

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Larry Page
CEO
Alphabet Inc.
1600 Amphitheater Parkway
Mountain View, CA 94043

Dear Mr. Page:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

Today's media landscape and youth consumption patterns have altered traditional boundaries between film and television, morphing viewership into an "anywhere, anytime" model. We are concerned that this new landscape across cable, satellite and, streaming — so-called "over-the-top" (OTT) media services — and traditional broadcast television provides a variety of viewing realms in which to foster this causal link between youth exposure to, and initiation of, smoking.

A 2018 report prepared by the Truth Initiative, "While You Were Streaming," exposes the renormalization of tobacco use in on-demand digital content, especially on streaming services such as Netflix and Hulu. According to this report, tobacco use in online streaming content is pervasive, rising, and more prominent than in broadcast and cable programming. The report found that 79 percent of shows popular with individuals aged 15 to 24 depict tobacco use. The worst offenders, based on the number of tobacco incidents in 2016, include the widely watched shows *Stranger Things*, *The Walking Dead*, *Orange Is the New Black*, and *House of Cards*.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. It concluded that "[c]umulative research indicates that cigarette advertising and promotional activities and depictions of smoking in movies have caused young people to smoke."¹ In 2014, the Surgeon General reported that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children then alive.² In fact, that

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same year, the CDC estimated that “exposure to on-screen smoking [would] recruit 6.4 million smokers from” the then-child population, and that “[t]wo million of those recruited to smoke by films [would] die prematurely from tobacco-induced diseases.”³ Although it is encouraging that smoking has declined overall in youth-rated movies — the number of tobacco incidents in youth-rated films declined 31 percent from 2002 to 2016⁴ — the CDC has reported that progress in reducing the total number of tobacco incidents in youth-rated films ceased in 2010, with incidents essentially flat in the years since.⁵

These findings have led the CDC and other public health experts to conclude that individual companies’ tobacco depiction policies are insufficient and that additional industry-wide measures are warranted.⁶ More than a decade ago, a Harvard School of Public Health study commissioned by the Motion Picture Association of America (MPAA) urged it to establish “a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film’s rating.”⁷ The study urged the MPAA to “take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths.”⁸

Despite the overwhelming evidence that tobacco depictions harm youth, neither the movie ratings promulgated jointly by the MPAA and National Association of Theatre Owners nor the “TV Parental Guidelines” includes tobacco content in their ratings criteria.⁹ Both film and

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television continue to expose children and adolescents to tobacco content conclusively proven to cause physical harm to young viewers. Indeed, the recent survey of tobacco content in the streaming series most popular among young viewers suggests that smoking levels in TV-MA rated shows are comparable to R-rated films and the levels in TV-14 shows are comparable to PG-13 films.¹⁰

To help us understand your company's policies and practices regarding tobacco content and to advance the public interest in understanding the reach and effect of tobacco imagery on young viewers, by May 6, 2019, please provide the following information covering the time period January 1, 2014 to the date of this request:

1) List all titles of scripted shows offered over your company's content services, including broadcast, cable, satellite, and OTT channels, whether they are your company's own "original" content or licensed acquisitions. For each film title or episode, note:

- a) the Classification and Rating Administration (CARA) or TV Parental Guideline rating;
- b) whether the film or episode contains tobacco imagery; and
- c) whether there is any mention of tobacco in dialogue.

If it is unduly burdensome for you to provide answers to b and c above with respect to your licensed acquisitions, please explain why.

2) The total number of reported viewers of each ad-supported title, and the total number of orders (both rentals and purchases) for on-demand content, via your company's services. For each feature-length film title or episode, also note the reported or estimated number of viewers or consumers aged 6-11 years and 12-17 years.

3) Copies of tobacco depiction policies or any other production guidelines or content standards with tobacco imagery as a factor that apply to any of your company's owned content or to its licensed acquisitions as of January 1, 2014, including any revisions to the policy after that date. In addition:

- a) any proposed changes to CARA or TV Parental Guidelines treatment of tobacco; and
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children and youths” – as the Harvard study for the MPAA urged – your company has taken since 2014.

To prevent youth exposure and resume progress toward tobacco-free films and programming for young viewers, please state your company’s position on the following recommendations:

1) For future film and video content, created or acquired by license after January 1, 2020:

a) Make tobacco-free all original productions rated for viewers younger than 18 (i.e., films rated G, PG, PG-13, and TV programs rated TV-Y, TV-Y7, TV-G, TV-PG, and TV-14). Rate all future content with tobacco imagery R (for film) or TV-MA (for TV). Two possible exemptions are to this policy could be: (1) depictions of the actual health consequences of tobacco use and nicotine addiction and (2) portrayals of tobacco or nicotine use exclusively by actual persons who used such products, as in a documentary or biographical drama.

b) Require the credited producers to certify that no person associated with the production entered into any agreement or received any consideration related to the depiction of tobacco in the film or TV program.

c) Stipulate that strong anti-tobacco public service announcements will run immediately before any film or TV show depicting tobacco or nicotine imagery on your company’s own services and when licensing content to others.

2) For existing content, whether created or acquired:

a) On consumer interface screens, recommend only to “adult viewers” if the content contains any non-exempt tobacco or nicotine imagery, regardless of the material’s MPAA or TV Parental Guidelines rating.

b) Add “Promotes Tobacco” as a parental control filter, regardless of the material’s rating.

c) End the use of promotional material with tobacco imagery (e.g., posters, trailers, and previews).


d) Attach strong anti-tobacco public service announcements to run immediately before any film or TV show that depicts tobacco or nicotine imagery, regardless of rating.


Should you have any questions about this request, please contact Nikki Hurt and Avenel Joseph in Senator Markey’s office at 202-224-2742.

Mr. Page
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Thank you for your prompt attention to this vital public health matter.

Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Jeff Bezos
Founder and CEO
Amazon.com Inc.
1516 Second Avenue,
Seattle, WA 98101

Dear Mr. Bezos:

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For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Tim Cook
CEO
Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

Dear Mr. Cook:

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For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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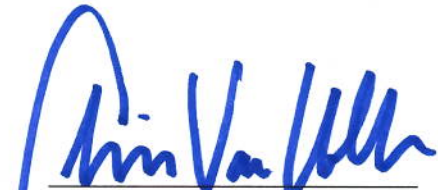
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Mr. Cook
April 15, 2019
Page 5 of 5

Thank you for your prompt attention to this vital public health matter.

Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Randall L. Stephenson
CEO
AT&T Inc.
208 South Akard Street
Dallas, TX 75202

Dear Mr. Stephenson:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

Today's media landscape and youth consumption patterns have altered traditional boundaries between film and television, morphing viewership into an "anywhere, anytime" model. We are concerned that this new landscape across cable, satellite and, streaming — so-called "over-the-top" (OTT) media services — and traditional broadcast television provides a variety of viewing realms in which to foster this causal link between youth exposure to, and initiation of, smoking.

A 2018 report prepared by the Truth Initiative, "While You Were Streaming," exposes the renormalization of tobacco use in on-demand digital content, especially on streaming services such as Netflix and Hulu. According to this report, tobacco use in online streaming content is pervasive, rising, and more prominent than in broadcast and cable programming. The report found that 79 percent of shows popular with individuals aged 15 to 24 depict tobacco use. The worst offenders, based on the number of tobacco incidents in 2016, include the widely watched shows *Stranger Things*, *The Walking Dead*, *Orange Is the New Black*, and *House of Cards*.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. It concluded that "[c]umulative research indicates that cigarette advertising and promotional activities and depictions of smoking in movies have caused young people to smoke."¹ In 2014, the Surgeon General reported that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children then alive.² In fact, that

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These findings have led the CDC and other public health experts to conclude that individual companies’ tobacco depiction policies are insufficient and that additional industry-wide measures are warranted.⁶ More than a decade ago, a Harvard School of Public Health study commissioned by the Motion Picture Association of America (MPAA) urged it to establish “a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film’s rating.”⁷ The study urged the MPAA to “take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths.”⁸

Despite the overwhelming evidence that tobacco depictions harm youth, neither the movie ratings promulgated jointly by the MPAA and National Association of Theatre Owners nor the “TV Parental Guidelines” includes tobacco content in their ratings criteria.⁹ Both film and

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To help us understand your company's policies and practices regarding tobacco content and to advance the public interest in understanding the reach and effect of tobacco imagery on young viewers, by May 6, 2019, please provide the following information covering the time period January 1, 2014 to the date of this request:

1) List all titles of scripted shows offered over your company's content services, including broadcast, cable, satellite, and OTT channels, whether they are your company's own "original" content or licensed acquisitions. For each film title or episode, note:

- a) the Classification and Rating Administration (CARA) or TV Parental Guideline rating;
- b) whether the film or episode contains tobacco imagery; and
- c) whether there is any mention of tobacco in dialogue.

If it is unduly burdensome for you to provide answers to b and c above with respect to your licensed acquisitions, please explain why.

2) The total number of reported viewers of each ad-supported title, and the total number of orders (both rentals and purchases) for on-demand content, via your company's services. For each feature-length film title or episode, also note the reported or estimated number of viewers or consumers aged 6-11 years and 12-17 years.

3) Copies of tobacco depiction policies or any other production guidelines or content standards with tobacco imagery as a factor that apply to any of your company's owned content or to its licensed acquisitions as of January 1, 2014, including any revisions to the policy after that date. In addition:

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To prevent youth exposure and resume progress toward tobacco-free films and programming for young viewers, please state your company’s position on the following recommendations:

1) For future film and video content, created or acquired by license after January 1, 2020:

a) Make tobacco-free all original productions rated for viewers younger than 18 (i.e., films rated G, PG, PG-13, and TV programs rated TV-Y, TV-Y7, TV-G, TV-PG, and TV-14). Rate all future content with tobacco imagery R (for film) or TV-MA (for TV). Two possible exemptions are to this policy could be: (1) depictions of the actual health consequences of tobacco use and nicotine addiction and (2) portrayals of tobacco or nicotine use exclusively by actual persons who used such products, as in a documentary or biographical drama.

b) Require the credited producers to certify that no person associated with the production entered into any agreement or received any consideration related to the depiction of tobacco in the film or TV program.

c) Stipulate that strong anti-tobacco public service announcements will run immediately before any film or TV show depicting tobacco or nicotine imagery on your company’s own services and when licensing content to others.

2) For existing content, whether created or acquired:

a) On consumer interface screens, recommend only to “adult viewers” if the content contains any non-exempt tobacco or nicotine imagery, regardless of the material’s MPAA or TV Parental Guidelines rating.

b) Add “Promotes Tobacco” as a parental control filter, regardless of the material’s rating.

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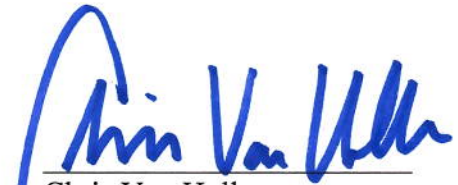
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United States Senate

WASHINGTON, DC 20510

April 15, 2019

Joseph Ianniello
President and CEO
CBS
51 West 52nd Street
New York City, NY 10019

Dear Mr. Ianniello:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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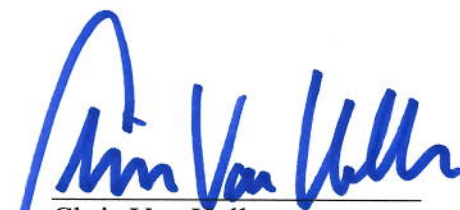
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Mr. Ianniello
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Brian L. Roberts
CEO
Comcast Corporation
One Comcast Center, 1701 John F Kennedy Blvd
Philadelphia, PA 19103

Dear Mr. Roberts:

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For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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b) Require the credited producers to certify that no person associated with the production entered into any agreement or received any consideration related to the depiction of tobacco in the film or TV program.

c) Stipulate that strong anti-tobacco public service announcements will run immediately before any film or TV show depicting tobacco or nicotine imagery on your company’s own services and when licensing content to others.

2) For existing content, whether created or acquired:

a) On consumer interface screens, recommend only to “adult viewers” if the content contains any non-exempt tobacco or nicotine imagery, regardless of the material’s MPAA or TV Parental Guidelines rating.

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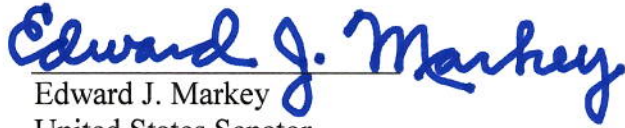
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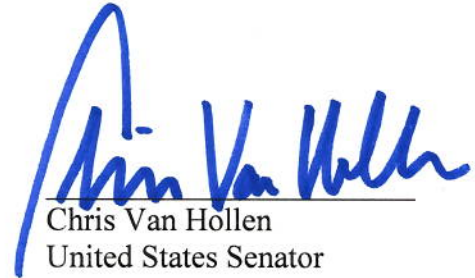
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Mr. Roberts
April 15, 2019
Page 5 of 5

Thank you for your prompt attention to this vital public health matter.

Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Bob Iger
CEO
The Walt Disney Company
500 South Buena Vista Street
Burbank, CA 91521

Dear Mr. Iger:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

Today's media landscape and youth consumption patterns have altered traditional boundaries between film and television, morphing viewership into an "anywhere, anytime" model. We are concerned that this new landscape across cable, satellite and, streaming — so-called "over-the-top" (OTT) media services — and traditional broadcast television provides a variety of viewing realms in which to foster this causal link between youth exposure to, and initiation of, smoking.

A 2018 report prepared by the Truth Initiative, "While You Were Streaming," exposes the renormalization of tobacco use in on-demand digital content, especially on streaming services such as Netflix and Hulu. According to this report, tobacco use in online streaming content is pervasive, rising, and more prominent than in broadcast and cable programming. The report found that 79 percent of shows popular with individuals aged 15 to 24 depict tobacco use. The worst offenders, based on the number of tobacco incidents in 2016, include the widely watched shows *Stranger Things*, *The Walking Dead*, *Orange Is the New Black*, and *House of Cards*.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. It concluded that "[c]umulative research indicates that cigarette advertising and promotional activities and depictions of smoking in movies have caused young people to smoke."¹ In 2014, the Surgeon General reported that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children then alive.² In fact, that

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These findings have led the CDC and other public health experts to conclude that individual companies’ tobacco depiction policies are insufficient and that additional industry-wide measures are warranted.⁶ More than a decade ago, a Harvard School of Public Health study commissioned by the Motion Picture Association of America (MPAA) urged it to establish “a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film’s rating.”⁷ The study urged the MPAA to “take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths.”⁸

Despite the overwhelming evidence that tobacco depictions harm youth, neither the movie ratings promulgated jointly by the MPAA and National Association of Theatre Owners nor the “TV Parental Guidelines” includes tobacco content in their ratings criteria.⁹ Both film and

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To help us understand your company's policies and practices regarding tobacco content and to advance the public interest in understanding the reach and effect of tobacco imagery on young viewers, by May 6, 2019, please provide the following information covering the time period January 1, 2014 to the date of this request:

1) List all titles of scripted shows offered over your company's content services, including broadcast, cable, satellite, and OTT channels, whether they are your company's own "original" content or licensed acquisitions. For each film title or episode, note:

- a) the Classification and Rating Administration (CARA) or TV Parental Guideline rating;
- b) whether the film or episode contains tobacco imagery; and
- c) whether there is any mention of tobacco in dialogue.

If it is unduly burdensome for you to provide answers to b and c above with respect to your licensed acquisitions, please explain why.

2) The total number of reported viewers of each ad-supported title, and the total number of orders (both rentals and purchases) for on-demand content, via your company's services. For each feature-length film title or episode, also note the reported or estimated number of viewers or consumers aged 6-11 years and 12-17 years.

3) Copies of tobacco depiction policies or any other production guidelines or content standards with tobacco imagery as a factor that apply to any of your company's owned content or to its licensed acquisitions as of January 1, 2014, including any revisions to the policy after that date. In addition:

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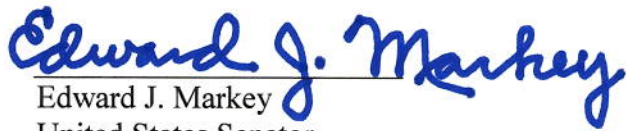
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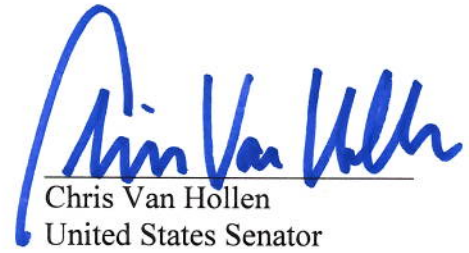
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Mr. Iger
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
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Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Lachlan Murdoch
CEO
Fox Corporation
1211 Avenue of the Americas
New York, NY 10036

Dear Mr. Murdoch:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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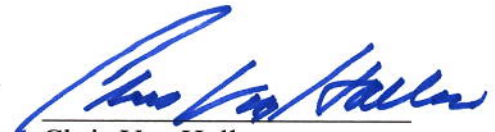
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Mr. Murdoch
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Randy Freer
CEO
Hulu
12312 W. Olympic Blvd.
Los Angeles, CA 90064

Dear Mr. Freer:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

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To help us understand your company's policies and practices regarding tobacco content and to advance the public interest in understanding the reach and effect of tobacco imagery on young viewers, by May 6, 2019, please provide the following information covering the time period January 1, 2014 to the date of this request:

1) List all titles of scripted shows offered over your company's content services, including broadcast, cable, satellite, and OTT channels, whether they are your company's own "original" content or licensed acquisitions. For each film title or episode, note:

- a) the Classification and Rating Administration (CARA) or TV Parental Guideline rating;
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If it is unduly burdensome for you to provide answers to b and c above with respect to your licensed acquisitions, please explain why.

2) The total number of reported viewers of each ad-supported title, and the total number of orders (both rentals and purchases) for on-demand content, via your company's services. For each feature-length film title or episode, also note the reported or estimated number of viewers or consumers aged 6-11 years and 12-17 years.

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To prevent youth exposure and resume progress toward tobacco-free films and programming for young viewers, please state your company’s position on the following recommendations:

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b) Require the credited producers to certify that no person associated with the production entered into any agreement or received any consideration related to the depiction of tobacco in the film or TV program.

c) Stipulate that strong anti-tobacco public service announcements will run immediately before any film or TV show depicting tobacco or nicotine imagery on your company’s own services and when licensing content to others.

2) For existing content, whether created or acquired:

a) On consumer interface screens, recommend only to “adult viewers” if the content contains any non-exempt tobacco or nicotine imagery, regardless of the material’s MPAA or TV Parental Guidelines rating.

b) Add “Promotes Tobacco” as a parental control filter, regardless of the material’s rating.

c) End the use of promotional material with tobacco imagery (e.g., posters, trailers, and previews).

d) Attach strong anti-tobacco public service announcements to run immediately before any film or TV show that depicts tobacco or nicotine imagery, regardless of rating.


Should you have any questions about this request, please contact Nikki Hurt and Avenel Joseph in Senator Markey’s office at 202-224-2742.

Mr. Freer
April 15, 2019
Page 5 of 5

Thank you for your prompt attention to this vital public health matter.

Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Jon Feltheimer
CEO
Lions Gate Entertainment Corp.
2700 Colorado Ave.
Santa Monica, CA 90404

Dear Mr. Feltheimer:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

Today's media landscape and youth consumption patterns have altered traditional boundaries between film and television, morphing viewership into an "anywhere, anytime" model. We are concerned that this new landscape across cable, satellite and, streaming — so-called "over-the-top" (OTT) media services — and traditional broadcast television provides a variety of viewing realms in which to foster this causal link between youth exposure to, and initiation of, smoking.

A 2018 report prepared by the Truth Initiative, "While You Were Streaming," exposes the renormalization of tobacco use in on-demand digital content, especially on streaming services such as Netflix and Hulu. According to this report, tobacco use in online streaming content is pervasive, rising, and more prominent than in broadcast and cable programming. The report found that 79 percent of shows popular with individuals aged 15 to 24 depict tobacco use. The worst offenders, based on the number of tobacco incidents in 2016, include the widely watched shows *Stranger Things*, *The Walking Dead*, *Orange Is the New Black*, and *House of Cards*.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. It concluded that "[c]umulative research indicates that cigarette advertising and promotional activities and depictions of smoking in movies have caused young people to smoke."¹ In 2014, the Surgeon General reported that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children then alive.² In fact, that

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These findings have led the CDC and other public health experts to conclude that individual companies’ tobacco depiction policies are insufficient and that additional industry-wide measures are warranted.⁶ More than a decade ago, a Harvard School of Public Health study commissioned by the Motion Picture Association of America (MPAA) urged it to establish “a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film’s rating.”⁷ The study urged the MPAA to “take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths.”⁸

Despite the overwhelming evidence that tobacco depictions harm youth, neither the movie ratings promulgated jointly by the MPAA and National Association of Theatre Owners nor the “TV Parental Guidelines” includes tobacco content in their ratings criteria.⁹ Both film and

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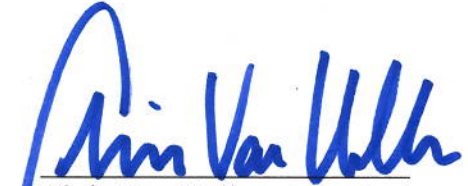
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Mr. Feltheimer
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


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Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Reed Hastings
CEO
Netflix, Inc.
100 Winchester Circle
Los Gatos, CA 95032

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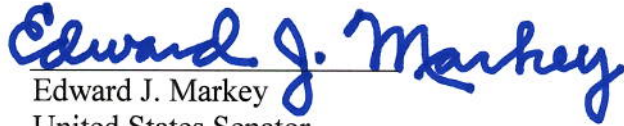
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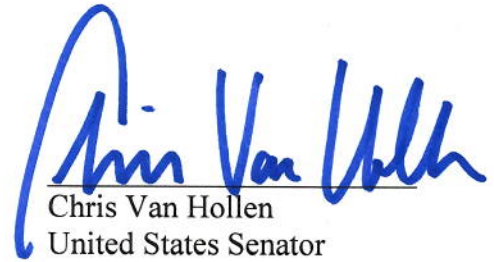
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Mr. Hastings
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Kenichiro Yoshida
President and CEO
Sony Corporation
25 Madison Ave, New York, NY 10010

Dear Mr. Yoshida:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

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⁶ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, *Smoking in the Movies: 2018* (“Movie companies with tobacco depiction policies included tobacco in as many of their youth-rated movies in 2017 as they did in 2010 and each of these movies included 37% more tobacco incidents, on average.”), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/movies/index.htm.

⁷ Barry R. Bloom, Jonathan M. Samet & Jay A. Winsten, *Presentations to the Motion Picture Association of America (MPAA) on Smoking in the Movies*, Harvard T.H. Chan School of Public Health (Feb. 23, 2007), <https://www.hsph.harvard.edu/mpaa/> (Winsten remarks, https://cdn1.sph.harvard.edu/wp-content/uploads/sites/1664/2014/05/jay_winsten_remarks.pdf).

⁸ *Id.* (Bloom conclusion, https://cdn1.sph.harvard.edu/wp-content/uploads/sites/1664/2014/05/bloom_conclusion.pdf).

⁹ Motion Picture Association of America, Inc. and National Association of Theatre Owners, *Classification and Rating Rules* (effective as revised Jan. 1, 2010), https://filmratings.com/Content/Downloads/rating_rules.pdf; TV Parental Guidelines Monitoring Board, *The TV Parental Guidelines*, <http://www.tvguidelines.org/resources/TheRatings.pdf>.

television continue to expose children and adolescents to tobacco content conclusively proven to cause physical harm to young viewers. Indeed, the recent survey of tobacco content in the streaming series most popular among young viewers suggests that smoking levels in TV-MA rated shows are comparable to R-rated films and the levels in TV-14 shows are comparable to PG-13 films.¹⁰

To help us understand your company's policies and practices regarding tobacco content and to advance the public interest in understanding the reach and effect of tobacco imagery on young viewers, by May 6, 2019, please provide the following information covering the time period January 1, 2014 to the date of this request:

1) List all titles of scripted shows offered over your company's content services, including broadcast, cable, satellite, and OTT channels, whether they are your company's own "original" content or licensed acquisitions. For each film title or episode, note:

- a) the Classification and Rating Administration (CARA) or TV Parental Guideline rating;
- b) whether the film or episode contains tobacco imagery; and
- c) whether there is any mention of tobacco in dialogue.

If it is unduly burdensome for you to provide answers to b and c above with respect to your licensed acquisitions, please explain why.

2) The total number of reported viewers of each ad-supported title, and the total number of orders (both rentals and purchases) for on-demand content, via your company's services. For each feature-length film title or episode, also note the reported or estimated number of viewers or consumers aged 6-11 years and 12-17 years.

3) Copies of tobacco depiction policies or any other production guidelines or content standards with tobacco imagery as a factor that apply to any of your company's owned content or to its licensed acquisitions as of January 1, 2014, including any revisions to the policy after that date. In addition:

- a) any proposed changes to CARA or TV Parental Guidelines treatment of tobacco; and
- b) specific "substantive and effective action to eliminate the depiction of tobacco smoking from films and other entertainment media accessible to children and youths" – as the Harvard study for the MPAA urged – your company has taken since 2014.

¹⁰ Truth Initiative, *While You Were Streaming* (Jan. 2018), <https://truthinitiative.org/sites/default/files/Smoking-in-Streaming-Final-Report.pdf>.

To prevent youth exposure and resume progress toward tobacco-free films and programming for young viewers, please state your company's position on the following recommendations:

1) For future film and video content, created or acquired by license after January 1, 2020:

a) Make tobacco-free all original productions rated for viewers younger than 18 (i.e., films rated G, PG, PG-13, and TV programs rated TV-Y, TV-Y7, TV-G, TV-PG, and TV-14). Rate all future content with tobacco imagery R (for film) or TV-MA (for TV). Two possible exemptions are to this policy could be: (1) depictions of the actual health consequences of tobacco use and nicotine addiction and (2) portrayals of tobacco or nicotine use exclusively by actual persons who used such products, as in a documentary or biographical drama.

b) Require the credited producers to certify that no person associated with the production entered into any agreement or received any consideration related to the depiction of tobacco in the film or TV program.

c) Stipulate that strong anti-tobacco public service announcements will run immediately before any film or TV show depicting tobacco or nicotine imagery on your company's own services and when licensing content to others.

2) For existing content, whether created or acquired:

a) On consumer interface screens, recommend only to "adult viewers" if the content contains any non-exempt tobacco or nicotine imagery, regardless of the material's MPAA or TV Parental Guidelines rating.

b) Add "Promotes Tobacco" as a parental control filter, regardless of the material's rating.

c) End the use of promotional material with tobacco imagery (e.g., posters, trailers, and previews).

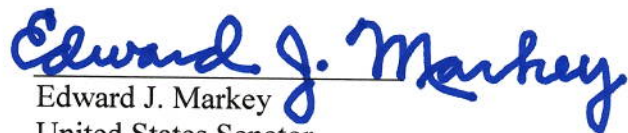
d) Attach strong anti-tobacco public service announcements to run immediately before any film or TV show that depicts tobacco or nicotine imagery, regardless of rating.


Should you have any questions about this request, please contact Nikki Hurt and Avenel Joseph in Senator Markey's office at 202-224-2742.

Thank you for your prompt attention to this vital public health matter.

Mr. Yoshida
April 15, 2019
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Sincerely,


Edward J. Markey
United States Senator


Chris Van Hollen
United States Senator


Richard Blumenthal
United States Senator

United States Senate

WASHINGTON, DC 20510

April 15, 2019

Robert Bakish
President and CEO
Viacom Inc
1515 Broadway
New York City, NY 10036

Dear Mr. Bakish:

We write to you about the role the entertainment industry plays in promoting youth tobacco use and to urge additional actions to prevent youth smoking initiation.

For years, authorities on public health, including the Centers for Disease Control and Prevention (CDC), the Surgeon General, the World Health Organization, state Attorneys General, and Congress, have raised concerns about the causal link between smoking imagery in movies and youth smoking initiation, resulting in recommendations that the film industry adopt responsible practices to limit youth exposure to smoking imagery on screen.

Today's media landscape and youth consumption patterns have altered traditional boundaries between film and television, morphing viewership into an "anywhere, anytime" model. We are concerned that this new landscape across cable, satellite and, streaming — so-called "over-the-top" (OTT) media services — and traditional broadcast television provides a variety of viewing realms in which to foster this causal link between youth exposure to, and initiation of, smoking.

A 2018 report prepared by the Truth Initiative, "While You Were Streaming," exposes the renormalization of tobacco use in on-demand digital content, especially on streaming services such as Netflix and Hulu. According to this report, tobacco use in online streaming content is pervasive, rising, and more prominent than in broadcast and cable programming. The report found that 79 percent of shows popular with individuals aged 15 to 24 depict tobacco use. The worst offenders, based on the number of tobacco incidents in 2016, include the widely watched shows *Stranger Things*, *The Walking Dead*, *Orange Is the New Black*, and *House of Cards*.

In 2012, the United States Surgeon General issued a report on preventing tobacco use among youth. It concluded that "[c]umulative research indicates that cigarette advertising and promotional activities and depictions of smoking in movies have caused young people to smoke."¹ In 2014, the Surgeon General reported that giving an R-rating to future movies depicting smoking would be expected to reduce the number of teen smokers by nearly one in five, preventing up to one million deaths from smoking among children then alive.² In fact, that

¹ U.S. Department of Health and Human Services, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, *Preventing Tobacco Use Among Youth and Young Adults, A Report of the Surgeon General* at 601 (2012), https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf.

² U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, *The Health Consequences of Smoking — 50 years of Progress, A Report of the Surgeon* at 873 (2014),

same year, the CDC estimated that “exposure to on-screen smoking [would] recruit 6.4 million smokers from” the then-child population, and that “[t]wo million of those recruited to smoke by films [would] die prematurely from tobacco-induced diseases.”³ Although it is encouraging that smoking has declined overall in youth-rated movies — the number of tobacco incidents in youth-rated films declined 31 percent from 2002 to 2016⁴ — the CDC has reported that progress in reducing the total number of tobacco incidents in youth-rated films ceased in 2010, with incidents essentially flat in the years since.⁵

These findings have led the CDC and other public health experts to conclude that individual companies’ tobacco depiction policies are insufficient and that additional industry-wide measures are warranted.⁶ More than a decade ago, a Harvard School of Public Health study commissioned by the Motion Picture Association of America (MPAA) urged it to establish “a movie ratings policy that creates an incentive for filmmakers to consider, and worry about, the depiction of smoking as a factor in the determination of a film’s rating.”⁷ The study urged the MPAA to “take substantive and effective action to eliminate the depiction of tobacco smoking from films accessible to children and youths.”⁸

Despite the overwhelming evidence that tobacco depictions harm youth, neither the movie ratings promulgated jointly by the MPAA and National Association of Theatre Owners nor the “TV Parental Guidelines” includes tobacco content in their ratings criteria.⁹ Both film and

<https://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>; James D. Sargent, Susanne Tanski & Mike Stoolmiller, *Influence of Motion Picture Rating on Adolescent Response to Movie Smoking*, *Pediatrics* 130(2):228-236 (Aug. 2012), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3408681/>; U.S. Centers for Disease Control and Prevention, Fact Sheet, https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/movies/index.htm (last updated Apr. 16, 2018).

³ Jonathan R. Polansky et. al., *Smoking in top-grossing movies: 2017*, UCSF Center for Tobacco Control Research and Education at 2 (Mar. 2018), <http://escholarship.org/uc/item/5939j0kd>.

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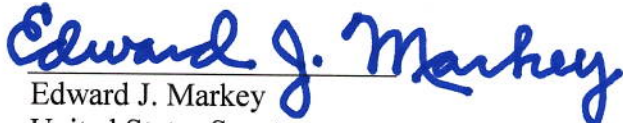
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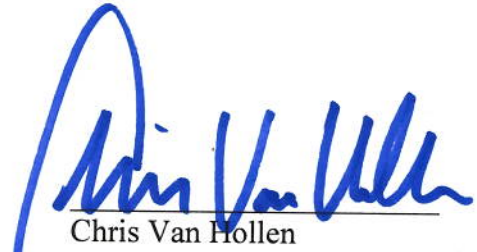
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