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Tobacco in Film [1]

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JACK VALENTI
PRESIDENT
AND
CHIEF EXECUTIVE OFFICER

July 2, 1997

The President
The White House
Washington, D.C. 20500

Dear President Clinton:

We are writing to request a meeting with you because of our deep concern that pressures arising from the current budget deal threaten to halt critically important biomedical research in its tracks – at a time when medical breakthroughs, offering the promise of new treatments and cures for cancer and other diseases, are within our reach.

There is bipartisan congressional support for biomedical research, but additional funding was not explicitly provided in the budget agreement with Congress. For this reason, we are requesting the opportunity to meet with you – before the Appropriations Committees act – to discuss the importance of these funds and the position you will take on this issue. Specifically, we suggest a time between July 10 and July 22.

In requesting this meeting, we are joined by our colleagues and allies in this cause – among them, Dawn Steel, Brandon Tartikoff and Christopher Reeve. Why do we care? Because all of us, like all Americans, have been impacted by critical injury or life-threatening disease – either directly or through our family and friends. Biomedical research offers the hope of improved treatments and cures.

Earlier this year – together with Friends of Cancer Research – we formed the Creative Community Task Force on Cancer, comprised of the most senior executives in the entertainment industry, representing Disney, Castle Rock, Dreamworks, Warner Brothers, MCA/Universal, MGM, Paramount, Sony, Viacom, ABC, NBC, CBS, and Fox. Our request also reflects the support of the Task Force for a stronger federal commitment to this research.

We are asking to meet with you because we believe so deeply in this cause and because we believe that you can make a critical difference. We look forward to your reply.

Sincerely,



Sherry Lansing



Jack Valenti



08/25/97 - 12:41 AM ET - Click reload often for latest version

Hollywood taking heat for all the lighting up in films

LOS ANGELES - Hollywood films are smoking - and Washington is trying to put out the fire.

In a year in which leading characters in movies are puffing cigarettes and cigars at a higher rate than in the past three decades, the Clinton administration has been carrying its crusade against tobacco to film industry leaders. The goal: to curtail gratuitous smoking onscreen and quietly look at movie studios' relationships with the tobacco industry.

Vice President Al Gore addressed the issue of onscreen smoking at a private session with studio and network chiefs earlier this year in Los Angeles and requested a follow-up. On Sept. 4, Gore plans to meet in Washington with executives including Paramount Pictures chief Sherry Lansing.

"The vice president thinks it's wrong for the tobacco industry and others, including Hollywood, to glamorize tobacco use, thereby making it appealing to younger people," says Gore spokeswoman Ginny Terzano. "He understands that producers, directors and actors have an artistic license to do what they want, but also believes they have a responsibility."

Hillary Rodham Clinton, whose personal causes are child welfare and smoking, is equally indignant over smoking in the movies at a time when teen smoking rates are rising. "I am very concerned about the mixed message our children are receiving regarding the use of tobacco products. The fact is that in many of this summer's blockbuster films, the lead characters smoke," the first lady says.

Indeed, the curve of smoking onscreen has taken a dramatic upturn since the summer began. One week, all five of the top five films at the box office featured smoking: *Men in Black*, *Face/Off*, *Hercules*, *My Best Friend's Wedding* and *Batman & Robin*. Teens saw characters played by John Travolta, Julia Roberts, Meg Ryan, Brad Pitt, Bruce Willis and Arnold Schwarzenegger puff onscreen. Even the animated Hades of Disney's *Hercules* lit a cigar.

In *Men in Black*, the No. 1 summer blockbuster and top-grossing film of the year, not only are the hip alien creatures seen vigorously smoking, but they also cart identifiable cartons of Marlboro cigarettes back to their planets.

Told by USA TODAY about criticism of smoking in the film, *Men in Black* director Barry Sonnenfeld responded sharply. "We probably shouldn't let anyone smoke onscreen to the same extent that we shouldn't let the Roadrunner drop an anvil on Wile E. Coyote. The Clinton administration and politics in general should either stay away from this or change the Constitution to no longer allow freedom of speech."

Gore pulled no punches when he addressed onscreen smoking earlier this year at a session convened on the issue of cancer awareness. Heads of the major movie studios and TV networks were present at the breakfast on the Paramount lot, including Lansing, Warner Bros. co-chairmen Terry Semel and Bob Daly, Viacom chief Sumner Redstone, NBC West Coast president Don Ohlmeyer and ABC president Robert Iger.

"They were a little taken aback by the vice president's bluntness," says Helene Brown, director of applications of research at UCLA's Johnson Comprehensive Cancer Center, who attended the meeting. "Here they were, all these studio heads, meeting to talk about cancer awareness. They were not invited there to talk about onscreen smoking. And Gore was asking them as an industry to change the face of smoking as a nation. He wanted them to censor films. . . . They felt that he was not paying any attention

to their creative license."

"Nobody in that room is for smoking. All of us want to get rid of smoking as much as possible," counters Jack Valenti, president of the Motion Picture Association of America, who attended the session and co-chairs the **cancer** task force. "Directors use it (smoking) as a creative choice. . . . The only way we deal with issues like this is on a personal basis, through the guilds, individual writers and producers."

There's no simple explanation for the proliferation of movie smoking, though it's often described as a prop that conveys character. In films, characters who smoke can indicate neurosis, insecurity, villainy, risk-taking, sexiness or danger.

A study in the *American Journal of Public Health* in 1994 found that 38% of lead characters in movies were portrayed smoking in the 1960s; 29% in the 1970s and 26% in the 1980s. While a '90s follow-up has not been published yet, "We've seen a dropoff of brand placement in movies, but a big increase in smoking" in films, says study co-author Stanton Glantz, cardiology professor at the University of California at San Francisco.

Donna Shalala, secretary of Health and Human Services, also met privately with high-level entertainment executives at the Los Angeles home of Lorraine and Sidney Sheinberg (former chief of MCA) to convey the administration's concern about increased onscreen smoking and the parallel rise in teen smoking. "Everyone in the creative community - and that includes actors - must take responsibility for what goes up on the screen. They must not be unwitting accomplices in addicting another generation of children," Shalala says.

The current box-office draw most associated with cigarettes is John Travolta, who has lit up in *Get Shorty*, *Broken Arrow*, *Michael* and *Pulp Fiction* and will do so in the upcoming *She's So Lovely*. He's a nonsmoker offscreen, and Travolta's spokeswoman defends the actor's smoking as an artistic choice. "He smokes for the character," Michelle Bega says.

Actors and actresses are powerful, argues Mike Basal, mass communications professor at the University of Denver, who recently published a study on film smoking in the *Health Communications* journal. "Celebrities are actually giving what effectively are ads" for smoking, he says.

Responding to increasing visibility of tobacco in films from major studios, the Justice Department has made initial inquiries into possible illegal payoffs by tobacco companies for onscreen time - called "product placement." Buying screen time for tobacco products is a federal crime if the film does not display the same health hazard warning as cigarette packaging does. The tobacco industry has acknowledged product placement in such older films as *Licence to Kill* (1989) but maintains that it no longer engages in the practice.

No formal Justice Department investigation has been called, but "the fraud section of the criminal division is conducting a criminal investigation concerning possible criminality in the tobacco industry which I cannot discuss," says John Russell, a Justice Department spokesman.

Studios insist that back-fence deals are not being made with tobacco companies. "We have a strict policy prohibiting product placing by tobacco companies," says Steve Ross, a senior vice president of product placement for 20th Century Fox. He says he has never been approached by cigarette manufacturers, only cigar makers. Policy is equally strict at Sony Pictures, says Mark Workman, a marketing vice president.

Onscreen, tobacco is provoking controversy, even within the industry. "Personally, I think there's too much smoking in film," Valenti says. "But there's no dictatorial force in the motion picture industry. There's no way you can wave a magic wand." *By Clifford Rothman, special for USA TODAY*

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LEVEL 1 - 4 OF 13 STORIES

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USA TODAY

August 25, 1997, Monday, FINAL EDITION

SECTION: LIFE; Pg. 1D

LENGTH: 1239 words

HEADLINE: Smoke screen Hollywood taking heat for all the lighting up in films

BYLINE: Clifford Rothman; Special for USA TODAY

DATELINE: LOS ANGELES

BODY:

LOS ANGELES -- Hollywood films are smoking -- and Washington is trying to put out the fire.

In a year in which leading characters in movies are puffing cigarettes and cigars at a higher rate than in the past three decades, the Clinton administration has been carrying its crusade against tobacco to film industry leaders. The goal: to curtail gratuitous smoking onscreen and quietly look at movie studios' relationships with the tobacco industry.

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USA TODAY, August 25, 1997

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GRAPHIC: EAR PHOTO, Color, Peter Iovino, New Line Cinema; PHOTO, Color, Peter



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USA TODAY, August 25, 1997

Iovino, New Line Cinema; PHOTO, Color, Lorenzo Bevilacqua, Miramax; PHOTO,
Color, Stephen Vaughn, Paramount Pictures; PHOTO, Color, Melinda Sue Gordon,
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August 24, 1997, Sunday, Late Edition - Final
Correction Appended

SECTION: Section 2; Page 1; Column 1; Arts and Leisure Desk

LENGTH: 2234 words

HEADLINE: After the Preaching, the Lure of the Taboo

BYLINE: By RICHARD KLEIN; Richard Klein is the author of "Cigarettes Are Sublime" and "Eat Fat."

BODY:

TOWARD THE END OF THIS SUMMER'S hit film comedy "My Best Friend's Wedding," Julia Roberts is hunched on the floor of a hotel hallway, her back propped against the door. The man she wants to marry is in the room getting news of her betrayals. We see her extract -- from her bra, it appears -- a pack of Marlboros. Hesitantly, shakily, she lights a cigarette. The viewer is supposed to see the cigarette and her nervous smoking as a visible counterpart to the panicky feelings of imminent loss that are sweeping over her. She's about to explode, and this cigarette, as it often is in films, is a fuse. Utterly desolate, out in the cold, Ms. Roberts never looked more appealing, huddled around a brief flame and warming cinder, smoke streaming glamorously from her nose.

Smoking, once again, is hot in the entertainment media. Half the movies released between 1990 and 1995 featured a major character who chose to light up on screen, a significant increase compared with 29 percent in the 1970's, according to a recent study at the University of California, San Francisco. And the trend appears to be accelerating. In her syndicated column earlier this month, Hillary Rodham Clinton noted that 77 percent of all films last year had scenes depicting smoking, as did every film nominated for best picture at the Academy Awards. She went on to denounce films that "equate smoking with status, power, confidence and glamour." Mrs. Clinton cites these facts in order to blame Hollywood for an increase in teen-age smoking, "despite," she says, "the best efforts of parents and teachers to educate children about the dangerous effects of tobacco."

There can be no doubt about those efforts. In the last four and a half years, American teen-agers have been the object of the most sustained and systematic anti-smoking campaign ever mounted, directed at them from their earliest age by every adult institution of authority, particularly by the Clinton White House. Yet teen-age smoking during the same period has increased alarmingly. The President himself announced a 30 percent increase in smoking among 10th graders and 40 percent among 9th graders. Children are smoking more and starting earlier.

Who can doubt that they are being influenced by the new aura of cool that surrounds smoking in the media? When television isn't preaching the evils of



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tobacco, it's putting cigarettes in the hands of unlikable characters, the ones we love to hate. On the silver screen, the sexiest, most bewitching stars make smoking look glamorous again. Somewhere along the way, all that preaching has backfired.

Mrs. Clinton specifically points to smoking by Leonardo DiCaprio in "Romeo and Juliet," and Kurt Russell in "Escape From L.A." But in "Sleepers," Brad Pitt did it. Arnold Schwarzenegger telling "True Lies" did it. Kristin Scott Thomas did it in "The English Patient." John Travolta does it in practically every film he makes, even when he plays an angel, as he did last year in "Michael." Sharon Stone in "Diabolique" smokes incessantly in order to show us she's malevolent. Mel Gibson has gone back to cigarettes in order to make a film of Christopher Buckley's witty novel "Thank You for Smoking," which ridicules anti-smoking fanaticism. K. D. Lang, who doesn't smoke, just assembled an album of torch songs about smoking, called "Drag."

Musically, on the Lang CD, taking a drag has Promethean echoes of fiery conquests and the bluesy rhythm of romantic defeats. Cigarette fetishists abound on the Internet at Web sites and in news groups, exchanging mildly pornographic scenes of people smoking. In those aroused by the spectacle of masterly women giving themselves pleasure (all nostril, mouth and fingers), smoking languorously and slow, the moment of lighting up seems to spark the most energetic erotic excitement.

MRS. CLINTON ARGUES that portrayals of cigarette smoking in films neutralize or counteract the efforts of teachers, parents and Government officials. She doesn't allow for the possibility that the films are merely exploiting the climate of repression and censorship surrounding tobacco, an atmosphere that those well-meaning efforts against smoking have brewed. She herself deserves some credit, and some responsibility, for the way issues of health have been put forth in tones of moral condemnation that entice transgression. As the preaching becomes more intense, tobacco use is eroticized and surrounded by the odor of what is reckless and tabooed, intensifying pleasure. That climate is bound to thicken if the Attorney General's deal to regulate tobacco becomes law and even vaster sums are dedicated to discouraging its use.

There is a sharp contrast between the image of smoking on television and in films. In the new era, it is forbidden, for example, to show cigarettes used in romantic situations, especially on television. It's hard to remember that in 1952 there was a CBS series called "The Continental." It featured Renzo Cesana, billed as the "first electronic gigolo," dressed in a tuxedo, delivering a monologue but conducting an on-screen seduction, in accents that were suave and lightly Italian. He spoke to the camera as if it were a beautiful woman he was trying to charm with subtle forms of verbal flattery and sexy body language. He compliments you on your dress in ways that are not at all obvious -- are witty, touching, personal. He avoids vulgar flatteries, only telling you what you deeply want to hear. He's never lewd but endlessly suggestive. At the beginning of the show you see a sterling silver cockleshell, on which two cigarettes are smoking. One has lipstick on the tip. He takes them both in his fingers and extends the lipsticked one to you. It is as if his hand is coming through the screen nonchalantly offering you a drag. The gesture is full of erotic implications. If at that moment you yourself reach for a cigarette (mingling your smoke in unison across the tube), it means he has made another conquest and you've been continentaled.



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The New York Times, August 24, 1997

These days, when smoking is seen on television (five times less often than in the movies), it bears the signs of depravity, obliquity and inveterate corruption. Consider how tobacco companies have recently come to play the role of the Evil Empire, the embodiment of the purest evil and the most profound moral turpitude. In a segment of "Touched by an Angel," Della Reese, in sonorous tones, advises her erring client that God wants him to stop working for the maliciously named Fairchild tobacco company and to stop smoking. "Thou shalt not smoke" has become the 11th Commandment. Recently on "The Newshour With Jim Lehrer," several leaders of the anti-smoking campaign repeatedly compared negotiating with the tobacco companies to dealing with the Devil, with whom, it is well known, one negotiates at one's peril. As in a dream, our Granny Government echoes the piety of anti-smoking voices at the turn of the last century, who raised the cry "Tobacco is a filthy weed, and from the Devil doth proceed." Our leaders also sound like temperance crusaders denouncing the "demon rum." Hearing this, one doesn't need to be 16 to have some sympathy for the Devil.

In the opening frames of one episode of Fox's drama series "The X-Files," before you see the face of the Cigarette Smoking Man (William B. Davis), you see a rat between his feet, cloaked in shadows. Then a smoking butt drops to the floor and chases the rat away. According to the principle, what chases resembles what is chased: the cigarette is ratty.

And so, by metonymy, is the character, vermin to the core, whose odious lips it recently touched. Everywhere in "The X-Files," in which evil men mostly smoke, the cigarette is the index of the perverse underworld and filthy underside of what is seen in public. You thought Lee Harvey Oswald killed the President; it was actually Cancer Man (as fans and the show's lead character now call the smoking character) obeying the dictates of a hypersecret, intergovernmental conspiracy. When Cancer Man observes his patsy Oswald being arrested in the movie theater for the crime he himself has committed, he lights up a cigarette of cruel satisfaction. For us in the 90's, the great classic cigarette of triumph has become an ironic token of horror -- the pure poison of heartless intentions. In some "X-Files" segments, the smoke is the blue embodiment of the dark motives that surround the evil deeds these men hatch in the name of zealous patriotism. When the plotters order an assassination or determine someone's fate, like Delphic oracles their words seem to come from behind the tangible haze of their innumerable cigarettes.

Smoking on television hasn't always been a sign of villainy, of course. It's still surprising to see Desi Arnaz in 1953, smoking like a fiend in the maternity waiting room, on the famous episode when Lucy gives birth to Little Ricky. You never see the mother, of course, only the expectant father sucking on his cigarette, being brave for his wife but fighting hysterical panic, oblivious to the cigarette he's madly consuming, and we can't stop watching. Cigarettes, it's well known, are magnificent instruments for mitigating anxiety. They are the friend of soldiers, journalists and actors in the wings -- people who must wait for fateful events to occur.

It is even more surprising, today, looking at early television, to see the title character of "Dr. Kildare" offering a light to one of his troubled patients. In the very first scene of the premiere show, in 1961, Dr. Kildare, played handsomely by Richard Chamberlain, bounds up the hospital stairs and puts



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quarters in a cigarette machine in the lobby. On the show, cigarettes are practically his signature and convey the pervasive assumption that all good doctors smoke. Offering a light or a cigarette, in the hospital, is a sign of sympathetic attention, a gesture of conviviality and sociality that made Dr. Kildare's hospital, before HMO's, a close-knit community. Smoking for the good doctor is a way of taking a break while keeping awake; sleep is what the cigarette wards off as the doctor pursues his exhausting rounds. It is an infallible sign of his thoughtfulness: whenever Dr. Kildare is faced with a grim alternative, he pulls out a cigarette. It indicates to the viewer that the doctor's intervention is not only physical but mental and even intellectual. He knows how to take the time to think, in the time of a cigarette, whose beautiful smoke billowing around his head is the material embodiment of his calmly evolving thoughts.

One shouldn't forget that cigarette advertising during the period sought and regularly received endorsements from doctors. Philip Morris was "recommended by eminent nose and throat specialists to those who smoke." On Ted Mack's "Original Amateur Hour," the Old Gold dancing pack and her sidekick, the box of matches, once did a special little dance on the television screen to support the New York Heart Fund Campaign.

Four decades later, in a television discussion of **smoking in the movies**, the newswoman Cokie Roberts tried to defend "My Best Friend's Wedding" from criticism by reminding us that "Julia Roberts didn't get the guy in the movie," that "it was the wholesome girl who won in the end." But it's an old story. We always love a bad girl, and the bad girl smokes.

Eva Marie Saint had a classic scene in "Wish on the Moon," a 1950's "Goodyear TV Playhouse" production. At the beginning of the hour, she's riding a train, going to the Big Apple to make her fortune. She's dressed like a country girl, sitting next to Phyllis Kirk, who looks sophisticated, reading a book and smoking. Saint Eva Marie declines a cigarette and offers an apple in return. But by the end of the hour she has undergone a startling metamorphosis. She has become a tough Hollywood star. In the famous last scene, what once was innocence is dressed to kill in a tight black sheath, her hair teased, her neckline plunging. She is brashly doing business on the phone, a cigarette permanently between her teeth or twirled at her fingertips. When she takes a puff, she blows the smoke back up her nose, the sign of a hardened smoker who likes her poison double. The cigarette she smokes, like certain cigars, is a sign that she has arrived.

OUR LEADERS OFTEN ASSUME that teen-agers read naively and will imitate what they are told is good for them and avoid what is disapproved. But one consequence of such assumptions is the present forms of censorship, which, however well meaning, may reinforce the behavior they seek to banish. Young people need information, not preaching, about the harm that smoking does to their development, to their bodies and to their futures. Confronted instead with censorship, they become skilled in and devoted to reading between the lines. In the end, the censor always incites aggressive curiosity about the very thing it aims to keep from view.

The censorship effect has clearly been at work in America in recent years, especially where teen-agers, inherently curious and skeptical of authority, are concerned. The abyss between what can be said and shown about smoking and the



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The New York Times, August 24, 1997

fact that more than 25 million adults continue legally to smoke, despite the warnings, constitutes an enigma that gets the attention of every adolescent. They don't fail to notice either that there's a lot of secret smoking going down.

CORRECTION-DATE: September 7, 1997, Sunday

CORRECTION:

A picture caption on Aug. 24 about smoking in films and on television referred incorrectly to Lucille Ball's character on the CBS series "I Love Lucy." She was not shown smoking during her pregnancy; the photograph was from an earlier episode of the series.

GRAPHIC: Photos: (Photofest (Mr. Travolta, Ms. Roberts, Mr. Davis, Mr. Pitt and Ms. Stone). Phil Bray/Miramax (Ms. Scott Thomas). Smoke effect by David Woods/The Stock Market.) (pg. 1); Lucille Ball's character on "I Love Lucy," with Vivian Vance, left, happily smoked right through her television pregnancy. In 1952, Renzo Cesana had a CBS series in which two cigarettes and an ashtray were his most important props. In "True Lies," Arnold Schwarzenegger showed that no debonair secret agent's look was complete without a cigarette. In "Escape From L.A.," Snake Plissken (Kurt Russell) ignored no-smoking laws. (Photographs by Photofest) (pg. 31)

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August 24, 1997

After the Preaching, the Lure of the Taboo

By RICHARD KLEIN

Toward the end of this summer's hit film comedy "My Best Friend's Wedding," Julia Roberts is hunched on the floor of a hotel hallway, her back propped against the door. The man she wants to marry is in the room getting news of her betrayals. We see her extract -- from her bra, it appears -- a pack of Marlboros. Hesitantly, shakily, she lights a cigarette. The viewer is supposed to see the cigarette and her nervous *smoking* as a visible counterpart to the panicky feelings of imminent loss that are sweeping over her. She's about to explode, and this cigarette, as it often is in films, is a fuse. Utterly desolate, out in the cold, Ms. Roberts never looked more appealing, huddled around a brief flame and warming cinder, *smoke* streaming glamorously from her nose.

Smoking, once again, is hot in the entertainment media.

Half the *movies* released between 1990 and 1995

featured a major character who chose to light up on

screen, a significant increase compared with 29 percent

in the 1970's, according to a recent study at the

University of California, San Francisco. And the trend

appears to be accelerating. In her syndicated column earlier this month, Hillary

Rodham Clinton noted that 77 percent of all films last year had scenes

depicting *smoking*, as did every film nominated for best picture at the Academy

Awards. She went on to denounce films that "equate *smoking* with status,

power, confidence and glamour." Mrs. Clinton cites these facts in order to

blame Hollywood for an increase in teen-age *smoking*, "despite," she says, "the best efforts of parents and teachers to educate children about the dangerous effects of tobacco."

There can be no doubt about those efforts. In the last four and a half years, American teen-agers have been the object of the most sustained and systematic anti-*smoking* campaign ever mounted, directed at them from their earliest age by every adult institution of authority, particularly by the Clinton White House. Yet teen-age *smoking* during the same period has increased alarmingly. The President himself announced a 30 percent increase in *smoking* among 10th graders and 40 percent among 9th graders. Children are *smoking* more and starting earlier.

Brad Pitt in "Sleepers"
(Photofest)

Who can doubt that they are being influenced by the new aura of cool that surrounds *smoking* in the media? When television isn't preaching the evils of tobacco, it's putting cigarettes in the hands of unlikable characters, the ones we love to hate. On the silver screen, the sexiest, most bewitching stars make *smoking* look glamorous again. Somewhere along the way, all that preaching has backfired.

Mrs. Clinton specifically points to *smoking* by Leonardo DiCaprio in "Romeo and Juliet," and Kurt Russell in "Escape From L.A." But in "Sleepers," Brad

and Juliet," and Kurt Russell in "Escape From L.A." But in "Sleepers," Brad Pitt did it. Arnold Schwarzenegger telling "True Lies" did it. Kristin Scott Thomas did it in "The English Patient." John Travolta does it in practically every film he makes, even when he plays an angel, as he did last year in "Michael." Sharon Stone in "Diabolique" *smokes* incessantly in order to show us she's malevolent. Mel Gibson has gone back to cigarettes in order to make a film of Christopher Buckley's witty novel "Thank You for *Smoking*," which ridicules anti-*smoking* fanaticism. K. D. Lang, who doesn't *smoke*, just assembled an album of torch songs about *smoking*, called "Drag."

Musically, on the Lang CD, taking a drag has Promethean echoes of fiery conquests and the bluesy rhythm of romantic defeats. Cigarette fetishists abound on the Internet at Web sites and in news groups, exchanging mildly pornographic scenes of people *smoking*. In those aroused by the spectacle of masterly women giving themselves pleasure (all nostril, mouth and fingers), *smoking* languorously and slow, the moment of lighting up seems to spark the most energetic erotic excitement.

Mrs. Clinton argues that portrayals of cigarette *smoking* in films neutralize or counteract the efforts of teachers, parents and Government officials. She doesn't allow for the possibility that the films are merely exploiting the climate of repression and censorship surrounding tobacco, an atmosphere that those well-meaning efforts against *smoking* have brewed. She herself deserves some credit, and some responsibility, for the way issues of health have been put forth in tones of moral condemnation that entice transgression. As the preaching becomes more intense, tobacco use is eroticized and surrounded by the odor of what is reckless and tabooed, intensifying pleasure. That climate is bound to thicken if the Attorney General's deal to regulate tobacco becomes law and even vaster sums are dedicated to discouraging its use.

There is a sharp contrast between the image of *smoking* on television and in films. In the new era, it is forbidden, for example, to show cigarettes used in romantic situations, especially on television. It's hard to remember that in 1952 there was a CBS series called "The Continental." It featured Renzo Cesana, billed as the "first electronic gigolo," dressed in a tuxedo,

Julia Roberts in "My Best Friend's Wedding"
(Photofest)

delivering a monologue but conducting an on-screen seduction, in accents that were suave and lightly Italian. He spoke to the camera as if it were a beautiful woman he was trying to charm with subtle forms of verbal flattery and sexy body language. He compliments you on your dress in ways that are not at all obvious -- are witty, touching, personal. He avoids vulgar flatteries, only telling you what you deeply want to hear. He's never lewd but endlessly suggestive.

At the beginning of the show you see a sterling silver cockleshell, on which two cigarettes are *smoking*. One has lipstick on the tip. He takes them both in his fingers and extends the lipsticked one to you. It is as if his hand is coming through the screen nonchalantly offering you a drag. The gesture is full of erotic implications. If at that moment you yourself reach for a cigarette (mingling your *smoke* in unison across the tube), it means he has made another conquest and you've been continentaled.

These days, when *smoking* is seen on television (five times less often than in the *movies*), it bears the signs of depravity, obliquity and inveterate corruption. Consider how tobacco companies have recently come to play the role of the Evil Empire, the embodiment of the purest evil and the most profound moral turpitude. In a segment of "Touched by an Angel," Della Reese, in sonorous tones, advises her erring client that God wants him to stop working for the

tones, advises her erring client that God wants him to stop working for the maliciously named Fairchild tobacco company and to stop **smoking**. "Thou shalt not **smoke**" has become the 11th Commandment. Recently on "The Newshour With Jim Lehrer," several leaders of the anti-**smoking** campaign repeatedly compared negotiating with the tobacco companies to dealing with the Devil, with whom, it is well known, one negotiates at one's peril. As in a dream, our Granny Government echoes the piety of anti-**smoking** voices at the turn of the last century, who raised the cry "Tobacco is a filthy weed, and from the Devil doth proceed." Our leaders also sound like temperance crusaders denouncing the "demon rum." Hearing this, one doesn't need to be 16 to have some sympathy for the Devil.

John Travolta in
"Michael" (Photofest)

In the opening frames of one episode of Fox's drama series "The X-Files," before you see the face of the Cigarette **Smoking** Man (William B. Davis), you see a rat between his feet, cloaked in shadows. Then a **smoking** butt drops to the floor and chases the rat away. According to the principle, what chases resembles what is chased: the cigarette is ratty.

And so, by metonymy, is the character, vermin to the core, whose odious lips it recently touched. Everywhere in "The X-Files," in which evil men mostly **smoke**, the cigarette is the index of the perverse underworld and filthy underside of what is seen in public. You thought Lee Harvey Oswald killed the President; it was actually Cancer Man (as fans and the show's lead character now call the **smoking** character) obeying the dictates of a hypersecret, intergovernmental conspiracy. When Cancer Man observes his patsy Oswald being arrested in the movie theater for the crime he himself has committed, he lights up a cigarette of cruel satisfaction. For us in the 90's, the great classic cigarette of triumph has become an ironic token of horror -- the pure poison of heartless intentions. In some "X-Files" segments, the **smoke** is the blue embodiment of the dark motives that surround the evil deeds these men hatch in the name of zealous patriotism. When the plotters order an assassination or determine someone's fate, like Delphic oracles their words seem to come from behind the tangible haze of their innumerable cigarettes.

Smoking on television hasn't always been a sign of villainy, of course.

It's still surprising to see Desi Arnaz in 1953, **smoking** like a fiend in the maternity waiting room, on the famous episode when Lucy gives birth to Little Ricky. You never see the mother, of course, only the expectant father sucking on his cigarette, being brave for his wife but fighting hysterical panic, oblivious to the cigarette he's madly consuming, and we can't stop watching. Cigarettes, it's well known, are magnificent instruments for mitigating anxiety. They are the friend of soldiers, journalists and actors in the wings -- people who must wait for fateful events to occur.

It is even more surprising, today, looking at early television, to see the title character of "Dr. Kildare" offering a light to one of his troubled patients. In the very first scene of the premiere show, in 1961, Dr. Kildare, played handsomely by Richard Chamberlain, bounds up the hospital stairs and puts quarters in a cigarette machine in the lobby. On the show, cigarettes are practically his signature and convey the pervasive assumption that all good doctors **smoke**. Offering a light or a cigarette, in the hospital, is a sign of sympathetic attention, a gesture of conviviality and sociality that made Dr. Kildare's hospital, before HMO's, a close-knit community. **Smoking** for the good doctor is a way of taking a break while

Lucille Ball's character on
"I Love Lucy" happily
smoked right through her
television pregnancy.

community. *Smoking* for the good doctor is a way of taking a break while keeping awake; sleep is what the cigarette wards off as the doctor pursues his exhausting rounds. It is an infallible sign of his thoughtfulness: whenever Dr. Kildare is faced with a grim alternative, he pulls out a cigarette. It indicates to the viewer that the doctor's intervention is not only physical but mental and even intellectual. He knows how to take the time to think, in the time of a cigarette, whose beautiful *smoke* billowing around his head is the material embodiment of his calmly evolving thoughts.

One shouldn't forget that cigarette advertising during the period sought and regularly received endorsements from doctors. Philip Morris was "recommended by eminent nose and throat specialists to those who *smoke*." On Ted Mack's "Original Amateur Hour," the Old Gold dancing pack and her sidekick, the box of matches, once did a special little dance on the television screen to support the New York Heart Fund Campaign.

Four decades later, in a television discussion of *smoking* in the *movies*, the newswoman Cokie Roberts tried to defend "My Best Friend's Wedding" from criticism by reminding us that "Julia Roberts didn't get the guy in the movie," that "it was the wholesome girl who won in the end." But it's an old story. We always love a bad girl, and the bad girl *smokes*.

Eva Marie Saint had a classic scene in "Wish on the Moon," a 1950's "Goodyear TV Playhouse" production. At the beginning of the hour, she's riding a train, going to the Big Apple to make her fortune. She's dressed like a country girl, sitting next to Phyllis Kirk, who looks sophisticated, reading a book and *smoking*.

Saint Eva Marie declines a cigarette and offers an apple in return. But by the end of the hour she has undergone a startling metamorphosis. She has become a tough Hollywood star. In the famous last scene, what once was innocence is dressed to kill in a tight black sheath, her hair teased, her neckline plunging. She is brashly doing business on the phone, a cigarette permanently between her teeth or twirled at her fingertips. When she takes a puff, she blows the *smoke* back up her nose, the sign of a hardened smoker who likes her poison double. The cigarette she *smokes*, like certain cigars, is a sign that she has arrived.

Our leaders often assume that teen-agers read naïvely and will imitate what they are told is good for them and avoid what is disapproved. But one consequence of such assumptions is the present forms of censorship, which, however well meaning, may reinforce the behavior they seek to banish. Young people need information, not preaching, about the harm that *smoking* does to their development, to their bodies and to their futures. Confronted instead with censorship, they become skilled in and devoted to reading between the lines. In the end, the censor always incites aggressive curiosity about the very thing it aims to keep from view.

The censorship effect has clearly been at work in America in recent years, especially where teen-agers, inherently curious and skeptical of authority, are concerned. The abyss between what can be said and shown about *smoking* and the fact that more than 25 million adults continue legally to *smoke*, despite the warnings, constitutes an enigma that gets the attention of every adolescent. They don't fail to notice either that there's a lot of secret *smoking* going down.

Richard Klein is the author of "Cigarettes Are Sublime" and "Eat Fat."

THE WALL STREET JOURNAL

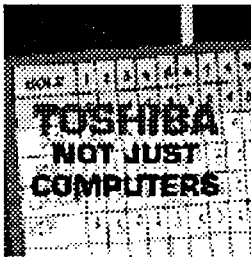
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Hollywood Has a Strong Message For Antismoking Activists: Butt Out

By **SUEIN L. HWANG** and **JOHN LIPPMAN**
Staff Reporters of THE WALL STREET JOURNAL

A year after Vice President Al Gore scolded studio executives for the proliferation of smoking in movies, there's mounting pressure on studios from antismoking groups. But they say they're repeatedly getting the cold shoulder when they try to talk to industry heavyweights.

"They kept slamming the door," says Helene Brown, a long-time cancer-prevention activist who lectures at the University of California at Los Angeles and who attended last February's meeting with the two movie executives and Mr. Gore.



Gore Supports Tough
Antismoking Bill, Raising
Cigarette Prices \$1.50 a
Pack (Feb. 12)

One of the unreachable is Jack Valenti, president of the Motion Picture Association of America. In January, the American Cancer Society's California

division sent Mr. Valenti a petition with 105,000 signatures deploring the number of smoking scenes in the movies. The package was wrapped in black shiny paper inscribed with the names of Hollywood stars who had died from smoking. An accompanying letter asked him for a meeting.

Pithy Reply

Two months later came a two-paragraph reply from Mr. Valenti, who wrote: "I want to assure you that I have raised the issue of smoking in films to the creative community through the Guild presidents, and that the public's concerns are being taken very seriously by the industry."

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Mr. Valenti says the petitions were wrongly sent to the Los Angeles office of the MPAA rather than to Washington, resulting in the lengthy delay. American Cancer Society staff members say they called in advance to verify Mr. Valenti's address. "We addressed the boxes directly to Mr. Valenti," says Alan Henderson, president of the society's California division. "I thought the response would be a little more timely."

The group still hopes to talk to Mr. Valenti. As for Mr. Valenti, he says he has had at least four meetings with studio executives over the past year over the issue. In any case, he disputes that Hollywood is handling smoking irresponsibly. "I don't see a lot of smoking in films, and I see a lot of films," he says.

Meanwhile there are signs that smoking in movies is continuing to flourish. Julia Roberts puffs away in "My Best Friend's Wedding," a movie that young teenage girls helped turn into a blockbuster. Will Smith chomps a stogie in "Independence Day." University of California at San Francisco researchers analyzed five top-grossing films each year and found that while only one lead character smoked in 1990, 80% of moviedom's male leads lit up in 1991-96.

**Leonardo DiCaprio**

As the Oscars approach, both sides are sounding off on the blockbuster "Titanic." Critics decry the movie for its portrayal of cigarette-smoking by its young stars Leonardo DiCaprio and Kate Winslet, whose character lights up in defiance of her stuffy fiancé.

Lighting Up

Rae Sanchini, the movie's executive producer, argues that the movie portrays smoking realistically, given the social acceptance of it in 1912, the year of the Titanic disaster. "Women wore corsets then, and people smoked," Ms. Sanchini says. "We certainly did not seek to glamorize it." She argues that Mr. DiCaprio's smoking was appropriate because his character is "an artist, a free spirit" and that Ms. Winslet's puffs are an act of rebellion, not a plug for smoking.

"Those are exactly the messages the tobacco industry seeks to convey," counters Stanton Glantz, medical professor at the University of California at San Francisco and co-author of the recent smoking-in-movies study.

For Sherry Lansing, chairwoman of the Paramount Motion Picture Group, smoking in the movies might seem a natural cause. She is a well-known advocate of cancer research. Nevertheless, Ms. Lansing "said to me this is an issue she can't get wrapped up in," says Ms.

Brown, the cancer-prevention crusader.

Ms. Lansing declines to comment.

Other Crusades?

Working against the antismoking groups is Hollywood's fear that knuckling under to antismoking forces could open up the door to other crusades. "The small details of a performance -- mannerisms, gestures, habits -- must be at the discretion of the storyteller," says Tom Rothman, president of production at Twentieth Century Fox Film Corp.

Nevertheless, one Hollywood powerhouse does avoid smoking scenes: Walt Disney Co. enforces an unwritten rule barring protagonists from smoking in just about all of its movies, according to people familiar with the studio; the ban includes adult-oriented fare made under the Touchstone banner.

Doug Liman, director of the popular Generation X flick "Swingers," is still debating whether smoking should be featured in his planned shoot of "Go," a movie featuring the misadventures of two 18-year-old women who move on to Las Vegas. Set to begin shooting in two weeks, "Go" 's script explicitly calls for the protagonists to light up.



Susan Sarandon

Although he is opposed to "gratuitous" smoking, "I have a job to tell a story, and tell it in the most effective way possible," Mr. Liman says. "If there's smoking in the movie, it will have gone in with thought and consideration -- not only artistically but also politically and personally."

Mr. Liman bristles at the incursions of antitobacco activists in the creative process. "If an antismoking group lobbied me directly, I would get really offended, and it would only encourage me to show smoking," he says. "I would feel like that was censorship."

At least one well-known director, Curtis Hanson, intentionally avoids using cigarettes. His most recent film, "L.A. Confidential," is set in the 1950s and replicates the look and feel of a smoky Humphrey Bogart flick. But there's hardly any actual smoking in the critically acclaimed movie, or in Mr. Hanson's two other movies, "The River Wild" and "The Hand That Rocks the Cradle."

"In matters of personal style and behavior, movies have always been influential," Mr. Hanson says. As for smoking on screen, he says:

"My attitude is: Why glamorize it?"

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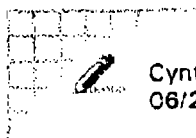
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GSA	Eric Dodds, Deputy Chief of Staff Emily Hewitt, General Counsel	Donald Berry 208-3397

We've WAVED them in. If you have any questions, please call Kris (6-2572) or me (6-7074).

Thank you!

NASA - filming - Ed Helgeson 202-358-1827

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John Berry	DOI	208-4203	219-1220
Terry Kourie	DOJ	514-0198 514-0198	514-0563
David Burson	DOS	514-3713	514-0563
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Eric Dodds	GSA	501-1104	219-1243
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* Michael Zucker } what data shows
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Draft NPS Filming guidelines.

FILMING AND PHOTOGRAPHY

INTRODUCTION

Cameras are used by visitors, commercial interests and representatives of the media in units of the National Park System for a variety of reasons. It is the responsibility of the park manager to determine if a proposed filming or photography activity falls into the category of a normal visitor activity, a First Amendment right, or a special park use requiring a permit.

Requests for use of NPS sites for filming and photography have raised concerns for park managers including site access, potential resource impacts, distraction of other park users, diversion of park staff to accommodate projects, and financial considerations of cost recovery and user fees. This Appendix provides site managers with tools to develop consistent, appropriate, and legally defensible plans for evaluating requests for use of NPS sites for a variety of film, video and still photography project, and for managing those activities.

POLICY

It is the policy of the National Park Service to allow photography and filming within the National Park System consistent with the protection and public enjoyment of resources. The NPS will manage these activities according to the following principles: -

- Natural, cultural, wilderness, and recreational resources will be protected from damage and destruction.
- Filming will not unduly conflict with the public's normal use and enjoyment of a park.
- Visitors using cameras and/or recording devices for their own personal use are generally exempt from film permit requirements.
- Coverage of breaking news never requires a permit but is subject to imposition of restrictions and

conditions necessary to protect park resources and public health and safety, and to prevent derogation of park values.

- NPS will not censor the content of any filming/photography done in accordance with these principles, nor require finished film products for review, files or documentation purposes.

The Special Use Permit (Form 10-114) is the instrument used to authorize filming or photography. The park Superintendent shall determine when a permit for filming or photography will be required and what costs, if any, must be recovered. During certain times, (e.g. periods of peak visitation or high fire danger), the Superintendent may deny any or all requests for special use activities, including filming. If filming activities are inherent in an event or use for which a Special Use Permit has been or will be issued, conditions and permission for filming may be included in that Special Use Permit.

Generally, permits are not required for:

- visitors taking photographs or making videos;
- news crews or sound technicians, at news-breaking events.

A permit is required if the Superintendent determines that there is a likelihood of the projects harming the park's natural, cultural or recreational resources, or creating unacceptable health or safety risks, or disrupting visitor use and enjoyment. All projects will be thoroughly reviewed not only to ensure protection of the park's resources and values, but also to prevent adverse impact on neighboring communities and non-park interests. The evaluation will consider pedestrian and vehicle access and traffic, availability of visitor parking, the permittee's needs for vehicles and equipment, and other potential project-related impacts. Safety issues must be identified and resolved.

Exhibit 1 is intended as a handout for both commercial and non-commercial photographers and is a one page explanation of Service policy on filming and photography.

The permit process provides the Superintendent and the applicant an opportunity to discuss the proposed project and to establish reasonable conditions to protect NPS interests. Use of the NPS Arrowhead in titles, credits or other deliberate disclosure, requires the permission of the Director (see 36 CFR 11.2). Aircraft activities involved in the filming may also require conditions. If the impacts of the project can be mitigated to the Superintendent's satisfaction, a project request may be approved, but park managers may not sign location releases supplied by permittees. Documentation of the application and permit review process serves as the administrative record, and should include the reasoning behind permit restrictions and any waivers of restrictions.

The Wilderness Act prohibits the conduct of "commercial enterprises" on Federal lands that have been designated as wilderness (16 U.S.C. 1133(c)). Subsection (c)(5) provides the only exception to this saying that such conduct may be allowed "to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area."

It may, therefore, be possible to justify certain educational and informational commercial filming or photography in wilderness since such services could be rationalized as "... proper for realizing" the educational purposes of wilderness. However, most types of commercial advertising filming or photography could not avail themselves of this exception.

The NPS cannot control filming or photography projects occurring outside park areas, even though they may include a simulation of park features, uniforms or other equipment.

FIRST AMENDMENT CONSIDERATIONS

Rights, Permits, and Cost Recovery

Some filming and photography projects are First Amendment activities. (Refer to Appendix 5) The fact that a permit may be required for filming does not mean that the Government may censor or control a film's content. Just as is true for any other type of park

use, the potential for resource damage or, in some cases, the proposed actions of a group that might pose health and safety concerns both to themselves and visitors, may trigger the requirement for a permit. However, the NPS may not require the payment of fees, insurance coverage or a performance bond for a first amendment activity, nor may it recover its costs incurred in managing the activity.

Breaking News

Superintendents must recognize that some activities involving news-breaking events are exempt from permit requirements under the First Amendment. Breaking news is an event that cannot be covered at any other time or location. Coverage of breaking news never requires a permit, but is subject to restrictions and conditions necessary to protect park resources and public health and safety, and to prevent derogation of park resources and values.

Feature Stories

With the exception of breaking news stories, filming and photography, like all other commercial park uses are privileges. However, the NPS usually sees significant benefit from the production of "human interest" or "travelogue" segments filmed in parks. These benefits include educational information on park programs, public awareness of park-specific problems, and constituency building which may aid in accomplishing the mission of the NPS. The cost of otherwise reaching such a large audience is often prohibitive, and the benefit of such media exposure often exceeds the direct cost to the park in permitting and/or monitoring the production. With this in mind, the Superintendent may reduce or waive fees for projects which provide benefit to the NPS.

On occasion, the NPS Office of Public Affairs may generate media interest in stories which, while not considered "breaking news," nonetheless affect the public's perception of the Service. When in doubt as to the "newsworthiness" or educational/public relations benefit of a filming activity, the Superintendent or appropriate designate will consult the park or Regional public affairs officer.

When media interest is generated by a public affairs office, for instance through a press release, it is incumbent upon that office to contact the park and coordinate filming activities so that responding media can easily obtain the story presented to them.

DONATIONS

The NPS has authority to accept donations, but not to solicit donations. Therefore, NPS managers must not initiate discussion of a possible donation with any permit applicant. In addition, the applicant must not be approached by a representative of a cooperating association, friends group, or other park partner for a donation while the application is being considered, the permit is negotiated, and the permitted activities are ongoing.

An applicant's offer of a donation to the park must not in any way influence the NPS manager's decision to issue or deny a permit, nor can it be allowed to influence the manner in which a permit is administered. In instances when a permit applicant voluntarily indicates an interest in making a donation to the park, the park manager and other NPS employees involved in administering the permit should refrain from discussing with the applicant the details (such as dollar amount) of the donation until after the permitted activity is completed. This will help to ensure that the prospect of a donation does not cause a lapse in objectivity and thereby create an ethical dilemma.

UNAUTHORIZED FILMING

Some film makers or photographers may be unaware that certain filming and photography activities- require a permit, cost recovery, insurance certificate, or performance bond. When the Superintendent or a park staff member becomes aware that filming/photography activities that would normally require a permit are being conducted without a permit, he/she will contact the individual or group, explain the requirements necessary to comply with regulations, and resolve the issue as soon as possible. A photographer or film maker

who fails to obtain a required permit is subject to prosecution under Federal, state, county, or local laws and regulations. A photographer or film maker who fails to comply with the terms and conditions of a permit may have their permit suspended or revoked, and may also be prosecuted under applicable laws and regulations.

PROCEDURES

Credit Lines

- Credit line prohibition: A credit line is specifically prohibited in instances involving product or commercial advertisement, in films promoting an industry, and in films designed to influence congressional initiatives.

- Optional Credit Line: The Superintendent may request a credit line in films produced in whole or in part on Service lands unless the subject matter is such that a credit line is not desirable. A producer's willingness to give a credit line will not be a consideration in the granting of a permit.

- Format of Credit Line: The suggested format for a credit line is:

Name(s) of area(s)
NATIONAL PARK SERVICE
U.S. DEPARTMENT OF THE INTERIOR

- Use of Museum Collections: Refer to the Museum Handbook for credits relating to Museum Collections.

Government property and symbols

Government property (including the uniform) will not be used, loaned or rented to a film company or diverted from its normal use for filming purposes except as stated below. (See 43 C.F.R. 20.735.15).

- Rental of NPS equipment on a reimbursable basis pursuant to 16 U.S.C. 1-b(5) is authorized only to

DRAFT: July 1, 1998

MEMORANDUM FOR THE HEADS OF VARIOUS EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Prohibiting Underage Smoking on Federal Land; Denying Filming Privileges on Federal Property for Films that Portray Underage Smoking.

Underage smoking is a very serious problem in this country. Every day, 3000 children and adolescents begin smoking on a regular basis, and 1000 die prematurely as a result. Cigarette smoking rates among high school students rose by nearly a third between 1991 and 1997, from 27.5 percent to 36.4 percent. Almost 90 percent of all smokers began using tobacco products as teenagers.

The pervasive depiction of smoking in television and films may help account for why underage tobacco-use is such a serious problem in this country. Children and adolescents are very impressionable, and popular culture often has a significant influence on their lives. Films that feature actors or actresses who smoke on-screen send confusing messages to children which may undermine anti-tobacco messages promoted by their parents, teachers and communities. An estimated 85 percent of children ages 12 to 17 attend movies, and those between the ages 12 and 20 account for a disproportionate number of movie goers. Regrettably, 77 percent of all major motion pictures in 1996 portrayed the use of tobacco. In most of these movies, the lead actor or actress smoked.

For three years, this Administration has worked to reduce underage smoking. That is why, in 1995, I directed the Food and Drug Administration to propose a rule regulating the sale of tobacco products to minors. The FDA rule, issued in August 1996, sets a Federal minimum age of 18 to purchase tobacco products and requires photo identification for individuals under the age of 27. States are also undertaking significant efforts to reduce youth smoking. Laws in all 50 states prohibit the sale of tobacco products to minors, and several states have initiated valuable counteradvertising campaigns designed to reduce youth smoking. These campaigns play a critically important role by countering the images of underage smoking that otherwise pervade advertising, the media, and youth culture.

However, we must do much more to prevent underage smoking. That is why I have called on Congress to pass comprehensive legislation that will stop young Americans from smoking before they start. While I continue to fight to enact comprehensive tobacco legislation, I am determined to move forward to protect America's children from tobacco.

First, I direct you to develop within 45 days the guidelines or regulations necessary to ban tobacco use by children under the age of 18 on Federal property, including national forests and parks, [US embassies] and on Department of Defense installations. These guidelines or regulations shall outline steps you will take to ensure enforcement and publicity of this prohibition. Enforcement activities shall include confiscating the illicit tobacco products and

reporting violators to their state of residence. You shall also consider steps you can take to encourage tribal governments to adopt, enforce and publicize a ban on tobacco use by minors on Indian lands that are subject to their jurisdiction, while respecting the ceremonial and religious use of tobacco in Tribal communities.

Second, I direct you to develop within 45 days the guidelines or regulations necessary to deny filming privileges on Federal property for any movie or television program that portrays underage smoking. Federal property shall include all Federal parks and forests, [US embassies], and installations, land or property controlled by the Department of Defense, Coast Guard, or NASA. [Tribal Governments are encouraged to adopt and enforce policies that would prohibit the filming on Indian Country that is subject to their jurisdiction, if the proposed movie or television program portrays underage smoking in manner that does not convey ceremonial or religious use.]

You are authorized and directed to publish this memorandum in the Federal Register.

2ND STORY of Level 1 printed in FULL format.

Copyright 1998 Bergen Record Corp.
The Record (Bergen County, NJ)

June 29, 1998; MONDAY; ALL EDITIONS

SECTION: YOUR TIME; Pg. Y08

LENGTH: 650 words

HEADLINE: BUCKING THE NO-SMOKING TREND

SOURCE: Wire services

BYLINE: MICHAEL FLEEMAN, The Associated Press

BODY:

When producer-writer Chris Carter needed to create a villain for "The X-Files," he opened a pack of smokes. Cigarette Smoking Man was born to puff his way through one sinister plot after another, from television to the big screen.

When writer-director Don Roos needed a villain for "The Opposite of Sex," he came up Christina Ricci's tart-tongued, chain-smoking character, someone who tossed a cigarette butt into her father's grave at his funeral.

Julia Roberts lighting up in "My Best Friend's Wedding." Passengers taking drags in "Titanic."

American movies continue to reek of cigarettes even as courts, states, and politicians take aim at the tobacco industry.

Oddly, the cinematic puffing comes while tobacco is said to be playing a lesser role on the business side of Hollywood. Although Minnesota's recent \$ 6 billion settlement with the tobacco industry included a ban on cigarette product placement deals in the movies, producers contend they haven't entered into such deals for years.

A Federal Trade Commission report to Congress found that tobacco companies have spent no money on film product placement since 1989. By contrast, other product placement deals have flourished with everything from automakers to a video chain scrambling to get screen time.

Still, the smoking issue smolders in Hollywood.

Filmmakers insist they have a First Amendment artistic right to use cigarettes for character development. Activists say filmmakers wield a powerful influence over young and impressionable audiences and therefore have a social responsibility not to glamorize smoking.

"I'd like to get rid of smoking on the screen," said Jack Valenti, president of the Motion Picture Association of America. "I've talked to a number of directors and producers, but they tell me that even though many of the actors and actresses don't smoke, they still use cigarettes for character development."

The Record (Bergen County, NJ), June 29, 1998

"In 20 seconds, with a cigarette, you can show nervousness, arrogance, anxiety."

But critics like Stanton Glantz, a professor of medicine at the University of California at San Francisco, aren't convinced.

"I think the creative thing is a bunch of BS,"he said. "The fact is that the amount of smoking going on in movies has skyrocketed, and I haven't seen any big change in the overall plot lines of films that somehow made this desperately necessary to be creative."

Glantz's study of top-grossing movies found that movie smoking has returned to 1960s levels after three decades of decline. Only about 14 percent of on-screen tobacco use is contextually linked to "adverse social or health effects."

Another study, by the American Lung Association last year, surveyed 133 movies and found that 77 percent had at least one scene in which a character smoked. Eleven percent had more than 50 smoking incidents.

The increase has come despite years of complaints about screen smoking. Last December, Vice President Al Gore contended that Hollywood was partly to blame for teenage smoking.

In April, the Centers for Disease Control and Prevention said the number of teenage smokers is steadily rising and that 25 percent of U.S. adults smoke, a proportion that has held steady in recent years after large drops since the 1970s.

The latest pressure on Hollywood to change came in May from Minnesota, where tobacco companies agreed in a settlement to ban payments for tobacco products in movies nationally.

Although it is said by Hollywood to have no practical economic impact, the provision, Minnesota prosecutors argue, put movie people on notice.

"Am I saying that we have evidence that producers were paid money?

We don't have that evidence,"said Minnesota Assistant Attorney General Doug Blanke."But there have been a lot of films lately that would cause one to wonder."

LANGUAGE: English

LOAD-DATE: June 29, 1998

letter from Philip Morris to Congressman
Luken about Superman II and James Bond movie;

PHILIP MORRIS

100 PARK AVENUE NEW YORK, N.Y. 10022-3000

THOMAS A. LUKEN, INC.

JOHN A. KOCHEVAR
VICE PRESIDENT
CORPORATE AFFAIRS

February 24, 1989

The Honorable Thomas A. Luken
Chairman, Subcommittee on Transportation,
Tourism, and Hazardous Materials
Committee on Energy and Commerce
U.S. House of Representatives
Room 2125, Rayburn House Office Building
Washington, DC 20414

Dear Chairman Luken:

Hamish Maxwell, Chairman of Philip Morris Companies Inc., has
asked me to respond to your letter of January 25, 1989.

Your inquiry touches upon a practice which we understand has
become commonplace in recent years. That is the payment of fees to
movie producers for the placement of product in the movies being
filmed by the producers. Much has been written about this practice
in the press. For example, as you may know, the most widely cited
example of product placement was the use of "Reese's Pieces" candy
in the movie "E.T.". Commonplace product placements today range
from automobiles to pet foods. According to the
Cincinnati Business Courier, there are over 50 firms specializing
in product placement. (November 21, 1988, Section 1, page 1). The
Winter 1987 issue of Philip Morris Magazine, cited in your letter,
also reported this common film industry practice.

Of course, not all manufacturers pay fees to place their
products in movies, and it has been the practice of Philip Morris
U.S.A. not to make such payments in connection with the placement
of its products or signage. Nor does Philip Morris U.S.A. solicit
or enter into contracts with motion picture producers for the use
or display of its products or brand names in films.

During the preceding 10 years, when approached by filmmakers
Philip Morris U.S.A. has occasionally provided free cigarettes and
promotional materials such as brand-name signs, and in a few

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The Honorable Thomas A. Luken
February 24, 1989
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instances apparel promoting the film. On such occasions, the script for the film in question has provided for one or more scenes in which smoking or related products were to be depicted. Philip Morris U.S.A. did not, and does not seek to influence producers or script writers to include such scenes. These decisions are made unilaterally by the filmmakers themselves. When products or signage are donated, there is no contractual arrangement guaranteeing their use in the film or affecting the script or filming in any way. Indeed, it is not infrequent that the product supplied is not used.

I understand that currently some 400-500 films are produced in the United States each year. The total number of film scripts presented to us annually by filmmakers is approximately 150. We employ independent film industry consultants to review scripts submitted by movie producers and script writers and to advise us. We have inquired of these consultants and have been assured by them that they have not contracted to pay, or paid, for the placement of products or signage. Since 1979, Philip Morris U.S.A. has provided products or signage for an average of 17 films per year.

In researching our records to prepare this reply to your letter, we discovered that in 1985 Philip Morris made a \$5,000 contribution to the Sylvester Stallone Fund for Autism. This charitable contribution was made at the suggestion of Mr. Stallone, who was the producer of a film then being made entitled Cobra. There was no contract or other formal understanding requiring display of our products in that film, and the contribution conformed to our corporate contributions policy. Our recent review of the film indicated that no Philip Morris cigarettes or signage was shown in the movie.

You should also be aware that many domestically produced films use Philip Morris products without our prior knowledge or consent. An example is the recently acclaimed film Baroon depicting the Vietnam War. That film showed American G.I.'s smoking Marlboros in many scenes because that reflected the reality of life during that period.

In response to Mr. Cohen's supplemental letter of February 10, 1989, referring to films produced abroad which are shown in the United States, I have attempted to ascertain the facts with respect to any such films. These activities are governed by the relevant practices of the country where the film is being produced. I am informed that, based upon our review thus far, there were two occasions on which product placement fees were paid in connection with foreign films intended for distribution in markets including the United States.

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The Honorable Thomas A. Luken
February 24, 1989
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In October, 1979, there was an offer from Doveman Limited, an English studio, for Marlboro brand exposure in a feature film made in England and entitled Superman II, and £20,000 (English pounds) was paid for that exposure pursuant to the offer. The offer specifically recited that the Doveman studio "shall have absolute discretion as to the final content of the Film and all artistic and technical decisions over all aspects of production and post production of the Film." (A copy of the offer is enclosed.)

The only other situation discovered is an agreement made in September, 1988, between Leo Burnett-Kyodo Company Ltd., the Tokyo advertising agency for Philip Morris in Japan, and a Swiss company, Danjaq, S.A., providing for Danjaq S.A. to use its "best endeavors" to have included exposure of a Lark cigarette pack in a new James Bond film, made primarily in Mexico, entitled License Revoked. Lark is a brand that Philip Morris sells in Japan where the James Bond character is especially popular. Philip Morris U.S.A. does not sell Lark domestically; it is a trademark owned by another company. This agreement enables Leo Burnett-Kyodo to produce a six month long James Bond License Revoked Promotion on behalf of Lark to coincide with the Japanese premier of the film. Leo Burnett-Kyodo agreed to pay Danjaq \$350,000 for these substantial promotional rights and related film exposure. As with the English document regarding Superman II, the Japanese contract also provides that "Danjaq shall have absolute discretion as to the final content of The Film and all artistic and technical decisions over all aspects of production and post-production of The Film." (A copy of the agreement is also enclosed.)

Finally, I would like to emphasize our belief that the ability of an artist to portray smoking in film or any other media is an important right deserving of protection from unwarranted regulation. Government intrusion into artistic decisions which determine whether and how smoking or any other lifestyle activity is to be portrayed is extremely dangerous. Smoking is an integral part of the lives of millions of Americans. It is only natural that it is also an integral part of American art.

Very truly yours,

John G. Rocker

enclosures

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CONFIDENTIAL MINNESOTA TOBACCO LITIGATION

DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: AW DATE: 09/27/13

AUDIT SURVEY - ASSOCIATED FILM PROMOTIONS

This report summarizes the results of our review of the Company's movie placement relationship with Associated Film Promotions (AFP). This audit was requested by Mr. M. V. Domantay, Vice President Brand Management and Mr. J. M. Coleman, Manager Media Services. Principle audit objectives included: (1) review of current and past contractual agreements, (2) review of Company internal control systems, and (3) review of performance of AFP.

Background

BMW entered into an agreement in July, 1979, whereby AFP agreed to attempt to place BMW advertising and products in selected new movie productions. Under the current agreement (1/1/83), BMW pays a retainer fee of \$30,000 quarterly for this service (quarterly fees were \$12,500 in 1979 and 1980, \$13,125 in 1981 and \$13,125 in 1982). According to this agreement, BMW is not guaranteed a specific minimum number of placements for this fee although AFP is to use its best efforts to present to BMW as many appropriate placement opportunities as possible. BMW has also made payments to AFP over the last several years for special movie placements. The difference between a regular placement and a special placement is that a special placement involves payments by AFP to various personnel involved in the movie production and implicitly BMW's exposure in the motion picture should be more prevalent and/or more prominent. BMW payments to AFP since the inception of the contract have totaled \$687,500 for special placements and \$278,000 in retainers.

AFP also provides services for BMW with regard to our Plitt Theaters, Inc. (Plitt) contract (Plitt runs BMW commercial messages in theaters they operate). AFP is responsible for delivering copies of BMW's commercials to Plitt's theaters and for monitoring the Plitt agreement. BMW payments to AFP for their Plitt work have totaled \$300,000. In addition, BMW paid AFP \$204,000 in August, 1983, in order to cancel the future commission payments AFP would have been entitled to based on an oral commitment associated with the BMW-Screenvision agreement. (Screenvision runs BMW commercial messages in theaters they have under contract.) BMW had an agreement with AFP to pay a 3% media fee to AFP for their services in monitoring Screenvision's performance under that agreement (this would amount to about \$250,000/year as long as we used Screenvision). However, according to Mr. Domantay, it was later determined by BMW that this function could be performed by BMW and that the use of AFP was superfluous; thus a one-time buy out was negotiated with AFP.

(M)

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Special Motion Picture Placements

B&W has made payments to AFP for the following special placements:

<u>Date</u>	<u>Movie</u>	<u>Amount</u>
8/81 & 3/82	Tempest	\$ 70,000 (1)
4/82	Shaker Run	5,000
4/82	Blue Skies Again	7,500
7/82	Smokey & Bandit III	10,000
8/82	Never Say Never Again	20,000
1/83	Harry & Son	100,000 (2)
3/83	Tank	25,000 (2)
3/83	Where the Boys Are	100,000 (2)
4/83	Killing Ground	50,000 (2)
6/83 & 8/83	Sylvester Stallone (5 movies)	<u>300,000</u> (2), (3) & (4)
	Total	<u>\$687,500</u>

- (1) B&W was to receive a bonus placement in Traces for this payment.
- (2) Not yet released.
- (3) B&W owes AFP an additional \$200,000 for the Sylvester Stallone movies.
- (4) It is our understanding that the Marketing Department is pursuing the possibility of having AFP obtain life and disability insurance on Mr. Stallone in order to protect B&W's position in the matter. We support this as an additional control measure.



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During a field visit we were informed by AFF personnel that AFF keeps two sets of books for its movie placement activities. One set of books is for their daily operations (commissions earned and ordinary business expenses) and the "second set of books" is for all their special movie placements (e.g., the Sylvester Stallone movies).

Mr. Robert Koveloff, President of AFF, and Mr. James Ripelinger, Senior Vice-President, are primarily in charge of operations. They told us the following concerning the monies involved with the special placements:

- (1) They are the only two individuals at AFF who know that a "second set of books" exists.
- (2) AFF does not profit from the special placements. They act only as "middlemen" between BMW and the movie studios.
- (3) AFF distributes payments based upon the instructions of the movie producer.
- (4) The producers normally do not want payments in the form of checks to individuals. They prefer cash, jewelry, cars, etc.

It should be noted that this "second set of books" appeared to have been prepared solely for the auditor's visit.

The current contract states that "AFF shall perform for BMW...such services as BMW may from time to time authorize with respect to... (2) the placement of specified BMW products and/or related items and materials in feature motion picture films." BMW pays AFF \$30,000 quarterly for this service. According to AFF personnel, AFF does not make any commission on the special placements; therefore, we consider the special placements (as well as the regular placements) to be covered by this agreement in the absence of an agreement specifically relating to the special movie placement payments.

The contract between BMW and AFF also states that "AFF shall keep and maintain books and records relating to this Agreement in accordance with generally accepted accounting principles consistently applied." In our opinion, AFF violates this contract provision by keeping two sets of books although the "second set of books" is



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purportedly only for special placements. The contract also stated that "AFF shall use its best efforts to reduce its agreements with third parties to writing...." We found no evidence that AFF is following this provision of the contract (e.g., we were informed that there is nothing in writing between AFF and the movie producers describing how and for what duration B&W products and advertising will be used in the special movie placements contracted, and there is generally nothing in writing concerning the payments AFF makes to third parties). This is a control weakness.

In order to strengthen controls we recommend that AFF be required to conform to the contracted terms dealing with (1) maintaining their records according to generally accepted accounting principles, and (2) putting their agreements with third parties into writing. We further recommend that AFF be required to make all payments (for money B&W pays AFF for special placements) by check to the movie's producer. (The check AFF writes to the movie producer should be for the same amount that AFF receives from B&W).

Mr. Domantay stated that implementing these controls would not be possible if we plan to utilize this form of media. He stated that he believed that the additional controls he agreed to implement in the section of this report titled "Internal Controls at B&W" would be sufficient to control special placements.

Regular Motion Picture Placements

Addendum No. 1 - Section 1.2 of the contract between AFF and B&W specifies procedures to be followed by B&W and AFF for the placement of B&W products and advertising in movies (see Exhibit I, attached). These procedures were not being followed by either AFF or B&W. B&W had virtually no records on file that indicated (1) which movies were made available by AFF for B&W placement; (2) which movies AFF had attempted B&W placements; and (3) which movies AFF actually had made advertising or product placements. AFF records indicate that they have attempted to make placements for B&W in over 150 movies or television shows and have succeeded in making placements in 22 movies and one television show (See Exhibit II).

We recommended that Section 1.2 - Addendum No. 1 of the contract between AFF and B&W be followed completely by both parties. Mr. Domantay agreed to implement this recommendation.

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Internal Controls at B&W

No procedures have been in place at B&W to ensure that ATF actually has been placing our products in movies. Because of this, we viewed seven movies in which ATF has indicated that they have made placements for B&W (two of which involved special payments). Our observations are as follows:

Body Heat - We observed a Kool poster on a wall in a restaurant. It appeared three times in the movie. The first time it was on screen for approximately a minute, but was blurred except for a couple of seconds. The other two times the sign was blurred. We also observed the two lead characters in the movie smoking Marlboro throughout the movie.

First Blood - We observed a Kool Lights billboard on screen for a couple of seconds. We saw a glimpse of a Raleigh billboard and a Barclay poster.

Jinxed - The top half of a Barclay pack appeared on screen momentarily.

Only When I Laugh - We observed a blurred pack of Kool on the front of a vending machine. The lead character of the show bought a pack of Marlboro from the machine. She smoked Marlboro throughout the movie.

King of Fats - We observed no B&W products or advertising in this movie. We did see a cigarette vending machine in the movie.

Never Say Never Again (\$20,000 special payment) - We observed what appeared to be a pack of Kool Super Lights on screen for one or two seconds. The word Kool could not be seen. A pack of Winston appeared briefly in this film.

Impeachment (\$70,000 special payment. The Company also was to receive a bonus placement in Traces. We were unable to obtain a copy of Traces.) - We observed what appeared to be a pack of Barclay on screen for a second. The word Barclay could not be seen. Mr. E. T. Farrack (Vice President of Brand Management when the Impeachment was released) stated that Mr. Koveloff called

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shortly after Tempest was released and told us that BMW did not receive much exposure and he promised to provide placement in two or three other movies as a "make good". Records currently available at BMW do not indicate which movies were to be utilized.

With the exception of the Sylvester Stallone movies, there is virtually nothing in writing at BMW which indicates what specifically BMW is to receive. The agreement involving the Sylvester Stallone movies only specifies that he will be smoking our products in four of the five movies and that BMW signage will be included. The agreement does not specify the length of time or frequency of which our products will appear nor does it assure that the visual clarity of the product logo will be acceptable to BMW.

Currently, AFF can call any one of at least four individuals at BMW (Senior VP Corporate Marketing, Senior VP Domestic Marketing, Vice President Brand Management, and Manager Media Services) for approval of a special movie placement. In addition, BMW currently pays 100% of the agreed amount before the movie is released. In order to strengthen internal control we recommended that multiple approvals be required for each special payment. BMW Presidential approval should be obtained for payments exceeding \$75,000. We further recommended that some part of the payment (e.g., 50%) be withheld until the movie is released and viewed by appropriate BMW personnel.

We recommended that a formal inspection system be adopted to view each movie involving either the retainer or a special payment. We recommended that a specific performance agreement be obtained from AFF for each special placement. This agreement should specify which brands, and the frequency, duration and type of placement (product, billboard, etc.) and visual clarity required. We also recommended that BMW marketing management inquire into the special placements for Never Say Never Again and Tempest and recover the payments (a total of \$90,000) or obtain "make goods" if appropriate.

Mr. Domantay agreed with all the above recommendations. In addition he stated that as an additional control measure the Marketing Department would begin budgeting this form of advertising as a separate line item in the Advertising Media budget. (M)

Exclusivity Clause in Contract

The contract between AFF and BMW states that "AFF shall not perform any service...in connection with any tobacco product not manufactured

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CONFIDENTIAL MINNESOTA TOBACCO LITIGATION

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or distributed by B&W without first obtaining B&W's consent." We noted a magazine article quoting Mr. Koveloff as stating that he represented five cigarette manufacturers.

We recommended that Marketing management verify with ATF that they are not representing any other tobacco companies besides B&W.

Mr. Donatay stated that he talked with Mr. Koveloff concerning this matter and Mr. Koveloff stated that B&W was his only client in the tobacco industry. Mr. Koveloff said he was simply trying to confuse the magazine reporter so she could not find out who his client was in the tobacco industry.

D. L. Chavers

D. L. CHAVERS
AUDIT DEPARTMENT

/s/

(M)

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EXHIBIT 1

1.2 Placement of Product, etc. in Motion Picture

A. Beginning January 1, 1983, AFP shall perform the following services for B&W:

1. AFP shall, from time to time, (1) inform B&W of the availability of upcoming feature motion pictures which present opportunities for B&W's cigarettes, other tobacco products and/or related items and materials to appear in the film thereof as part of the scripted action, and (2) furnish to B&W information, including, but not limited to, the following concerning each such feature motion picture:
 - (a) Title of motion picture
 - (b) Name of production company
 - (c) Names of Producer and Director
 - (d) Names of principal actors/actresses
 - (e) Outline of the subject of the motion picture
 - (f) Brief statement of how B&W's products and/or related items and materials may be used in the motion picture
 - (g) Anticipated rating of the motion picture, i.e., "G", "R", etc.
2. Once B&W, based on the information supplied by AFP pursuant to Paragraph 1.2(A)1, has authorized AFP to explore placement opportunities in a particular motion picture, AFP shall do so and, as soon as possible thereafter, furnish B&W a synopsis of the motion picture, a list of the cast, and a list of the placement opportunities available in the motion picture film.
3. Although AFP is not required to present a specific minimum number of placement opportunities to B&W, AFP shall use its best efforts to present to B&W as many appropriate motion picture film placement opportunities as possible during the term of the Agreement.
4. Once B&W has approved a placement opportunity, AFP shall arrange for the placement(s) authorized by B&W. Once the placement(s) appear in the released version of the motion picture film, AFP shall provide to B&W a statement confirming that fact.



CONFIDENTIAL MINNESOTA TOBACCO LITIGATION

EXHIBIT 1
Page 1

8. B&W will review the information provided by APT pursuant to Paragraph 1.2(A)1 and, if it is interested in having APT explore placement opportunities in one or more of the motion pictures involved, will notify APT of the motion pictures B&W is interested in and of the B&W brands which B&W would like to have placed in each motion picture. After reviewing the information provided by APT pursuant to Paragraph 1.2(A)2, B&W shall promptly notify APT of those placement opportunities that meet its approval and supply at no cost to APT all necessary product and related items or materials.

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EXHIBIT II

Movies

1. Cheaper to Keep Her
2. Honky Tonk Freeway
3. Nine to Five
4. Wacho
5. Night People (All Night Long)
6. Body Heat
7. Body & Soul
8. All the Marbles
9. Kill & Kill Again
10. Two for the Price of One
11. Only When I Laugh
12. Making Love
13. Sharkey's Machine
14. The Entity
15. Jinxed
16. First Blood
17. Love Child
18. Blue Skies Again
19. Scar Chamber
20. Private School
21. Summertime
22. Savannah Smiles

Television Show

The A Team



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PRODUCT MOVIE PLACEMENT

I. PURPOSE

A. REVIEW/CORPORATE POLICY REGARDING MOVIE PLACEMENTS.

B. RECOMMEND "INTERNAL CONTROL" STEPS TO BE TAKEN IF PROGRAM IS CONTINUED, IN LIGHT OF AUDIT REPORT.

REVIEW PROMPTED BY AUDIT REPORT WHICH
HIS CRITICAL ROLE IN OCTOBER AND WHICH
UNCOVERED CONTROL WEAKNESSES.

AND WHILE WE BELIEVE WE CAN TIGHTEN UP
CONTROL PROCEDURES, THE POTENTIAL UNDERMINING
NEEDS A REVIEW OF PROGRAM BY STE. COMM.
SHOW ALL THIS

CONFIDENTIAL MINNESOTA TOBACCO LITIGATION

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II. BACKGROUND

A. INDUSTRY PRACTICE

1. BWT HAS BEEN UTILIZING A FIRM (ASSOCIATED FILM PROMOTIONS) TO PLACE PRODUCT IN MOVIES AND NEGOTIATE PRODUCT USAGE ARRANGEMENTS WITH SPECIFIC STARS. FOR THIS, WE PAY AFP \$120M/YEAR. *NOT OTHER FOR SERVICE PROVISIONS*

2. PM HAS EXTENSIVE INVOLVEMENT IN THIS AREA, AND AS BEST WE CAN DETERMINE, THEY UTILIZE AN EMPLOYEE LOCATED IN CALIFORNIA. *DISCUSS IN 2-11-10*

3. RJR USES A FIRM SIMILAR TO AFP FOR THEIR PRODUCT PLACEMENT ACTIVITIES. *DISCUSS IN 2-11-10*

B. VALUE OF PLACEMENTS

1. PLACEMENT OF SIGNAGE/PRODUCT IN MOVIES ALLOWS BWT TO RECEIVE EXTENSIVE EXPOSURE AT MINIMAL COSTS. FOR EXAMPLE, THE S. STALLONE ARRANGEMENT WAS ANALYZED ON A COST PER THOUSAND BASIS - THE RESULTING ESTIMATED CPM, NOT COUNTING SYNDICATIONS, IS \$30.00, WHICH COMPARES FAVORABLY WITH THAT OF CINEMA ADVERTISING (\$28.00). *NON-BRANDING CAMPAIGN*

2. PRODUCT USAGE/ASSOCIATION WITH A SPECIFIC STAR PROVIDES EXPOSURE AND LINKAGE WITH A STAR'S PERSONALITY/CHARACTER. STARS TEND TO SET TRENDS, E.G. DISCO DANCING WITH "SATURDAY NIGHT FEVER". *SHOW ABC TAPE*

III. KEY ISSUES

A. SHOULD BWT CONTINUE WITH THIS PROGRAM?

PROS

CAN BE AN EFFECTIVE ALTERNATIVE MEDIUM.

CAN BE COST EFFECTIVE IF MOVIE IS SUCCESSFUL.

ALLOWS BWT TO REACH SMOKERS WHO ARE LIGHT READERS.

ASSOCIATION WITH A SPECIFIC STAR'S IMAGE CAN ENHANCE/BUILD A BRAND'S PERSONALITY - MORE SO THAN TRADITIONAL MEDIA.

CONS

POTENTIAL FOR ADVERSE PUBLICITY. (NOT A LEGAL ISSUE)

COULD BE CONSTRUED AS AIDING AND ABETTING TAX EVASION - PRIMARILY BECAUSE AFP HAS BEEN MAKING PAYMENTS IN CASH AND GIFTS, RATHER THAN BY CHECK.

COULD BE REQUIRED TO INCLUDE A WARNING NOTICE.

B. IF WE CONTINUE, CAN THE CONTROL WEAKNESS NOTED IN THE AUDIT REPORT BE CORRECTED?

IV. RECOMMENDATION

WE RECOMMEND THAT BWT CONTINUE WITH A MODIFIED VERSION OF THIS PROGRAM AND REVISE OUR METHOD OF PAYMENT TO ELIMINATE THE CONTROL WEAKNESSES IDENTIFIED.

V. RATIONALE

- A. ADVERSE PUBLICITY, IF ANY, WILL BE LEVELED AGAINST ENTIRE INDUSTRY, OR ALL PACKAGED GOODS ADVERTISERS WHO USE THIS MEDIUM, NOT JUST BWT. THUS, THE POTENTIAL FOR EMBARRASSMENT TO BWT SPECIFICALLY, IS LIMITED.
- B. OUR COMPETITORS ARE MOVING INTO THIS POTENTIALLY EFFECTIVE MARKETING AREA MORE HEAVILY. IF WE ARE NOT INVOLVED, OUR COMPETITORS (ESPECIALLY PM) WOULD HAVE A SIGNIFICANT EDGE.
- C. THE CONTROL WEAKNESS CAN BE CORRECTED AS NOTED IN THE PROPOSED PLAN BELOW.

VI. PROPOSED PROGRAM

- A. CONCENTRATE OUR RESOURCES ON SPECIAL MOVIE PLACEMENTS WHERE A STAR ACTUALLY SMOKES OUR BRANDS IN A MANNER CLEARLY VISIBLE TO VIEWERS AND WHERE OUR PRESENCE IN THE MOVIE IS MORE APPARENT, WITHOUT COMMERCIALIZING THE MOVIE, E.G. BUDWEISER IN "NORTH DALLAS FORTY", MARLBORO IN "APOCALYPSE NOW", OR KOOL WITH SYLVESTER STALLONE. FOR THESE EFFORTS, WE WILL BE PREPARED TO PAY \$100M-\$250M/MOVIE, DEPENDING ON STAR INVOLVEMENT AND QUALITY OF MOVIE, I.E. A OR B.
- B. FOR EACH PLACEMENT, WE WILL HAVE A WRITTEN CONTRACT DIRECTLY WITH THE STUDIOS. THE CONTRACT WILL SPECIFY HOW OUR BRANDS WILL BE TREATED IN EACH MOVIE. PAY 20% DOWN AND THE BALANCE 80% PAYABLE UPON PROOF-OF-PERFORMANCE, I.E. ACTUAL SCREENING OF FILM. PAYMENT WILL BE MADE DIRECTLY TO STUDIO BY CHECK. (SEE ATTACHED EXHIBIT.)
- C. CONTINUE TO PAY AFP \$120M/YEAR RETAINER FEE IN RETURN FOR REPRESENTING B&W EXCLUSIVELY IN TOBACCO CATEGORY AND ARRANGING SPECIAL PLACEMENTS WITH MAJOR MOVIE STUDIOS/STARS. IN ADDITION, WE WILL PAY AFP A COMMISSION OF \$20M FOR EACH SPECIAL PLACEMENT WITH A MAJOR STAR, TO BE PAID AFTER THE SIGNING OF A CONTRACT BETWEEN B&W AND THE STUDIO INVOLVED, E.G. MGM. WE WILL DO THIS ON A TRIAL BASIS FOR 6 MONTHS TO DETERMINE IF AFP CAN REALLY DELIVER.

Luker - File

PHILIP MORRIS

U.S.A.

350 BROAD AVENUE, NEW YORK, N.Y. 10017

JOHN A. KOCHNEV
VICE PRESIDENT
CORPORATE AFFAIRS

May 18, 1989

The Honorable Thomas A. Luken
Chairman, Subcommittee on Transportation
and Hazardous Materials
Committee on Energy and Commerce
U.S. House of Representatives
Room 2125, Rayburn House Office Building
Washington, D.C. 20414

Dear Chairman Luken:

I write in response to the supplemental requests for information set forth in your letters dated March 21st and April 27th, 1989. In the interest of brevity, Philip Morris' prior written responses to your inquiries concerning the depiction of cigarettes and smoking in films will not be repeated.

Your March 21 letter asked us to identify instances since January 1, 1987 in which we provided free cigarettes or signs. Schedule A lists the titles of films, a brief description of the product or signage contributed, and its fair market value. There are no written agreements or correspondence between Philip Morris and the filmmakers.

The fact that we contributed products or signage does not mean that Philip Morris products in every instance appeared in the films listed on the schedule. In fact, our review of a sample of films from the list indicates that several films did not even show the product.

In response to your March 21 inquiry concerning sales of LARK cigarettes, a copy of a Sale of Assets Agreement dated June 26, 1978

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The Honorable Thomas A. Lu
May 18, 1989
Page 2

between Fabriques de Tabac Reunies S.A. ("FTR"), a Swiss affiliate of Philip Morris, and the Liggett Group, Inc. is attached. FTR has the right to sell LARK cigarettes in all countries of the world except the United States. The terms of the agreement do not address the issue of product placement.

In response to your March 21 inquiry concerning eight films identified in the Tobacco and Youth Reporter as films allegedly containing cigarettes manufactured by Philip Morris, Philip Morris contributed product for only one of the films. Philip Morris was not consulted or advised about the inclusion of its products in the remaining seven films. Schedule B lists the eight films and the one for which product was provided.

Your April 27 supplemental request seeks information concerning films or television programs for which payments or valuable props were provided in order to have included in the movie or program a scene depicting smoking. We are aware of no such situations.

In response to your inquiry concerning the manner in which we gathered the information responsive to your several requests, please be advised that the review was conducted by outside counsel who interviewed appropriate Philip Morris agents and employees and reviewed relevant Philip Morris files.

This letter constitutes the complete response of Philip Morris to your supplemental requests dated March 21 and April 27, 1989.

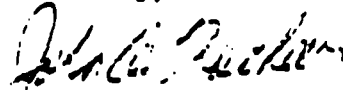
In conclusion, we are concerned that these and your other requests will have a chilling effect on filmmakers' First Amendment rights and will limit or censor their artistic choices. The facts are that more than fifty-five million adult Americans choose to smoke, that smoking is relevant both to past and contemporary culture and that cigarettes and tobacco signage, like

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he Honorable Thomas A. Lu
May 18, 1989
Page 3

thousands of other products and the promotional materials associated with them are used by filmmakers to reflect that culture truthfully and accurately.

Sincerely,



John A. Rochevar

Att.

TIMN 203564

SCHEDULE OF PRODUCT PLACEMENT
1987

<u>Movie Title</u>	<u>Product Supplied</u>	<u>Estimated Fair Market Value*</u>
Amazon Women On the Moon	Cigarettes	Less than \$600
Barfly	Cigarettes	\$900
The Big Easy	Cigarettes Neon sign	Less than \$600
Broadcast News	Cigarettes	\$350
Call Me	Cigarettes	\$350
Danny Irvine Always Has A Good Time	Cigarettes	Less than \$600
Death Wish IV	Cigarettes	\$900
Disorderlies	Cigarettes	Less than \$600
Flicks	Cigarettes	Less than \$600
Freeway	Cigarettes	\$350
Jocks	Cigarettes	Less than \$600
Knights in White Satin	Cigarettes	\$350
Last Innocent Man	Cigarettes Signage	\$450
Less Than Zero	Cigarettes	\$350
Love Hurts	Cigarettes	\$350
The Martini Project	Cigarettes	\$750
Mystery Train	Cigarettes	\$350
Near Dark	Cigarettes Marlboro signage	\$900

* Note that the fair market value listed for cigarettes includes all applicable state and federal tax. Where detailed information is unavailable and cannot be recreated we have concluded that the estimated fair market value did not exceed \$600.

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1987 (Continued)

<u>Movie Title</u>	<u>Product Supplied</u>	<u>Estimated Fair Market Value</u>
Next of Kin	Cigarettes	\$350
Programmed to Kill	Cigarettes	\$300
Robocop	Signage	Less than \$600
Summer Heat	Cigarettes	Less than \$600
Surrender	Cigarettes	Less than \$600
Tapeheads	Cigarettes	\$350
Tips	Cigarettes	\$350
Tough Guys Don't Dance	Cigarettes Signage	\$900
Track	Cigarettes	\$350
Woods	Cigarettes	\$900

1988

The Boarder	Cigarettes	\$900
Braddock: Missing in Action III	Cigarettes	\$900
Bull Durham	Cigarettes	\$350
Bulletproof	Cigarettes	\$750
Casualties of War	Cigarettes (sample 6s)	\$870
Con, Inc.	Cigarettes Signage	\$450
Doing Time On Planet Earth	Cigarettes	\$900
Dream Team	Cigarettes	\$350
Everybody's All American	Cigarettes	\$350
Field of Dreams	Cigarettes	\$350

TIMN 203566

1988 (Continued)

<u>Movie Title</u>	<u>Product Supplied</u>	<u>Estimated Fair Market Value</u>
Frankie	Cigarettes	\$350
K-9	Cigarettes Neon Sign	\$925
Loon	Cigarettes	\$350
Miracle Mile	Cigarettes	\$1650
Mythic Pizza	Cigarettes	\$350
Newstand	Cigarettes	\$350
Physical Evidence	Cigarettes	\$350
Rainman	Cigarettes	\$800
Red Heat	Cigarettes Neon sign	\$950
Speedzone	Cigarettes	\$350
Turner '88	Cigarettes	\$350
Tequila Sunrise	Cigarettes	\$800
True Love	Cigarettes	\$350
Verne Miller	Brown pack cigarettes	Less than \$600
War Party	Cigarettes	\$750
Welcome Home	Cigarettes	\$350
Who Framed Roger Rabbit?	Brown pack cigarettes Period signage	Less than \$600
The Wrong Guys	Cigarettes	\$900

1989

NONE

TIMN 203567

**Films from Tobacco & Youth Reporter
cited in Letter Request
Dated March 21, 1989**

<u>Movie Title</u>	<u>Product Supplied</u>	<u>Estimated Fair Market Value</u>
Agnes of God	NONE	- 0 -
Baby	NONE	- 0 -
Children of a Lesser God	NONE	- 0 -
Crimes of the Heart	NONE	- 0 -
Crocodile Dundee(1986)	Cigarettes	\$500
Risky Business	NONE	- 0 -
Tin Men	NONE	- 0 -
White Knights	NONE	- 0 -

ROGERS & COWAN, INC.
PUBLIC RELATIONS

9665 WILSHIRE BOULEVARD
BEVERLY HILLS, CALIFORNIA 90212
(213) 373-4381 TELEX 687-443

Warren's Direct Line

(213) 846-3815

CABLE ADDRESS ROCOPUS
BEVERLY HILLS, CALIFORNIA

(15)

1 bl

October 1, 1982

TO: Laurence M. Wasson *Wasson*
FROM: Warren Cowan
RE: Activity Report - R. J. Reynolds

GMH
GMH
dog
ENL - jill

The following is a summary of the activities Rogers & Cowan, Inc., has provided for your client, R.J. Reynolds, during the month of September, 1982.

<u>MOTION PICTURES</u>	<u>STARRING</u>	<u>RELEASE</u>
"NEVER SAY NEVER AGAIN"	SEAN CONNERY	WOODCOTE PRODS. LTD.

Production is now under way in London on this new James Bond feature starring Sean Connery. Rogers & Cowan, on behalf of your clients, R. J. Reynolds, has paid \$10,000 promotional fees to Woodcote Productions to establish R.J. Reynolds products as the only tobacco product in the picture and for the use of a Salem "Spirit" billboard in a key action set. Set stills and film clips will be supplied with a later report.

"HADLEY'S REBELLION"	WILLIAM DEVANE GRIFFIN O'NEIL	EAST INDIA TRADING COMPANY
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This is a dramatic story of the training and rise to career of a wrestler and the interaction of youth patterning his life after his idol. As with idols, he learns a hard lesson when the idol crumbles and he must go on anyway. R.J. Reynolds products will be used in smoking scenes throughout the picture.

COPI

5085 458

COPI

Laurence M. Wassong
October 1, 1982
Page 2

<u>MOTION PICTURE</u>	<u>STARRING</u>	<u>RELEASE</u>
"CROSS CREEK"	MARY STEENBURGEN RIP TORN	UNIVERSAL PICTURES

This Universal feature which completed shooting in August is currently being edited for Christmas release. Enclosed are two additional stills showing Mary Steen-
burgen and Camel cigarettes which are featured in the picture.

"OFFICER AND A GENTLEMAN"	RICHARD GERE	PARAMOUNT PICTURES
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This Paramount feature is currently in release and through our placement efforts in mid 1981 Winston cigarettes are featured throughout the picture. Enclosed are two set stills showing the principal players and Winston cigarettes.

"STAND ON IT"	BURT REYNOLDS LONI ANDERSON NED BEATTY PARKER STEVENSON	UNIVERSAL
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Production has just been completed in Atlanta for this new comedy from Universal. Winston will receive excellent visibility identification through the use of the Winston Thunderbird, jackets, caps and patches, which we furnished to the company. There will also be scenes and race tracks where Winston signs and vehicles displaying the Winston name will be plainly visible. Included are seven stills demonstrating the identification Winston will receive.

"HONKY TONK MAN"	CLINT EASTWOOD	WARNER BROS.
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This new Warner Bros. feature set in the late 1920s and early 30s will feature Clint Eastwood with Camel cigarettes in smoking scenes and Camel cigarette signs in various scenes throughout the picture. Three set stills are included to demonstrate Camel use.

5005 4586

COPY

Laurence M. Wassong
October 1, 1982
Page 3

<u>MOTION PICTURE</u>	<u>STARRING</u>	<u>RELEASE</u>
"HEART LIKE A WHEEL"	BONNIE BEDILIA	AURORA PRODUCTIONS

"Heart Like a Wheel" is the story of a drag racing champion, Shirley Muldowney. Winston, Camel, and Salem cigarettes all receive excellent identification throughout this film. Two set stills to demonstrate the use of Winston and Camels are enclosed.

"100TH DOOR",	AUDREY HEPBURN	UPFRONT PRODUCTIONS
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This major motion picture is currently in production in Greece and will feature R. J. Reynolds products in smoking scenes.

UNTITLED -- WOODY ALLEN	WOODY ALLEN	ORION
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The famous New York smoking face ad for Camels will be used in this film, but the face will be the likeness of Woody Allen instead of the one that is on the sign. Woody Allen's need for secrecy on the productions of his films is holding up the availability of any stills until the release of the picture in April, 1983. We are sorry for this delay, but he is adamant on this point.

"SPEED"	PAUL NEWMAN (Tentative)	JOHN FRANKENHEIMER PRODUCTIONS FOR UNIVERSAL PICTURES
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We will be reporting separately on our negotiations for possible placement of R. J. Reynolds products in this major motion picture which will begin production in 1983. Long range arrangements are necessary due to the distant locations planned for this film.

COPY

COPY

5045 457

Laurence M. Wissong
October 1, 1982
Page 4

<u>MOTION PICTURE:</u>	<u>STARRING</u>	<u>RELEASE</u>
"VIDEO MADNESS"	BEING CAST	GRAYDEN CLARK PRODUCTIONS, INC.

This story of the latest craze for video machines shows high school kids and young adults competing for top player awards. The film is directed towards the youth market and will be released during the summer of 1983. Smoking scenes involving young adults will feature R.J. Reynolds products.

"LIVE ENTERTAINMENT"	GIL DOBRICA	PRESENTATION ENTER- TAINMENT PRODUCTION
----------------------	-------------	--

Gil Dobrica, a Romanian star popular in Europe, is invited by an American woman to perform in New York City on New Year's Eve. Gil Dobrica, who plays himself, is a performer who sings and dances. The Camel billboard sign receives a 30 second exposure on screen. Set stills will be available later.

"DEADLY-FORCE"	BEING CAST	EMBASSY COMMUNICATION/ SANDY HOWARD PRODUCTION
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This is an old-fashioned detective story. It will feature R. J. Reynold products.

cc: Dick Taylor

COPY

COPY

30065 4588

DATABASE : ATC3
CONFIDENTIAL :
BOXNO = 1225
STARTNO : ATX 090046616
ENDNO : ATX 090046616
DATE =00/00/1989
DOCTYPE : File Folder
TO :
FROM :
COPIED :
TITLE : The American Tobacco Company - General - Letter From Congressman Luken Regarding Use Of Tobacco
Products In Movies (1989)
REQNO : 98
SOURCE : Youth
PRODDATE =08/19/1997
PRODUCTION : 08/19/97
COMMENTS :
RKMCCOPY :
REVIEW : 970910 RKMC
FOUNDATION :
DISCOVERYCOM :
LOADED =00/00/0000
ATTYCOMM :
CATEGORY :
BOXPAGERANGE : ATX 090044808 ATX 090047378
EXPERT :

DATABASE : ATC3
CONFIDENTIAL :
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DATE =02/03/1989
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TO : O'Neill-DJ
FROM : Sobel-RG, Chadbourne & Parke
COPIED : Klemann-GL-II; Young-MA
TITLE : The American Tobacco Company - General, Letter From Congressman Luken Regarding Use Of Tobacco Products In Movies
REQNO : 114
SOURCE : Surveys, Mkt Research and Advertising
PRODDATE =08/19/1997
PRODUCTION : 08/19/97
COMMENTS :
RKMCCOPY :
REVIEW : 970910 RKMCMC
FOUNDATION :
DISCOVERYCOM :
LOADED =00/00/0000
ATTYCOMM :
CATEGORY :
BOXPAGERANGE : ATX 090044808 ATX 090047378
EXPERT :

DATABASE : ATC3
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ENDNO : MNAT 00921696
DATE =07/00/1989
DOCTYPE : Trade Publication
TO :
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COPIED :
TITLE : Attachment 1-A, Cigarette Ads In Kids' Movies
REQNO : 93
SOURCE : Youth
PRODDATE =04/09/1998
PRODUCTION : 04/22/98
COMMENTS :
RKMCCOPY : Y
REVIEW :
FOUNDATION :
DISCOVERYCOM :
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ATTYCOMM :
CATEGORY :
BOXPAGERANGE : MNAT00920455 MNAT00922961
EXPERT :

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ENDNO : MNAT 00921697
DATE =07/00/1989
DOCTYPE : Trade Publication
TO :
FROM :
COPIED :
TITLE : Attachment 1-B, Pushing Smokes In Kids' Movies, Movies With Embedded Cigarette Advertising
REQNO : 93
SOURCE : Youth
PRODDATE =04/09/1998
PRODUCTION : 04/22/98
COMMENTS :
RKMCCOPY : Y
REVIEW :
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DISCOVERYCOM :
LOADED =00/00/0000
ATTYCOMM :
CATEGORY :
BOXPAGERANGE : MNAT00920455 MNAT00922961
EXPERT :

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DOCTYPE : Trade Publication
TO :
FROM :
COPIED :
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REQNO : 93
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PRODUCTION : 04/22/98
COMMENTS :
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REVIEW :
FOUNDATION :
DISCOVERYCOM :
LOADED =00/00/0000
ATTYCOMM :
CATEGORY :
BOXPAGERANGE : MNAT00920455 MNAT00922961
EXPERT :

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DATE =07/21/1989
DOCTYPE : Press Release
TO :
FROM : Luken-T, US Congress
COPIED :
TITLE : Luken Continues Probe Of Movies, Such As License To Kill, In Which A Cigarette Is Displayed In Return For Money From Tobacco Firms, Advertising Executive To Tell Luken Subcommittee That Tobacco Industry And Advertising Groups Err In Claiming That Tobacco Advertising Does Not Stimulate Use Of Cigarettes By Children, Former "Winston Man" To Explain How Cigarette Ads, Contrary To Industry's Claim, Are Targeted At Children
REQNO : 98
SOURCE : Youth
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PRODUCTION : 04/22/98
COMMENTS :
RKMCCOPY : Y
REVIEW :
FOUNDATION :
DISCOVERYCOM :
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ATTYCOMM :
CATEGORY :
BOXPAGERANGE : MNAT00920455 MNAT00922961
EXPERT :

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DATE =05/28/1982
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TO : Chester-N, ATCo
FROM : Adler-RN, Laurence Charles
COPIED : Magnane-A; Rosenbluth-E; Schan-M
TITLE : Movie Screen Advertising
REQNO : (set 1) 93
SOURCE :
PRODDATE =09/02/1997
PRODUCTION : 09/02/97
COMMENTS :
RKMCCOPY :
REVIEW : 970930 RKMC
FOUNDATION :
DISCOVERYCOM :
LOADED =00/00/0000
ATTYCOMM :
CATEGORY :
BOXPAGERANGE : ATX 110000001 ATX 110003280
EXPERT :