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May 1, 2007

Lee Roy Mitchell, Chair of the Board of Directors  
John Fithian, President  
National Association of Theatre Owners (NATO)  
750 First Street, N.E. - Suite 1130  
Washington, DC 20002

Dear Mr. Mitchell and Mr. Fithian:

On several occasions since the summer of 2003, State Attorneys General have called upon Motion Picture Association of America (MPAA), the MPAA member companies and the National Association of Theatre Owners (NATO) to take a leadership role in protecting the lives of all of our children by running anti-smoking messages before movies that depict smoking, by eliminating tobacco brand appearances in all movies, and by eliminating depictions of smoking in youth-rated movies.

By letter dated October 6, 2006, MPAA President Dan Glickman, on behalf of MPAA member companies, made a commitment to the Attorneys General to obtain recommendations from the Harvard School of Public Health (HSPH) on how to "best address the issue of tobacco in motion pictures and its potential impact on youth and smoking," to gain a consensus among the MPAA's member companies on the recommendations, and then to begin implementing them.

On April 3, 2007, HSPH publicly released the unequivocal recommendation made in February 2007 by Dean Barry Bloom, Associate Dean Jay Winsten and Dr. Jonathan Samet, Chair, Department of Epidemiology, Johns Hopkins Bloomberg School of Public Health, to NATO, the MPAA and its member companies, the Directors Guild of America and the Screen Actors Guild:

[MPAA President] Dan Glickman's letter to the State Attorneys General on Oct. 6, 2006 indicated that the MPAA was prepared to consider recommendations from the Harvard School of Public Health, and we are appreciative of this opportunity and responsibility. Based on the compelling body of available scientific evidence, we make a single, simple

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recommendation:

Take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths, and take leadership and credit for doing so. Don't ignore the issue or put a fig leaf on it, like a descriptor on DVDs, that would be the equivalent of the tobacco industry cynically putting smoking warnings on cigarette packages. For industry leadership to have real impact we would hope your message would be clear, simple, and publicly accountable. And we ask all the major studios and guilds to agree to use their leadership to make it their policy.

Thank you for not smoking.<sup>1</sup>

As demonstrated in its February 2007 presentation, HSPH's recommendation is based on a compelling body of peer-reviewed scientific research that demonstrates that viewing smoking in movies, after controlling for all other known contributing factors, promotes smoking initiation among adolescents. Although we have been sharing this same research with the MPAA and its member companies since 2003, and with NATO since 2004, we hope that this most recent confirmation by HSPH will finally move the members of the motion picture industry to stop exposing youth to depictions of smoking in movies.

Dean Bloom succinctly reviewed the following context in which he called upon the movie industry to demonstrate leadership by taking four specific actions that "we know would achieve the goal of eliminating smoking in youth rated films":

You should know the context: There are other major players out there – Attorneys General, NGO's, The American Medical Association, WHO, advocacy groups, parent, religious and even shareholders groups strongly advocating against smoking in films. This Anti-smoking Coalition has proposed Four Actions that we know would achieve the goal of eliminating smoking in youth rated films. As you will have seen in their ad in Wednesday's Variety, their proposals are to:

1. Rate new smoking movies "R" except if reflects clear dangers or to

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<sup>1</sup> [www.hsph.harvard.edu/mpaa/](http://www.hsph.harvard.edu/mpaa/) (Emphasis added.)

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portray historical figure

2. Certify no payoffs or placements from the tobacco industry
3. Provide strong anti-smoking ads in any film with smoking.
4. Stop identifying tobacco brands

[http://www.smokefreemovies.ucsf.edu/ourads/ad\\_sfm42\\_variety.htm](http://www.smokefreemovies.ucsf.edu/ourads/ad_sfm42_variety.htm)

In light of the research mentioned above, each time a NATO member theater exhibits a movie that depicts smoking, it does so with the full knowledge of the harm it will bring to children who watch it. This is particularly disturbing given that of all U.S. movies released during 1999-2006, three-quarters of PG-13 movies and more than a third of movies rated G or PG depicted smoking.<sup>2</sup> And as Dean Bloom noted in his presentation, a survey by the American Medical Association Alliance found that 70% of adults support an R rating for films with smoking.<sup>3</sup>

As the Attorneys General have said since our first letter to the late former MPAA President Jack Valenti in August 2003, "The motion picture industry . . . is uniquely situated to bring about sweeping change to prevent youth smoking. . . We are hopeful you will use your best efforts . . . to rally the motion picture industry to move from being a source of the problem to being recognized as a critically important force in solving the nation's deadly problem of youth smoking."

I urge NATO to support the MPAA in fulfilling its commitment to implement the HSPH recommendation that studios eliminate the depiction of tobacco use from films accessible to children and youth. There is simply no justification for further delay.

Sincerely,



Douglas F. Gansler  
Attorney General

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<sup>2</sup> Jonathan R. Polansky, Stanton Glantz, PhD, *First-Run Smoking Presentations in Movies 1999-2006* (San Francisco, CA: Center for Tobacco Control Research and Education, University of California, San Francisco, April 2007) <http://www.smokefreemovies.ucsf.edu>.

<sup>3</sup> The survey results are available at [www.ssrc.msstate.edu/socialclimate](http://www.ssrc.msstate.edu/socialclimate).