



Timothy P. McKone  
Executive Vice President  
Federal Relations

AT&T Services, Inc.  
1120 20th Street, NW  
Suite 800  
Washington, DC 20036

T 202.463.4144  
tm3703@att.com  
att.com

May 6, 2019

The Honorable Edward J. Markey  
United States Senate  
Washington, DC 20510

The Honorable Chris Van Hollen  
United States Senate  
Washington, DC 20510

The Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Dear Senators:

On behalf of WarnerMedia, I am responding to your April 15, 2019 letter to Randall Stephenson, AT&T Chairman and CEO, regarding tobacco-related imagery in TV and films. WarnerMedia and its subsidiaries house our business units focused on content creation, and thus the substance of your inquiry pertains to its policies and operations. We share your concerns about youth smoking and, as I describe below, we have taken and supported various actions to combat it.

To begin with, we have supported efforts by the film and TV rating systems to take tobacco depictions into account when rating films and shows, and we also support the decision of MPAAs' film-rating board to add tobacco depictions as a rating description. These efforts have provided parents the ability to make more informed decisions about the films and shows their children watch. According to recent surveys, over 85 percent of parents find the television ratings, film ratings and accompanying descriptors to be helpful tools. We believe that the decades-long successes of the television and film ratings systems are in part due to their flexible nature, allowing their application to account for changing social norms.

In addition, we have taken active steps to reduce tobacco depictions in our motion pictures. For example, in 2005 Warner Bros. became just the second major studio to adopt a tobacco-depiction policy.<sup>1</sup> We take this policy seriously. We work diligently behind the scenes to reduce or eliminate tobacco depictions in motion pictures we produce, with a focus on those we anticipate will be youth rated, while supporting our filmmakers' creative visions. In fact, Warner Bros.' existing policy embraces many of the concepts your letter suggests:

- For theatrical feature films produced and distributed in the U.S. that are expected to be rated "G", "PG" or "PG-13," Warner Bros.' policy is to reduce or eliminate depictions of smoking and tobacco products/brands, subject to limited exceptions.<sup>2</sup>

<sup>1</sup> [https://www.warnermediagroup.com/sites/timewarner.com/files/related-articles/tobacco\\_depiction\\_policy\\_october\\_2018\\_revised.pdf](https://www.warnermediagroup.com/sites/timewarner.com/files/related-articles/tobacco_depiction_policy_october_2018_revised.pdf). When making programming for other networks, Warner Bros. follows the tobacco depiction policies of that network.

<sup>2</sup> This general rule is subject to three narrow exceptions: (1) if the depiction involves a character who is a literary or an actual historical figure known to have used tobacco products, (2) the depiction is otherwise warranted for reasons

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- For theatrical feature films produced and distributed in the U.S. that are expected to be rated “R”, Warner Bros. endeavors to reduce or eliminate depictions of smoking and tobacco products/brands in such films.

In the years the policy has been in place, we have seen an over 90% reduction in the tobacco depictions in youth-rated films produced and distributed by Warner Bros. We have also seen a significant reduction in depictions in Warner Bros. distributed films overall, including R-rated films.<sup>3</sup> Our Turner entertainment networks (TBS, TNT, truTV, Adult Swim, Cartoon Network, and Boomerang) follow similar guidelines for original programming on these networks.

We also place anti-smoking public service announcements (“PSAs”) on DVDs of Warner Bros.’ youth-rated films that contain tobacco depictions. In 2016, we produced and released new PSAs, produced by teen influencers. These PSAs have been viewed by hundreds of millions of people, including on television and the Internet, reaching a wider audience than just those viewing the DVDs.

Your letter further asks whether we would accept consideration related to the depiction of tobacco in a film or TV program. To be clear, WarnerMedia and its business units do not enter into any product placement or promotion arrangements with respect to tobacco products for any film or program that we produce and distribute in the U.S.

Please contact us if you have any further questions concerning this important issue.

Sincerely,



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of compelling literary or historical accuracy, or (3) the depiction is part of a conspicuous anti-smoking reference. Even if an exception applies, we consider ways to reduce depictions of smoking and tobacco.

<sup>3</sup> See [https://www.warnermediagroup.com/sites/default/files/related-articles/2017\\_tobacco\\_use.pdf](https://www.warnermediagroup.com/sites/default/files/related-articles/2017_tobacco_use.pdf). Your letter also asks for a list of shows offered since 2014 and, for each show, whether it contained tobacco imagery or any mention of tobacco. We do not keep track of tobacco depictions or references in a manner that would allow us to report on the high-volume of programming produced or licensed since 2014. In fact, for just one of our 24-hour channels, your request would require us to review over 40,000 hours of programming.