



Keith E. Weaver
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May 7, 2019

Dear Senators Markey, Blumenthal, and Van Hollen:

Thank you for your April 15 letter sent to Sony Corporation regarding the entertainment industry and youth tobacco use. Sony Pictures Entertainment (SPE) is a subsidiary of Sony Corporation with responsibility for motion picture, television and digital production, acquisition and distribution and in light of the nature of your inquiries, we have been asked to respond on the Company's behalf.

We share your concern about the important issue of underage smoking and have taken measures both individually and collectively with other members of the film industry regarding the adoption of responsible practices relating to youth exposure to smoking imagery on screen.

As a content producer, SPE takes very seriously its commitment to reduce tobacco depictions in its films. Since 2012, we have operated under a standard protocol to identify, and where appropriate and feasible, eliminate portrayals of tobacco. In accordance with this protocol, youth-rated films produced and distributed by SPE in the United States do not feature depictions of tobacco use unless there is a compelling creative justification and even where SPE has limited influence such as in the case of acquired and co-produced films SPE discourages depictions of tobacco use. In addition, SPE does not enter into product placement arrangements in connection with the depiction of tobacco products.

For your convenience, I have attached a full copy of our policy, which can also be found on our website.

In your letter, you asked our thoughts on requiring an R or TV-MA rating for any future content that contains any tobacco imagery. In our view mandating an R or TV-MA rating for all content that depicts smoking without weighing factors such as full context, historical mores, frequency, and glamorization would obfuscate the entirety of an expressive work.

The Classification and Ratings Administration (CARA) board has, for more than fifty years, successfully provided information to parents and guardians to allow them to make well informed decisions relating to the appropriateness of the particular content. Ratings determinations take into account a multitude of, elements that

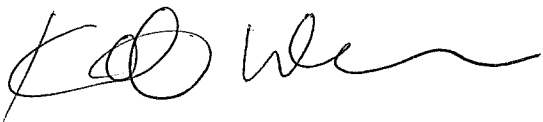
make up the relevant audio-visual work including depictions of smoking. CARA weighs tobacco related images, including e-cigarettes, when determining the rating for a movie. To insure transparency, tobacco-specific descriptors are featured side by side with a movie's rating. Sony Pictures continues to support the use of the smoking descriptor in the MPAA rating system.

You also inquired about tobacco depiction on scripted shows offered over our content services. SPE is an independent studio and unlike certain vertically integrated entertainment companies does not own a U.S. broadcast network. Our U.S. ownership interest is comprised of operation of several U.S. cable/satellite channels, including Game Show Network, a joint venture with AT&T. The scripted film content produced by Sony Pictures for broadcast on these channels following the establishment of our assessment process complies with our policy.

As you note in your letter, new technologies have transformed the traditional media landscape and enabled business models that allow consumers to access to high-quality content where, when, any on any device they want. Consumer expectations have evolved and there are more options now to enjoy the age-appropriate entertainment of their choosing. As a leading independent content producer, we understand this well and provide our content to a multitude of networks and platforms. We value voluntary efforts by those who broadcast our content to ensure consumers can make informed choices as they enjoy our content on those broadcast, cable, satellite and streaming channels.

Thank you again for reaching out. SPE is committed to continue its good faith actions to minimize tobacco depictions in youth-rated films. We are proud of our efforts to date and we pledge to remain vigilant about this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Keith Weaver', with a stylized flourish at the end.

Keith Weaver

Executive Vice President, Global Policy and External Affairs

Sony Pictures Entertainment

Sony Pictures Entertainment Tobacco Policy

Sony Pictures Entertainment (SPE) is committed to reducing depictions of tobacco use in the films produced by the company or any wholly-owned film division.

SPE has adopted a standard protocol to identify, and where appropriate and feasible, eliminate portrayals of tobacco use.

In particular, there will be a working presumption that youth-rated films produced and distributed in the United States shall not feature depictions of tobacco use unless there is a compelling creative justification that may include, but is not limited to, factors such as historical accuracy or an important tie to the creative context of the project and vision of the filmmaker.

SPE will continue its existing policy of not entering into product placement arrangements in connection with the depiction of tobacco products. As part of the commitment to this long-standing ban, SPE will, on a going forward basis, indicate in the end credits of films with tobacco depictions that no product placement arrangement was made.

With regard to film acquisitions, co-productions, and films produced and distributed outside of the United States, Sony Pictures Entertainment may have limited influence over the content. In these instances, SPE will discourage depictions of tobacco use where reasonable and practical.

And finally, Sony Pictures Entertainment strongly supports the continued use of a smoking descriptor in a youth-rated film's MPAA rating so that consumers can make an informed choice when deciding whether a film is appropriate



May 6, 2019

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward J. Markey
United States Senate
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chris Van Hollen
United States Senate
110 Hart Senate Office Building
Washington, DC 20510

Dear Senators Blumenthal, Markey, and Van Hollen,

Thank you for your letter dated April 15 regarding tobacco depictions in media. We appreciate your leadership on this important issue and appreciate the opportunity to respond.

YouTube is an open platform that empowers people to create, broadcast, and share content like never before — giving them more choice, opportunity, and exposure to a diversity of opinions. This openness has democratized how stories, and whose stories, get told. It has created a space for communities to tell their own stories. And it has created a platform where anyone can be a creator and can succeed.

While we believe in access to information, YouTube is also committed to helping keep people safe, which is why we have Community Guidelines that govern the type of content allowed on the platform. These guidelines prohibit certain categories of

material, including sexually explicit content, spam, content that is harmful or dangerous, and content that endangers the emotional and physical well-being of minors.

YouTube Community Guidelines and Ads Policies on Tobacco:

In our Community Guidelines, YouTube expressly prohibits videos that feature minors smoking or vaping. YouTube also does not allow content intended to sell certain regulated goods and services, including nicotine products. This policy prohibits attempts to directly sell these products, as well as links to sites that sell nicotine products. When content violates these policies, we will remove it and issue a “strike” to the channel that uploaded the content.

Additionally, YouTube age-restricts videos that depict adults taking part in dangerous challenges involving nicotine or e-cigarettes, which means that these videos are not visible to users who have not created an account or are logged out, who have created an account but are under 18, or who have [Restricted Mode](#) enabled.

Over the past two years, we have invested heavily in machines and people to quickly identify and remove content that violates our policies. YouTube’s enforcement system starts from the point at which a user uploads a video. If it is somewhat similar to videos that already violate our policies, it is sent for humans to review. If they determine that it violates our policies, they remove it and the system makes a “digital fingerprint” or hash of the video so it can’t be uploaded again. In the fourth quarter of 2018, over 70% of the more than 8 million videos reviewed and removed were first flagged by a machine, the majority of which were removed before a single view was received.

Our staff also carefully reviews community flagged content 24 hours a day, 7 days a week to determine whether there’s a violation of our Community Guidelines. In enforcing all of its policies, YouTube makes exceptions for content that is educational or for documentary, scientific, or artistic purposes.

We have similar policies for advertising. YouTube creators who are in the [YouTube Partner Program](#) can monetize their content through ads. To be eligible for [ads](#), videos must comply with the YouTube Partner Program policies, AdSense Program Policies, and YouTube’s advertiser-friendly content guidelines. Under YouTube’s ad friendly guidelines, video content that promotes or features the sale, use, or abuse of regulated drugs or substances, like tobacco, is deemed not suitable for advertising.

YouTube's advertising policies also prohibit ads that promote tobacco or tobacco-related products, like e-cigarettes or rolling papers, as well as content that provides links to pages that do not follow our tobacco-related content policies. YouTube's advertising policies do, however, allow informational advertisements about quitting smoking.

YouTube Kids

In addition to the main platform, we have created YouTube Kids, a standalone YouTube app built from the ground up with kids and families in mind. This app grew out of our commitment to child safety, which includes empowering parents with tools to help them choose what content their children can access online, educating families about how to stay safe online, and partnering with civil society organizations and industry to help protect children online. This free app contains kid-friendly videos, channels, and playlists. It provides an intuitive and simplified experience, including a variety of parental controls.

Content containing tobacco is not permitted on YouTube Kids. Additionally, YouTube Kids only shows ads that have gone through a rigorous review process for compliance with our [policies](#) and that are approved as family-friendly. These policies prohibit the promotion of tobacco products as part of our policies against products or services that cause damage, harm, or injury.

YouTube Originals

Given the scale at which YouTube operates and the fact that videos on the main platform are user-generated, we have limited our answers below regarding specific titles to YouTube's original series and movies ("YouTube Originals"). Beyond YouTube's Community Guidelines, YouTube Originals have content policies regarding language, dialogue, sex, nudity, violence and other potentially inappropriate content. Programs are given a content rating of G (General Audience), PG (Guidance Suggested), TV-14 (Teen), and TV-MA (Adult). A pre-roll is displayed before all TV-MA content, indicating that the program may not be suitable for all audiences, and that viewer discretion is advised.

YouTube launched its first YouTube Original titles in 2016. Since then, it has produced 132 features or series programs. Of these 132 productions, 26 of them contain tobacco imagery or dialogue. Of those 26 programs, 2 have the content rating R, 13 are rated TV-MA, 10 are rated TV-14, and 1 is rated TV-14 / TV-PG. To be responsive to

the Committee's questions, we are attaching a chart including information detailing these programs.

Conclusion

Thank you again for your letter on this important topic. We believe our policies across the main platform, YT Kids, and YouTube Originals strike an important balance in ensuring users have ample information and control over their viewing experience. That stated, we are always looking for ways to improve and welcome your thoughts in this area. We will consider your suggestions carefully as we work to improve user experience across our products.

We respect and support your efforts to reduce youth smoking and look forward to working with you to achieve that goal.

Sincerely,

A handwritten signature in black ink that reads "Karan Bhatia". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Karan Bhatia
Vice President, Global Public Policy & Government Affairs
Google



JONATHAN H. ANSCHELL
EXECUTIVE VICE PRESIDENT,
DEPUTY GENERAL COUNSEL AND CORPORATE SECRETARY

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May 6, 2019

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United States Senate
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United States Senate
110 Hart Senate Office Building
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Dear Senators Markey, Blumenthal and Van Hollen:

I write in response to your joint letter of April 15, 2019 to CBS Corporation CEO Joe Ianniello asking that we help you understand our company's policies and practices regarding the depiction of tobacco use in our programming material.

CBS Corporation produces, licenses and delivers tens of thousands of hours of video content each year via broadcast, cable, satellite and OTT platforms. Content is the heart of what we do at CBS. We invest billions of dollars a year to provide viewers --free of charge in the case of our over-the-air broadcast and advertiser-supported online platforms-- with what they want. That our programming is among the most highly watched in the world is testament to our success in meeting the needs and tastes of our audiences.

A critical aspect of delivering top-notch, popular content is ensuring that it is appropriate for our viewers. We expend great human and capital resources in doing so, mostly through our Standards & Practices Department. That department, which I oversee, is responsible for

reviewing numerous aspects of programming, including appropriateness of visuals, dialog, wardrobe, indecency, privacy, legal and other concerns.

On the West Coast, we employ a large team of staff and executives whose sole jobs are reviewing content and applying TV Ratings to some 2,025 hours of CBS broadcast and All Access original entertainment and live programming per year. That group is also responsible for reviewing all program promotions, a full reel five days a week, or about 520 hours a year.

Our East Coast Standards & Practices group, comprised of a separate team of staff and executives, is dedicated to reviewing all advertisements on CBS and CBS Sports Network, numbering nearly 1,000 submissions of scripts, storyboards and rough cuts per week. That group also reviews The Late Show with Stephen Colbert, reality shows, specials such as The Kennedy Center Honors and, along with the West Coast Group, live programming, such as the Grammys and Tony Awards shows.

When it comes to depictions of tobacco use on CBS platforms, we acknowledge the harmful health risks of smoking and endeavor to render it unattractive and unappealing to all of our viewers. To that end our Standards & Practices Department, both West and East Coast groups, adhere to internal guidelines that provide: There should be no depiction of tobacco use unless it is portrayed in a negative light. That means that on the rare occasion when a character is shown using tobacco, the character will be chided for doing so, will be warned about the adverse impact on health, and/or will be viewed as an unsympathetic or unlikeable person. An example of the application of this guideline is demonstrated in a story arc in the Emmy-award-winning show “Mom,” in which the character Christy, a sober and recovering addict is trying to quit smoking. Christy’s friend Wendy bombards her with texts urging her to quit and gifts Christy a pair of educational artificial lungs, one healthy and one of a smoker, in an attempt to get her friend to consider curbing her smoking habit. The episodes in this arc are all rated TV-14.

A variation of the CBS tobacco use guidelines applies to period pieces, that is, programming that is set in an earlier era, when smoking was not deemed dangerous to health and was prevalent and widely accepted behavior. In such settings, tobacco use is permitted if presented in a neutral manner and does not promote such behavior or portray it in a positive light. For example, an episode of “Hawaii 5-0” focused on a JFK assassination conspiracy theorist and included historical characters from the 1960s who were smokers. Their tobacco use on the show was part of the historical setting and did not glorify such use. We assigned that episode a TV Rating of TV-14. More recently, in an awards show, a performer proposed a period setting that would have included tobacco use in a glamorous way. As a result, the CBS Standards & Practices group and the performer both concluded that tobacco use should be cut from the piece.

With respect to promotional materials for our programming, the CBS Standards & Practices guidelines are absolute: No tobacco use at all is permitted in this material. The brief nature of the material makes the context we demand in our guidelines nearly impossible.

The TV Parental Guidelines ratings system, which our company actively supports and applies in order to provide parents with helpful tools in determining viewing plans for their children, does not specifically address tobacco use. However, our Standards & Practices Department takes into account tobacco use in programming material when assigning a rating. Such programming likely will be assigned a TV-PG rating (material that parents may find unsuitable for younger children; many parents may want to watch it with their younger children) and, sometimes, a TV-14 rating (program contains some material that many parents would find unsuitable for children under 14 years of age; parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended).

At the same time our Standards & Practices Department employees review and apply TV Parental Guidelines ratings to our programming, they do so by coordinating and consulting with those who create, produce, write and direct the content. We greatly value the work of the artistic community and seek to protect their creativity and innovation. The content we review, rate and distribute on all platforms is a collaborative effort with that community.

Thank you for your inquiry about our TV programming practices. We at CBS are extremely proud of the robustness of the standards to which we hold our valuable, popular content for the good of our viewers.

I am happy to respond to any additional questions you may have.

Sincerely,



Jonathan Anshell

Executive Vice President/Deputy General Counsel/Corporate Secretary



The WALT DISNEY Company

Richard M. Bates
Senior Vice President
Government Relations

May 6, 2019

The Honorable Richard Blumenthal
706 Hart Senate Office Building
Washington, DC 20515

The Honorable Edward Markey
225 Dirksen Senate Office Building
Washington, DC 20515

The Honorable Chris Van Hollen
110 Hart Senate Office Building
Washington, DC 20515

Dear Senators Blumenthal, Markey, and Van Hollen,

Thank you for your April 15, 2019 letter to Bob Iger regarding depictions of tobacco use in film and video content in the entertainment industry. We commend you on your long-held commitment and leadership in promoting the health of America's youth. It has been nearly 12 years since Mr. Iger first wrote to then-*Representative* Markey noting that "The Walt Disney Company shares your concern regarding deaths due to cigarette smoking," and taking what Mr. Markey aptly described as a "groundbreaking" stand with respect to smoking in Disney-branded movies. As discussed below, we have expanded that commitment in the years since, and we continue to recognize this as an important issue today. Just last week, we removed smoking areas from our domestic theme parks in the interest of making the parks more enjoyable for everyone.

The attached *Smoking in Movies* policy statement, released in 2015, represents our most recent commitment with respect to films produced by The Walt Disney Company. In short, we will not depict cigarette smoking in movies we produce and distribute under the Disney, Pixar, Marvel, or Lucasfilm labels rated G, PG, or PG-13, with limited exceptions related to historical context and scenes that portray smoking in a negative manner. Among other provisions, the policy also prohibits product placement or promotion deals related to tobacco products, and commits to place anti-smoking public service announcements on DVDs of new or newly remastered films rated G, PG, and PG-13 that depict smoking. Several weeks ago, we completed the acquisition of 21st Century Fox, including its renowned film production business. We are proud to inform you that our *Smoking in Movies* policy will likewise apply to 21st Century Fox films that are greenlit by our company after the closing date of that acquisition.

In addition to our rich tradition of film production, we are proud of the quality of our television programming and take great care in making responsible decisions, especially with respect to content that is intended for children and teens. Our Standards & Practices professionals review programs that appear on our networks, and any proposal to depict smoking or the use of tobacco is heavily scrutinized and reviewed for its appropriateness, regardless of whether the programming is intended for children or adult viewers. Later this year, we will

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launch the Disney+ streaming video-on-demand service, which will include both film and television content. We will continue to take all appropriate measures, through the use of ratings and through the review by Standards & Practices, to ensure that we maintain the trust that we have earned with our viewers, especially with respect to our family friendly original programming. Gratuitous depictions that glamorize smoking or encourage young people to smoke have never been acceptable to The Walt Disney Company and will not appear on Disney+.

Thank you for the opportunity to share our practices with respect to this important topic.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Bates". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

Richard M. Bates
Senior Vice President, Government Relations

Enclosure: *Smoking in Movies* policy statement



SMOKING IN MOVIES

The Walt Disney Company actively limits the depiction of smoking in movies marketed to youth. Our practices currently include the following:

- Disney has determined not to depict cigarette smoking in movies produced by it after 2015 (2007 in the case of Disney branded movies) and distributed under the Disney, Pixar, Marvel or Lucasfilm labels, that are rated G, PG or PG-13, except for scenes that:
 - depict a historical figure who may have smoked at the time of his or her life; or
 - portray cigarette smoking in an unfavorable light or emphasize the negative consequences of smoking.
- Disney policy prohibits product placement or promotion deals with respect to tobacco products for any movie it produces and Disney includes a statement to this effect on any movie in which tobacco products are depicted for which Disney is the sole or lead producer.
- Disney will place anti-smoking public service announcements on DVDs of its new and newly re-mastered titles rated G, PG or PG-13 that depict cigarette smoking.
- Disney will work with theater owners to encourage the exhibition of an anti-smoking public service announcement before the theatrical exhibition of any of its movies rated G, PG or PG-13 that depicts cigarette smoking.
- Disney will include provisions in third-party distribution agreements for movies it distributes that are produced by others in the United States and for which principal photography has not begun at the time the third-party distribution agreement is signed advising filmmakers that it discourages depictions of cigarette smoking in movies that are rated G, PG or PG-13.
- For movies produced outside the United States or where Disney's influence over the content of films is limited (such as movies co-produced by Disney), Disney seeks to discourage depiction of smoking in its movies that are rated G, PG or PG-13 where we believe it is appropriate and practical to do so.

Disney regularly reviews the incidence of depictions of smoking in movies distributed by Disney entities. Compiled results of such reviews will be made public.



Hulu, LLC ♦ 2500 Broadway, 2nd Floor ♦ Santa Monica, California 90404

May 6, 2019

Senator Richard Blumenthal
706 Hart Senate Office Building
Washington DC, 20510

Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington DC, 20510

Senator Chris Van Hollen
110 Hart Senate Office Building
Washington, DC 20510

Dear Senators Blumenthal, Markey and Van Hollen,

Thank you for your April 15, 2019 letter addressing smoking imagery in film and television. Hulu shares your concerns and greatly respects your longstanding commitment to reducing youth smoking. This letter outlines our approach to depictions of tobacco use on our service.

Hulu is an aggregator of content, with more than 85,000 TV episodes and movies in our library. The vast majority of these titles are licensed from leading networks and studios, and depictions of tobacco use are determined by the licensors' policies and production guidelines.

While licensed content accounts for a large percentage of our library, Hulu Originals are a critical part of our product offering. Each episode of a Hulu Original goes through multiple layers of review by Hulu's Standards & Practices professionals. These reviewers are particularly focused on identifying and eliminating glamorization of youth smoking in content that is likely to be viewed by minors.

Hulu also reduces young viewers' exposure to depictions of smoking by allowing parents to set up kids profiles for their children. Kids profiles restrict their users to Hulu's "Kids Hub." All content in the Kids Hub is rated TV-Y, G, TV-G, TV-Y7, TV-Y-FV or PG and comes from a family-friendly genre like animation, food, music or science and technology.

Finally, Hulu is distinguished from other leading streaming services by the presence of commercials for users who select our ad-supported plan. Hulu does not accept any advertisements for tobacco products or e-cigarettes. The only smoking-related commercials that can appear on our service are anti-smoking public service announcements and advertisements for smoking cessation aids.

Thank you for the opportunity to share our approach. Hulu is fully committed to limiting our young viewers' exposure to content that glorifies youth smoking.

Sincerely,

A handwritten signature in blue ink that reads "Brian Levine". The signature is written in a cursive, flowing style.

Brian Levine
Head of Regulatory Affairs and Public Policy



Timothy P. McKone
Executive Vice President
Federal Relations

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May 6, 2019

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

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

The Honorable Richard Blumenthal
United States Senate
Washington, DC 20510

Dear Senators:

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

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

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

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

¹ https://www.warnermediagroup.com/sites/timewarner.com/files/related-articles/tobacco_depiction_policy_october_2018_revised.pdf. When making programming for other networks, Warner Bros. follows the tobacco depiction policies of that network.

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

The Honorable Edward J. Markey, Chris Van Hollen, and Richard Blumenthal
May 6, 2019, Page 2

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

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

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

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

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

Sincerely,



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

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

NBCUniversal

May 6, 2019

The Honorable Senator Edward J. Markey
The Honorable Senator Chris Van Hollen
The Honorable Senator Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senators Markey, Van Hollen, and Blumenthal:

Thank you for your letter regarding our company's policies and practices regarding depictions of tobacco use in films and television programming. We treat the issue of youth smoking seriously, and we are pleased to provide the information below in response to your inquiry.

Universal Pictures has a policy and procedures in place that seek to eliminate depictions of tobacco use from its youth-rated films (G, PG, or PG-13), where appropriate and feasible. That policy starts with the presumption that no depictions of tobacco use should appear in any youth-rated film produced by Universal unless there is a substantial reason to do so. For example, a given incident of tobacco use may be included in a film if it is important to the film from a factual or creative standpoint, and/or would be difficult to remove. Universal also considers whether a film will be marketed to adolescents, either primarily or as part of a mixed audience, in determining whether depictions of tobacco use should appear.

Although this policy only applies to films produced by Universal Pictures, Universal also discourages depictions of tobacco use in youth-rated films that it acquires, distributes, or co-produces and will exert its influence, where possible, to minimize the occurrence of smoking incidents in them.

We also participate in the well-known film ratings system operated by the Classification and Rating Administration (CARA) of the Motion Picture Association of America, which gives parents information about the content of films, to help guide viewing decisions for their children (available at <http://www.filmratings.com>). CARA considers smoking as a factor in its film ratings process.

NBCUniversal also has internal policies and procedures for evaluating tobacco depictions in television programming. As a general matter, we aim to restrict portrayals of tobacco to situations necessary to the plot and/or character delineation. These determinations are made on a case-by-case basis by our NBC Program Standards executives working closely with our creative partners. Should such tobacco depictions occur, we also aim to ensure that tobacco use is not glamorized.

In addition, NBCUniversal makes no product placement, tie-in, or other promotional arrangements with tobacco companies for any of its films or television content, regardless of rating. No NBCUniversal production may receive consideration of any kind in exchange for depicting tobacco or tobacco-related signage or paraphernalia in a film or television show.

We appreciate you reaching out to share your views and to learn more about our policies and practices. Please know that we remain committed to reducing depictions of tobacco smoking in film and TV content rated for a youth audience.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Phil Tahtakran', with a long horizontal flourish extending to the right.

Phil Tahtakran
Head of Federal Government Affairs
NBCUniversal

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May 6, 2019

The Honorable Edward J. Markey
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United States Senator
706 Hart Senate Office Building
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Dear Senators Markey, Van Hollen and Blumenthal:

Thank you for your letter regarding depiction of tobacco use in movies and TV shows. As the world's leading internet entertainment service, Netflix takes seriously our responsibility to our members -- especially those seeking to make informed choices about the kinds of content their families watch.

Fortunately, while streaming entertainment is more popular than ever, smoking is not. Recent statistics from the Centers for Disease Control and Prevention and the U.S. Department of Health and Human Services indicate that cigarette smoking, including among minors, has declined to historic lows.¹ We commend the leadership of elected officials, such as yourselves, as well as the advocates and parents who have worked to create a healthier, safer environment for children and teens by shedding light on the dangers of tobacco use.

Netflix is committed to reducing portrayals of tobacco use in our content, while supporting artistic expression and creative freedom. Consistent with these goals, Netflix has developed the following policy: Going forward, 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. For all other projects, tobacco use will be

¹ See U.S. Department of Health & Human Service, Adolescents and Tobacco:Trends, *available at* <https://www.hhs.gov/ash/oah/adolescent-development/substance-use/drugs/tobacco/trends/index.html>; Centers for Disease Control and Prevention, Youth and Tobacco use, *available at* https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm.

limited to depictions that are essential to the creative vision of the artist, or are historically or factually accurate.

Netflix also is committed to giving parents and families more information about, and control over, what kids watch on the service. Starting later this fall, information about tobacco use will be included in our film and series ratings descriptions so that Netflix members can make informed choices about what they and their families watch. Such descriptors will first be added to newly commissioned content and will subsequently be added to all content on the service.

Finally, please know that Netflix and Netflix original series producers do not accept any money or promotional consideration from tobacco companies.

Sincerely,

A handwritten signature in blue ink that reads "Corie Wright". The signature is written in a cursive style and is positioned above a horizontal line.

Corie Wright
Director, North America
Public Policy
Netflix, Inc.



May 6, 2019

The Honorable Richard Blumenthal
U.S. Senate
706 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward Markey
U.S. Senate
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chris Van Hollen
U.S. Senate
110 Hart Senate Office Building
Washington, DC 20510

Senator Blumenthal, Senator Markey, and Senator Van Hollen,

Thank you for your April 1, 2019 letter regarding tobacco imagery in Amazon's video content. Amazon is a customer-obsessed company and we appreciate your interest in the important topic of underage tobacco use. Below we have highlighted the tools that we provide customers to select appropriate content for their households. We are available to discuss these issues further with your offices if you have any questions.

Today, the Amazon Prime Video catalog available to customers in the United States contains tens of thousands of titles, including Amazon Originals as well as third-party licensed movies and television series from content providers around the world. Our content selection is always changing; due to the size and dynamic nature of our catalog and the lack of an industry standard mechanism for identifying tobacco-specific data within content, we are unable to provide a title by title assessment on the presence of tobacco imagery or dialogue. However, individual maturity ratings are displayed on the detail page for the title within the catalog.

Amazon Prime Video's goal is to deliver the broadest selection of premium content to our customers to stream, purchase, or rent while also ensuring that we provide the information necessary to allow customers to make informed decisions about what content is appropriate for them and their households. We provide customers with tools such as ratings classification information and pin controls to make these important decisions at a personal level.

Amazon Maturity Ratings and local rating systems like the Motion Picture Association of America allow customers around the world to quickly and easily identify the appropriateness of content in our catalog. These rating systems generally distinguish between audience age groups; Amazon Maturity Ratings are broken across five age bands: All Ages, 7+, 13+, 16+, and 18+ by considering factors such as violence, drug and tobacco use, nudity, sexual themes, and language, and together with existing localized maturity ratings, link to our robust parental control pin based system. The parental control system gives customers the option to designate a PIN code before content that is associated with designated maturity ratings can be accessed. Parental controls can be set for viewing restrictions on many devices, including web, and mobile and iOS/Android applications. Once parental controls are set on one device, they are enforced across all devices, or customers can set viewing restrictions differently between devices. We believe it is important to empower customers to make these determinations.

This year, IMDb, an Amazon affiliate, launched Freedive, an ad-supported streaming video on demand service featuring hundreds of movies and television series; we do not publicly disclose the number of viewers of each ad-supported title or any demographic information for those viewers. However, Amazon does not allow advertisements for tobacco products, including e-cigarettes, within Freedive. Similarly, Amazon Studios, as a

601 New Jersey Ave., NW
Washington, DC 20001

content creator, prohibits the inclusion of paid product placements for any tobacco products in Amazon Original programming and does not include depictions of tobacco in any animated or live action show produced by Amazon Studios for young audiences.

We provide customers with access to a broad selection of content, including television shows or movies that some customers may find objectionable. We are always listening to customer feedback, as provided to our customer service team or reflected in content reviews, in order to make the improvements to the service and our content offering that reflect the diversity of viewpoints within our audience. Today, we maintain content policy guidelines that apply to content made available in our catalog and we are consistently iterating on our customers' behalf to address content that they may find disappointing or inappropriate, including continuing to improve the amount of ratings information provided and applying important discretion for the content that we create for children.

Thank you for your interest in our policies as they relate to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Huseman". The signature is fluid and cursive, with a large initial "B" and "H".

Brian Huseman
Vice President, Public Policy



May 20, 2019

Senator Edward J. Markey
Senator Chris Van Hollen
Senator Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senators Markey, Van Hollen, and Blumenthal,

Thank you for your April 15 letter regarding youth exposure to tobacco depiction in on-demand digital content. It's an important issue, and one that we take seriously.

We are deeply committed to ensuring the digital health and well-being of the users of our products and services. We believe it is our duty to create tools that let parents know, and feel good about, what their kids are doing on their devices, whether it's downloading a math app on their iPhone or watching a movie on their iPad.

Parental Controls

We have given parents tools to choose how — and how often — their kids can use their devices. We do this in various ways. Parental controls have been built directly into iOS since 2008 and allow a parent to adjust the settings on an iPhone, iPad, or iPod Touch to prevent access to explicit content as well as control purchases and downloads.

In June 2018, we expanded these parental controls when we introduced Screen Time in iOS 12 to help parents understand and better manage how their children interact with their iOS devices. With Screen Time, a parent can block or limit specific apps and features on a child's device. All of these features are easy to use and instructions for use can be found on our website: <https://support.apple.com/en-us/HT201304>.

Additionally, we offer parents or caretakers the ability to create restrictions in Apple TV, so they can control access to certain content. Movies, TV shows, and apps can be filtered or blocked based on film, TV, or age ratings.

The App Store

In addition to providing parents with tools to manage how their children use their devices, Apple also prohibits the promotion of tobacco use in apps made available to consumers on the App Store, regardless of the intended age audience. The relevant App Store rule states that "[a]pps that encourage consumption of tobacco products, illegal drugs, or excessive amounts of alcohol are not permit-

Apple
One Apple Park Way
Cupertino, CA 95014
T 408 996-1010
F 408 996-0275



ted on the App Store. Apps that encourage minors to consume any of these substances will be rejected. Facilitating the sale of marijuana, tobacco, or controlled substances (except for licensed pharmacies) isn't allowed."

iTunes and Apple TV

At Apple, we license hundreds of thousands of movies and TV shows through our iTunes store. We require Motion Picture Association of America (MPAA) ratings for movies made available in the U.S. via the iTunes Store and Apple TV. Since 2007, the MPAA has included tobacco-related imagery as a rating factor for movies, out of a concern for the public health dangers associated with glamorized images of tobacco, particularly to children. iTunes also currently shows the Common Sense Media (CSM) ratings for movies on tvOS. In publishing its ratings and reviews, CSM specifically takes into account depictions of smoking through inclusion of a "Drinking, Drugs & Smoking" category. Very shortly, we will incorporate the CSM rating on the Apple TV app for both movies and TV. This will include the CSM age guidelines as well as explanatory copy from CSM about the content. In taking these steps with iTunes and Apple TV we are ensuring that we provide our users with an environment that supports account-specific parental controls and extensive integration of CSM ratings, in addition to traditional TV and movie ratings.

Apple TV+

In March, we announced Apple TV+, bringing together the best lineup of storytellers in the world — both in front of and behind the camera. Apple TV+ will be available beginning this fall. We understand the concerns expressed in your letter regarding tobacco depiction and take the issue, and our responsibility as original content producers, seriously.

We have committed resources and put in place internal processes and guidelines to govern Apple-produced content for Apple TV+, consistent with Apple's high standards. We endeavor to provide our customers with information about our content so they can make informed viewing decisions for themselves and their families, including CSM reviews and TV Parental Guidelines and MPAA ratings.

Apple has taken a variety of steps aligned with television and movie industry standards around tobacco depiction, while balancing important First Amendment creative protections. Our practices currently include the following:

- When Apple produces original content for Apple TV+, we will not accept paid product placement in connection with the depiction of tobacco products and brands.
- Apple will avoid depictions of smoking and tobacco products/brands in all original feature films Apple produces for Apple TV+ with an MPAA rating



of G, PG, and PG-13, except for scenes that reflect historical and/or cultural accuracy or otherwise portray smoking unfavorably.

- For all other original content, we evaluate all tobacco depictions thoughtfully on a case-by-case basis, considering factors such as anti-smoking context, historical accuracy, and situations otherwise necessary to plot and character delineation.

We thank you for your work on this important issue, and we welcome the opportunity to discuss these issues further at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Timothy Powderly". The signature is written in a cursive, flowing style.

Timothy Powderly
Director, Federal Government Affairs
Apple



May 6, 2019

The Honorable Edward Markey
United States Senate
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Chris Van Hollen
United States Senate
110 Hart Senate Office Building
Washington, DC 20510

The Honorable Richard Blumenthal
United States Senate
706 Hart Senate Office Building
Washington, DC 20510

Dear Senators Markey, Van Hollen, and Blumenthal:

Thank you for your letter regarding tobacco imagery in today's media landscape. Fox Corporation appreciates that children can be particularly influenced by tobacco imagery in television programming, and for that reason, we take our responsibility to limit the promotion of smoking on all of our platforms very seriously.

As a newly launched company that will include FOX Entertainment, FOX Sports, FOX News Channel, FOX Business Network and FOX Television Stations, we will strive to offer the most compelling entertainment possible. Although we no longer own or control Fox film and television studios, FX Networks, National Geographic or a stake in Hulu, we remain fully committed to working with the producers of our content to ensure that it does not glamorize or normalize cigarette smoking in the programming we produce, license, and broadcast. Our robust Standards and Practices department will continue to review all scripted programming to ensure the content across our brands meets company guidelines to limit the depiction of drugs, cigarettes, and similar substances and allow depiction only when necessary to the storytelling. A review of the FOX Entertainment lineup for 2017-2018 and 2018-2019 revealed that fewer than 1 in 10 shows included any smoking imagery. And importantly, when smoking was shown, it was often portrayed in an unfavorable light with the negative consequences of smoking emphasized, including in episodes of *The Orville*, *The Mick*, *The Simpsons* and *Family Guy*, among others.

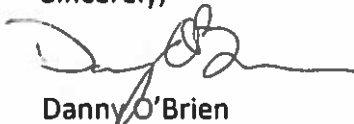
As further evidence of our commitment to limit smoking on television, FOX does not accept advertising for smoking-related products, including e-cigarettes, cigarettes, chewing tobacco, snuff tobacco, cigars, and all other tobacco or drug-related products on any of its networks. Moreover, FOX routinely requests that advertisers for other

products, such as movie trailers, remove depictions of tobacco usage in their product advertising they wish to air on our networks.

FOX is also proud to serve on the Television Parental Guidelines Oversight Monitoring Board, which oversees the TV Parental Guidelines. According to a 2018 Hart Research Associates survey, the TV ratings system is used by 88 percent of parents, with 95 percent of users satisfied with the accuracy of the ratings for TV shows. The ratings work in conjunction with V-Chip technology installed in television set receivers, which was brought about by the efforts of then-Representative Markey. Together, the ratings and V-Chip give viewers the information and tools they need to make informed decisions about the programming they choose for themselves and their children.

Fox Corporation looks forward to entertaining the largest audiences in the world in a responsible manner that is consistent with the public health goals you seek to advance. We will continue to monitor these issues closely and to adjust our standards if necessary in the future to maintain our commitment to this cause. We are available to you should you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danny O'Brien', written over a horizontal line.

Danny O'Brien
Fox Corporation

**OFFICE OF DEDE LEA
EXECUTIVE VICE PRESIDENT
GLOBAL GOVERNMENT RELATIONS**

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Washington, D.C. 20004
o: 202.785.0777
DeDe.Lea@viacom.com

May 6, 2019

The Honorable Edward Markey
The Honorable Richard Blumenthal
The Honorable Chris Van Hollen
United States Senate
Washington, DC 20510

Dear Senator Markey, Senator Blumenthal and Senator Van Hollen:

I am writing to respond to your letter dated April 15, 2019 to Bob Bakish, President and CEO, Viacom Inc. (“Viacom”). Viacom shares your concern about the serious health risks associated with tobacco use and appreciates your interest in understanding the role the entertainment industry plays in preventing such use by youth.

Viacom creates some of the most popular film, television and digital entertainment through iconic brands like Nickelodeon, Nick Jr., MTV, VH1, BET, Comedy Central and Paramount Pictures (“Paramount”). Consistent with a long tradition of corporate social responsibility, Viacom developed tobacco policies designed to eliminate paid tobacco promotions for all audiences and to minimize tobacco depictions for youth audiences. Specifically, Viacom does not permit advertising, product placement, “tie-ins” or other paid promotion of tobacco (cigarettes, little cigars and smokeless tobacco) in any of its film, television or digital entertainment, regardless of rating. Viacom does not accept consideration of any kind in exchange for depictions of tobacco.

Viacom also discourages tobacco use in youth-rated films (G, PG, PG-13) and youth-rated television programs (TV-Y, TV-Y7, TV-G, TV-PG, TV-14). In implementing this policy, Viacom takes into account the creative vision of filmmakers and television producers, while balancing responsible depiction of tobacco use. For example, there may be instances where the depiction of tobacco use is appropriate for the story being told, such as to portray accurately a historical figure or time period. Viacom’s ability to influence the content of a film or television program is necessarily limited when it is acting as a distributor on behalf of a third party, or lacks editorial control.

At Paramount, if a youth-rated film does contain a depiction of tobacco or tobacco-related products, the end credits of the film include the following notice: “Paramount Pictures Corporation did not receive any payment or other consideration, or enter into any agreement, for the depiction of tobacco products in this film”.¹ Paramount also includes an anti-smoking public service announcement produced by the California Health and Human Services Agency on all domestic DVDs for such films.

In recent years, Viacom has aired thousands of anti-smoking television ads from the Truth Campaign, the U.S. Food and Drug Administration and the Centers for Disease Control and Prevention. From 2015-2018, Viacom and the Truth Campaign created custom spots highlighting the dangers of smoking for the MTV Video Music Awards.

Viacom has also incorporated anti-smoking themes into some of its youth-oriented television programs. In 2018, the company again collaborated with the Truth Campaign to create a custom episode of MTV’s *Decoded* series, focusing on systemic targeting of rural, low-income communities by Big Tobacco. Viacom continues to work with anti-smoking groups to develop diverse, custom marketing campaigns, and plans to bring one such campaign to its 2019 VidCon festival.

Viacom regularly reviews the implementation and effectiveness of its tobacco policies and may revise them as appropriate. The company welcomes your inquiry and interest in this important area.

Sincerely,



DeDe Lea
Executive Vice President, Global Government Relations

¹ Paramount’s Smoking and Tobacco Depiction Policy, effective January 1, 2013, can be found here: <https://www.paramount.com/inside-studio/studio/business-conduct/smoking-and-tobacco-depiction-policy>