

**WILLIAM H. SORRELL**  
ATTORNEY GENERAL  
**JANET C. MURNANE**  
DEPUTY ATTORNEY GENERAL  
**WILLIAM E. GRIFFIN**  
CHIEF ASST. ATTORNEY  
GENERAL



TEL.: (802) 828-3171  
FAX: (802) 828-2154  
TTY: (802) 828-3665  
CIVIL RIGHTS: (802) 828-3657

<http://www.atg.state.vt.us>

STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

June 5, 2007

BY OVERNIGHT DELIVERY

Mr. Dan Glickman  
Chairman and Chief Executive Officer  
Motion Picture Association of America, Inc.  
1600 Eye Street, N.W.  
Washington, D.C. 20006

Dear Mr. Glickman:

Thank you for your letter of May 10, 2007, announcing that the motion picture rating rules for the Classification and Rating Administration are being updated and clarified to consider smoking as a factor along with other factors, including violence, sexual situations and language in films. We recognize this as a notable gesture on the part of the motion picture industry. Although we hope to see and document the "tangible reductions" of smoking and tobacco depictions that you predict will be achieved, we reserve judgment on whether your proposal, which falls short of the recommendations you sought and received from the Harvard School of Public Health, will in actual practice have a dramatic impact on the incidence of youth viewing of smoking in the movies.

My colleagues and I appreciate your willingness to discuss this matter further with us. In that regard, we seek additional information described below, so that we might reconcile your information with ours in order to establish a common baseline and better understand the impact of the updated rating rule for smoking. Because, as you stated, the ratings board already has comprehensively reviewed depictions of smoking in every rated film over the past several years, the information we seek should be readily available to you.

Your press release indicated that, "[f]rom July 2004 to July 2006, the percentage of films that included even a fleeting glimpse of smoking dropped from 60 percent to 52 percent," and that "of those films 75 percent received an 'R' rating for other factors." We would like to know what movies you examined during these years and what your determination was for each one. This will help us understand why your assessment is

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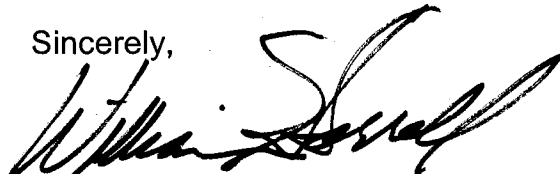
discordant with publicly available information, which indicates that, for the same time period, the total percentage of rated movies with smoking was 67 percent (110/163) in 2004, 72 percent (106/147) in 2005, and 66 percent (116/176) in 2006. Further, the publicly available information reveals that the percentage of these films that received an "R" rating was 41 percent in 2004 (46/110) and 2005 (44/106), and 49 percent (57/116) in 2006, resulting in a three-year average of 44 percent (147/332).<sup>1</sup> We recognize that there may be many reasons for the discrepancy. Perhaps you selected a slightly different sample of movies compared with the publicly available information or perhaps your assessment of smoking was somehow different. The only way for us to reconcile this apparent difference is for us to be able to compare your data with the public data on a movie-by movie-basis. Please provide us with this information.

At the same time, with regard to the films in 2004 - 2006 that depicted smoking and received a G, PG or PG-13 rating, we would like to know what, if any, impact the new smoking consideration would have had on the ratings. That is, which of those movies would have received a higher or different rating due to the new motion picture rating rule to consider smoking? The information you provide will enable us to better predict how the new ratings system could be expected to affect youth exposure to smoking in new releases.

Finally, in order for us and the general public to better appreciate the benefits of the new motion picture rating rule, we request that you disseminate information, perhaps monthly or bi-monthly, about how the rating board considered the questions of pervasiveness, glamorization and mitigating context in giving new films that depict smoking a youth-rating of G, PG or PG-13.

We thank you for your prompt response to these important questions.

Sincerely,



William H. Sorrell  
Attorney General

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<sup>1</sup> Jonathan R. Polansky, Stanton Glantz, Ph.D., First Run Smoking Presentations in Movies 1999-2006 (San Francisco, CA: Center for Tobacco Control Research and Education, University of California, San Francisco, April 2007) Appendix 1 Data Tables: Smoking & Smokefree Movies by Rating 1999-2006. (<http://www.smokefreemovies.ucsf.edu>)

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