descriptor. *Hairspray* (PG) notes “momentary teen smoking” but the rating for *The Simpsons* (PG-13) does not, although “a few high school students are briefly seen smoking” in that film.

Other developments: Rather than responding to the Attorneys General [request](#) for the written evidence to back up statistics cited by the MPAA in its May 10 announcement and again on June 22, MPAA president Dan Glickman offered a personal [meeting](#) with Vermont Attorney General Bill Sorrell (one of the leaders on the smoking in the movies issue among the AGs). General Sorrell has expressed a willingness to meet with Glickman in late September [after](#) the MPAA provides written answers to the AGs questions by September 3. The AGs have also asked the MPAA to show how its new rating terms would have been applied to movies from 2004-6.

On May 8, UK ASH joined ASH New Zealand, the European Network for Smoking Prevention (ENSP), Alliance contre tabac (France), Human Development Network (Brazil), WHO and leading US health groups to support the adult rating of smoking in future films.