

**Submission to Review of
NSW Public Health Act 1991**

**Mandated counter-advertising as a strategy for reducing the
public health impact of smoking in movies**



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1. Executive summary

Since the mid 1990s there has been a rapidly growing body of research evidence that strongly suggests the portrayal of tobacco use in movies is negatively impacting on public health by increasing the risk of smoking uptake among the young. This submission recommends an amendment to the NSW Public Health Act 1991 mandating the screening of a strong, well-researched and Government-approved anti-smoking ad before movies which include excessive or inappropriate smoking scenes.

The proposed amendment would assist in achieving the objective of Focus Area 3 (Marketing and promotion of tobacco products) in the NSW Tobacco Action Plan 2005-2009. An identified activity of this focus area is:

Amendment of the Public Health Act 1991 to address tobacco product promotion through below the line marketing, youth events, the internet and smoking in films and theatre.

2. Introduction

The ban on tobacco advertising on TV starting in 1973 was one of the first tobacco control strategies implemented in Australia – an acknowledgement of the power of screen images to influence smoking behaviour.

Movie-goers no longer see glamorous people smoking in ads before the main feature but the number of people smoking in movies has increased over the last decade.ⁱ Despite the ban on advertising recognisable cigarette pack shots still appear in movies, for example the recent movies 'Alfie' and 'Closer'.

Attractive smoking images in movies are a particular concern because movie going is a significant part of youth culture across all demographic groups. Young people are 3 times more likely to go to movies than adultsⁱⁱ and 90% of young people see at least one film at the cinema each year.ⁱⁱⁱ

Eight out of ten new smokers are children or adolescents^{iv}.

3. Why is smoking in movies a problem?

3.1 There is good evidence that it encourages young people to smoke

Academic research strongly suggests that smoking in movies can contribute to the uptake of smoking among the young. For example:

- A major US study found that adolescents exposed to high levels of movie smoking were almost 3 times more likely to smoke than those with little exposure.^v
- A survey of students found that they regarded on-screen smoking imagery as a highly accurate reflection of reality.^{vi}
- Research has shown that movies that feature smoking can weaken the resolve of young people not to smoke.^{vii}
- The effect of smoking in film on the uptake of smoking by young people is stronger than the effect of traditional forms of cigarette advertising.^{viii}
- Women are often displayed using tobacco products to convey sex appeal, emotional control, power, body-image control and comfort. Men smoke to portray masculinity, power, prestige, authority, male bonding and their role as protector.^{ix}

Both the general community and young people themselves believe that celebrities' smoking encourages young people to take up smoking.

- In the 2002 survey of health behaviours in secondary school students conducted by NSW Health, 49% of students aged between 12 and 17 years (46% of males, 51% of females) believed that smoking by celebrities encourages young people to take up smoking.^x
- 77% of respondents to the biannual community attitude survey conducted by the Centre for Health Research and Psycho-oncology agreed that actors and actresses smoking in movies encourages young people to try smoking.^{xi}

3.2 There is a large number of smoking scenes in movies and the portrayal of smoking in movies misrepresents reality

Over the past decade or more, there has been an increase in the level of smoking images and scenes in movies, as well as a concerning disregard for reality in the way in which smoking is portrayed. This includes smoking being depicted at levels that do not reflect real-world smoking rates and social norms, as well as ignoring the health impact of smoking.

- A study of the 250 highest-grossing films over 10 years found that characters smoked in 85% of them.^{xii}

- After “bottoming out” in 1980, the rate of smoking in major films in 2002 had returned to the high levels of the 1950s.^{xiii}
- The majority of youth-rated movies (G, PG and PG-13) released in the US between 1999 and 2003 contained smoking. Specifically, 80 percent of PG-13 rated films, and almost half of PG and G-rated films featured smoking^{xiv}.
- Between 1999 and 2003 approximately 32.6 billion tobacco impressions in first run movies were delivered by the U.S. movie industry to audiences of all ages.^{xv} 8.3 billion of these were delivered to children and teenagers.
- An Australian study found that tobacco use was portrayed as socially acceptable in 95% of smoking scenes and unacceptable in only 5% of such scenes.^{xvi} This imbalance is at odds with current social trends in the real world.
- Movies that contain smoking scenes rarely depict the health consequences of smoking. For example, one study revealed that 99.6% of screen characters suffer no life threatening consequences from their smoking in the movies studied. This, the authors concluded, make the smokers “...seem invincible, belying tobacco’s role as a leading cause of preventable deaths”.^{xvii}
- In some movies it would appear that storylines have been cleverly contrived to promote smoking. For example, as described by one tobacco control advocate, in the movie *Two of a Kind* starring John Travolta and Olivia Newton-John: “*One of God’s messengers drives a bus with a huge Camel ad on the side. In a masterful association of forbidden fruits, the devil tempts the angels with scantily clad young ladies with the camel ad serving as a conspicuous backdrop. In the final scene God’s messenger asks Travolta for a cigarette.*”^{xviii}

Adding to the impact of smoking portrayal in movies is the increasing availability of popular movies in video and DVD formats, which effectively ensures that the favourable depiction smoking will influence far beyond an initial cinema season. One such example is the blockbuster movie *Grease*, which has had ongoing appeal to successive generations of children and adolescents. The cigarettes featured in *Grease* were supplied by tobacco companies for promotional purposes.^{xix}

4. How does smoking get into movies?

4.1 The role of the tobacco industry in promoting smoking in film

The international tobacco industry has a long history of promoting its product to the young.^{xx,xxi} US tobacco industry documents show that during the 1970s and 1980s the tobacco industry paid large amounts of money to have its products appear in movies and TV series.^{xxii} This form of product promotion is known as “product placement” or “embedded advertising”. Examples of these payments include.

- \$350,000 to have Lark cigarettes appear in the James Bond movie *License to Kill*
- \$42,000 to place Marlboro cigarettes in *Superman II*
- \$30,000 to place Eve cigarettes in *Supergirl*

- Over \$5,000 to have Lucky Strike appear in Beverly Hills Cop.^{xxiii}

Other youth-appealing films known to have included product placement include

Die Hard

Superman II

The Muppet Movie

Crocodile Dundee

Grease

Rocky II

Who Framed Roger Rabbit?

Jaws II

While US tobacco companies have made public commitments to cease product placement by adopting voluntary restrictions to cease product placement since 1989, researchers found that by 2001 there had been little difference in the number of brand exposures in the periods before and after the commitments were made.^{xxiv}

4.2 Creative decision by directors and writers

Many of the recent portrayals of smoking in movies are probably the result of creative decisions by film directors, producers and writers who use cigarettes as a lazy way of showing that a character is a rebel, stressed, glamorous etc. It also gives inexperienced actors something to do with their hands. Smoking is rarely an integral part of the story line and cigarettes are rarely used for plot development.

Whatever the reason for the smoking scenes that currently appear in movies, the impact is the same – young people are encouraged to take up smoking.

5. What can be done to reduce the harm done by smoking in movies?

International health researchers and health organisations have proposed a number of options to lessen the public health impact of smoking in movies. These include:

- I. Producer certification in film credits that there have been no inducements to include smoking in the film
- II. Including tobacco use in film rating criteria (such as the ratings system of Australia's Office of Film and Literature Classification)
- III. Opening dialogue with the film industry to encourage greater responsibility in the portrayal of smoking by, for example, seeking creative alternatives to the use of tobacco as a dramatic device
- IV. The placement of strong tobacco control advertisements in slots prior to the screening of movies that promote smoking.

6. The Cancer Council NSW' recommended policy solution

Of the above possible options, the strategy for which there is evidence of efficacy is the placement of anti-smoking advertisements prior to the screening of movies

containing smoking (counter advertising). The Cancer Council NSW recommends that NSW government adopt this strategy for the following reasons.

6.1 There is good evidence for the effectiveness of counter advertising

- A study by US researchers involving 800 ninth grade students found that this approach effectively repositioned the smoking from forbidden to tainted fruit, thereby nullifying the impact of smoking in the movies shown.^{xxv}
- Similarly, an intervention conducted by the NSW Area Health Services on NSW Central Coast, Central Sydney and Macquarie Area in local cinemas resulted in a significant increase in the disapproval of the smoking in the movie in the intervention groups when compared with the control groups.^{xxvi}
- In 2005 The Cancer Council NSW collaborated with Cancer Councils in South Australia, the ACT and five NSW Area Health Services to repeat the study cited above with a new ad. This study also showed that the use of this ad increased disapproval of smoking in the movie among 12 to 17 year old non-smokers.^{xxvii}
- The experience of tobacco counter-advertising on television in the United States may also be instructive. In 1969 the US Federal Trade Commission ruled that television stations show one anti-smoking advertisement for every tobacco advertisement aired. As a result, the number of TV tobacco advertisements quickly diminished as the counter-ads subverted the impact of the tobacco ads. A ban on tobacco advertising on US TV and radio was introduced in 1971.

6.2 Other options are untested and unlikely to be effective

On the basis of the evidence, The Cancer Council NSW considers counter-advertising as the preferred strategy to reduce the public health impact of smoking in movies. The other options (outlined above) have not been evaluated for effectiveness or practicality and in our opinion are unlikely to be effective in changing the attitudes and beliefs of young cinema goers.

- I. Producer certification included in the credits at the end of a movie will not be seen by the majority of movie goers who leave the cinema while the credits are running.
- II. Including tobacco use in the OFLC's ratings is unlikely to change a young person's attitude to the smoking in the movie. In fact, some researchers have suggested this will increase the attractiveness of the smoking images, making them 'forbidden fruit' and prompting young people to think: "Wow this movie has sex, violence and smoking". It is unlikely that the OFLC would increase a film's rating solely on the basis of its smoking content to an R or M15+, which are the only 2 classifications which refuse or restrict entry by young people.
- III. In 2005 only 8% of films screened in Australia were Australian productions.^{xxviii} It is unlikely that Australia would be able to influence the portrayal of smoking in films made overseas.

6.3 There is public support for counter advertising

Public opinion is supportive of cinema counter-advertising. A survey conducted by The Centre for Health Research & Psycho-oncology (CHeRP) found that 63.1 per cent of respondents agreed that the government should screen anti-smoking ads before movies that have any smoking in them.^{xxix} Only 20.7 per cent of the respondents opposed this strategy. Clearly, the public considers smoking in film to be a problem worthy of remedial action.

6.4 Counter-advertising is consistent with the *NSW Tobacco Action Plan 2005-2009*

We note that it is an objective of the NSW Tobacco Action Plan's Focus Area 3 (Marketing and promotion of tobacco products) to decrease the smoking rates of children and other young people in NSW. We also note that an identified activity of this focus area is as follows:

Amendment of the NSW Public Health Act 1991 to address tobacco product promotion through below the line marketing, youth events, the internet and smoking in films and theatre

6.4 Counter-advertising is a practical solution with no cost implications for the NSW government.

We believe that it would be a simple and practical process for film distributors to attach an approved anti-smoking ad to master film prints and DVDs in the same way that they currently attach the film classification rating to such products.

As the NSW government has a collection of effective and appropriate anti-smoking ads which could be made available to film distributors, counter advertising could be achieved at no additional cost to the government (or to the film industry) through an amendment to the NSW Public Health Act 1991.

7. An amendment to the NSW Public Health Act 1991 could mandate counter-advertising

Consistent with the *NSW Tobacco Action Plan 2005-2009*, The Cancer Council supports an amendment to Section 61B of the NSW Public Health Act 1991 to mandate this counter-advertising. This section of the Act prohibits a person from displaying a tobacco advertisement or selling, hiring or supplying any object that contains a tobacco advertisement. Thus the Act currently covers film distributors, film producers, cinema operators and shops selling DVDs.

The Cancer Council proposes Sub section (3) (d) - which grants an exemption to tobacco advertisements as defined under the Act if they are depictions in films, video tapes and live stage performance - be amended to require the screening of an appropriate and approved anti-smoking ad as a condition of the exemption.

This is consistent with Sub section (3) (e) which similarly grants exemption to the display of prices of tobacco products in retail outlets “*where the display complies with the regulations*”.

8. Selecting films to be subject to counter-advertising

We suggest that the criteria for selecting films requiring counter advertising be set out in Regulations. We recommend the criteria developed by Breathe California of Sacramento-Emigrant Trails (previously the American Lung Association of Sacramento-Emigrant Trails), which is set out on their web site www.scenesmoking.org. In summary we propose that films which should require the attachment of an anti-smoking should include those that:

- I. show tobacco brands
- II. associate tobacco use with success, attractiveness and/or rebelliousness (most people sympathise with cinematic rebels)
- III. portray smoking as a desirable activity, especially in movies and by stars that appeal to the young
- IV. portray smoking as an effective and/or harmless way of coping with problems e.g. stress
- V. exaggerate the levels of smoking that would normally occur within a social group
- VI. portray smoking as occurring in locations where it would normally be prohibited e.g. in a restaurant in New York City or a pub in Ireland.

9. Conclusion

There is now a large body of evidence that strongly suggests that smoking in film contributes to smoking uptake among the young. A number of strategies have been suggested to counter this impact. Of these, counter-advertising shown prior to the screening of movies with pro-smoking messages has been shown to be effective in reducing the impact of these messages.

An amendment to NSW Public Health Act 1991 could mandate this form of counter-advertising. Such an amendment would be consistent with proposed activity of the current NSW Tobacco Action Plan and would partially fulfil the objectives of the Plan at no additional cost to the government.

The strategy has the potential to make a significant contribution to public health in NSW. The Cancer Council NSW urges favourable consideration of this Submission.

28th June 2006

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- ⁱ Stockwell TF, Glantz SA. Tobacco use is increasing in popular films. *Tobacco Control* 1997;6:282-284
- ⁱⁱ Mortimer D. Smoke-screens: Why tobacco companies are winning with the young. *Medical Observer* 1998;20 March:46-47
- ⁱⁱⁱ Val Morgan & Co (Aust) Pty Ltd/Val Morgan Research Centre. Cited in Australian Film Commission Get the Picture – Cinema Industry – Web site <http://www.afc.gov.au/gtp/wcimagepattern.html> (accessed 5 January 2004)
- ^{iv} Mortimer D. Smoke-screens: Why tobacco companies are winning with the young. *Medical Observer* 20 March 1998;46-47.
- ^v Dalton MA, Sargent JD, Beach ML, Titus-Ernstoff L, Gibson JL, Ahrens MB, Tickle JT, Heatherton TF. Effect of viewing smoking in movies on adolescent smoking initiation: a cohort study. *The Lancet* Volume 362, Number 9380, 26 July 2003.
- ^{vi} McCool JP, Cameron LD, Petrie KJ. Adolescent perceptions of smoking imagery in film. *Social Science and Medicine*. Vol. 52 (10) pp. 1577-1587, May 2001.
- ^{vii} Pechmann C, Shih CF. *How smoking in movies and anti-smoking ads before movies may affect teenagers' perceptions of peers who smoke*. Irvine, California: University of California Press, 1996:219-24.
- ^{viii} Smoking in movies: a major problem and a real solution (editorial). *The Lancet*. Volume 362, No. 9380, 26 July 2003.
- ^{ix} Escamilla G, Craddock AL, Kawachi I. Women and Smoking in Hollywood Movies: A Content Analysis. *American Journal of Public Health*. 2000;90:412414.
- ^x Centre for Epidemiology and Research, NSW Department of Health. The health behaviours of secondary school students in New South Wales 2002. *NSW Public Health Bull* 2004; 15(S-2)
- ^{xi} Paul C et al. Tracking NSW Community Attitudes and Practices in Relation to Tobacco: A Biennial Telephone Survey Frequency Data Report March 2005. The Centre for Health Research & Psycho-oncology (CHERP)
- ^{xii} Sargent JD, Tickle JJ, Beach ML, Dalton MA, Ahrens MB, Heatherton TF. Brand appearances in contemporary cinema films and contribution to global marketing of cigarettes. *The Lancet*. Volume 357, Number 9249 06 January 2001.
- ^{xiii} Glantz SA, Kacirk KW, McCulloch C. Back to the Future: Smoking in Movies in 2002 Compared with 1950 Levels. *American Journal of Public Health*. February 2004. Vol. 94, Iss. 2; pg. 261.
- ^{xiv} American legacy Foundation website http://www.americanlegacy.org/americanlegacy/skins/alf/display.aspx?CategoryID=907e9b8f-9978-476c-bcb2-a518dbd3c464&ObjectID=db64ed1b-d143-44f9-9c0c-d322fd3c8740&Action=display_user_object&Mode=user&ModuleID=ad3a024a-b2d6-4593-874f-9b66136bc614 (accessed 24 May 2006).
- ^{xv} Polansky JR, Glantz SA. First-run Smoking Presentations in U.S. Movies 1999-2003. Centre for Tobacco Control Research and Education (University of California, San Francisco), 2004.
- ^{xvi} Donovan, R, Weller N and Clarkson J. Incidental Smoking in the Media Study, Report to the Commonwealth Department of Health and Ageing, March 2003, CBRC Report Number 030324.
- ^{xvii} Dozier DM, Lauzen MM, Day CA, Payne SM, Tafoya MR. Leaders and elites: portrayals of smoking in popular films. *Tobacco Control* 2005; **14**:7-9.
- ^{xviii} Letter from Joe Tye of Stop Teenage Addiction to Tobacco to (US House of Representatives) Representative Thomas Luken, 16 July 1989. Reproduced on *Tobaccodocuments Online* web site http://tobaccodocuments.org/usc_tim/TIMN0291904-1908.html#citation_1 (accessed 4 August 2004)
- ^{xix} Review of Rogers & Cowan activity reports 1978-1986 on behalf of R.J. Reynolds. Legacy Tobacco Documents Library, University of California, San Francisco, accessed October 1-5, 2003 at <http://legacy.library.ucsf.edu/>. Historical motion picture ratings from <http://imdbPro.com> accessed October 1-5, 2003.

^{xx} Cummings KM, Morley CP, Horan JK, Steger C, N-R Leavell NR. Marketing to America's youth: evidence from corporate documents. *Tobacco Control* 2002;11:i5-i17.

^{xxi} Carter SM. From legitimate consumers to public relations pawns: the tobacco industry and young Australians. *Tobacco Control* 2003;12:iii71.

^{xxii} Shields DLL, Carol J, Balbach ED, McGee S. Hollywood on tobacco: How the entertainment industry understands tobacco portrayal. *Tobacco Control* 1999;8:378-386 (Winter). Original source: Luken TA. Testimony at hearings before the Subcommittee on Transportation and Hazardous Materials, Committee on Energy and Commerce, US House of Representatives, 101st Congress, 1st session, 25 July and 13 September 1989, Serial No 101-85. Washington, DC: US Government Printing Office, 1989; 1-3.

^{xxiii} Cited in Chapman S, Davis RM. Smoking in movies: is it a problem? (editorial). *Tobacco Control* 1997;6:269-271. Original source: Luken TA. Testimony at hearings before the Subcommittee on Transportation and Hazardous Materials, Committee on Energy and Commerce, US House of Representatives, 101st Congress, 1st session, 25 July and 13 September 1989, Serial No 101-85. Washington, DC: US Government Printing Office, 1989:1-3.

^{xxiv} James D Sargent, Jennifer J Tickle. Michael L Beach, Madeline A Dalton, M Bridget Ahrens, Todd F Heatherton. Brand appearances in contemporary cinema films and contribution to global marketing of cigarettes. *The Lancet*. Volume 357 Issue 9249. 2001

^{xxv} Pechmann C, Shih C-F. Smoking Scenes in Movies and Antismoking Advertisements Before Movies: Effects on Youth. *Journal of Marketing* 1999 ; 63 (July), 1-13.

^{xxvi} Edwards CA, Harris WC, Cook DR, Bedford KF, and Zuo Y. Out of the Smokescreen: does an anti-smoking advertisement affect young women's perception of smoking in movies and their intention to smoke? *Tobacco Control*, Sep 2004; 13: 277 - 282.

^{xxvii} Edwards CA, Oakes W, Bull D. Out of the Smokescreen II: The effect of the Cancer Council NSW anti-smoking advertisement on young people's perception of smoking in movies and their intention to smoke. Report. The Cancer Council New South Wales; Oct 2005.

^{xxviii} Motion Picture Distributors Association of Australia. Quoted on Australian Film Commission website. www.afc.gov.au/gtp/wcfast.html Accessed 27 June 2006.

^{xxix} Paul C et al. Tracking NSW Community Attitudes and Practices in Relation to Tobacco: A Biennial Telephone Survey Frequency Data Report March 2005. The Centre for Health Research & Psycho-oncology (CHeRP)