

# **Tobacco Vector:**

**How American movies, Canadian film subsidies and provincial rating practices will kill 43,000 Canadian teens alive today — and what Canadian governments can do about it.**

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August 2010

## **ACKNOWLEDGEMENTS:**

The author wishes to acknowledge the assistance of Cynthia Callard, Physicians for Smoke-Free Canada; Prof. Stan Glantz, University of California, San Francisco, Center for Tobacco Control Research and Education; Nathalie Juteau, Conseil québécois sur le tabac et la santé; and reviewers. In addition, we owe appreciation to the following for their timely responses to requests for film subsidy or film ratings data:

*Cheryl Ashton, Nunavut Film (Iqaluit)*

*Yves Bédard, Régie du Cinema (Montreal)*

*Chris Bonnell, Newfoundland & Labrador Film Development Corporation (St. John's)*

*Kerry Fraser, SaskFilm and Video Development Corporation (Regina)*

*Paul Pearson, Alberta Film Classification (Edmonton)*

*Ken Rodeck, Manitoba Film Classification Board (Winnipeg)*

*Godi Sagou, Société de développement des entreprises culturelles (Montreal)*

*Annette M. Sali, Maritime Film Classification (Dartmouth, NS)*

*Carla Wallis, Northwest Territories Film Commission (Yellowknife)*

*Katherine Ward, Canadian Motion Picture Distributors Association (Toronto)*

*Sharon Wilson, Ontario Media Development Corporation (Toronto)*

*Robert Wong, British Columbia Film (Vancouver)*

The analysis, conclusions and recommendations in this report do not necessarily reflect the views or positions of the agencies that made data available.

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## EXECUTIVE SUMMARY

Movies have long been a powerful vehicle for promoting tobacco, exploited by the US tobacco industry. Today, films are a primary cause for adolescents' starting to smoke and progress to regular, addicted smoking.

The World Health Organization has made specific recommendations that all parties to the global Framework Convention on Tobacco Control, including Canada, to combat promotion of tobacco in motion pictures.

In Canada, about 300,000 high-school aged children smoke either on a daily or occasional basis. Of these, from one-third to one-half became smokers because of their exposure to tobacco on screen. If young people were not exposed to smoking in movies, there would be about 130,000 fewer Canadian teenagers smoking.

Many who start smoking in adolescence successfully quit smoking, but many others do not. Based on past experience, about 32% of today's teenage smokers will die prematurely as a result of smoking. If today's young people were not exposed to on-screen smoking, we would prevent 43,000 premature deaths.

From 2004 to 2009, an estimated \$600 million in provincial and federal film production incentives have gone to fund US studio films shot in Canada, mostly in British Columbia, Ontario and Québec.

An estimated \$240 million of these public incentives funded US studio films with smoking that were classified as appropriate for children and adolescents — G, PG or 14A — by Canadian provincial film rating authorities.

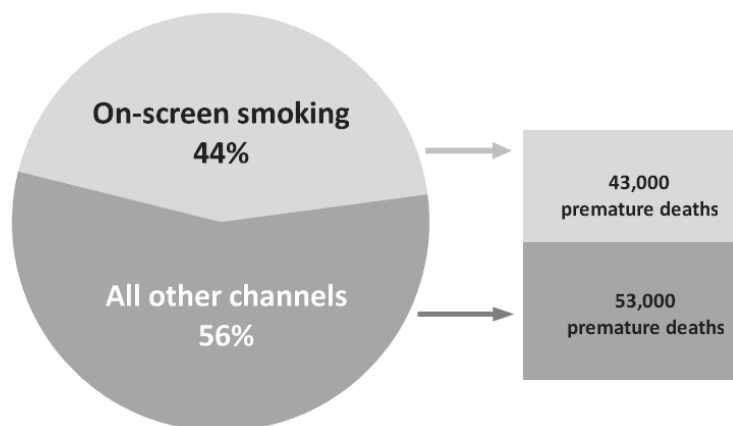
Every dollar in taxpayer funding that the provinces and federal government gave to US studio films with smoking costs Canada \$1.70 in tobacco-related medical care and productivity loss.

Because provincial rating agencies seldom apply "adult" ratings (18A) to top-grossing films rated "R" in the United States, Canadian children and adolescents are exposed to an estimated 60 percent more tobacco imagery than their US counterparts.

Films with tobacco imagery assigned a G, PG or 14A rating should be made ineligible for future Canadian film subsidies. Future films with smoking should be automatically awarded an "18A" rating except if they include depictions of real people who actually smoked or portray the dire health consequences of tobacco use. Without banning tobacco on screen, these two steps will create powerful market incentives for US motion picture studios to eliminate smoking from the films that kids see most while maintaining filmmakers' freedom to include smoking in films classified for adults.

Canadian policymakers should also tighten prohibitions against tobacco product placement in entertainment media; require strong anti-tobacco spots be shown before films with smoking in all media channels; and assure that film distributors and applicants for film subsidies make a legally-binding declaration that nobody connected with a film to be made or exhibited in Canada has made any agreement with anyone related to the film's tobacco depictions.

### RECRUITMENT CHANNELS FOR CURRENT CANADIAN SMOKERS 15-19 AND PROJECTED MORTALITY FROM SMOKING



# 1. INTRODUCTION

After reviewing the experimental and population evidence accumulated over more than a decade from several countries with quite different tobacco marketing environments, numerous respected health authorities including the World Health Organization,<sup>1</sup> the U.S. Institute of Medicine<sup>2</sup> and the U.S. National Cancer Institute<sup>3</sup> have concluded that exposure to tobacco imagery on screen causes adolescents to start smoking and progress to regular, addicted smoking.

Seeing smoking in movies can exert a powerful influence on children and adolescents in ways that can increase the likelihood of their smoking. When movie actors and the characters they play smoke, young people are persuaded to have more positive views of smoking. Seeing smoking in movies can make young people think that smoking is more commonplace (and socially accepted) than it actually is. The teenage years are a time when young people search for an identity and models of adult behavior. Smoking in movies is associated with glamour, power, upscale lifestyles, rebelliousness and independence, stress relief, bravado, sexiness and other qualities long part of traditional cigarette advertising. Rarely do films depict any health consequences of tobacco use. Finally, adolescents watch more films than any other age group: movie-going is a universal experience and tobacco imagery in films is currently unavoidable.

As tobacco companies' own once-secret documents show, the tobacco industry has systematically exploited the uniquely powerful promotional power of films in almost every decade since the advent of "talking pictures" in 1927.<sup>4,5</sup> The promotional effect of film imagery and the universality and frequency of adolescents' exposure to films have been shown to make motion pictures with tobacco imagery a powerful recruiter of new young smokers in such varied marketing environments as Germany,<sup>6,7,8</sup> Mexico,<sup>9,10,11</sup> New Zealand,<sup>12</sup> Britain,<sup>13,14</sup> and the United States.<sup>15</sup> There is

no reason to think the impact is any less severe for children in other countries where the effects have not yet been explicitly measured.

In response to the challenge from on-screen tobacco promotion, policy makers since the late 1980s have pushed to eliminate tobacco imagery in films accessible to children and adolescents. In 1998, the Master Settlement Agreement (MSA) between state attorneys general and US tobacco manufacturers (but not their foreign affiliates) barred paid product placement in entertainment media accessible to young people.<sup>16</sup> After this legal settlement, tobacco *brand* appearances in US films did not decline substantially.<sup>17</sup> Un-branded tobacco imagery, always much more common, became even more frequent, peaking in 2005.<sup>18</sup> For a timeline of the on-screen smoking challenge and public health responses, see Appendix E.

In 2009, the World Health Organization returned to the problem of smoking movies, which it first spotlighted on 2003 World No-Tobacco Day, making specific recommendations about tobacco and motion pictures to the 168 parties that have ratified or acceded to the global Framework Convention on Tobacco Control and are thus obliged under Article 13 to suppress tobacco advertising, promotion and sponsorship.<sup>19</sup> As an editorial by Jonathan Samet in a recent issue of *Tobacco Control* concluded, "[T]he evidence...continues to support the case that exposure to smoking in movies is one specifically remediable determinant of initiation, and a determinant with global reach."<sup>20</sup>

This report estimates the impact of movie smoking on adolescent smoking in Canada and suggests policy approaches congruent with WHO's recommendations. These steps include harmonization of provincial and federal film production subsidies with public health policy and updates to film classification policies and procedures.

**TABLE 1 | ESTIMATED NUMBER OF CANADIANS AGED 15-19 RECRUITED TO SMOKING BY MOVIES**

	Current smoking prevalence	Number of current smokers	Attributable to smoking in movies	Number of smokers recruited by movies
<b>Boys (15-19)</b>	15.6% [12%-19.3%]	176,000 [135,600 – 218,000]	.44 [.34 - .58]	77,500 [60,000 – 102,000]
<b>Girls (15-19)</b>	11.8 [8.9%-14.7%]	127,000 [97,000 – 158,000]	.44 [.34-.58]	56,000 [32,500 – 91,700]
<b>Both sexes</b>	13.8% [11.4%-16.2%]	304,000 [251,000-357,000]	.44 [.34 - .58]	134,000 [103,500 – 176,500]

## 2. ESTIMATED IMPACT OF MOVIE SMOKING ON CANADIAN ADOLESCENT SMOKING

We estimated the impact of smoking in movies on Canadian youth by applying the results of studies of young people in other countries to the Canadian population.


Pooling the results of four longitudinal population studies in the United States<sup>21,22,23,24</sup> that controlled for a full array of confounding factors, the most recent published estimate of adolescents' smoking risk attributable to exposure to on-screen smoking is 0.44 (95% CI 0.34 – 0.58).<sup>25</sup> Health Canada reports that among Canadians aged 15-19, there are about 300,000 children who smoke (176,000 boys and 127,000 girls). By applying the risk attributable to exposure to on-screen smoking to this population, we therefore estimate that about 134,000 Canadians of high school age were recruited to smoke by exposure to on-screen smoking. The range of this estimate is from 100,000 to 175,000 teenagers (Table 1).

Tobacco use will eventually kill 32% of 15 year old smokers, half before age 70 and half after,<sup>26</sup> a result confirmed by Health Canada.<sup>27</sup> We thus estimate that exposure to on-screen smoking will cause 43,000 premature deaths among current Canadian smokers ages 15-19.\*

Smoking rates among Canadian 15-19 year olds have declined substantially from 25 percent in 2000 to about 15 percent in 2009. This progress comes after governments took measures to end tobacco industry sponsorships, create smoke-free spaces, increase the price of tobacco products, require stronger health warnings, and, in some provinces, engage youth in smoking-prevention activities.

Meanwhile, children and adolescents have seen more and more depictions of smoking when watching movies in the theatre or at home. The on-screen tobacco exposure, indexed by multiplying the number of smoking incidents in a movie by the number of people who paid to see a film, climbed from 2000 to 2005 and declined from 2006 to 2010, but levels remain higher than in the late 1990s.<sup>28</sup>

With exposure from films essentially unchanged over the decade as a whole, if other factors bearing on youth initiation are weakened by public policy strategies then film smoking today plays an even greater role than before in recruiting new young smokers



**A TOBACCO INCIDENT** is the appearance of tobacco use, a tobacco product or a tobacco brand trademark in a motion picture. Cutting back more than once to such an appearance within a single scene is counted as more than one incident. This methodology has been consistently employed since 1996 by **Thumbs Up! Thumbs Down!**, a project of **Breathe California of Sacramento-Emigrant Trails (USA)**, in monitoring the tobacco content of top-grossing US films. The results strongly correlate with the one scene-one incident counting method of **Sargent, Dalton et al** at **Dartmouth Medical School, New Hampshire (USA)**.

**TOBACCO IMPRESSIONS** are tobacco incidents per film X paid admissions per film. Paid admissions are box office gross sales receipts per film / average US ticket price in the year of the film's theatrical release. In-theater impressions underestimate all tobacco impressions delivered by films in theaters, on DVD and Blu-ray, video-on-demand (VOD), cable, satellite, broadcast and broadband media, but represent an index of exposure (comprehensive per-film viewing metrics are not available for the other channels). Impressions in Table 2 represent those delivered to what the film industry calls the "domestic" (US and Canada combined) film territory. In other analyses in this report, Canada-only impressions are estimated. Because the **Canadian Motion Picture Distributors Association**, a subsidiary of the US major studios' **Motion Picture Association of America**, declines to make public Canada-specific, per-film box office data, the author has used a population-proportionate share of each film's published "domestic" (US and Canada, combined) box office gross to estimate Canadian gross sales per film.

\* This mortality projection assumes that smoking cessation rates among Canadian adolescents and outcomes for tobacco-induced diseases among smokers are substantially unchanged since the 1990s and will remain so.

**TABLE 2 | MEDIA COMPANY SHARES OF TOBACCO IMPRESSIONS DELIVERED BY TOP-GROSSING FILMS 2004-2009, CURRENT CANADIAN ADOLESCENT SMOKERS RECRUITED AND PROJECTED TOBACCO DEATHS IN THAT GROUP**

Company	Films with tobacco	Tobacco impressions (billions)	Percent	Canadian recruits	Future Canadian deaths
Disney	47	7.0	5%	7,200	2,300
GE (Universal)*	94	31.2	24%	32,000	10,300
News Corp. (Fox)	57	7.9	6%	8,100	2,600
Sony	105	23.0	18%	23,600	7,600
Time Warner	97	25.8	20%	26,500	8,500
Viacom (Paramount)	54	18.8	14%	19,300	6,200
Independents	100	16.8	13%	17,300	5,500
<b>TOTAL</b>	<b>554</b>	<b>130.5</b>	<b>100%</b>	<b>134,000</b>	<b>43,000</b>

\* Universal is slated to be acquired by Philadelphia-based cable giant Comcast by the end of 2010.

Arguably, the impact of smoking in movies is higher among Canadian youth than those in countries where other forms of tobacco promotion, like retail displays and branded merchandise, are still allowed. Another factor that would increase the impact of on-screen smoking for Canadian youth is that the Canadian movie rating system is more lax than the US system (discussed further in section 4). Provincial film ratings allow Canadian youth unrestricted access to a large numbers of films rated “R” in the United States, which will increase their exposure compared to their US counterparts. Similar rating practice in the UK is estimated to increase youth exposure 28 percent relative to US youth exposure.<sup>29</sup>

Research demonstrates a dose-response relationship between exposure to on-screen smoking and youth smoking (i.e. the more on-screen smoking a young person sees, the higher is the likelihood that he or she will smoke). Smoking in movies leads to higher smoking rates, and therefore undermines the work of on-going tobacco control efforts.

### 2.1 | Media company share of adolescent smokers and future tobacco deaths

The major US motion picture studios accountable for nearly 90 percent of the tobacco impressions delivered to Canadian audiences are owned by large US media conglomerates. Each company’s share of the tobacco impressions (an explanation of ‘tobacco impressions’ is provided on the next page) — delivered to theatre audiences 2004-9 is shown in Table 2. Each company’s share of current teen

## SURVEYING THE SCIENCE

The research establishing a causal link between exposure to on-screen smoking and youth smoking initiation spans more than a decade of experimental and epidemiological [population studies] on four continents.

Surveys of the research can be found in:

► **Smoke-free movies: from evidence to action.** World Health Organization (2009). [www.who.int/tobacco/smoke\\_free\\_movies/en/](http://www.who.int/tobacco/smoke_free_movies/en/)

► **Monograph 19: The role of the media in promoting and reducing tobacco use.** Chapter 10: Role of entertainment media in promoting or discouraging tobacco use. U.S. National Cancer Institute (2009) [www.cancercontrol.cancer.gov/tcrb/monographs/19](http://www.cancercontrol.cancer.gov/tcrb/monographs/19)

To consult the cited studies, most in full-text, visit the University of California, San Francisco, web site:

► [www.smokefreemovies.ucsf.edu](http://www.smokefreemovies.ucsf.edu)  
> **Go Deeper.**

smokers recruited by exposure to on-screen tobacco imagery, and eventual deaths in that group, is estimated by multiplying the total number of recruits and deaths by the company’s percentage share of tobacco impressions delivered over the course of six years and more than 550 films.

### 3. FILM PRODUCTION SUBSIDIES AND TOBACCO PROMOTION

Film producers finance their projects from a variety of sources: deep-pocketed studio distributors, pre-sales to foreign distributors, investment banks, hedge funds and others. For decades, documented into the mid-1990s, tobacco companies have also been a source of backing for producers and studios, investing millions of dollars in covert product placement and otherwise seeking to influence tobacco depictions on screen for a consideration.<sup>30</sup> In addition, for the past decade, ordinary taxpayers have been underwriting US studios' production costs. Governments dangle generous tax credits, cash rebates, loans and grants to foster home-grown independent production and to lure large-budget studio projects to their jurisdictions.<sup>31</sup>

#### 3.1 | Growth of public film subsidies

To attract US studio productions north, in 1998 Canada extended then-modest federal and provincial film production supports beyond independent Canadian filmmakers and trans-Atlantic "treaty" co-productions with the UK and France<sup>32</sup> to US motion picture producers through new Production Services Tax Credits (Appendix A). Canada's success in attracting studio production to Canada soon inspired imitators among US states, which launched their own subsidy programs to shift major studio film production away from California,

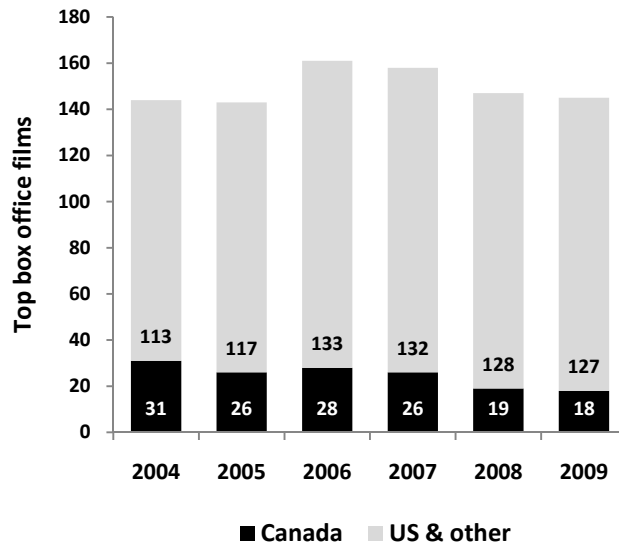
New York and Canada to Connecticut, Massachusetts, Illinois, Georgia, New Mexico and Louisiana. In recent years, this bidding war has roughly doubled the film production subsidies offered on both sides of the Canada-US border; states and provinces now pay for about 25% of actual motion picture production costs (not including marketing and distribution or most top-level talent and producer fees).<sup>33</sup>

#### 3.2 | Canada's share of US-produced feature films

Between 2004 and 2009, 16 percent (148/898) of films reaching top box office status in the combined Canada-US "domestic" motion picture market used Canadian locations, meaning that about half of all US-produced films shot outside the US were made in Canada. However, Canada's share of US film production also fell by nearly half over that time period, from 22 percent (31/144) of top films in 2004 to 12 percent (18/145) in 2009 (Figure 1). Besides Canada-US currency fluctuations and growing competition from state-side subsidies, the opening of new tax-favored production facilities in New Zealand, Hungary and Germany may help explain this loss of share. Still, as of 2009, one out of eight US-produced, top grossing films was shot in Canada and presumably took advantage of provincial and federal production subsidies (Appendix B).

**FIGURE 1 | PRODUCTION LOCATIONS OF US-PRODUCED TOP BOX OFFICE FILMS, 2004-2009.**

*From 2004 to 2009, about one in six top box office films was shot in Canada, at least in part.*





**TABLE 3 | COMPANIES ACCOUNTABLE FOR CANADA-LOCATED, TOP BOX OFFICE FILMS, 2004-9**

	“Majors” (US media corporations with MPAA-member film divisions)	Independents (non-MPAA members)
<b>Films (n=148)</b>	<b>131 (88.5%)</b>	<b>17 (11.5%)</b>
Disney	13 (8.8%)	
GE (Universal)	3 (2.0%)	Lionsgate 12 (8.1%)
News Corp. (Fox)	27 (18.2%)	
Sony	21 (14.2%)	
Time Warner	37 (25.0%)	Other US independents 5 (3.4%)
Viacom (Paramount)	14 (9.5%)	

3.3 | *Canada’s film subsidies benefit US media conglomerates*

Whatever local economic benefit may be claimed for Production Services Tax Credits, they primarily benefit foreign producers, distributors and others invested in film projects because refundable tax credits, which amount to outright grants, reduce production and carrying costs; lessen financial exposure and risk; advance the film’s break-even point; and bolster profits.

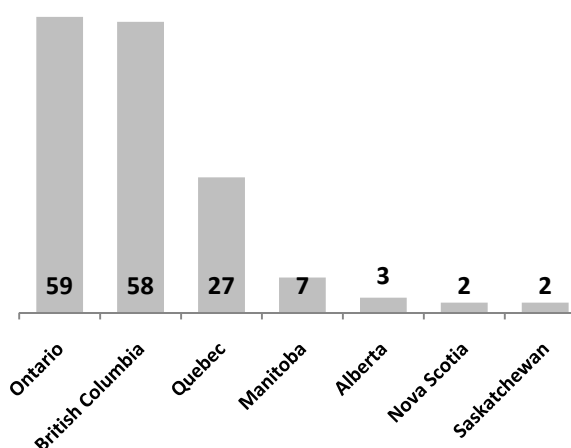
Of top box office films 2004 to 2009 shot in Canada, 88.5% (131/148) were produced and distributed by major US studios. These major studios are all subsidiaries of large US media conglomerate, whose combined annual revenues are \$400 billion, 1.5 times all Canada’s federal

spending.<sup>34</sup> Of the 17 top-grossing independent films with Canadian locations, 12 (70.6%) were developed by Lionsgate, the British Columbia-registered but Southern California-based developer of the low-budget *Saw* horror film franchise, among other films (Table 3).

3.4 | *US-produced films are mainly shot in British Columbia and Ontario*

British Columbia and Ontario provided locations for more than 75 percent (117/148) of the 2004-9 top box office films with Canadian locations, with Québec accounting for 17% (27/148).<sup>35</sup> Alberta, Manitoba, Nova Scotia and Saskatchewan also hosted productions (Figure 2).

**FIGURE 2 | PROVINCES’ PARTICIPATION IN CANADA-LOCATED TOP BOX OFFICE FILMS, 2004-9**



### 3.5 | \$100 million in Canadian subsidies for US films annually

The provinces' film subsidy programs report annually on grants and loans made to local Canadian film productions, but do not identify the tax credits awarded to specific large-budget "foreign" feature film productions shooting in Canada.

At the author's request, British Columbia and Ontario (Table 3) analyzed their program data and reported that they awarded \$41 million in Production Services Tax Credits to non-Canadian (i.e., US) feature film projects in 2008-9. These projects also qualified for the additional 16 percent federal labour tax credit. \$41 million in provincial subsidies at 25 percent of the productions' "spend" indicates total local production expenditure of about \$160 million. With payroll amounting to an estimated 70 percent of that \$160 million and federal labour tax credits worth 16 percent of that<sup>36</sup> (\$160 million X 0.70 X 0.16 = \$19 million), total federal and provincial subsidies for the US studio productions in those two provinces alone was \$60 million in a year that saw low studio production activity in Canada. In a more typical year, the amount would be greater.

A second method of estimation: Total subsidies for such films Canada-wide can be estimated at about \$4 million per US studio film.<sup>37</sup> With 25 US studio productions in Canada each year on average, subsidies would amount to \$100 million per year, from 2004 to 2009: about \$600 million total.

A third method of estimation: Based on the published production budget values for 121 of the 148 Canada-located films in the top box office film sample, it can be estimated that the budgets of the US films shot in Canada 2004-9 averaged \$48 million per film.<sup>38</sup> Above-

the-line costs (producer's, director's and writer's fees, along with star talent) not qualifying for subsidy comprise 40-50 percent of the budget for a typical large-budget film. Even after allowing for lower production subsidies of 15 percent in mid-decade, \$4 million Canadian subsidy per US studio film, and therefore \$600 million in total subsidies for these films 2004-9, again appears to be a conservative estimate.

### 3.6 | Provincial and federal programs subsidize youth-rated films with tobacco

Table 4 summarizes film ratings and impacts of tobacco imagery in US studio films made in Canada, presumably with Canadian subsidies.

These films contained about one in eight of all the tobacco incidents (2,236/18,144) and delivered one in eight of all the tobacco impressions (16.8 billion/130.5 billion) to theatre audiences in the so-called domestic film distribution territory (Canada and the United States) from 2004 to 2009.

Notably, about 80 percent of these Canada-located films (119/148), their tobacco incidents (1,746/2,236) and their tobacco impressions were youth-rated (G/PG/14A) in Canada. Only 60 percent of the films were youth-rated (G/PG/PG-13) when released in the United States (see Sec. 4 below for a discussion of rating practices).

In all, 55 percent (82/148) of US films shot in Canada 2004-9 featured tobacco, including more than half (62/119) of those films youth-rated by Canadian provincial authorities. Of these films rated 18A, for adults, 69 percent (20/29) included tobacco imagery, about the same proportion as those films rated for adolescents.

**TABLE 4 | TOBACCO IMAGERY IN CANADA-LOCATED, TOP BOX OFFICE FILMS, 2004-9 (N = 148)**

Rating	Films	%	Films w/ tobacco	%	Incidents	%	Impressions (billions)	%
<b>G/PG</b>	78	53%	33	42%	825	37%	9.7	58%
<b>14A</b>	41	28%	29	71%	921	41%	3.6	21%
<b>18A</b>	29	20%	20	69%	490	22%	3.5	21%
<b>Total</b>	<b>148</b>	<b>100%</b>	<b>82</b>	<b>55%</b>	<b>2,236</b>	<b>100%</b>	<b>16.8</b>	<b>100%</b>

See definition of "tobacco incidents" and "tobacco impressions" on page 3.

In all, 75 percent (62/82) of all US-produced, top box office films with tobacco imagery filmed at least part in Canada, and so presumably with Canadian public subsidies, were made accessible to children and adolescents by their Canadian film ratings.

If each of the films with tobacco in this sample received \$4 million in Canadian public subsidies, on average, then between 2004 and 2009 provincial and federal governments spent more than \$325 million to support production of big box office films with smoking. About a quarter-billion dollars was expended on youth-rated films with smoking alone: more than 40 percent (\$248 million/\$600 million) of all the Canadian subsidy dollars awarded to US studio films (Figure 3). Annually, on average, governments spent more than \$40 million to subsidize US studio films, youth-rated in Canada, shown to recruit young people to become smokers.

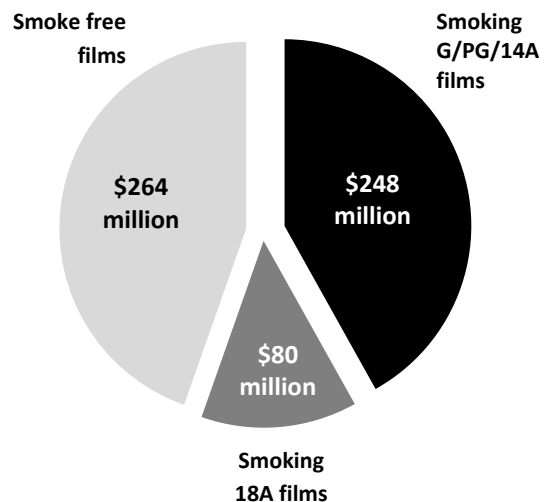
3.7 | *Health costs of Canadian subsidies for US studio films with tobacco*

Knowing the proportion of tobacco impressions delivered to audiences by US studio films shot in Canada, and adolescents' attributable risk from all such exposure, we estimate that about 5 percent (0.44 X 0.13) or 15,000 current adolescent smokers in Canada were recruited to smoke by their exposure from this subset of Canada-subsidized, top grossing films. Of these 15,000 adolescent smokers, about 5,000 will eventually die prematurely from tobacco-induced disease.

The societal cost in Canada for each new smoker recruited, including direct medical and other costs and productivity losses, can be estimated at about \$28,000 (present value).<sup>39</sup> Therefore, the total societal cost of the 15,000 current adolescent smokers recruited to smoke by recent US studio movies subsidized by Canada is \$420 million. Since we have estimated that Canada's province and federal government spent about \$250 million on youth-rated US studio films with smoking, every \$1.00 spent from the public treasury to subsidize the production of these films costs Canada nearly \$1.70 in tobacco-related medical care and lost productivity.

These film subsidies also undermine the effectiveness of publicly-funded tobacco control. Estimates of provincial and federal funding on tobacco control total about \$165 million annually<sup>40</sup> (the percentage focused on youth smoking prevention is not available). For Canadian governments to expend another \$40 million annually subsidizing youth-rated feature films shown to be uniquely powerful recruiters of new young smokers is clearly counterproductive. In a direct like-to-like comparison, the government of Ontario recently announced \$6.6 million in programs to engage youth in reducing smoking among their peers,<sup>41</sup> but spent an estimated \$14 million per year on average over the past six years subsidizing youth-rated Hollywood films that cause teenagers to become smokers (Appendix B).

**FIGURE 3 | PROVINCIAL AND FEDERAL PRODUCTION SUBSIDIES FOR US STUDIO FILMS SHOT IN CANADA 2004-2009, BY CANADIAN FILM RATING AND TOBACCO CONTENT (ESTIMATED)**



## 4. FILM CLASSIFICATIONS AND TOBACCO

Film ratings, otherwise known as age classifications, are widely used to give the public advance information about the nature of film content. They are also used to restrict admission to films whose content is inappropriate, unsuitable or hazardous for younger viewers. Ratings' value to the film industry may include the avoidance of more intrusive regulation that could affect revenue.

### 4.1 | *Seven film rating regimes in Canada*

In Canada, there are seven distinct film rating regimes (Figure C): 1) British Columbia shares its ratings with Yukon and Saskatchewan; 2) Alberta shares its ratings with Northwest Territories and Nunavut; 3) Manitoba; 4) Ontario; 5) Québec; 6) Nova Scotia shares its ratings with New Brunswick and Prince Edward Island, while Newfoundland and Labrador theatres voluntarily post these Maritime ratings; and finally (7) the Canadian Home Video Rating Service (CHVRS) averages BC, Alberta, Manitoba, Ontario, Saskatchewan and Maritime ratings to generate a unitary rating for films released on video. Rating agencies are listed in Appendix A.

The Canadian Home Video Rating Service is administered by the Canadian Motion Picture Distributors Association (CMPDA), a branch of the US major studios' trade group, the MPAA. The CMPDA's web site ([www.cmpda.ca](http://www.cmpda.ca)) says, "Using the CHVRS is easy. Canadian consumers can search this site to locate valuable ratings information about a particular film." Distributors post their films' ratings to the site voluntarily. However, as of 15 April 2010, nearly 85% of ratings for top-grossing 2009 film titles were unavailable. After testing the site's search feature, we determined that major studios' home video ratings were current for Sony and Paramount, but unavailable for any video from Disney and Universal since 2004, News Corp. (Fox) since 2005, and Time Warner (Warner Bros.) since 2006.

### 4.2 | *Canada's rating regimes are highly consistent with each other*

In 2009, the ratings for top-grossing films across these regimes were unanimous close to 80 percent of the time (115/148 films). Differences that year were of no more than a single degree: for example, one or two provinces might decide a film rated PG by others should be 14A. Agreement among the provinces on whether a film should be youth-accessible or 18A was even more consistent: 89 percent (62/70 films) of all 14A and 18A ratings showed no demurrals (Appendix C).

### 4.3 | *Canadian and US film ratings diverge*

Canada's rating regimes differ greatly from the film ratings awarded in the United States by the major studios through their Motion Picture Association of America (MPAA). For top-grossing 2009 films, the Canadian rating regimes were nearly twice as likely (56/30) to give films a PG rating and less than half as likely (20/50) to give films a restrictive 18A rating than the MPAA (Appendix C).

### 4.4 | *Canada's ratings boost adolescents' tobacco exposure*

In 2009, half of top box office films featured tobacco imagery in Canada, the same as across the border in the United States. The difference lies in how these films were distributed in two broad film rating categories: "youth-rated" films that are accessible to adolescents without restriction, and "adult-rated" films that are seen less often by adolescents.







Table 6a shows that about the same proportion of 2009 youth-rated films in Canada and the United States featured tobacco: 40-45 percent. But the table also reveals that Canada assigned 30 fewer adult ratings than the studio-controlled ratings regime in the United States. Because films rated "R" are more likely to include smoking and on average feature twice as many tobacco incidents per film as PG-13 films,<sup>42</sup> classifying R-rated films as 14A or even PG in Canada is likely to boost Canadian adolescents' "dose" of on-screen tobacco exposure substantially.

**FIGURE 4 | THE PROVINCIAL FILM RATING REGIMES IN CANADA**

Six separate provincial film rating regimes: BC, Alberta, Manitoba, Ontario, Québec and Maritime. The film industry voluntarily generates unitary ratings of English-language home videos by averaging BC, Alberta, Manitoba, Saskatchewan (BC's rating again), Ontario and Maritime ratings. Québec issues its own video ratings. Differences among all provincial ratings are insubstantial.



**TABLE 5 | CANADIAN PROVINCES' FILM RATINGS COMPARED WITH US FILM RATINGS ASSIGNED BY THE US FILM INDUSTRY-RUN CLASSIFICATION AND RATING ADMINISTRATION**

Canada <sup>43</sup> (Province or region)	 <b>G:</b> <b>General.</b> All ages.	 <b>PG:</b> <b>Parental Guidance.</b> Parental guidance advised. (Not applied in Québec)	 <b>14A: 14 Adult Accompaniment.</b> Persons younger than 14 years must be accompanied by an adult. In Québec, "13 ans +"	 <b>18A: 18 Adult Accompaniment.</b> Persons younger than 18 years must be accompanied by an adult. In Québec, "16 ans +;" may be viewed, rented or purchased by persons 16 years and over.	 <b>R:</b> <b>Restricted.</b> Restricted to persons 18 years of age or older. In Québec, labeled "18 ans +"	 <b>A: Adult</b> (Alberta, British Columbia, Saskatchewan, Manitoba, Nunavut and Yukon): No one under the age of 18 may view under any circumstances.  <b>XXX: Explicit Material</b> (Maritime)
United States <sup>44</sup> (MPAA/NATO)	<b>G</b> <b>General audiences.</b> All ages admitted.	<b>PG</b> <b>Parental guidance suggested.</b> Some material may not be suitable for children.	<b>PG-13</b> <b>Parents strongly cautioned.</b> Some material may be inappropriate for children under 13.	<b>R</b> <b>Restricted.</b> Under 17 requires accompanying parent or adult guardian.	<b>NC-17</b> <b>No one 17 and under admitted.</b>	

**Note:** Canadian "R" and US "NC-17" ratings are rarely assigned. Except in Québec, ratings on home videos are issued by the Canadian Motion Picture Distributors Association after weighing provincial ratings for the film. So-called "X-rated" or "adult" (sexually-explicit) material is outside of the voluntary US Motion Picture Association of America/National Association of Theatre Owners rating system.

4.5 | *More theatre admissions and more tobacco exposure are youth-rated*

Since 2002, box office data for the combined Canada and US film market indicates that films R-rated in the United States earn about one-third less, on average, than do youth-rated films. The box office effect of youth-rating such films in Canada remains unclear because no film industry data source was willing to break out the Canadian and US components of “domestic” per-title theatrical box office gross.

Assuming that film titles enjoyed approximately equal popularity in both markets, however, the result of Canada’s awarding youth-ratings to more than 85 percent of 2009 top box office films (compared to 65 percent in the United States) is that almost 90 percent of paid admissions in Canada were to youth-rated films.

The implications for public health: In Canada, youth-rated films featured 75 percent of all the on-screen tobacco incidents, compared to 44 percent in the United States (Table 6b). Youth-rated films in Canada also delivered nearly 70 percent of tobacco impressions to theatre audiences, compared to 43 percent in the US (Table 6c and Figure 5).

After adjusting for population size, 2009 films youth-rated in Canada delivered more than 10 billion tobacco impressions to cinema audiences, 60 percent more than the 6.3 billion tobacco impressions delivered by films youth-rated in the United States. Parents and adolescents in Canada may have a wide array of youth-rated films to choose from, but are more likely to encounter a film with higher incidence of tobacco and be more heavily exposed to tobacco images than their US counterparts (Appendix D).

**TABLE 6A | RATINGS DISTRIBUTION OF TOP BOX OFFICE FILMS WITH TOBACCO CONTENT, CANADA AND THE UNITED STATES, 2009 (TOTAL = 145)**

	G/PG films	Films w/ smoking	% of rating	14A or PG-13 films	Films w/ smoking	% of rating	Youth-rated total	Films w/ smoking	% of youth rated	18A or R-rated films	Films w/ smoking	% of rating
<b>CANADA</b>	75	28	37%	50	28	56%	125	56	45%	20	15	75%
<b>US</b>	36	5	14%	59	32	54%	95	37	40%	50	34	68%

**TABLE 6B | RATINGS DISTRIBUTION OF TOBACCO INCIDENTS IN TOP BOX OFFICE FILMS, CANADA AND THE UNITED STATES, 2009 (TOTAL = 1,935)**

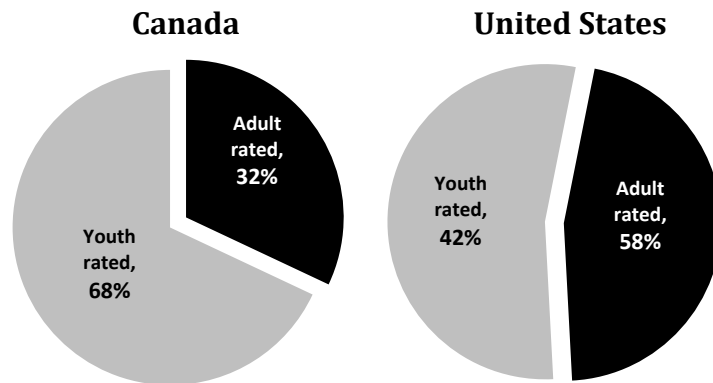
	G/PG tobacco incidents	% of all	14A or PG-13 tobacco incidents	% of all	Total “youth-rated” tobacco incidents	% of all	18A or R-rated tobacco incidents	% of all
<b>CANADA</b>	79	41%	653	34%	1,444	75%	491	25%
<b>US</b>	107	5%	749	39%	856	44%	1,079	56%

**TABLE 6C | RATINGS DISTRIBUTION OF THEATRICAL TOBACCO IMPRESSIONS DELIVERED BY TOP BOX OFFICE FILMS, CANADA AND THE UNITED STATES, 2009 (IN MILLIONS; TOTAL FOR “DOMESTIC” FILM TERRITORY = 16.5 BILLION)**

	G/PG tobacco impressions	% of all	14A or PG-13 tobacco impressions	% of all	Total “youth-rated” tobacco impressions	% of all	18A or R-rated tobacco impressions	% of all
<b>CANADA</b>	636	39%	481	29%	1,117	68%	517	32%
<b>US</b>	262	2%	6,059	41%	6,377	42%	8,548	58%

**FIGURE 5 | TOBACCO IMPRESSIONS DELIVERED BY YOUTH-RATED AND ADULT-RATED FILMS, CANADA AND THE UNITED STATES, 2009**

Because Canadian authorities make more films accessible to children and youth than the US film industry does, more than two-thirds of tobacco impressions are delivered to Canadian moviegoers by youth-rated films.



## 5. POLICY IMPLICATIONS FOR CANADA

Canada signed the global Framework Convention on Tobacco Control (FCTC) in July 2003; the treaty came into force in February 2005. Article 13 of the FCTC obliges Canada to enact comprehensive bans on “tobacco advertising, promotion and sponsorship,” including cross-border advertising.<sup>45</sup> Cross-border advertising

*includes both out-flowing advertising, promotion and sponsorship (originating from a [signatory] Party’s territory) and in-flowing advertising, promotion and sponsorship (entering a Party’s territory).<sup>46</sup>*

The comprehensive ban applies to

*any form of commercial communication, recommendation or action with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly...and any form of contribution to any event, activity or individual with the aim, effect or likely effect of promoting a tobacco product or tobacco use either directly or indirectly...<sup>47</sup>*

Implementation guidelines for Article 13, unanimously adopted by the FCTC Conference of the Parties in November 2008, recommend that the comprehensive ban cover (non-exhaustively)

*communication through audio, visual or audiovisual means: print (including newspapers, magazines, pamphlets, leaflets, flyers, letters, billboards, posters, signs), television and radio (including terrestrial and satellite), films, DVDs, videos and CDs, games (computer games, video games or online games), other digital communication platforms (including the*

*Internet and mobile phones) and theatre or other live performance...<sup>48</sup>*

The implementation guidelines specifically recommend the following policies in entertainment media:

- *Implement a mechanism requiring that when an entertainment media product depicts tobacco products, use or imagery of any type, the responsible executives at each company involved in the production, distribution or presentation of that entertainment media product certify that no money, gifts, free publicity, interest-free loans, tobacco products, public relations assistance or anything else of any value has been given in exchange for the depiction. [Also see FCTC Article 13(4)(d)]*
- *Prohibit the depiction of identifiable tobacco brands or tobacco brand images in association with, or as part of the content of, any entertainment media product. [Also see FCTC Article 1]*
- *Require the display of prescribed anti-tobacco advertisements at the beginning of any entertainment media product that depicts tobacco products, use or images. [Also see FCTC Article 13(4)(b)]*
- *Implement a ratings or classification system that takes into account the depiction of tobacco products, use or images in rating or classifying entertainment media products (for example, requiring adult ratings which restrict access of minors)...<sup>49</sup>*

WHO’s 2009 policy publication “Smoke-Free Movies: From evidence to action”<sup>50</sup> discusses each of these FCTC implementation recommendations in greater detail.

## 5.1 | *Where Canada currently stands*

The Canadian Council for Tobacco Control's survey<sup>51</sup> of federal and provincial laws relating to tobacco promotion, advertising and sponsorship identifies no laws explicitly addressing on-screen tobacco promotion. Relevant features of federal law include:

- The ban on tobacco industry sponsorship that came into effect in 2003 does not, in fact, prohibit tobacco companies, in Canada, from funding any entertainment event or production, only from *promoting* that sponsorship through display of a "tobacco-product related brand element or name of a tobacco manufacturer."<sup>52</sup>
- The law does not bar transmission or exhibition of any tobacco-sponsored events or entertainment productions from outside Canada.<sup>53</sup>
- Despite the persistent, documented history of covert commercial connections between the film and tobacco industries, federal law appears to require proof of an exchange of value before tobacco depictions on screen are considered "promotion" under the law.<sup>54</sup>
- Federal law does bar "testimonials," without specifying that these be compensated, and states that "depiction of a person, character or animal, whether real or fictional, is considered to be a testimonial for, or an endorsement of, a product."<sup>55</sup>
- Further, the law bars promotion of a "tobacco product by any means, including by means of the packaging, that are false, misleading or deceptive or that are likely to create an erroneous impression about the characteristics, health effects or health hazards of the tobacco product or its emissions."<sup>56</sup>

The law bars promotion of a "tobacco product by means of an advertisement that depicts, in whole or in part, a tobacco product, its package or a brand element of one or that evokes a tobacco product or a brand element."<sup>57</sup>

The law bars all "lifestyle" advertising, defined as "advertising that associates a product with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring. (1997, c. 13, s. 22; 2009, c. 27, s. 11.)"<sup>58</sup>

## 5.2 | *Policy recommendations*

Given Canada's obligations under the Framework Convention on Tobacco Control and provisions of the federal Tobacco Law, Canada's government can implement the following policies:

### 5.2.1 | *Require distributors to attest each film is free of tobacco payoffs*

Enforce strictures against sponsorship and against testimonials by requiring the credited producers of entertainment products with tobacco imagery, whether domestic, co-productions<sup>59</sup> or imports from the United States exhibited or transmitted in Canada, to endorse and retain on public file affidavits stating:

*No person or entity participating in or in any way associated with the development, production, financing, distribution, exhibition, marketing or any other exploitation of this motion picture in any medium has received anything of value (including money, merchandise, advertising, publicity or any other opportunity, consideration or incentive of whatever nature), nor entered into any agreement, understanding or other arrangement with respect to any of the foregoing, in connection with any use, depiction or appearance of or reference to any products containing tobacco in this motion picture or the marketing or exploitation thereof;*<sup>60</sup>

### 5.2.2 | *Require strong anti-tobacco spots, at distributors' and exhibitors' expense*

Require film exhibitors and electronic media carriers in Canada to show a strong anti-tobacco spot announcement immediately before any film with tobacco imagery, regardless of its territory of origin, method of delivery to the carrier or age-classification. (Such spots are already visible on some MPAA-member studio DVDs distributed in Canada),<sup>61</sup>



### 5.2.3 | End tobacco brand display

Prohibit as a “testimonial” any non-documentary tobacco product brand display in Canada-produced feature films, movies of the week (MOWs) and television series episodes. In addition to being prefaced by a strong anti-tobacco spot, feature films, MOWs and episodic television produced outside Canada or Canadian-produced documentaries that show or audibly reference tobacco branding should be required to carry the following three slides at the front of the film or program for a minimum total of fifteen seconds, with the distributor or carrier’s logo on the last slide, backed by the full affidavit described above;

**This film displays a tobacco brand.  
Une marque de tabac paraît dans ce film.**

**Nobody connected to the film made a deal to display this tobacco brand.**

**Aucune personne n’a reçu aucune contrepartie pour la présentation de cette marque de tabac dans ce film.**

Applicants whose non-documentary film or video project includes tobacco branding, regardless of rating, should be ineligible for public subsidies such as rebates of production spending, tax credits, or favorable loan or investment terms.

### 5.2.4 | Strengthen the home video rating scheme

Make the Canadian Home Video Rating Service a federal government function. It is now an unofficial scheme run by the Canada Motion Picture Distributors Association, a branch of the Sherman Oaks, California-based Motion Picture Association trade group representing the major United States motion picture distributors. The federal government could improve on the current algorithm now employed to calculate the national home video rating from provincial theatrical ratings by making appropriate provision for factoring in Québec’s film

ratings along with those provincial ratings presently considered. In addition, the unitary home video rating should:

*(1) be supplemented with an 18A rating for all videos with tobacco presence, regardless of provincial ratings, except when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent the smoking of a real historical figure, including documentary subjects;*

*(2) require all distributors that submit films with tobacco imagery for a unitary video rating to include a no-payoffs affidavit (see above);*

*(3) make as rigorous as necessary restrictions on youth access to 18A-rated videos in any distribution channel, including default parental controls<sup>62</sup> on video sell-through and video rental accounts, on cable and satellite video-on-demand services, and age-gates<sup>63</sup> in the absence of parental controls for streaming and download to any device.*

### 5.2.5 | Rate future feature films with tobacco “18A”

Require provincial film rating agencies to:

*(1) immediately post hazard warnings for tobacco content on their web sites and note any tobacco presence in new releases;*

*(2) phase in over 12 months the 18A rating for any tobacco imagery or audio reference in a new theatrical release, except when the presentation of tobacco clearly and unambiguously reflects the dangers and consequences of tobacco use or is necessary to represent the smoking of an actual historical person who actually smoked.*

Documentary or other films with tobacco presence, if excepted from rating strictures under the categorical “actual historical person” or “dire health consequences” exceptions, should be required to provide the no-payoffs affidavit like all other films with tobacco presence.

### 5.2.6 | Bar public subsidies to youth-rated films with tobacco imagery

Ontario and other provincial Production Services Tax Credit programs do not subsidize every media project that applies. Each project must meet eligibility criteria. As Ontario explains:

*The production must not be in an excluded genre: news, current events or public affairs programming; a program that includes weather or market reports; talk shows; productions in respect of a game, questionnaire or contest; a sports event or activity; a gala presentation or awards show; a production that solicits funds; reality television; pornography; advertising; or a production produced primarily for industrial, corporate or institutional purposes; **nor must it be a production for which public financial support would be contrary to public policy.**<sup>64</sup>*  
[Emphasis added]

Make ineligible for any federal or provincial media production subsidy, grant or other benefit any future feature film, MOW, or episodic television production with tobacco presence unless the project can meet one of these two requirements:

*(1) applicant can demonstrate that the production meets the two categorical exceptions from the rating stricture: "actual historical person" or "unambiguous depiction of dire health consequences;"*

*(2) copyright owner attests that the work will not be exhibited in any medium in any territory so as to allow audiences under 18 unrestricted access.<sup>65</sup>*

These youth access affidavits, like the no payoffs affidavits, should be retained in an open public file, with the applicant and project identified. Clawback provisions should be in place, and exercised, if the claims made by the applicant or copyright owner are false.

## POLICY SUMMARY:

- ★ Require credited producers to attest each film is free of tobacco payoffs
- ★ Require strong anti-tobacco spots in all film exhibition channels (in-theatre, in-home and mobile) at distributors' and exhibitors' expense
- ★ End tobacco brand display
- ★ Strengthen the national home video rating scheme
- ★ Rate future feature films with tobacco imagery at least 18A, only except depictions of actual people who actually smoked and unambiguous depictions of the dire health consequences of tobacco use
- ★ Make youth-rated films with tobacco imagery ineligible for future public subsidies

## 6. CONCLUSION

Canada has a greater role in funding and producing US studio films with smoking than most Canadians realize. Canadians may also underestimate the degree to which government policy on film classification now gives films adult-rated in the US a chance to reap larger box office in Canada and expose Canada's adolescents to even more harmful tobacco imagery than their US counterparts receive.

Canada can take immediate steps to protect the younger generation from hundreds of millions of on-screen tobacco impressions. It can also send a clear signal to the major US studios that Canada will no longer subsidize tobacco imagery in films that will kill thousands of its citizens and saddle the nation's taxpayers with hundreds of millions in health costs and lost productivity.

As 10 percent of the so-called "domestic" film territory, Canada is muffled and commercially colonized. But as a sovereign signatory to the Framework Convention on Tobacco Control, the Canadian government can stand up to US media dominance and work actively with other

nations to end the leading cause of addiction and death worldwide.

The US studios have already learned that tobacco can be taken out of movies without affecting their popularity and earning potential. What they have not yet learned is that important export markets such as Canada, which together account for the majority of Hollywood's revenues, can and will insist that the film companies behave responsibly and institutionalize permanent "solutions at the source."

Prompt action to harmonize Canada's film subsidies with public health imperatives, to update rating practice to reflect the massive toxic hazard presented by tobacco content in films accessible to children and adolescents, and to bring rigor, transparency and accountability to the battle against historically persistent tobacco industry influence on motion pictures will protect the rising generation of Canadians. It will also strengthen the global effort to end tobacco promotion by other means.

## APPENDIX A | FILM SUBSIDY AND FILM CLASSIFICATION PROGRAMS IN CANADA

Film Subsidy Agency	Minister(s)	Program Chief	Subsidy for US Studio Films	Film Rating Agency	Minister(s)	Program Chief
<a href="#">Alberta Film Commission</a>	Lindsey Blackett, Culture and Community Spirit	Jeff Brinton, Commissioner	14% of labour cost, upgrades to 23%	<a href="#">Alberta Film Classification</a>	Lindsey Blackett, Culture and Community Spirit	Paul Pearson, Director
<a href="#">British Columbia Film</a>	Colin Hansen, Finance; Kevin Kreuger, Tourism, Culture and the Arts	Richard Brownsey, President and CEO	33% of labour cost, upgrades to 39%	<a href="#">Consumer Protection BC</a>	Terry Barnett, Business Practices and Consumer Protection Authority	Mr. T. Winnitoy, Regulatory Operations
<a href="#">Manitoba Film and Sound</a>	Peter Bjornson, Entrepreneurship, Training and Trade; Eric Robinson, Culture, Heritage and Tourism	Carol Vivier, CEO and Film Commissioner	45% of labour cost, upgrades to 65%	<a href="#">Manitoba Film Classification Board</a>	Eric Robinson, Culture, Heritage and Tourism	Ken Rodeck, Managing Director
<a href="#">New Brunswick Film</a>	Hédard Albert, Wellness, Culture and Sport	Antoinette Basque-Doiron, Project Executive	40% of labour cost, upgrades to 50%	<a href="#">Maritime Film Classification Board</a>	See Nova Scotia for details	
<a href="#">Newfoundland &amp; Labrador Film Development Corporation</a>	Tom Marshall, Finance	Chris Bonnell, Executive Director	25% of production spend or 40% of labour cost	<a href="#">Maritime Film Classification Board</a>	Province requires no film classification but theatres display Maritime ratings	
<a href="#">Northwest Territories</a>	Robert R. McCleod, Industry, Tourism and Investment	NWT Film Commissioner	None	<a href="#">Alberta Film Classification</a>	Serves Northwest Territories	
<a href="#">Film Nova Scotia</a>	Percy A. Paris, Economic and Rural Development	Ann MacKenzie, President and CEO	25% of production spend or 50% of labour cost	<a href="#">Maritime Film Classification Board</a>	Marilyn More, Labour and Workforce Development	Alcohol and Gaming Division
Prince Edward Island Business Development			None	<a href="#">Maritime Film Classification Board</a>	See Nova Scotia for details	
<a href="#">Nunavut Film Development Corporation</a>	Peter Taptuna, Deputy Premier	Cheryl Ashton, CEO	40% of labour cost, upgrades to 50%	<a href="#">Alberta Film Classification</a>	Serves Nunavut	
<a href="#">Ontario Media Development</a>	Michael Chan, Tourism and Culture	Karen Thomestone, President and CEO	25% of production spend	<a href="#">Ontario Film Review Board</a>	Sophia Aggelonitas, Consumer Services	Janet Robinson, Chair

Film Subsidy Agency	Minister(s)	Program Chief	Subsidy for US Studio Films	Film Rating Agency	Minister(s)	Program Chief
<u>Corporation</u>						
<u>Québec Film and Television Council</u>	Christine St.-Pierre, Culture, Communications et la Condition féminine; François N. Macerola (SODEC)	Hans Fraiken, Film Commissioner; Jean-Philippe Normandeau, SODEC	“Effective rate” of 30% of production spend	<u>Régie du cinéma du Québec</u>	Christine St.-Pierre, Culture, Communications et la Condition féminine	Charles Bélanger, President
<u>Saskatchewan Film and Video Development Corporation</u>	Wynne Yong, Dep. Minister, Tourism, Parks and Culture	Susanne Bell, CEO and Film Commissioner	45% of labour cost, upgrades to 55%	<u>Consumer Protection BC</u>	Serves Saskatchewan	
<u>Yukon Film and Sound Commission</u>	Jim Kenyon, Economic Development		35% of labour cost + travel rebate	<u>Consumer Protection BC</u>	Serves Yukon	
<u>Canadian Audio Visual Certification Office (CAVCO)</u>	James Moore, Canadian Heritage; Keith Ashfield, Revenue	Judith A. Laroque, Dep. Minister, Canadian Heritage	16% of labour cost in addition to provincial subsidy	The federal CAVCO administers Production Services Tax Credits accessed by non-Canadian companies. CAVCO and provincial agencies also offer a range of subsidies to Canadian media.		
The CHVRS is administered by the film industry. Individual distributors are responsible for entering provincial ratings into an online database that calculates average English-language ratings to be applied to videos for rent and sale. As of 15 April 2010, CMPDA’s online search feature produced no results for films of four out of six major US studios as far back as 2005.				<u>Canadian Home Video Rating Service (CHVRS)</u>	Canadian Motion Picture Distributors Association, a branch of the US Motion Picture Association of America	Wendy Noss, Executive Director

**APPENDIX B | TOP-GROSSING FILMS WITH CANADA PRODUCTION LOCATIONS, 2004-2009 (N = 148)**

Title	Year	Company	MPAA Rating	CHVRS Rating (Mod.)	Canada Location 1	Canada Location 2	Tobacco Impressions (domestic, millions)	Reported Budget (US\$ millions)
9	2009	GE	PG-13	PG	Ontario		0	33.00
2012	2009	Sony	PG-13	PG	BC		0	200.00
16 Blocks	2006	Time Warner	PG-13	PG	Ontario		6	55.00
300	2007	Time Warner	R	18A	Québec		0	65.00
4: Rise of the Silver Surfer	2007	News Corp.	PG-13	PG	BC		0	130.00
88 Minutes	2008	Sony	R	14A	BC		0	30.00
Against the Ropes	2004	Viacom	PG-13	PG	Ontario		33	39.00
Amelia	2009	News Corp.	PG	PG	Ontario	Nova Scotia	84	40.00
An American Haunting	2006	*Freestyle	PG-13	14A	Québec		13	14.00
Are We Done Yet?	2007	Sony	PG-13	G	BC		0	
Are We There Yet?	2005	Sony	PG-13	G	Ontario		0	32.00
Assault on Precinct 13	2005	GE	R	18A	Ontario		55	20.00
AVPR: Alien vs Predator	2007	News Corp.	R	18A	BC		0	40.00
Blade: Trinity	2004	Time Warner	R	14A	BC		210	65.00
Blades of Glory	2007	Viacom	PG-13	PG	Québec		86	61.00
Breach	2007	GE	PG-13	PG	Ontario		0	
Brokeback Mountain	2005	GE	R	14A	Alberta		613	14.00
Catch and Release	2007	Sony	PG-13	PG	BC		4	
Catwoman	2004	Time Warner	PG-13	PG	BC		0	100.00
Cheaper by the Dozen 2	2005	News Corp.	PG-13	G	Ontario		0	
Christmas with the Kranks	2004	Sony	PG-13	PG	BC		32	60.00
Cinderella Man	2005	GE	PG-13	PG	Ontario		1,217	88.00
Confessions of a Teenage Drama Queen	2004	Disney	PG-13	G	Ontario	Québec	0	15.00
Cursed	2005	Disney	PG-13	14A	Manitoba		0	35.00
Dark Water	2005	Disney	PG-13	14A	Ontario		37	30.00
Dawn of the Dead	2004	GE	R	18A	Ontario		98	28.00
Dead Silence	2007	GE	R	14A	Ontario		4	20.00
Death Race	2008	GE	R	18A	Québec		447	45.00

Title	Year	Company	MPAA Rating	CHVRS Rating (Mod.)	Canada Location 1	Canada Location 2	Tobacco Impressions (domestic, millions)	Reported Budget (US\$ millions)
Deck the Halls	2006	News Corp.	PG-13	G	BC		0	
Eight Below	2006	Disney	PG-13	G	BC		0	40.00
Elektra	2005	News Corp.	PG-13	PG	BC		0	43.00
Fantastic Four	2005	News Corp.	PG-13	PG	BC	Ontario	0	100.00
Fever Pitch	2005	News Corp.	PG-13	PG	Ontario		61	39.70
Final Destination 3	2006	Time Warner	R	18A	BC		0	34.00
Firehouse Dog	2007	News Corp.	PG-13	G	Ontario		26	
Four Brothers	2005	Viacom	R	18A	Ontario		479	40.00
Get Rich or Die Tryin'	2005	Viacom	R	18A	Ontario		101	40.00
Get Smart	2008	Time Warner	PG-13	PG	Québec		73	80.00
Godsend	2004	*Lionsgate	PG-13	PG	Ontario		0	25.00
Good Luck Chuck	2007	*Lionsgate	R	18A	Alberta	BC	0	25.00
Hairspray	2007	Time Warner	PG-13	PG	Ontario		639	75.00
Harold & Kumar Escape from Guantanamo Bay	2008	Time Warner	R	18A	Ontario		38	12.00
Harold and Kumar Go to White Castle	2004	Time Warner	R	18A	Ontario		0	9.00
History of Violence, A	2005	Time Warner	R	18A	Ontario		79	39.00
Hollywoodland	2006	GE	R	14A	Ontario		729	
I Love You, Beth Cooper	2009	News Corp.	PG-13	PG	BC		0	18.00
I, Robot	2004	News Corp.	PG-13	PG	BC		24	120.00
Ice Princess	2005	Disney	G	G	Ontario		0	
In the Land of Women	2007	Time Warner	PG-13	PG	BC		42	10.00
Jennifer's Body	2009	News Corp.	R	14A	BC		80	16.00
Jersey Girl	2004	Disney	PG-13	14A	Ontario		76	35.00
John Tucker Must Die	2006	News Corp.	PG-13	PG	BC		0	18.00
Journey to the Center of the Earth	2008	Time Warner	PG	PG	Québec	Manitoba	0	45.00
Jumper	2008	News Corp.	PG-13	PG	Ontario		0	85.00
Juno	2007	News Corp.	PG-13	14A	BC		262	7.50
Just Friends	2005	Time Warner	PG-13	PG	Saskatchewan		0	
King's Ransom	2005	Time Warner	PG-13	14A	Québec		33	15.00
Kit Kittredge	2008	Time Warner	G	G	Ontario		0	10.00
Land of the Dead	2005	GE	R	18A	Ontario		236	15.00

Title	Year	Company	MPAA Rating	CHVRS Rating (Mod.)	Canada Location 1	Canada Location 2	Tobacco Impressions (domestic, millions)	Reported Budget (US\$ millions)
License to Wed	2007	Time Warner	PG-13	PG	Ontario		0	35.00
Little Man	2006	Sony	PG-13	PG	BC		18	64.00
Love Happens	2009	GE	PG-13	PG	BC		28	18.00
Lucky Number Slevin	2006	Sony	R	18A	Québec		7	
Man of the Year	2006	GE	PG-13	PG	Ontario		234	20.00
Martian Child	2007	Time Warner	PG-13	G	BC		1	27.00
Max Payne	2008	News Corp.	PG-13	14A	Ontario		53	35.00
Mean Girls	2004	Viacom	PG-13	PG	Ontario		0	17.00
Miracle	2004	Disney	PG-13	G	BC		0	
Mr. Magorium's Wonder Emporium	2007	News Corp.	G	G	Ontario		0	
My Baby's Daddy	2004	Disney	PG-13	14A	Ontario		64	
New in Town	2009	*Lionsgate	PG	PG	Manitoba		0	
New York Minute	2004	Time Warner	PG-13	G	Ontario		0	30.00
Night at the Museum 1	2006	News Corp.	PG-13	G	BC		0	110.00
Night at the Museum 2	2009	News Corp.	PG	PG	BC	Québec	0	150.00
Orphan	2009	Time Warner	R	14A	Ontario	Québec	39	
P2	2007	*Summit	R	18A	Ontario		0	8.00
Pathfinder	2007	News Corp.	R	18A	BC		0	20.00
Poseidon	2006	Time Warner	PG-13	14A	Manitoba		85	160.00
Punisher: War Zone	2008	*Lionsgate	R	18A	Québec		22	35.00
Resident Evil: Apocalypse	2004	Sony	R	14A	Ontario		114	43.00
Saw II	2005	*Lionsgate	R	18A	Ontario		331	4.00
Saw III	2006	*Lionsgate	R	18A	Ontario		0	10.00
Saw IV	2007	*Lionsgate	R	18A	Ontario		64	10.00
Saw V	2008	*Lionsgate	R	18A	Ontario		16	10.80
Saw VI	2009	*Lionsgate	R	18A	Ontario		0	11.00
Scary Movie 4	2006	*Weinstein	PG-13	14A	BC		0	50.00
Scooby-Doo 2	2004	Time Warner	PG-13	PG	BC		244	
Secret Window	2004	Sony	PG-13	14A	Québec		144	40.00
Shall We Dance?	2004	Disney	PG-13	PG	Manitoba		0	50.00
She's the Man	2006	Viacom	PG-13	PG	BC		0	20.00



Title	Year	Company	MPAA Rating	CHVRS Rating (Mod.)	Canada Location 1	Canada Location 2	Tobacco Impressions (domestic, millions)	Reported Budget (US\$ millions)
Shoot 'em Up	2007	Time Warner	R	18A	Ontario		7	39.00
Shooter	2007	Viacom	R	18A	BC		68	61.00
Silent Hill	2006	Sony	R	18A	Ontario		15	50.00
Slither	2006	GE	R	18A	BC		11	15.50
Snakes on a Plane	2006	Time Warner	R	14A	BC		0	33.00
Street Fighter	2009	News Corp.	PG-13	14A	BC		5	55.00
Superhero Movie	2008	Sony	PG-13	14A	BC		14	35.00
Take the Lead	2006	Time Warner	PG-13	PG	Ontario		0	
Taking Lives	2004	Time Warner	R	14A	Québec		289	45.00
The Aviator	2004	Time Warner	PG-13	PG	Québec		1,756	116.00
The Butterfly Effect	2004	Time Warner	R	14A	BC		280	13.00
The Chronicles of Riddick	2004	GE	PG-13	14A	BC		164	110.00
The Covenant	2006	Sony	PG-13	14A	Québec	Nova Scotia	29	20.00
The Curious Case of Benjamin Button	2008	Viacom	PG-13	PG	Québec		3,193	150.00
The Day After Tomorrow	2004	News Corp.	PG-13	PG	Ontario		0	125.00
The Day the Earth Stood Still	2008	News Corp.	PG-13	PG	BC		0	80.00
The Exorcism of Emily Rose	2005	Sony	PG-13	14A	BC		36	20.00
The Fog	2005	Sony	PG-13	14A	BC		0	18.00
The Fountain	2006	Time Warner	PG-13	14A	Québec		0	35.00
The Fourth Kind	2009	GE	PG-13	14A	BC		0	10.00
The Greatest Game Ever Played	2005	Disney	PG-13	G	Québec		202	
The Haunting in Connecticut	2009	*Lionsgate	PG-13	14A	Manitoba		0	
The Incredible Hulk	2008	GE	PG-13	PG	Ontario		393	150.00
The Invisible	2007	Disney	PG-13	PG	BC		18	30.00
The Jacket	2005	Time Warner	R	14A	Québec		68	29.00
The Last Kiss	2006	Viacom	R	14A	Québec		22	
The Last Mimzy	2007	Time Warner	PG-13	PG	BC		0	
The Love Guru	2008	Viacom	PG-13	14A	Ontario		0	62.00
The Man	2005	Time Warner	PG-13	PG	Ontario		0	33.00
The Messengers	2007	Sony	PG-13	14A	Saskatchewan		0	16.00
The Mummy: Tomb of the Dragon Emperor	2008	GE	PG-13	PG	Québec		14	145.00

Title	Year	Company	MPAA Rating	CHVRS Rating (Mod.)	Canada Location 1	Canada Location 2	Tobacco Impressions (domestic, millions)	Reported Budget (US\$ millions)
The Notebook	2004	Time Warner	PG-13	PG	Québec		230	30.00
The Pacifier	2005	Disney	PG-13	PG	Ontario		0	56.00
The Perfect Man	2005	GE	PG-13	G	Ontario		0	25.00
The Perfect Score	2004	Viacom	PG-13	PG	BC		10	
The Prince and Me	2004	Viacom	PG-13	PG	Ontario		0	
The Santa Clause 3	2006	Disney	G	G	BC	Alberta	0	
The Sentinel	2006	News Corp.	PG-13	PG	Ontario		17	
The Sisterhood of the Traveling Pants	2005	Time Warner	PG-13	PG	BC		69	25.00
The Spiderwick Chronicles	2008	Viacom	PG	PG	Québec		0	90.00
The Terminal	2004	*DreamWorks	PG-13	PG	Québec		90	60.00
The Time Traveler's Wife	2009	Time Warner	PG-13	PG	Ontario		0	39.00
The Uninvited	2009	Viacom	PG-13	14A	BC		0	
The Wicker Man	2006	Time Warner	PG-13	14A	BC		4	40.00
The X Files: I Want to Believe	2008	News Corp.	PG-13	14A	BC		18	30.00
Traitor	2008	*Overture	PG-13	14A	Ontario		42	22.00
Twilight: New Moon	2009	*Summit	PG-13	PG	BC		0	50.00
Underworld: Evolution	2006	Sony	R	18A	BC		87	50.00
Walking Tall	2004	Sony	PG-13	14A	BC		46	56.00
War	2007	*Lionsgate	R	18A	BC		147	25.00
Watchmen	2009	Time Warner	R	18A	BC		1,204	130.00
Welcome to Mooseport	2004	News Corp.	PG-13	PG	Ontario		22	26.00
White Chicks	2004	Sony	PG-13	PG	BC		681	
Whiteout	2009	Time Warner	R	14A	Québec	Manitoba	0	35.00
Why Did I Get Married?	2007	*Lionsgate	PG-13	PG	BC		0	15.00
Wicker Park	2004	Sony	PG-13	PG	Québec		9	30.00
X-Men: The Last Stand	2006	News Corp.	PG-13	PG	BC		146	210.00
Zoom	2006	Sony	PG-13	G	Ontario		0	35.00

## APPENDIX C | ALL TOP-GROSSING FILMS IN THE DOMESTIC (CANADA + UNITED STATES) FILM DISTRIBUTION TERRITORY, WITH FILM RATINGS, TOBACCO IMPRESSIONS, PRODUCTION LOCATIONS, AND TOBACCO BRAND DISPLAY, 2009 (N = 145)

TITLE	COMPANY	MPAA RATING	AL	BC	MB	Mar.	ON	QC	CHVRS Rating (Mod.)	Tobacco Incident Bracket	Tobacco Impressions (millions)	Production Locations	Canada Locations	Tobacco Brand Display
9	Universal	PG-13	PG	PG	PG	PG	PG	G (D)	PG	0	0	Canada	ON	
(500) Days of Summer	News Corp	PG-13	PG	PG	PG	PG	PG	G (D)	PG	0	0	CA		
12 Rounds	News Corp	PG-13	14A	PG	14A	PG	14A	13	14A	1-9	2	LA		
17 Again	Time Warner	PG-13	PG	PG	PG	PG	PG	G	PG	0	0	CA		
2012	Sony	PG-13	PG	PG	14A	PG	14A	G (D)	PG	0	0	Canada	BC	
A Perfect Getaway	*Relativity	R	14A	14A	14A	14A	14A	13	14A	0	0	PR		Marlboro Lights
Adventureland	Disney	R	14A	14A	14A	14A	14A	13	14A	30-49	103	PA		
Aliens in the Attic	News Corp	PG	PG	PG	PG	PG	PG	G	PG	0	0	New Zealand		
All About Steve	News Corp	PG-13	PG	PG	PG	PG	PG	G	PG	1-9	5	CA		Marlboro
Alvin and the Chipmunks: The Squeakquel	News Corp	PG	G	G	G	G	G	G	G	0	0	CA		
Amelia	News Corp	PG	PG	G	N/A	PG	PG	G	PG	30-49	84	Canada	ON NS	Lucky Strike
Angels and Demons	Sony	PG-13	14A	14A	14A	14A	14A	G (D)	14A	1-9	142	CA		
Armored	Sony	PG-13	14A	PG	14A	14A	14A	13	14A	10-29	26	CA		
Astro Boy	*Summit	PG	PG	G	PG	PG	PG	G	PG	0	0	China		
Avatar	News Corp	PG-13	PG	14A	PG	PG	PG	G (D)	PG	10-29	951	New Zealand		
Away We Go	Universal	R	14A	14A	14A	14A	14A	G (D)	14A	0	0	CT		
Bride Wars	News Corp	PG	PG	G	PG	PG	PG	G	PG	0	0	MA		
Brothers	*Lionsgate	R	14A	PG	14A	14A	14A	13	14A	10-29	95	NM		
Bruno	Universal	R	18A	18A	18A	18A	18A	16	18A	10-29	176	DOC: Various		
Capitalism: A Love Story	*Liberty	R	PG	PG	PG	PG	PG	G	PG	1-9	6	DOC: Various (US)		
Cirque du Freak	Universal	PG-13	PG	PG	PG	PG	PG	G (D)	PG	0	0	LA		
Cloudy with a Chance of Meatballs	Sony	PG	G	G	G	G	PG	G	G	0	0	CA		
Confessions of a Shopaholic	Disney	PG	PG	G	PG	PG	PG	G	PG	0	0	CT		
Coraline	Universal	PG	PG	PG	PG	PG	PG	G	PG	0	0	OR		
Couples Retreat	Universal	PG-13	PG	PG	PG	PG	PG	G	PG	0	0	CA		
Crank: High Voltage	*Lionsgate	R	18A	18A	18A	18A	18A	16	18A	10-29	40	CA		
Dance Flick	Viacom	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	NY		

TITLE	COMPANY	MPAA RATING	AL	BC	MB	Mar.	ON	QC	CHVRS Rating (Mod.)	Tobacco Incident Bracket	Tobacco Impressions (millions)	Production Locations	Canada Locations	Tobacco Brand Display
Defiance	Viacom	R	14A	14A	14A	N/A	14A	13	14A	10 - 29	42	Lithuania		
Did You Hear about the Morgans?	Sony	PG-13	PG	PG	PG	PG	PG	G	PG	1 - 9	24	NM		
Disney's A Christmas Carol	Disney	PG	PG	G	PG	PG	PG	N/A	PG	1 - 9	37	CA		
District 9	Sony	R	14A	18A	14A	14A	14A	13	14A	1 - 9	15	New Zealand		
Drag Me to Hell	Universal	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	CA		
Dragonball Evolution	News Corp	PG	PG	PG	PG	PG	PG	G (D)	PG	0	0	Mexico		
Duplicity	Universal	PG-13	PG	PG	PG	PG	PG	G	PG	1 - 9	5	NY		
Earth	Disney	G	PG	G	G	G	G	G	G	0	0	Various		
Everybody's Fine	Disney	PG-13	PG	PG	PG	PG	PG	G	PG	1 - 9	9	CT		
Extract	Disney	R	14A	PG	14A	14A	14A	G (D)	14A	0	0	CA		
Fame	Sony	PG	PG	PG	PG	PG	PG	G	PG	0	0	CA		
Fantastic Mr. Fox	News Corp	PG	PG	G	G	PG	PG	G	G	50+	159	UK		
Fast and Furious	Universal	PG-13	14A	N/A	14A	14A	14A	13	14A	1 - 9	21	CA		
Fighting	*Relativity	PG-13	14A	PG	14A	14A	14A	13	14A	1 - 9	18	NY		
Fired Up	Sony	PG-13	14A	14A	14A	PG	PG	G (D)	14A	0	0	CA		
Friday the 13 <sup>th</sup>	Time Warner	R	18A	18A	18A	18A	18A	13	18A	0	0	TX		
Funny People	Universal	R	14A	18A	14A	14A	14A	13	14A	1 - 9	55	CA		
G-Force	Disney	PG	G	G	G	PG	PG	N/A	G	0	0	CA		
G.I. Joe: Rise of the Cobra	Viacom	PG-13	14A	14A	14A	14A	PG	13	14A	0	0	Czech		
Gamer	*Lionsgate	R	18A	18A	18A	18A	14A	13	18A	1 - 9	14	NM		
Ghosts of Girlfriends Past	Time Warner	PG-13	PG	PG	14A	PG	14A	G	PG	0	0	MA		
Gran Torino	Time Warner	R	14A	14A	14A	14A	14A	13	14A	50+	2,172	MI		
Halloween II	*Weinstein	R	18A	18A	18A	18A	18A	13	18A	10 - 29	125	GA		
Hangover, The	Time Warner	R	18A	18A	18A	14A	14A	13	18A	1 - 9	148	CA		
Hannah Montana	Disney	G	G	G	G	G	G	G	G	0	0	TN		
Harry Potter and the Half Blood Prince	Time Warner	PG	PG	PG	PG	PG	PG	G (D)	PG	0	0	UK		
He's Just Not That into You	Time Warner	PG-13	PG	PG	PG	PG	14A	G	PG	10 - 29	213	MD		American Spirits
Hotel for Dogs	Viacom	PG	G	G	G	G	G	G	G	0	0	CA		
I Can Do Bad All by Myself	*Lionsgate	PG-13	PG	PG	PG	PG	PG	N/A	PG	50+	724	GA		Marlboro

TITLE	COMPANY	MPAA RATING	AL	BC	MB	Mar.	ON	QC	CHVRS Rating (Mod.)	Tobacco Incident Bracket	Tobacco Impressions (millions)	Production Locations	Canada Locations	Tobacco Brand Display
I Love You, Beth Cooper	News Corp	PG-13	14A	PG	14A	PG	14A	13	PG	0	0	Canada	BC	
I Love You, Man	*DreamWorks	R	14A	14A	14A	14A	14A	13	<b>14A</b>	10 - 29	152	CA		
Ice Age: Dawn of the Dinosaur	News Corp	PG	G	G	G	G	PG	G	G	0	0	CT		
Imagine That	Viacom	PG	G	G	G	G	G	G	<b>G</b>	0	0	CO		
Inglourious Basterds	*Weinstein	R	18A	18A	18A	14A	14A	13	18A	50+	2,893	Germany		
Inkheart	Time Warner	PG	PG	PG	PG	PG	PG	G (D)	PG	0	0	UK		
Invictus	Time Warner	PG-13	PG	PG	PG	PG	PG	G	PG	0	0	South Africa		
It's Complicated	Universal	R	14A	PG	PG	PG	14A	G (D)	PG	0	0	NY		
Jennifer's Body	News Corp	R	14A	14A	14A	14A	14A	13	14A	30 - 49	80	Canada	BC	
Jonas Brothers	Disney	G	G	G	G	N/A	G	N/A	G	0	0	CA		
Julie & Julia	Sony	PG-13	PG	PG	PG	PG	PG	G	PG	50+	1,042	NY		
Knowing	*Summit	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	Australia		
Land of the Lost	Universal	PG-13	PG	PG	PG	PG	PG	G (D)	PG	10 - 29	92	CA		
Law Abiding Citizen	*Liberty	R	18A	14A	18A	14A	18A	13	14A	1 - 9	20	PA		
Love Happens	Universal	PG-13	PG	PG	PG	PG	PG	G	PG	1 - 9	28	Canada	BC	
Madea Goes to Jail	*Lionsgate	PG-13	#N/A	PG	#N/A	14A	14A	G	PG	10 - 29	121	GA		
Miss March	News Corp	R	18A	18A	18A	18A	14A	13	18A	30 - 49	23	CA		
Monsters vs. Aliens	Viacom	PG	G	G	G	PG	PG	G	<b>G</b>	0	0	CA		
My Bloody Valentine-3D	*Lionsgate	R	18A	18A	18A	18A	18A	16	18A	10 - 29	96	PA		Marlboro
My Life in Ruins	News Corp	PG-13	PG	PG	PG	PG	PG	G	PG	1 - 9	8	Spain		
My Sister's Keeper	Time Warner	PG-13	14A	PG	14A	PG	PG	G	PG	0	0	CA		
New in Town	*Lionsgate	PG	PG	PG	PG	PG	PG	G	PG	0	0	Canada	MB	
Next Day Air	*Summit	R	N/A	N/A	N/A	N/A	14A	N/A	14A	30 - 49	57	CA		
Night at the Museum 2	News Corp	PG	PG	PG	PG	PG	PG	G	PG	0	0	Canada	BC	QC
Nine	*Weinstein	PG-13	PG	PG	PG	PG	PG	G	PG	50+	540	UK		
Ninja Assassin	Time Warner	R	18A	18A	18A	18A	18A	16	18A	1 - 9	40	Germany		
Not Easily Broken	Sony	PG-13	N/A	N/A	N/A	N/A	PG	N/A	<b>PG</b>	1 - 9	4	CA		
Notorious	News Corp	R	18A	18A	18A	18A	18A	13	18A	50+	359	CA		Newport
Observe and Report	Time Warner	R	18A	18A	18A	18A	18A	13	18A	0	0	NM		
Obsessed	Sony	PG-13	14A	PG	14A	14A	14A	G (D)	<b>14A</b>	10 - 29	109	CA		
Old Dogs	Disney	PG	G	G	G	G	G	G	G	0	0	CT		
Orphan	Time Warner	R	18A	14A	18A	18A	14A	13	14A	1 - 9	39	Canada	ON	QC

TITLE	COMPANY	MPAA RATING	AL	BC	MB	Mar.	ON	QC	CHVRS Rating (Mod.)	Tobacco Incident Bracket	Tobacco Impressions (millions)	Production Locations	Canada Locations	Tobacco Brand Display
Pandorum	*Liberty	R	18A	14A	14A	14A	14A	13	14A	0	0	Germany		
Paranormal Activity	Viacom	R	14A	14A	14A	14A	14A	13	14A	0	0	CA		
Paul Blart: Mall Cop	Sony	PG	PG	PG	PG	PG	PG	G(D)	PG	0	0	MA		
Planet 51	Sony	PG	G	G	G	PG	PG	G	G	0	0	Spain		
Ponyo	Disney	G	G	G	G	G	G	G	G	1-9	2	Japan		
Precious	*Lionsgate	R	14A	14A	14A	14A	14A	13	14A	50+	530	NY		
Public Enemies	Universal	R	14A	14A	14A	14A	14A	13	14A	50+	673	WI		
Push	*Summit	PG-13	14A	14A	14A	14A	14A	N/A	14A	10-29	102	China		
Race to Witch Mountain	Disney	PG	PG	PG	PG	PG	PG	G	PG	0	0	CA		
Saw VI	*Lionsgate	R	18A	18A	18A	18A	18A	16	18A	0	0	Canada	ON	
Sherlock Holmes	Time Warner	PG-13	PG	PG	PG	PG	PG	G	PG	50+	1,581	UK		
Shorts	Time Warner	PG	G	G	G	PG	PG	G	G	0	0	TX		
Sorority Row	*Summit	R	18A	18A	18A	18A	18A	13	18A	1-9	2	PA		
Star Trek	Viacom	PG-13	PG	PG	PG	PG	PG	G(D)	PG	0	0	CA		
State of Play	Universal	PG-13	PG	PG	PG	PG	PG	G(D)	PG	10-29	64	DC		
Street Fighter	News Corp	PG-13	14A	14A	14A	14A	14A	N/A	14A	1-9	5	CA	BC	
Sunshine Cleaning	*Liberty	R	14A	14A	14A	14A	14A	13	14A	10-29	40	NM		
Surrogates	Disney	PG-13	14A	PG	14A	14A	PG	G(D)	PG	0	0	MA		
Taken	News Corp	PG-13	14A	14A	14A	14A	14A	13	14A	1-9	19	France		Marlboro
Taking of Pelham 1 2 3	Sony	R	14A	14A	14A	14A	14A	13	14A	0	0	NY		
Taking Woodstock	Universal	R	14A	14A	14A	14A	14A	G(D)	14A	50+	58	NY		
Terminator Salvation	Time Warner	PG-13	14A	14A	14A	PG	14A	13	14A	0	0	NM		
The Blind Side	Time Warner	PG-13	PG	PG	PG	PG	PG	G	PG	10-29	317	GA		
The Box	Time Warner	PG-13	PG	PG	PG	14A	14A	G(D)	PG	1-9	12	MA		
The Final Destination	Time Warner	R	18A	18A	18A	18A	18A	13	18A	1-9	80	LA		
The Fourth Kind	Universal	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	Bulgaria	BC	
The Goods: Live Hard, Sell Hard	Viacom	R	18A	14A	14A	14A	14A	13	14A	30-49	60	CA		
The Haunting in Connecticut	*Lionsgate	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	Canada	MB	
The Informant!	Time Warner	R	14A	PG	14A	14A	14A	G	PG	0	0	IL		
The International	Sony	R	14A	14A	14A	14A	14A	13	14A	10-29	33	Germany		Marlboro
The Invention of Lying	Time Warner	PG-13	PG	PG	PG	PG	PG	G	PG	1-9	12	MA		
The Last House on the Left	*Relativity	R	18A	18A	R	18A	18A	16	18A	1-9	4	South Africa		

TITLE	COMPANY	MPAA RATING	AL	BC	MB	Mar.	ON	QC	CHVRS Rating (Mod.)	Tobacco Incident Bracket	Tobacco Impressions (millions)	Production Locations	Canada Locations	Tobacco Brand Display
The Men Who Stare at Goats	*Liberty	R	#N/A	PG	14A	14A	#N/A	13	14A	10 - 29	52	NM		
The Pink Panther	Sony	PG	PG	PG	G	PG	PG	G	PG	0	0	MA		
The Princess and the Frog	Disney	G	G	G	G	G	G	G	G	0	0	CA		
The Proposal	Disney	PG-13	PG	PG	PG	PG	PG	G	PG	0	0	MA		
The Road	*Weinstein	R	14A	14A	14A	14A	14A	13	14A	1 - 9	4	PA		
The Soloist	*DreamWorks	PG-13	PG	PG	PG	PG	PG	G	<b>PG</b>	50+	296	CA		
The Stepfather	Sony	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	CA		
The Ugly Truth	Sony	R	14A	14A	N/A	14A	14A	13	14A	0	0	CA		
The Unborn	*Relativity	PG-13	14A	14A	14A	14A	14A	13	14A	0	0	IL		
The Uninvited	*DreamWorks	PG-13	14A	14A	14A	PG	14A	13	<b>14A</b>	0	0	Canada	BC	
This is It	Sony	PG	G	G	PG	N/A	PG	N/A	G	1 - 9	10	DOC: CA		
Time Traveler's Wife, The	Time Warner	PG-13	PG	PG	PG	14A	PG	G	PG	0	0	Canada	ON	
Toy Story 1&2, 3D	Disney	G	G	N/A	N/A	N/A	G	N/A	G	0	0	CA		
Transformers: Revenge of the Fallen	Viacom	PG-13	PG	PG	PG	PG	PG	G (D)	<b>PG</b>	0	0	CA		
Twilight Saga: The New Moon	*Summit	PG-13	PG	PG	PG	PG	PG	G (D)	PG	0	0	Canada	BC	
Underworld: Rise of the Lycans	Sony	R	18A	18A	18A	18A	18A	13	<b>18A</b>	0	0	New Zealand		
Up	Disney	PG	G	G	G	PG	PG	G	G	0	0	CA		
Up in the Air	Viacom	R	14A	PG	14A	14A	14A	G	<b>14A</b>	0	0	Various		
Watchmen	Sony	R	18A	18A	18A	18A	18A	13	18A	50+	1,204	Canada	BC	
Where the Wild Things Are	Time Warner	PG	PG	G	PG	PG	PG	G	PG	0	0	Australia		
Whip It	News Corp	PG-13	PG	PG	PG	PG	PG	G	PG	10 - 29	24	MI		
Whiteout	Time Warner	R	14A	14A	14A	14A	14A	13	14A	0	0	Canada	QC	MB
X-Men Origins: Wolverine	News Corp	PG-13	14A	14A	PG	PG	PG	13	14A	1 - 9	192	Australia		
Year One	Sony	PG-13	14A	PG	14A	14A	14A	G (D)	14A	1 - 9	17	LA		
Zombieland	Sony	R	18A	18A	18A	18A	14A	13	18A	0	0	GA		

## NOTES TO APPENDIX C |

**Film sample:** All first-run theatrical releases to Canadian and US theatres Dec 25 2008 - Dec 24 2009 that ranked among top 10 in box office gross for at least one week (n=145)

**Companies:** Parent companies of MPAA-member film subsidiaries ("the majors"): Disney (Disney, Miramax, Pixar, Touchstone), General Electric (Universal, being conveyed to Comcast in 2010), News Corp. (Fox), Sony (Columbia, Sony, Screen Gems, Tristar), Time Warner (Warner Bros.), and Viacom (Paramount). In Canada these companies are represented by the Canadian Motion Picture Distributors Association (CMPDA), a branch of the US-based Motion Picture Association (of America). Asterisks mark non-MPAA member "independent" distributors.

**Ratings:** In the United States, the MPAA assigns film ratings with the concurrence of the exhibitors' trade group, the National Association of Theatre Owners (NATO). In Canada, the provinces assign ratings. Some provinces provide their ratings to other provinces and territories; the originating provinces are listed here. The Canadian Motion Picture Distributors Association (CMPDA) maintains a unitary home video rating scheme on behalf of all distributors. To calculate the so-called Canadian Home Video Rating Service (CHVRS) rating, CMPDA averages the provincial ratings by giving each rating code a numerical value (e.g., "G" = 1, "PG" = 2) and counts each original provincial rating once, except the BC rating, which is counted again for Saskatchewan. (Nova Scotia's ratings are not counted multiple times, although they are also used by New Brunswick and PEI within the Maritime Rating.) Up to five years of CHVRS ratings for most major US studio distributors were not available on the CMPDA web site as of 15 April 2010. CHVRS ratings in bold were posted for 2009 (for Sony and Paramount titles, which are current). The balance of CHVRS ratings in Appendices B and C have been calculated using a modified CMPDA algorithm including Québec, which the CMPDA does not do. For these purposes, Québec's "G" = 1, "G (D)" = PG = 2, "13" = "14A" = 3, "16" = "18A" = 4. The "G(D)" rating noted here represents the variation of Québec's "G" denigrated for children's viewing. As it turned out, in no instance did factoring Québec's rating change what the CHVRS rating would have been using the CMPDA's "official" algorithm. The modified CHVRS rating for each film was used in our analysis of ratings differences between Canada and the United States and youth accessibility of films with tobacco imagery.

**Tobacco incidents:** Tobacco incidents are sourced from Thumbs Up! Thumbs Down! A project of Breathe California Sacramento-Emigrant Trails, TUTD has monitored tobacco content in multiple dimensions since 1996. TUTD's methodology is to count each screen appearance of tobacco within each scene: cuts back to a smoking actor in a scene, for example, will be counted as multiple incidents. Individual film's incident counts are not published; instead, brackets are available on TUTD's web site ([www.screen Smoking.org](http://www.screen Smoking.org)). Specific counts were used in our aggregate analysis.

**Tobacco impressions:** Tobacco impressions = Tobacco incidents per film X views. Views (paid admissions) = Box office gross per film / Average ticket price (NATO). Because gross is generated by ticket sales, any differential between prices in Canada and the US should not substantially affect view counts. Box office grosses are reported by IMDbPro.com.

**Locations:** Locations are reported by IMDbPro.com. The proportion of shooting days and expenditures per location country or region are not reported and, while it is safe to assume that a producer seeks to maximize the film subsidies available at any location, awards and amounts to particular applicants are not reported by the agencies administering the Production Services Tax Credits.

**Brand:** Tobacco brand displayed in a film, reported by TUTD. For a listing of tobacco brand displays in top-grossing films since 1990, see [http://www.smokefreemovies.ucsf.edu/problem/brand\\_id.html](http://www.smokefreemovies.ucsf.edu/problem/brand_id.html).

**CHVRS ratings in bold** were located using the CMPDA's on-line search feature; the other ratings were calculated using the method described above



## APPENDIX D | RATINGS OF TOP BOX OFFICE FILMS, WITH ESTIMATED CANADIAN AND US SHARES OF BOX OFFICE GROSSES, TOBACCO INCIDENTS AND TOBACCO IMPRESSIONS, 2009

Canada Ratings (mod. CHVRS)	Number of Films	%	Total Gross (millions)	%	Per film (millions)	Total Tobacco Incidents	Per Film	Total Tobacco Impressions (millions)	%	Tobacco impressions per Film (millions)
<b>G/PG</b>	75	51.7	\$651	63.4	\$8.68	791	10.5	636	38.9	8.5
<b>14A</b>	50	34.5	\$259	25.2	\$5.18	653	13.1	481	29.5	9.6
<b>18A</b>	20	13.8	\$117	11.4	\$5.85	491	24.6	517	31.6	25.9
<i>Subtotal</i>	145	100	\$1,027	100		1,935		1,634		
United States Ratings (MPAA)	Number of Films	%	Total Gross (millions)	%	Per film (millions)	Total Tobacco Incidents	Per Film	Total Tobacco Impressions (millions)	%	Tobacco Impressions per Film (millions)
<b>G/PG</b>	36	24.8	\$2,662	28.5	\$73.96	107	2.9	262	1.8	7.3
<b>PG-13</b>	59	40.7	\$4,437	47.4	\$75.20	749	12.7	6,058	40.7	102.7
<b>R</b>	50	34.5	\$2,252	24.1	\$45.03	1,079	21.6	8,549	57.5	171.0
<i>Subtotal</i>	145	100	\$9,351	100		1,935		14,869	100	
<b>Total</b>	<b>145</b>		<b>\$10,378</b>		<b>\$71.57</b>	<b>1,935</b>	<b>13.3</b>	<b>16,503</b>		
US Youth-Rated										
US Youth-Rated	95	65.5	\$7,099	75.9	\$74.43	856	9.0	6,321	29.8	66.5
Canada Youth-Rated	125	86.2	\$910	88.6	\$7.28	1,444	11.6	1,117	68.4	8.9
<b>Difference (population adjusted)</b>	<b>+31.6%</b>		<b>+16.7%</b>			<b>+68.7%</b>	<b>+28.9%</b>	<b>+60.8%</b>		<b>+21.8%</b>

**Population adjustment:** Because film industry data sources declined to make available per-film box office grosses for the Canadian market component of the so-called “domestic” film distribution territory even for a price, we have used population fractions to estimate the amount earned by films in Canada (10%) and the US (90%). Then, to compare the size of US and Canadian film grosses, tobacco impressions, and tobacco impressions per film, the relevant Canadian data was multiplied by 9.1 to account for the difference in the population size of the two film markets. Population-adjusted results are shown in italics.

**Example:** The population-adjusted number of tobacco impressions delivered by a youth-rated film in Canada in 2009 = 8.9 million X 9.1 = 81 million tobacco impressions per film, 22 percent higher than the 66.5 million impressions delivered, on average, by a youth-rated film in the United States. The difference is explained by that fact that more heavy-smoking films are youth-rated in Canada than in the US.

A limitation of this method is that it may not capture differences in the relative popularity of film titles in the two countries. However, available data indicates that the (English-language) top ten films each week in Canada and the US include the same titles in much the same ranking about 90 percent of the time (see Rentrak-sourced Canada and North American, i.e., domestic, box office displayed weekly at <http://www.tribute.ca/boxoffice>). This suggests that the “10/90” allocation method is sufficiently reliable when analyzing aggregate data by year or film rating.

## APPENDIX E | TIMELINE OF DEVELOPMENTS IN SMOKING AND FILMS, 1927-2010

**1927** | First talking picture released. American Tobacco signs up Hollywood directors and actors to testify that Lucky Strike does not irritate the throat.

**1929** | US Federal Trade Commission investigates Lucky Strike campaign and orders that ads disclose payments for Hollywood testimonials. None ever do.

**1931** | Studio publicists review and authorize Lucky Strike testimonials drafted by American Tobacco's ad agency, bypassing studios' own ban on star endorsements.

**1937** | Lucky Strike underwrites national ad campaigns for 35 big-budget movies released by MGM, RKO, Paramount and Warner Bros. Other tobacco firms launch in-theater "commercials." Stars sharing \$3.25 million (2010 equiv.) in tobacco company payments that year include Clark Gable, Spencer Tracy, Joan Crawford, Myrna Loy, Carole Lombard and Barbara Stanwyck.

**1944** | Rather than hire Hollywood stars directly for cigarette promos, which might attract FTC attention, American Tobacco gives radio comedian/producer Jack Benny a \$7.25 million (2010 equiv.) "Special Exploitation Fund" to use "at his sole discretion."

**1946** | With American, Lorillard and Reynolds under FTC investigation for their endorsement practices, Liggett & Myers launches a Hollywood-based campaign plugging Paramount, Fox, Warner Bros. and Columbia — outspending the studios' own national ad budgets in the process.

**1950-1970** | As film studios lose their contractual hold on talent, tobacco firms shift from movie tie-ins and radio shows to TV advertising, developing network shows with Hollywood production companies. Smoking peaks in motion pictures in 1950 and declines through the 1970s.

**1971** | Cigarette commercials banned from US airwaves.

**1978-88** | Philip Morris contracts with product placement specialists to supply PM brands and pay "fees" to at least 130 Hollywood film productions.

**1979-84** | Brown & Williamson contracts with a placement agency for an annual \$120,000 retainer plus hundreds of thousands more for actual placement deals.

**1980-91** | RJ Reynolds pays its product placement agency up to \$200,000 a year, plus expenses. In 1990, with Congress scrutinizing US tobacco product placement, Reynolds offers its agency's UK affiliate a bounty for every European film showing a Reynolds brand.

**1984-94** | American Tobacco pays its agency upwards of \$965,000 to deliver cigarette brands, signage and "incentives" to hundreds of Hollywood productions.

**1988** | For \$350,000, James Bond's *License to Kill* becomes the centerpiece of a major Philip Morris advertising campaign to open the Japanese market. The film includes a Lark cigarette pack rigged to set off a bomb. With Congress exposing tobacco placement deals, the film's US distributor, Universal, quotes Surgeon General warning in this film's closing credits, notes that smoking in film is not intended to encourage anyone to smoke.

**1989** | After appeals from the American Medical Association (AMA) and others who cite such examples as Marlboro placement in *Superman II* and a five-picture deal with Sylvester Stallone, Rep. Thomas Luken (D-Ohio) launches an inquiry into product placement by US tobacco companies and attempts to tighten FTC reporting requirements. The tobacco industry's lobbying arm, the Tobacco Institute, denies companies pay for movie product placement.

**1990** | US tobacco companies' voluntary Cigarette Advertising and Promotion Code is amended to say: "No payment shall be made...for the placement of any cigarette, cigarette package or cigarette advertisement as a prop..."

**1991** | Twelve mainstream Hollywood films display tobacco brands. Eighteen years later, in 2009, ten top box office films showed tobacco brands. Between 1990 and 2009, 38% of all films showing brands were youth-rated (G, PG, PG-13) in the United States, the same share documented in the 1980s. Two-thirds of all brands shown are Philip Morris USA and Philip Morris International brands.

**1995** | US health groups launch sustained Hollywood smoking education campaign aimed at creatives. Incidence of smoking in Hollywood films continues to rise.

**1998** | Master Settlement Agreement between state Attorneys General and domestic cigarette companies make it a violation to pay to place tobacco products in media accessible to young people. Cigar companies (some later acquired by US cigarette giants) are not covered; neither are cigarette companies' non-US siblings or parent companies. No film industry entity is party to the MSA.

**2002** | Having climbed in the 1980s and 1990s, smoking in Hollywood movies reaches levels last seen in 1950. Smokefree Movies (SFM) campaign launched.

**2003** | World Health Organization endorses SFM policy goals, declares fashion and film the targets of 2003 World No-Tobacco Day. State Attorneys General write studios, citing "mounting scientific proof that young people who watch smoking in movies are more likely to begin smoking."

**2004** | New York State-supported Reality Check publishes *Where There's Smoke*, a youth movement action guide to smoking movies. US Senate Commerce Committee holds hearing on movie smoking; Motion Picture Association of America (MPAA)

rejects R-rating policy, advocates industry “education.” Disney Company announces it intends to keep tobacco out of its Disney-labeled (G/PG-rated) films; but makes no binding pledge on its PG-13 films, seen by adolescents.

**2004-2009** | Ontario anti-tobacco coalition and youth movements mount educational pickets and posters at Toronto International Film Festivals attended by US producers and distributors, petition Ontario Film Review Board to adopt an 18A rating for future films with smoking.

**2005** | Just before Academy Awards, Los Angeles County Dept. of Health Services rolls mobile billboards up to film studio gates. Message: “The whole world is watching.” Health Director Jonathan Fielding, MD, holds press conference to ask film industry to adopt four SFM policies. State Attorneys General ask studios to add anti-tobacco ads to all new DVDs with smoking.

**2006** | The Weinstein Company, spun off from Disney, agrees to include American Legacy Foundation anti-smoking truth® spots on its DVDs with smoking. Under pressure to reply to AGs, MPAA commissions Harvard School of Public Health consultants to provide it recommendations. Legacy, AMA, New York State and Smokefree Movies Action Network release *Screen Out* parents’ guide. News Corp.’s Fox film unit begins an unpublicized move to limit smoking in its G, PG, PG-13 films.

**2007** | Harvard calls for Hollywood to “take substantive and effective action to eliminate the depiction of tobacco smoking from movies accessible to children and youths.” AGs write studios: “Each time a member of the [film] 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.” Weeks later, MPAA and theatre chains announce that their rating system will “consider” smoking and “may” up-rate films with smoking, an announcement criticized as inadequate by health community and senior US Senators. Over next three years, the MPAA does not up-rate any film for smoking and labels only 15% of youth-rated films with tobacco imagery with a “smoking” descriptor.

After US House Subcommittee hearing, Disney renews pledge to keep smoking out of Disney-labeled movies, accepts anti-

smoking PSAs on its DVDs, and declares support for anti-tobacco PSAs in theaters showing films with smoking. Time Warner (Warner Bros.) adds Legacy PSAs on its DVDs with smoking. Universal publishes limited corporate policy on movie smoking.

UK ASH joins ASH New Zealand, the European Network for Smoking Prevention (ENSP), Alliance contre tabac (France), Human Development Network (Brazil) and other organizations backing an adult rating for smoking in future films.

**2008** | NY State Commissioner of Health Richard Daines, MD, writes media companies with film divisions, urging full implementation of the four SFM policies, launches mid-Manhattan media blitz. US CDC again cites movie smoking as a factor obstructing gains against youth smoking. Agency official describes tobacco in youth media as “like mercury pollution in fish.” In July, five major studios announce deal with State of California to add anti-smoking PSAs to their youth-rated DVDs with smoking. (Disney and Time Warner continue to post PSAs regardless of rating.) US National Cancer Institute concludes that exposure to on-screen smoking causes youth to initiate smoking.

**2009** | New York State releases poll showing that 77% of adult smokers and 82% of adult nonsmokers agree that actors should not smoke in films rated G, PG or PG-13. Support among smokers was up 40% since 2003 while support among nonsmokers had risen 10%. Results echo 2006 national results reported by the Social Climate Survey of Tobacco Control.

World Health Organization releases *Smoke-Free Movies: From Evidence to Action*, reviewing national approaches to on-screen smoking and advising specific steps to implement SFM policy in accordance with the Framework Convention on Tobacco Control. UCSF releases report surveying the \$1.3 billion in taxpayer subsidies flowing to the film industry, finding that \$500 million a year from US states subsidizes production of youth-rated films with smoking.

Influential state AG writes media parent companies, acknowledging steps such as adding PSAs to some home videos, but reiterating that the companies knowingly harm children with the release of every new film with smoking.

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- A New England cohort (middle school students at baseline) revealed that 0.52 (95% CI 0.30–0.67) of those that “tried smoking” was attributable to smoking in the movies. A later follow-up in the same cohort found an attributable risk fraction of 0.35 (95% CI: 0.14–0.56) for established smoking at young adulthood due to movie smoking exposure. A different northern New England longitudinal cohort that started with younger children (4th - 6th graders at baseline) found that 0.46 (95% CI: 0.11–0.70) of youth who tried smoking was attributable to movie exposure. Finally, a national cross sectional study (adolescents 10-14 years old) found that the adjusted attributable fraction for having tried smoking was 0.38 (95% CI: 0.20, 0.56). We pooled (using Stata 10 metan) these four estimates to obtain an overall attributable risk estimate of 0.44 (CI 0.34 – 0.58) and applied this pooled estimate to smoking prevalence estimates to estimate the number of current and ever smokers aged 11-15 years in Britain attributable to exposure to smoking in movies.
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- Canadian films (aside from US-produced films shot at least in part on Canadian locations) do not achieve top box office status in the Canada-US “domestic” film territory or, indeed, in Canada’s own film market: from 2001 to 2008, English-language Canadian films averaged 3.5 percent of the total Canadian market. French-language Canadian films performed better, taking 17 percent of Canada’s French-speaking film market. (Source: TeleFilm Canada, 2008-9 Annual Report. [www.telefilm.gc.ca/rapport-annuel/2008-2009/index-en.php](http://www.telefilm.gc.ca/rapport-annuel/2008-2009/index-en.php))
- 33 Subsidies and rebates were originally aimed at offsetting skilled labor costs (below-the-line) but competition has tended to simplify the offers to a percentage of all production spending (e.g., many US states, Ontario, Québec). For political reasons, US state subsidies retain a cap on above-the-line producer, director and star salaries that qualify for subsidy.
- For the basic terms of Canada’s film subsidies, see Appendix A. For more detail, consult PriceWaterhouseCooper (2010) The big table: film and video incentives in Canada. Accessible at [http://www.pwc.com/en\\_CA/ca/entertainment-media/publications/big-table-film-video-2010-02-en.pdf](http://www.pwc.com/en_CA/ca/entertainment-media/publications/big-table-film-video-2010-02-en.pdf). For a survey of the US subsidies, see Polansky J, Glantz SA (2009) Taxpayer subsidies for US films with tobacco imagery. UCSF Center for Tobacco Control Research & Education. Accessible at <http://escholarship.org/uc/item/8nc8422j>.
- 34 Department of Finance Canada. Budget 2009 — budget in brief. Table 1: Summary statement of transactions. Accessed at <http://www.budget.gc.ca/2009/glance-apercu/brief-bref-eng.html> on 2 April 2010.
- 35 Between 2004 and 2009, ten of the 148 top box office films with Canadian production locations shot in two province. Thus, there were 158 provincial production opportunities in the 148 films. See Appendix B for a list of Canada-located top box office films by year, rating, company and tobacco status. Québec may participate in treaty co-productions that achieve top box office status in Francophone film distribution territories outside North America.
- 36 Canadian Audio-Visual Certification Office. Production Services Tax Credit. [www.pch.gc.ca/pgm/bcpac-cavco/pgm/cisp-pstc/pubs/pstc/101-eng](http://www.pch.gc.ca/pgm/bcpac-cavco/pgm/cisp-pstc/pubs/pstc/101-eng). Accessed 25 May 2010.
- 37 Régie du Cinema (Montreal), personal communication.
- 38 Published film budgets in this sample ranged from \$4 million (*Saw II*, Lionsgate, 2004) to \$210 million (*X-Men: The Last Stand*, News Corp. (Fox), 2006). Of the 148 films, 16 (10.8%) posted budgets of \$100 million or more and 34 (23%) cost \$20 million or less. The average was \$48 million, about 25% below the \$66 million median cost of all major studio films 2004-7 (MPAA, 2007. Accessed at [www.mpa.org/2007-US-Theatrical-Market-Statistics-Report.pdf](http://www.mpa.org/2007-US-Theatrical-Market-Statistics-Report.pdf)). Published film budgets, if accurate, already account for applicable subsidies, as these reduce the production budget and are factored into the project’s business plan. (Data source for sample’s film budgets: IMDbPro.com)
- 39 Calculated as follows: Annual economic costs of smoking in Canada (= \$13 billion) / no. of smokers (= 5.3 million) = \$2,430 per smoker per year. Assuming 18 years of smoking per smoker and a 5% discount rate (Excel formula: =PV(0.05/1,18,-2430) = \$28,417 (present value) societal cost of each new adolescent smoker.
- Sources: Societal cost, \$9.4 billion in 1992 ([www.smoke-free.ca/lifesavings/cpp/ecocosts.pdf](http://www.smoke-free.ca/lifesavings/cpp/ecocosts.pdf)); Change in dollar value, 1992-2010 ([www.bankofcanada.ca/en/rates/inflation\\_calc](http://www.bankofcanada.ca/en/rates/inflation_calc)); Number of Canadian smokers (population X 0.165 prevalence: [www40.statcan.gc.ca/l01/cst01/health07a-eng](http://www40.statcan.gc.ca/l01/cst01/health07a-eng); Method ([www.smokefreemovies.ucsf.edu/pdf/Alamar](http://www.smokefreemovies.ucsf.edu/pdf/Alamar)

Movies.pdf). Note that the absolute number of smokers in Canada has not changed substantially since 1992 (5.4 million vs. 5.3 million) so no adjustment was made.

A larger value for total societal costs is given by Kaiserman MJ (2007), at [http://198.103.98.171/publicat/cdic-mcc/18-1/c\\_e.html](http://198.103.98.171/publicat/cdic-mcc/18-1/c_e.html)): \$15 billion in 1991. 2010 value is \$21.1 billion, or \$46,255 per new smoker recruited (present value). The societal cost of 15,000 adolescents smokers recruited by exposure to on-screen smoking would then be \$694 million: about \$2.75 for every \$1.00 invested in subsidies of youth-rated films with tobacco imagery by Canada.

- 40 Ontario Tobacco Research Unit. OTRU UPDATE. Tobacco Control Funding Commitments: Monitoring Update. January 21, 2010. Accessed at: [http://www.otru.org/pdf/15mr/15mr\\_no1\\_6.pdf](http://www.otru.org/pdf/15mr/15mr_no1_6.pdf) on 2 June 2010.
  - 41 Ontario Ministry of Health Promotion. SFO 2009/10 Spending Plan: Prevention.
  - 42 Titus, Polansky, Glantz (2009).
  - 43 Media Awareness Network. Film classification in Canada: Overview. Accessed at [www.media-awareness.ca/english/resources/ratings\\_classification\\_systems/film\\_classification/canada\\_film\\_classification](http://www.media-awareness.ca/english/resources/ratings_classification_systems/film_classification/canada_film_classification) on 25 May 2010.
  - 44 Motion Picture Association of America. What each rating means. Accessed at [www.mpa.org/ratings/what-each-rating-means](http://www.mpa.org/ratings/what-each-rating-means) on 25 May 2010. The private Classification and Rating Administration is a division of the MPAA, governed in consultation with the National Association of Theatre Owners (NATO), a trade group that includes Canadian movie theater chains. Rating symbols are MPAA trademarks.
  - 45 World Health Organization, Geneva (2005). Framework Convention on Tobacco Control, Article 13(2). Accessed at [www.who.int/tobacco/framework/WHO\\_FCTC\\_english.pdf](http://www.who.int/tobacco/framework/WHO_FCTC_english.pdf) on 26 March 2010.
  - 46 WHO (2009). Guidelines for implementation of Article 13 of the WHO Framework Convention on Tobacco Control. At "Purposes and objectives," (3)(d). Accessed at [www.who.int/fctc/guidelines/article\\_13.pdf](http://www.who.int/fctc/guidelines/article_13.pdf) on 26 March 2010. En français: [whqlibdoc.who.int/publications/2009/9789242598223\\_fre.pdf](http://whqlibdoc.who.int/publications/2009/9789242598223_fre.pdf)
  - 47 WHO FCTC Article 1(c) and (g).
  - 48 WHO Implementation Guidelines, Appendix.
  - 49 WHO Implementation Guidelines, at (31).
  - 50 WHO (2009). Smoke-free movies: From evidence to action. Accessed at [whqlibdoc.who.int/publications/2009/9789241597937\\_eng.pdf](http://whqlibdoc.who.int/publications/2009/9789241597937_eng.pdf) on 26 March 2010.
  - 51 Canadian Council on Tobacco Control. Summary analysis of Canadian laws. Accessed at [www.cctc.ca/cctc/EN/lawandtobacco/analysis](http://www.cctc.ca/cctc/EN/lawandtobacco/analysis) on 26 March 2010.
  - 52 Canada *Tobacco Act* (24). Accessed at [laws.justice.gc.ca/en/T-11.5/](http://laws.justice.gc.ca/en/T-11.5/) on 26 March 2010.
  - 53 Health Canada (2003). Fact sheet on the upcoming ban on the promotion of tobacco products through sponsorship initiatives. Accessed at [www.hc-sc.gc.ca/hc-ps/alt\\_formats/hecs-sesc/pdf/tobac-tabac/fact-fait/fs-if/sponsor-commandite/sponsor-commandite-eng.pdf](http://www.hc-sc.gc.ca/hc-ps/alt_formats/hecs-sesc/pdf/tobac-tabac/fact-fait/fs-if/sponsor-commandite/sponsor-commandite-eng.pdf) on 26 March 2010.
- See also Non-Smokers' Rights Association (2003). The tobacco industry's challenge to Canada's Tobacco Control Act. Accessed at [www.nsra-adnf.ca/cms/index.cfm?group\\_id=1223](http://www.nsra-adnf.ca/cms/index.cfm?group_id=1223) on 26 March 2010. En français: [www.nsra-adnf.ca/cmsf/index.cfm?group\\_id=1223](http://www.nsra-adnf.ca/cmsf/index.cfm?group_id=1223)
- See also Physicians for Smoke-free Canada (2003). Backgrounder on tobacco sponsorships. Accessed at [www.smoke-free.ca/pdf\\_1/sept03-background.pdf](http://www.smoke-free.ca/pdf_1/sept03-background.pdf) on 26 March 2010.
- For history, see also Parliamentary Research Branch (1998). Federal legislation and regulatory action. Accessed at [dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/modules/prb98-8-tobacco/legislation.htm](http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/modules/prb98-8-tobacco/legislation.htm) on 26 March 2010.

54 Canada *Tobacco Act* (18)(2)(a):

This Part does not apply to...a literary, dramatic, musical, cinematographic, scientific, educational or artistic work, production or performance that uses or depicts a tobacco product or tobacco product-related brand element, whatever the mode or form of its expression, if no consideration is given directly or indirectly for that use or depiction in the work, production or performance...

55 *Tobacco Act* (21)(1) and (2).

56 *Tobacco Act* (20).

57 *Tobacco Act* (22).

58 *Tobacco Act* (22)(3)(4).

59 Treaty co-productions are bi- or multinational film productions that enjoy public subsidies and other benefits in reciprocating countries otherwise available only to so-called “national” productions. Canadian producers most frequently partner with UK and French producers in treaty co-productions. The United States offers no significant national film subsidies and is not party to co-production treaties; instead, individual states offer up to \$420 million in media production subsidies. US productions are eligible for Canadian provincial and federal Production Services Tax Credits without a Canadian partner.

60 The government should extend this requirement for feature film producers to include all television MOW and series producers applying for provincial and federal subsidies. For example, the teen and young-adult targeted series *Caprica* (produced in Vancouver by US-based David Eick Productions and carried on Syfy cable channel, a division of NBC Universal) features extraordinary amounts of smoking by multiple leads, as did this producer’s previous science-fiction series, *Battlestar Galactica*.

61 MPAA-rated “G,” “PG,” and “PG-13” DVD releases with smoking released since late 2007 by Motion Picture Association of America member studios Disney, Fox, Paramount, Sony, Universal and Warner Bros., and from independent Weinstein, and distributed in the US and Canada, have carried anti-tobacco spots from either the State of California tobacco control program or Legacy’s Truth campaign. Disney, Warner and Weinstein include the spots on MPAA-rated “R” DVDs as well. The MPAA studios renewed two-year spot licensing agreements with the State of California in early 2010.

62 Parental controls allow the account holder to block access to specified media products by rating. These parent-set controls are widely implemented in video rental, video-on-demand and internet accounts, and on mobile accounts accessing the internet and app or media stores. Service providers could be required to block access to “18A” rated titles as the default when the user is under eighteen; adult account holders would be able to permit access on a child’s account if they chose.

63 Age gates require the user to check a box agreeing that he or she is 18 or over before the download or media stream is enabled.

64 Ontario Media Development Corporation. Ontario Production Services Tax Credit: “What types of production are eligible?” Accessed at <http://www.omdc.on.ca/Page3401.aspx> on 6 April 2010.

65 The applicant could be required to attest that, as part of the terms of its receiving a subsidy of any kind in Canada, all distribution agreements for the finished product will stipulate that the product carry an adult rating or be marketed, promoted, distributed and exhibited as such a rating would require in all territories; broadcast no earlier than 2200 hours; and age-gated in electronic commerce and distribution. There should be a claw-back provision if this attestation proves to be false.