

United States Senate

WASHINGTON, DC 20510

March 31, 2022

Wilmot Reed Hastings Jr. and Ted Sarandos
Co-CEOs
Netflix, Inc.
100 Winchester Circle
Los Gatos, CA 95032

Dear Mr. Hastings and Mr. Sarandos:

We write regarding the appearance of tobacco, nicotine, and vaping imagery in Netflix's video content consumed by young people. Decades of scientific research have shown that exposure to this imagery increases the likelihood that young viewers will use tobacco, nicotine, or vaping products. Therefore, we urge your company to take more aggressive steps to limit this imagery and decrease young people's consumption of this harmful content.

According to recent research, smoking and vaping imagery is rampant within Netflix programming that is likely to appeal to young people. In 2021, the Truth Initiative conducted a study on the pervasiveness of tobacco, nicotine, and vaping depictions in television series and films on streaming platforms that are popular among 15 to 24 year olds.¹ According to the report, for the last four years, Netflix has been the top offender with respect to the prevalence of tobacco-use imagery in both new releases and popular shows among this young cohort. In fact, two of Netflix's most popular series releases among young viewers in 2020 included a total of 425 instances of tobacco imagery.²

These findings appear to conflict with the spirit of your company's public commitments. In 2019, in response to a letter on this same subject from us, Netflix stated it was "committed to reducing portrayals of tobacco use in [its] content" and pledged that "all newly commissioned projects with ratings of TV-14, PG-13 or below will be tobacco-free, unless it is for the limited purpose of historical or factual accuracy, or to convey an anti-smoking message."³ This commitment was a laudable step forward, and Truth Initiative research indicates that your company did decrease or eliminate tobacco use in some popular shows with young adults.⁴ Unfortunately, however, among several streaming platforms, Netflix continues to air the most

¹ Truth Initiative, *Nicotine On Demand* (Jan. 11, 2022), <https://truthinitiative.org/sites/default/files/media/files/2022/01/While%20You%20Were%20Streaming%20-%20Nicotine%20on%20Demand%20Final%20Report%20Jan%202022.pdf>.

² *Id.*

³ Letter from Corie Wright, Director, North America, Public Policy, Netflix to Senators Markey, Van Hollen, and Blumenthal (May 6, 2019), https://www.markey.senate.gov/imo/media/doc/netflix_2019_response.pdf.

⁴ Truth Initiative, *Nicotine On Demand* (Jan. 11, 2022), <https://truthinitiative.org/sites/default/files/media/files/2022/01/While%20You%20Were%20Streaming%20-%20Nicotine%20on%20Demand%20Final%20Report%20Jan%202022.pdf>.

series and films that include tobacco imagery.⁵ Research shows that multiple Netflix programs *increased* the number of episodes with tobacco imagery, and several series included tobacco use in every episode.⁶ Netflix must do more to limit exposure to and glamorization of tobacco use for young people.

Netflix's apparent failure to stop the proliferation of this content poses serious health risks to young viewers. Young people who are exposed to tobacco imagery on streaming platforms are three times more likely to begin to use vaping products.⁷ Other research indicates that increased exposure to characters smoking in movies makes young people two times more likely to use tobacco products.⁸ This research builds on decades of evidence supporting the proposition that tobacco use in the media can increase youth tobacco use.⁹ As young people continue to view Netflix's programming in large numbers,¹⁰ your company has an obligation to ensure that it does not pose a health risk to these viewers.

In light of these concerns, we request a written response to the following questions by April 21, 2022:

1. Since Netflix announced in 2019 that it would limit the use of tobacco imagery in new series and movies, what actions has Netflix taken to restrict tobacco, nicotine, or vaping imagery on its platform? Please describe in detail your relevant policies and practices.
2. Does Netflix have a written policy that prohibits or limits the use of tobacco, nicotine, or vaping imagery in series and movies geared towards young adults and children? If so, please provide a copy of it. If not, why not?
3. In the response to our 2019 letter, Netflix stated that it would include information on tobacco use in ratings descriptions for series and films.¹¹ Please describe in detail how Netflix has complied with this pledge.
4. Does Netflix allow parents to shield their children from content with tobacco, nicotine, or vaping imagery by filtering it out or otherwise blocking it, regardless of the content's rating? If not, will Netflix commit to implementing this feature? If not, why not?
5. Has Netflix conducted any research about the ages of consumers who watch series or movies with tobacco, nicotine, and vaping imagery? If so, please provide this research.

⁵ *Id.*

⁶ *Id.*

⁷ Morgane Bennett et al., *Exposure to Tobacco Content in Episodic Program and Tobacco and E-cigarette Initiation*, Preventive Medicine (Oct. 2020), <https://doi.org/10.1016/j.ypmed.2020.106169>.

⁸ Department of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* (2012), https://www.ncbi.nlm.nih.gov/books/NBK99237/pdf/Bookshelf_NBK99237.pdf.

⁹ National Cancer Institute, *The Role of the Media in Promoting and Reducing Tobacco Use* (June 2008), https://cancercontrol.cancer.gov/sites/default/files/2020-08/M19_executive_summary.pdf.

¹⁰ *Netflix Narrowly Beats YouTube As the Most Popular Video Platform for US Teens, According to a New Survey*, Business Insider (Apr. 8, 2020), <https://www.businessinsider.com/netflix-most-popular-tv-option-for-teens-followed-by-youtube-2020-4>.

¹¹ Letter from Corie Wright, Director, North America, Public Policy, Netflix to Senators Markey, Van Hollen, and Blumenthal (May 6, 2019), https://www.markey.senate.gov/imo/media/doc/netflix_2019_response.pdf.

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6. Will Netflix commit to creating strong anti-tobacco public service announcements that will run immediately before or after any movie or television episode that includes tobacco, nicotine, or vaping imagery? If not, why not? If so, by what date will Netflix implement this feature?
7. Will Netflix commit to ending the use of promotional materials (e.g., posters, trailers, and previews) with tobacco, nicotine, or vaping imagery? If not, why not? If so, by what date will Netflix implement this feature?

Thank you in advance for your attention to these important matters.

Sincerely,



Edward J. Markey
United States Senator



Chris Van Hollen
United States Senator



Richard Blumenthal
United States Senator