



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

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April 18, 2011

Rogers Weed, Director  
Washington State Department of Commerce  
1011 Plum Street SE  
P.O. Box 42525  
Olympia, WA 98504-2525

RE: **State Subsidies for Movie and Television Productions That  
Depict or Imply Tobacco Use**

Dear Director Weed:

The purpose of this letter is to seek your assistance in helping to align an economic development program under your supervision, with the state's public health objectives related to tobacco use. Specifically, I am asking for your assistance in making motion picture and television productions that depict or imply tobacco use ineligible for state funding assistance.

As you know, under RCW 43.365 the Legislature established a motion picture competitiveness program. This program provides funding assistance for feature film, television and commercial projects.<sup>1</sup> The criteria under which funding assistance is awarded<sup>2</sup> does not currently address movies or television shows in which tobacco use is depicted or implied, making it possible for such productions to receive state subsidies.

There is clear evidence that smoking in movies increases youth initiation of smoking, with the concomitant risks of addiction, disease and premature death. Numerous respected public health authorities, including the World Health Organization,<sup>3</sup> the U.S. Institute of Medicine<sup>4</sup> and the U.S. National Cancer Institute<sup>5</sup> have concluded that exposure to tobacco imagery on screen causes kids to start smoking and progress to regular, addicted smoking. The U.S. Department of

<sup>1</sup> In the current legislative session, there is a bill pending that would extend this program through the 2017 fiscal year. See SSSB 5539.

<sup>2</sup> See WAC 130-20-020 ("Eligibility criteria and guidelines").

<sup>3</sup> World Health Organization, *Smoke-free Movies: from Evidence to Action*, Tobacco Free Initiative, Geneva, Switzerland (NLM Classification HV 5745), (2009), available at [www.who.int/tobacco/smoke\\_free\\_movies/en/](http://www.who.int/tobacco/smoke_free_movies/en/).

<sup>4</sup> U.S. Institute of Medicine, *Ending the Tobacco Problem: A Blueprint for the Nation*, National Academies Press, Washington D.C. (May 24, 2007), available at [www.iom.edu/Reports/2007/Ending-the-Tobacco-Problem-A-Blueprint-for-the-Nation](http://www.iom.edu/Reports/2007/Ending-the-Tobacco-Problem-A-Blueprint-for-the-Nation).

<sup>5</sup> U.S. National Cancer Institute, *Monograph 19: The Role of the Media in Promoting and Reducing Tobacco Use. "Chapter 10: Role of Entertainment Media in Promoting or Discouraging Tobacco Use"* (2009), available at <http://www.cancercontrol.cancer.gov/terb/monographs/19/monograph19.html>.

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Health and Human Services has made reducing youth exposure to onscreen smoking a priority in its new strategic action plan.<sup>6</sup>

Any public subsidy of entertainment products that influence kids to smoke runs counter to Washington State's own strong public policy of reducing and preventing youth tobacco addiction. Washington has long been a national leader in countering youth tobacco addiction. To expend public money on subsidies for film and television productions that depict smoking would undercut the state's public health policy, and ultimately burden the state with additional health care expenses and lost productivity.<sup>7</sup> Public subsidies of smoking depictions also undercut the intent of the landmark Tobacco Master Settlement Agreement, which prohibits cigarette manufacturers from placing their brands in movies.

In the face of the severe reduction in the state's Tobacco Prevention and Control Program budget,<sup>8</sup> it would be exceedingly counterproductive to spend state funds on entertainment products that simply make an already serious public health problem worse.

In order to begin to address the concerns discussed above, my staff will formally submit to the Department of Commerce, a request that the State's motion picture subsidy rules be amended to prohibit subsidies for productions that depict or imply tobacco usage.

I appreciate your consideration of this request and would welcome the opportunity to discuss this matter with you further, either in advance of, or during the course of rulemaking.

Sincerely,



ROB MCKENNA  
Attorney General

RMM/eg

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<sup>6</sup> See U.S. Department of Human Services, *Ending The Tobacco Epidemic—A Tobacco Control Strategic Action Plan For The U.S. Department of Health And Human Services* (November 10, 2010), at 21 (through plan department will “[p]romote reductions in youth exposure to onscreen smoking”).

<sup>7</sup> The Department of Health estimates that private and public expenditures for tobacco-related health care services totaled more than \$1.9 billion in 2009, and that tobacco-related lost worker productivity cost an estimated \$1.7 billion. *Id.* A study of film subsidies in Canada estimates that every dollar spent on subsidizing U.S. film production there, including films with smoking, exacts \$1.70 in tobacco-related health care and lost productivity costs. See Polansky J, *Tobacco Vector: How American movies, Canadian Film Subsidies and Provincial Rating Practices Will Kill 43,000 Canadian Teens Alive Today—and What Canadian Governments Can Do About It*, Physicians for Smoke-Free Canada, Ottawa, Ontario (August 2010), available at [http://www.smoke-free.ca/pdf\\_1/2010/Tobaccovector.pdf](http://www.smoke-free.ca/pdf_1/2010/Tobaccovector.pdf).

<sup>8</sup> The Governor's proposed operating budget for the 2011-2013 biennium includes a tobacco control budget of \$2 million year, down from \$12 million per year in the previous biennium.