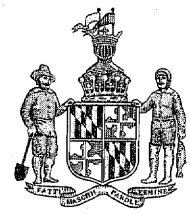
J. JOSEPH CURRAN, JR.
Attorney General

DONNA HILL STATON
MAUREEN M. DOVE
Deputy Attorneys General



STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

410-576-7036
FAX NO.

410-576-6311
WRITER'S DIRECT DIAL NO.

September 5, 2006

Bob and Harvey Weinstein
The Weinstein Company
375 Greenwich Street, Tribeca Film Center
New York, NY 10013

Dear Messrs. Weinstein:

We, the undersigned Attorneys General of 41 states and jurisdictions ask for your help in protecting the health of our nation's youth by including an anti-smoking public service announcement (PSA) on all DVD and other media formats of movies that depict smoking. To that end, we enclose a disc containing three anti-smoking PSA's created by the American Legacy Foundation (Legacy) and being made available at no cost for your unlimited use. We hope you will embrace this wonderful opportunity to deter young viewers of your movies from smoking – the nation's leading cause of preventable death.

Over the past three years, we have shared with the Motion Picture Association of America peer-reviewed research which confirms that exposure to smoking depictions in movies accounts for hundreds of thousands of U.S. adolescents initiating smoking each year. The experts warn that at least one-third of these children will go on to become regular smokers,[1] and one in three of them will die prematurely of a smoking-related disease.[2] For these reasons, we continue

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1 Paul D. Mowery, Pat Dean Brick, and Matthew C. Farrelly, *Legacy First Look Report 3. Pathways to Established Smoking: Results from the 1999 National Youth Tobacco Survey* (Washington, D.C.: American Legacy Foundation, October 2000), http://www.americanlegacy.org.

2 Ellen J. Hahn, Mary Kay Rayens, Frank J. Chaloupka, Chizimuzo T.C. Okoli, and Jun Yang, "Projected Smoking-Related Deaths Among U.S. Youth: A 2000 Update," *Tobacco Control. Reports on Industry Activity from Outside University of California San Francisco*, Paper YO (May 1, 2002), http://repositories.cdlib.org/tc/reports/YO. Centers for Disease Control and Prevention, "Projected Smoking-Related Deaths Among Youth – United States," *MMWR* (November 8, 1996), *45*(44), 971-974, http://www.cdc.gov/tobacco/research_data/mmwr.htm.

to urge you to take steps to prevent youth smoking, such as eliminating tobacco brand name appearances, reducing or eliminating smoking depictions in youth-rated movies, and showing anti-smoking messages before movies that depict smoking.

As reported in July 2006 by Legacy and Dartmouth Medical School, the overall proportion of movies presenting tobacco use or imagery declined from 96% in 1996 to 77% in 2004.[3] The researchers also reported that overall tobacco brand appearances in movies declined from 22% in the year 2000 to 11% by 2004. Our encouragement from these statistically significant declines is tempered by the ominous finding that tobacco continues to be depicted in 88% of all R-rated movies and 73% of all youth-rated movies. Moreover, the report reveals that the amount of tobacco use or imagery (whether measured by the number of tobacco occurrences or the hours of tobacco "screen-time") contained in youth-rated movies has remained relatively unchanged from 1996. While we continue to urge movie-makers to eliminate tobacco brand name appearances and prevent youth exposure to depictions of smoking, we also believe that running effective anti-smoking messages before movies that depict smoking is a strong, simple, preventive measure that your studio can take now, without any possible impact on the creative process of filmmaking.[4]

Legacy, created by the states' 1998 tobacco litigation Master Settlement Agreement, is a national public health foundation devoted to prevention and cessation of tobacco use. According to peer-reviewed research, 22% of the overall decline in youth smoking during 2000 to 2002 is

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3 Keilah Worth, Susanne Tanski, and James Sargent, *Legacy First Look Report 16. Trends in Top Box Office Movie Tobacco Use 1996-2004* (Washington, D.C.: American Legacy Foundation, July 2006), http://www.americanlegacy.org.

4 There is solid evidence that airing anti-smoking messages lessens the effects on youth of viewing smoking in movies. Connie Pechmann and Chuan-Fong Shih, "Smoking Scenes in Movies and Antismoking Advertisements Before Movies: Effects on Youth," *Journal of Marketing* (July 1999), *63*, 1-13. Furthermore, strong public support has been voiced for anti-smoking ads prior to movies with smoking. Seventy-four percent of 2,849 U.S. adults who responded to Legacy's 2003 American Smoking and Health Survey said they supported anti-smoking PSA's before movies. Cheryl G. Healton, Ella Watson-Stryker, Jennifer Duke, Stanton Glantz, Molly Green, Andrew Jessup, and Susan Murchie, *Policy Report 3. Public Opinion on Strategies to Reduce Youth Exposure to Smoking in the Movies: Results from the American Smoking and Health Survey* (Washington, D.C.: American Legacy Foundation, May 2005), http://www.americanlegacy.org.

directly attributable to Legacy's national smoking campaign, known as **truth®**. The study found there were approximately 300,000 fewer youth smokers in 2002 as a result of the **truth®** campaign.[5]

Legacy specifically chose the enclosed "classic" **truth®** commercials, titled "Body Bags," "1200," and "Shards O' Glass," as well-suited to run prior to movies that depict smoking. Each ad carries powerful messages central to the **truth®** core strategy of preventing youth smoking – providing facts that empower rebellious, control-seeking teens to make an informed decision whether to smoke. Legacy made these ads "in-your-face" and hard-hitting because teens respond to direct, honest messages that respect their intelligence. Legacy considers these ads timeless and independent, i.e., they do not need to be seen as part of a campaign to be effective.[6]

To ensure that **truth®** ads are relevant to teens, Legacy conducts a quarterly survey to determine which messages resonate most effectively. Legacy selected two of the three enclosed ads – "Body Bags" and "1200" – because of their consistently high ratings in this survey.[7]

The third ad, "Shards O' Glass," debuted in the 2004 Super Bowl. Although the television spot ran only thirteen times, it generated 1.1 million visits to the website, a number usually achieved over a much longer running time. According to a Super Bowl advertising survey, "Shards O' Glass" outperformed the overall Super Bowl norm in general recall, message recall and likeability among 13 to 24 year olds.[8]

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5 Matthew C. Farrelly, Kevin C. Davis, M. Lyndon Haviland, Peter Messeri, and Cheryl G. Healton, "Evidence of a Dose-Response Relationship Between "truth" Antismoking Ads and Youth Smoking Prevalence," *American Journal of Public Health* (March 2005), *95*(3), 425-431.

6 The enclosed **truth®** anti-smoking PSA's were designed for teens and should not be inserted on G-rated films. Instead, Legacy expects to release one or more anti-smoking PSA's that are appropriate for young viewers in the near future which will be made available to you.

7 According to Legacy's Media Tracking Survey, "Body Bags" and "1200" ranked in the top ten of 45 **truth®** ads with teens 12 to 17.

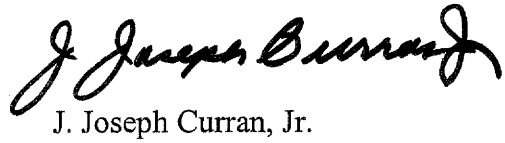
8 Intermedia Advertising Group Research Data, Super Bowl Performance Results – American Legacy Foundation **truth®** for 1/1/2003 to 2/1/2004.

We note that a number of DVD movies contain thematically linked PSA's, including PSA's about childhood literacy,[9] the dangers of street racing,[10] drug abuse prevention,[11] treatment for anorexia, self-esteem issues, and domestic abuse,[12] as well as about various nonprofit organizations and their causes.[13] Moreover, we note the ongoing industrywide campaign to prevent digital movie piracy by running PSA's before movies in theaters and on DVD's and other media.

To meet your formatting needs and to facilitate prompt inclusion of these anti-smoking PSA's in your movies, please contact Joseph Martyak, Executive Vice President, Marketing, Communications and Policy, at Legacy by telephone at 202-454-5757 or by e-mail at jmartyak@americanlegacy.org. For all other questions, please do not hesitate to contact Special Assistant to the Maryland Attorney General Marlene Trestman at 410-576-7219 or mtrestman@oag.state.md.us.

We greatly appreciate your kind consideration.

Very truly yours,



J. Joseph Curran, Jr.
Attorney General of Maryland

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9 *Shiloh*, rated PG, was released on DVD in 2001 by Warner Home Entertainment.

10 *The Fast and the Furious*, rated PG-13, was released on DVD in 2002 by Universal Home Video.

11 Anti-drug messages appeared on the 2003 DVD's of *The League of Extraordinary Gentlemen* and *X2: X-Men United*, both of which movies were rated PG-13 and were released by Twentieth Century Fox Home Entertainment. An anti-drug PSA also ran on the 1998 DVD of New Line Cinema's R-rated *The Basketball Diaries*.

12 *The Magdalene Sisters*, rated R, was released on DVD in 2004 by Miramax/Buena Vista Home Video with PSA's for "Face The Issue," a campaign to raise awareness for common emotional and physical health issues confronting young adults.

13 Nonprofit organizations that have been featured in PSA's on DVD movies include: Special Olympics (*The Ringer*, PG-13, released 2006 by Twentieth Century Fox Home Entertainment); Kids With A Cause (*Cinderella Story*, PG, released 2005 by Warner Bros./Warner Home Video); Amnesty International (*Hotel Rwanda*, PG-13, released 2005 by MGM); VH-1 Save the Music (*School of Rock*, PG-13, released 2004 by Paramount); and Pay It Forward Foundation (*Pay It Forward*, PG-13, released 2001 by Warner Home Video).

David W. Marquez
Attorney General of Alaska

Terry Goddard
Attorney General of Arizona

Mike Beebe
Attorney General of Arkansas

Bill Lockyer
Attorney General of California

Richard Blumenthal
Attorney General of Connecticut

Carl C. Danberg
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Attorney General of Kentucky

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