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January 14, 2011

Amy Lemisch, Director  
California Film Commission  
7080 Hollywood Blvd, Suite 900  
Hollywood, CA 90028

Dear Ms. Lemisch:

I am writing to urge the California Film Commission take action to reduce the tobacco content in motion pictures.

Exposure to on-screen smoking is a recognized public health hazard, particularly for adolescents. This exposure accounts for approximately 100,000 current high school-age smokers in California, of whom tens of thousands will ultimately die from tobacco-induced disease. In 2010, the U.S. Centers for Disease Control and Prevention called for "effective measures" to stem such exposure, listing as recommended the R-rating for future films with smoking, strong anti-tobacco spots preceding films with smoking in all media, an end to tobacco brand display, and producer certification of no tobacco payoffs.

A recent survey of IMDbPro.com film production data by the University of California, San Francisco (UCSF) found that between 2007-2009, 40% of the top-grossing PG-13 films with smoking were shot in California. These films delivered nearly one-third of all the tobacco impressions to theater audiences of all ages (6 out of 19 billion). Just recently, two more PG-13 films were released in theaters that qualified for tax credits and contained tobacco imagery:

- *The Social Network* (Sony, PG-13; tax credit reserved: \$4.98 million) featured eight uncredited actors smoking, according to Breathe California's tobacco content monitoring project, Thumbs Up! Thumbs Down!
- *Burlesque* (Sony, PG-13; tax credit reserved: \$7.23 million) featured smoking in many scenes by actor Stanley Tucci's character; smoking by actor Kristen Bell's character; and the appearance of a Camel cigarettes billboard, also reported by Breathe California.

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Among actions the California Film Commission should consider are eliminating or reducing the public subsidy of commercial entertainment products promoting tobacco use among adolescents. Such subsidies run counter to California's long-standing and widely supported efforts to prevent youth smoking and reduce the enormous burden tobacco use places on the health and productivity of Californians. There is no First Amendment issue involved in conditioning subsidies for films according to their tobacco content: the courts have ruled that government programs can exercise discretion when supporting expression.

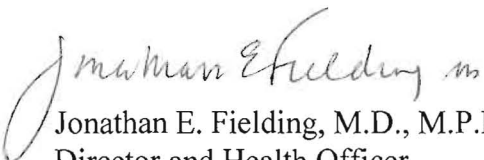
Any benefit that tobacco-related subsidies for films might have for California's interstate competitiveness must be balanced against proven, catastrophic "collateral damage" to young audiences and the long-term health costs to the state. A recent analysis in Canada calculated that each dollar invested in subsidizing US film productions there, including films with smoking, exacts \$1.70 in tobacco-related health care and productivity costs.

Implementation of the following actions is a reasonable approach to reducing youth exposure to on-screen smoking, thus decreasing initiation of a highly addictive product:

- 1) make future films with tobacco imagery or reference that will be exhibited to audiences 17 and younger, without restriction, ineligible for public subsidies or eligible for substantially reduced subsidies; and
- 2) require subsidy applicants whose projects include tobacco imagery or reference to attest that nobody associated with the production has entered into any agreement related to tobacco.

As the Health Officer in Los Angeles County, I look forward to working with you to align California's incentive program with sound public health practice.

Sincerely,

  
Jonathan E. Fielding, M.D., M.P.H.  
Director and Health Officer

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c: Los Angeles County Board of Supervisors  
Chairman, California Film Commission  
Secretary, California Business, Transportation and Housing Agency