

The right thing
is the smart
thing.

The business case against
promoting tobacco to kids
in movies and TV shows



**SMOKE
FREE
MOVIES**

SmokeFreeMovies.ucsf.edu

University of California, San Francisco, Center for Tobacco Control Research and Education | August 2020 |
<https://bit.ly/sfm-casebook2020>

When kids are at greater risk...

5-year tobacco performance (2014-19)

	Number of tobacco incidents in films		In-theater audience exposure	
	Youth-rated	R-rated	Youth-rated	R-rated
MPA-member companies	No change	Up 130%	Down 14%	Up 216%
Independents	Up 199%	Up 134%	Up 363%	Up 139%
TOTAL	Up 63%	Up 132%	Up 51%	Up 202%

Why are kids still starting to smoke and vape? And why are we seeing more smoking in US movies and TV shows?

The two questions are connected.

Tobacco content and exposure are increasing, overall, in top-grossing US movies released in theaters, first, and then on streaming channels with no age gates. Most of the companies making these movies also commission original streaming shows with tobacco content.

This chart shows that tobacco content (incidents) and audience exposure (impressions) have increased by more than half in films youth-rated PG/PG-13 over the past five years. Tobacco content more than doubled and audience tobacco exposures have tripled in R-rated films accessible to young people via in-home media, over the same period.

...big media companies are at greater risk

56% of film titles feature smoking (2002-2019)

On-Demand	Company	Subscribers	Titles
Amazon Prime	Amazon.com	66 million	18,405
Apple TV+	Apple	34 million	7
CBS All Access	ViacomCBS	16 million	177
Disney+	Disney	50 million	660
HBO Max	AT&T	10 million	1,780
Hulu	Disney	32 million	780
Netflix	Netflix	61 million	4,563
Starz	Lionsgate	11 million	970
Xfinity X1	Comcast	21 million	8,300

Since 2002, according to content surveys by UCSF and Breathe California, more than half of all top-grossing films have featured smoking, including 51% of movies released in 2019. Overall, 44% of PG-13 films and more than 70% of R-rated movies featured tobacco imagery.

Movie inventories differ among companies, and not all films on streaming services are top-grossing movies, but it's probable that about half of the total movie inventories now accessible to young people feature smoking.

So do most of the original streaming shows most popular with young people 15-21, according to recent studies by Truth Initiative, the tobacco prevention foundation funded out of the states' multibillion-dollar Master Settlement Agreement with US tobacco companies in 1998.

A uniquely dangerous public health threat



What makes tobacco so dangerous? Tobacco use kills nearly half a million Americans annually, making it the #1 cause of preventable death in the United States — and also the world.

Globally, tobacco will kill one billion people in this century unless its growth is stopped. Smoking currently kills more than eight million human beings per year: *more than twice* the recent combined global death toll from TB, malaria, HIV/AIDS, COVID-19, Ebola and armed conflict (3.35 million).

Tobacco makes the newest global virus pandemic, COVID-19, worse. Data indicates that smokers with the virus are twice as likely to require hospitalized intensive care than non-smokers. Young U.S. vapers are 5-7 times more likely to become infected with COVID-19 than non-users. COVID-19 had killed 750,000 people worldwide by mid-August 2020.

3 | US tobacco mortality (CDC): <https://bit.ly/3e64bVa>
Global tobacco mortality (TFK): <https://bit.ly/2O3bp11>
Other mortality (2018, 2019): [WHO](#), [UNAIDS](#), [PRIO](#), [Wikipedia](#)
COVID-19 progression: <https://bit.ly/31VpXH5>
COVID-19 infections: <https://bit.ly/jah-gaihao82o>

Warnings from the world's top health authorities



Tobacco on screen kills in real life. In 2014, the US Surgeon General concluded that exposure to on-screen smoking *causes* young people to smoke. Much stronger than an “association,” this thoroughly vetted scientific finding is on a par with the Surgeon General’s conclusion, in 1964, that smoking *causes* lung cancer.

In 2016, the CDC projected that exposure to on-screen smoking would recruit more than six million new young US smokers in this generation and that two million of them will die from tobacco-induced diseases.

Tobacco addiction is a pediatric disease. More than 80% of smokers are hooked when they are younger than 18. Tobacco and media companies that target the same young audiences have long been a deadly combination.

Big Tobacco bought its way on screen for a century...*before and after* the Surgeon General's 1964 cancer report.

HOLLYWOOD'S STUDIO ERA

Columbia (now Sony)
Fox (Disney)
MGM (MGM Holdings)
Paramount (ViacomCBS)
Universal (Comcast)
Warner Bros. (AT&T)

Studios brokered their stars' tobacco endorsements and tobacco companies paid for studios' national advertising.

MADISON AVENUE

ABC (now Disney)
CBS (ViacomCBS)
NBC (Comcast)

Networks carried massive numbers of tobacco commercials until Congress ended broadcast smoking ads in 1970.

PRODUCT PLACEMENT

Columbia (Sony)
Disney (inc. Fox)
Lionsgate
MGM Holdings
Miramax (Colony Capital)
Paramount (ViacomCBS)
Universal (Comcast)
Village Roadshow
Warner Bros. (now AT&T)

These studios' films are cited in tobacco product placement records from the 1970s into the 1990s.

WHAT'S CHANGED?

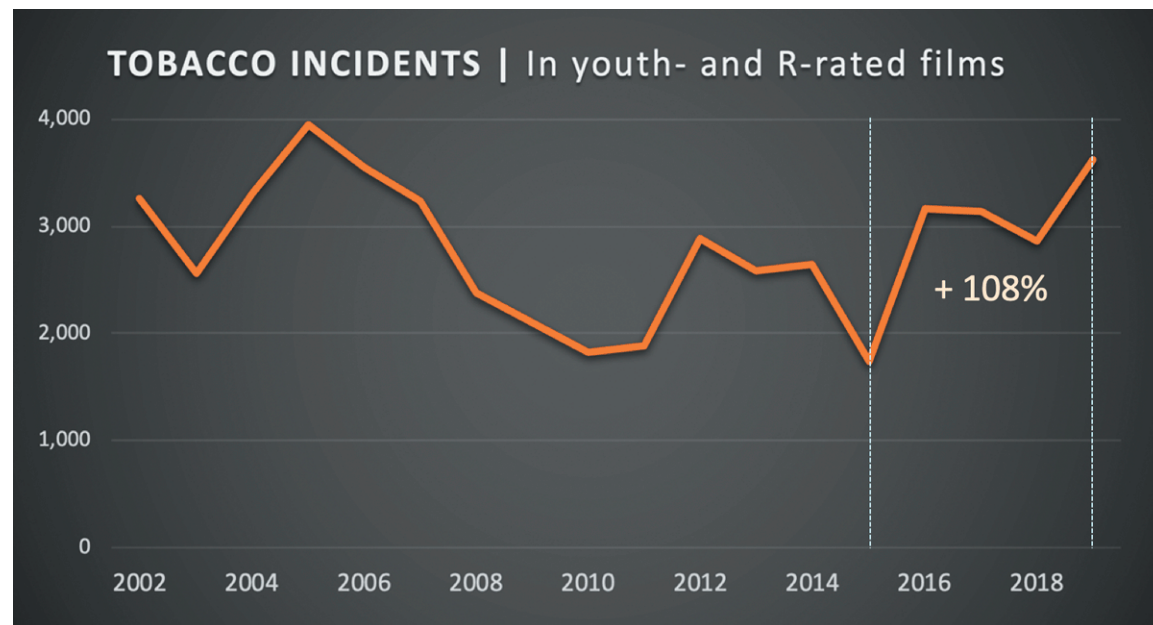
A24
Amazon.com
AMC Networks
AT&T
Comcast
Disney (inc. Fox)
Lionsgate
MGM Holdings
Neon
Netflix
Sony
STX
ViacomCBS

Tobacco imagery and/or brand presence in sampled streaming series and 2019 theatrical releases.

1920 1930 1940 1950 1960 1970 1980 1990 2000 2010 2020

5 | Tobacco industry's Hollywood timeline at: <http://bit.ly/2WGOio3>
See that timeline's substantiation document for more detail.

On-screen smoking has rebounded in the past 5 years



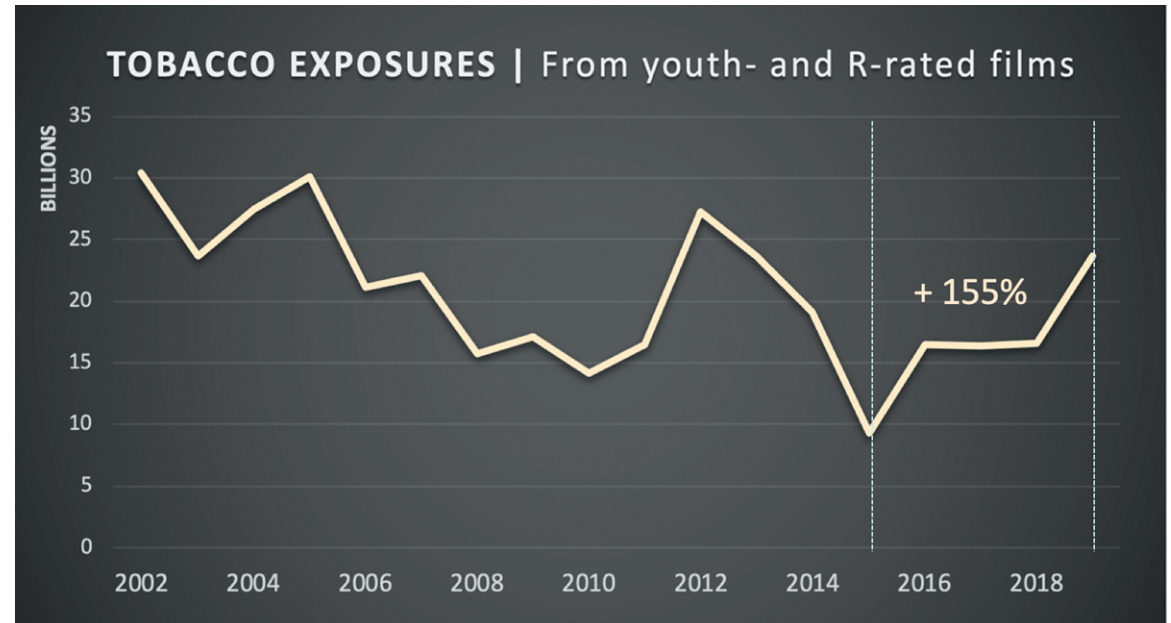
Since 2015, smoking in U.S. top-grossing films *of all ratings* has more than doubled.

While the amount of smoking in *youth-rated* films has been largely flat since 2010, smoking in *R-rated* films has increased substantially.

What changed over this time period? R-rated films packed with smoking are now accessible to kids 24-7 on screens as small as a phone.

Something else to notice in this chart? There's more smoking in movies today than there was nearly two decades ago. Top-grossing films contained 3,618 tobacco incidents in 2019, 11 percent more than in 2002, when this survey of tobacco content began.

Audiences' exposure to tobacco content has also jumped



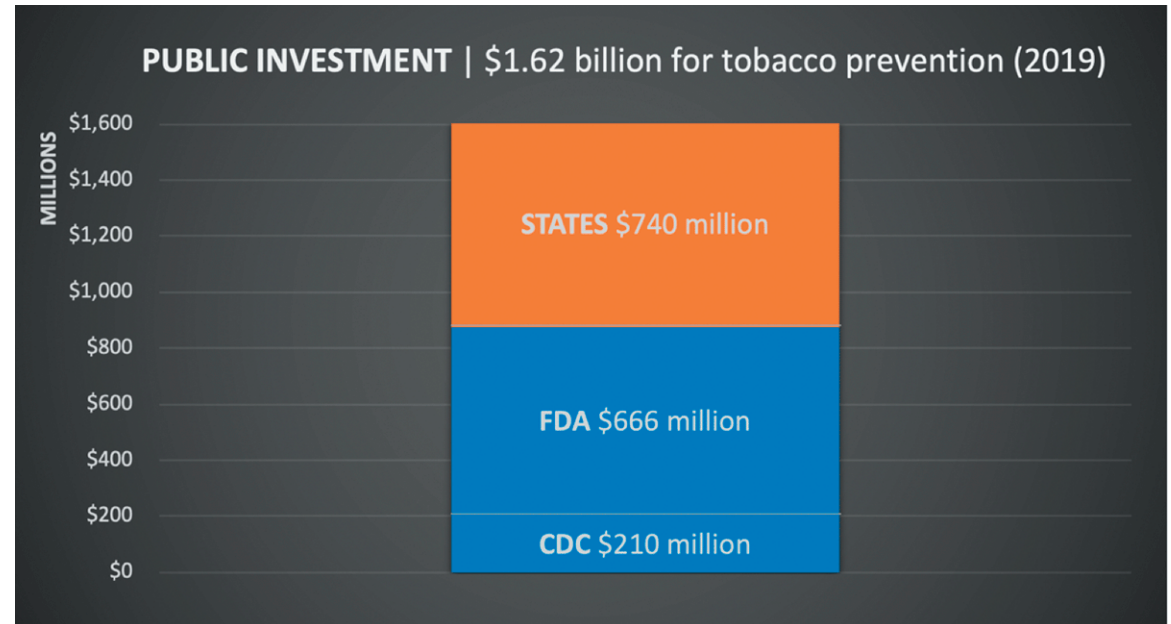
How much tobacco exposure is delivered to domestic moviegoers?

While youth-rated exposure from major studio movies has fallen, audience exposure from these same companies' R-rated movies has more than tripled in the last five years, from 6 billion to 19 billion tobacco impressions.

Measuring on-screen tobacco exposure is important because the harm to kids is proven to be linearly dose-related: the more they see, the more likely they'll become smokers. For US children, the risk doubles as exposure increases.

While this chart measures trends, it doesn't show total exposure. **The movie industry's own data shows that movies are now watched fourteen times more often, per capita, on digital media than in theaters.** But data on how many people view particular digital titles is limited. Just last year, the major media companies refused to share essential child-safety information with US Senators. Given what we do know, American kids might be exposed to more tobacco promotion on screen today than they saw when multibillion-dollar cigarette ad campaigns ran on every TV network in the 1960s.

While Big Tobacco spent \$9.1 billion on promotion in the US in 2018...



There's a solid national consensus that the tobacco industry should not market to kids. Congress banned tobacco advertising on TV and radio in 1970. And while states and the federal government spend less than needed to keep kids from starting and to unhook adult users, they did invest \$1.62 billion in tobacco control and prevention in 2019.

For comparison, the tobacco industry spends nearly six times as much to push smoking as the states spend to stop it. And states spent less than one-quarter of their own tobacco tax revenues and 1998 tobacco settlement funds to protect their populations than the CDC recommends.

Tobacco's national cost per capita last year, in health care expenses and productivity losses combined? More than \$2,000 per family of four (\$170 billion total / 330 million Americans).

It would cost taxpayers nothing for big media companies to simply stop pushing tobacco at kids.

Existing US restrictions on marketing tobacco to kids

STATE & LOCAL LIMITS

- State licenses and inspections.
- Restrictions on retail displays and promotions.
- Flavor bans.
- 19 states, DC and 530 localities have raised the tobacco age from 18 to 21.

MASTER SETTLEMENT AGREEMENT (1998)

- U.S. tobacco firms and state Attorneys General prohibited brand placement deals in U.S., among other marketing practices.

FEDERAL FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT (2009)

- Empowered FDA to regulate tobacco and nicotine products.
- Restored 1996 federal marketing limits, which the tobacco industry had sued to overturn.

US v. PHILIP MORRIS (1999-2018)

Big U.S. tobacco companies are found liable for violating civil racketeering (RICO) statute by lying about health risks and for marketing to kids.

States, localities and the national government have long battled to hold the tobacco industry accountable — and hold the line on exploitive marketing.

The **Federal Trade Commission** first went after paid celebrity endorsements from movie stars and others in 1929 and again in 1942. Primarily to protect children, US cigarette **commercials were banned** in 1970. In 1989, Capitol Hill held hearings on tobacco product placement in screen.

In 1998, **state Attorneys General** made a prohibition on tobacco brand placement in media accessible to kids part of the Master Settlement Agreement (MSA). The prohibition applies to domestic tobacco companies, not multi-national marketers, and media companies aren't mentioned. The MSA has so far cost tobacco companies some \$140 billion.

In 2004 and again in 2007, the **Capitol Hill** held hearings about Hollywood's tobacco practices.

State and local laws address tobacco marketing to kids. So does the 2009 federal law that finally brought tobacco under FDA regulation. The federal government's successful **civil racketeering (RICO) prosecution** of US tobacco companies, against an army of tobacco industry lawyers, found the companies in violation for marketing to children.

After nearly a century of **investigation, litigation and billions of dollars in penalties** related to addicting kids to nicotine, media companies whose entertainment promotes tobacco may also face legal, regulatory and reputational hazards.

Policymakers support smoke-free movies and TV shows

US SURGEON GENERAL

- Tobacco industry has exploited popular media to promote tobacco use.
- Exposure causes young viewers to smoke.
- R-rating alone would cut teen smoking rate by nearly 20%.

US CENTERS FOR DISEASE CONTROL AND PREVENTION

- Publishes annual surveillance reports on tobacco content and media companies' performance.
- Repeated articles in the CDC's official journal, *Morbidity and Mortality Weekly Report* (MMWR).
- Supports adult ratings and reforming states' media production subsidies.

STATE AND TERRITORIAL ATTORNEYS GENERAL

- "Each time a member of the industry releases another movie that depicts smoking, it does so with the full knowledge of the harm it will bring to children who watch it."
- AGs back a full range of evidence-based policy solutions for theatrical releases and video-on-demand platforms.

The Surgeon General has reported that R-rating future movies with smoking would reduce teen smoking rates by nearly 20%. This will prevent a million tobacco deaths in this generation.

As recently as August 2019, a record number of state **Attorneys General** (43) have asked media companies to take specific actions. The AGs have called on-screen smoking a "colossal, preventable tragedy" and are on record telling the movie companies that they are knowingly harming children.

Public health agencies including the **New York State Dept. of Health** and **Los Angeles County** also endorse smokefree media solutions.

Harms and costs of screen smoking

On-screen smoking will recruit **37% of all new young smokers** in this generation = **6.4 million new smokers** recruited X **32% tobacco mortality** rate among all new young smokers = **2 million additional tobacco deaths** = **\$120 billion in combined health care and productivity costs.**






On-screen smoking accounts for 37% of new young smokers in the US each year. Studies also indicate that US movies and TV are the most important on-screen smoking promoters globally.

In the US alone, on-screen smoking will recruit 6.4 million new young smokers in this generation, of whom 2 million will die from smoking. The medical and productivity costs for this group are estimated at nearly \$120 billion, with \$67 billion in direct medical care costs.

If medical care costs were to be recouped by the states — going back to 2003, when the film industry was first put on notice in a Los Angeles meeting with studio production chiefs, researchers, AGs and others — it would cost the companies billions. If the cost of lives lost were recovered in other proceedings at the EPA's cost per life of \$9.1 million, liability could mount into the hundreds of billions.

Of course, with kids receiving even more exposure through digital media, these dismal numbers could be growing larger every day.

Company shares of on-screen tobacco content and audience exposure

Companies	Films	With smoking	Tobacco incidents	Percent of total	Impressions (billions)	Percent of total
 AT&T	411	53%	8,363	16%	79.4	21%
 COMCAST	360	56%	8,367	16%	57.0	15%
 WALT DISNEY	567	41%	6,514	13%	56.9	15%
 SONY	348	61%	7,568	15%	64.9	17%
 VIACOMCBS	242	58%	4,500	9%	42.6	11%
Independents	667	66%	15,820	31%	72.2	19%
	2,595	56%	51,132	100%	373.1	100%

What share of the on-screen tobacco problem can be assigned to different companies? We have the most precise data for the tobacco content in movies and audience exposure in theaters.

This table adds up exposure to audiences of all ages from youth-rated and R-rated films between 2002 and March 2020. The table shows that for the past generation each of the major studios and independents as-a-group own substantial shares in the problem, as measured by tobacco impressions delivered to moviegoers.

Existing data indicates that children and teens make up about one-quarter of the total movie-going audience. As in theaters, teens are likely see as much smoking in R-rated films on streaming channels as young adults do.

12 | Data: OTDb. Note that while indies' share of tobacco incidents is higher, their audiences are smaller, reducing their share of tobacco impressions. OTDb tracks individual indie labels.

An international tobacco treaty alters the global marketplace



The only global health treaty in the world today, with more than 180 parties, is WHO's Framework Convention on Tobacco Control (FCTC). Its Article 13 is a binding pledge from governments worldwide to end tobacco promotion in film and TV entertainment media.

Already, China and India — representing 37% of the world population — have applied Article 13's principles to domestic and foreign productions. On another continent, Nigeria and Ghana were the first to integrate on-screen warnings into national tobacco control laws. France's health minister recently instructed that country's film industry to stop "advertising" cigarettes. (The US has signed but not ratified the treaty.)

Careful studies in more a dozen countries uniformly find that US films account for most of kids' tobacco exposure around the world. Because 70% of Hollywood's revenue comes from outside the US — and streaming is also growing faster overseas — it makes strategic sense for US media companies to future-proof their products by making them smokefree.

Unified policies offer companies an assured exit strategy

How to stop riding the tobacco tiger? To end their tobacco risk, media companies can adopt these six widely-endorsed policy solutions.

Each company might ask: How long will these reasonable, non-punitive, forward-looking solutions be on the table? When will public patience run out? Why pay the price instead of taking the credit?

1 | Rate future films and TV shows with smoking R / 18 / TV-MA — with possible exceptions for biographical characters and realistic depictions of health harms

2 | Give advance notice of the tobacco hazard in plain language at points-of-purchase and roll anti-tobacco PSAs before the title

3 | Stipulate that credited producers certify no tobacco pay-offs

4 | End tobacco brand display and mentions: packs, retail racks, advertising collateral

5 | Make projects with tobacco content ineligible for public subsidies, such as state tax credits and rebates

6 | Share tobacco exposure data for your titles in distribution

Risks that media companies face in common

After nearly a century of documented commercial collaboration between Big Media and Big Tobacco, America's best-known media companies — in the middle of an uncertain technological shift and stressed by a global pandemic that has paused production and shut theaters — continue to promote toxic tobacco in their movies and TV shows accessible to children and teens.

At this time, no company in plain language informs parents in advance of purchase or selection that a movie or show is tobacco-contaminated or that it harms young viewers.

To our knowledge, no company has informed shareholders of these hazards, either.

- 1 | Financial skepticism
- 2 | Regulatory friction
- 3 | Billions of dollars in potential liability
- 4 | Products stranded in the world market
- 5 | Brands associated with harming children

Pushing tobacco at kids in the middle of a global pandemic?

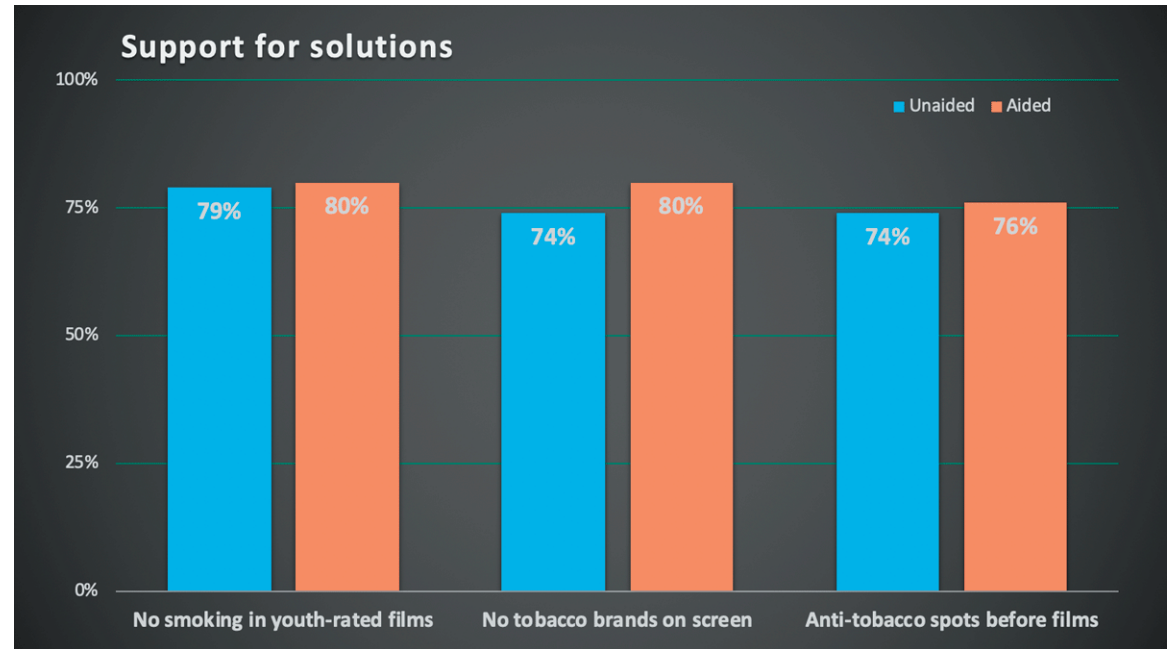


For the media companies to depict tobacco on screen — recruiting more young smokers and worsening a global pandemic with no vaccine or cure and whose course is unknown — makes no business sense. .

The World Health Association, CDC, FDA, American Lung Association and others all warn that COVID-19 hits smokers more severely, caution that smoking makes COVID-19 harder to survive, and recommend that smokers quit to avoid the most serious symptoms and consequences.

Self-evidently, the middle of a pandemic is also an appropriate time for media companies to quit pushing tobacco.

Public polling shows quick, strong approval.



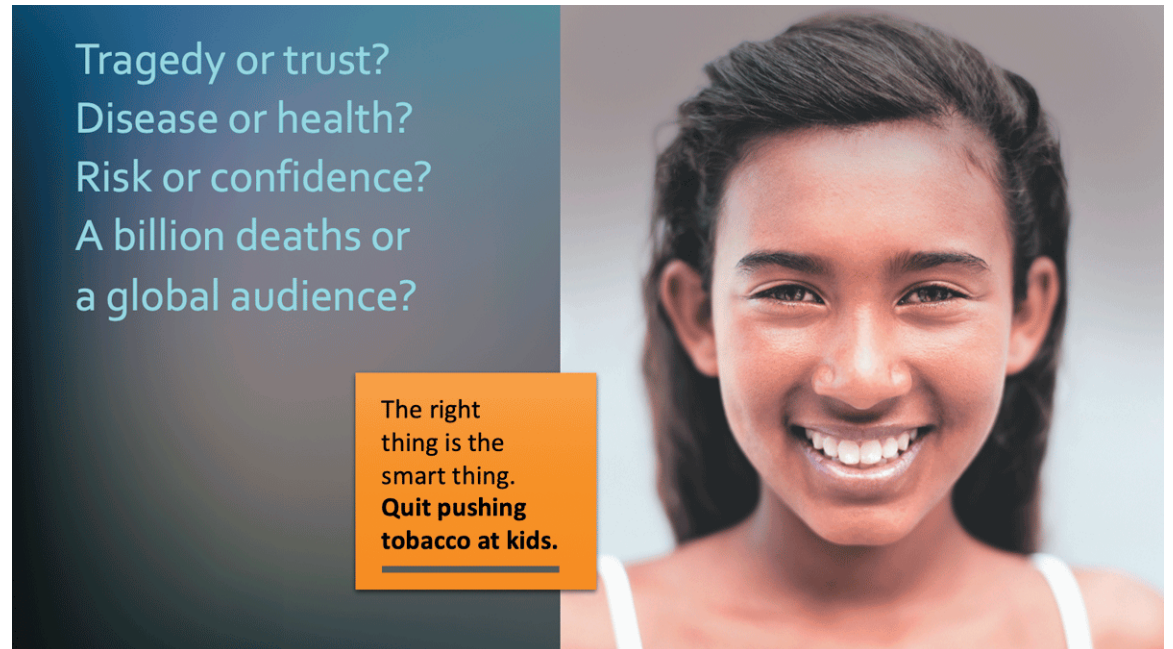
Public polling has consistently found solid support for making future media accessible to kids smokefree.

This 2018 Ipsos Public Affairs poll from Ontario, Canada, indicates three out of four adults support policy solutions. The chart compares support from adults who heard the following statement and those who didn't:

A significant amount of research examining the amount of smoking in movies and its impact on youth smoking has shown the more kids and teens see smoking the more likely they are to start. It is estimated that at least 185,000 children and teens aged 0-17 living in Ontario today will be recruited to cigarette smoking by their exposure to onscreen smoking; to what extent would you support/oppose each of the following policy initiatives aimed to reduce the impact of smoking in movies.

The difference in the groups was small. The public understands this issue intuitively. More than 55,000 have signed an online petition to end it.

With media's future in flux, this choice is simple and certain.



Causing less harm is the right thing to do. Finding more certainty is the smart thing to do. For the media business, every incident of smoking on screen is a deliberate choice between tragedy or trust.

Disease or health.

Reckless risk or future confidence.

A billion deaths or a global audience.

Help your company make the best choice possible, as soon as possible.

The right thing is the smart thing. Quit pushing tobacco at kids.



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