



October 28, 2019

Film Classification Act Consultation
Ministry of Government and Consumer Services
Policy, Planning and Oversight Division
56 Wellesley Street West, 6th Floor
Toronto, Ontario
M7A 1C1
Email: PublicSafetyandOperationsPolicyBranch@ontario.ca

RE: SUBMISSION TO THE ONTARIO GOVERNMENT ON THE MODERNIZATION OF THE *FILM CLASSIFICATION ACT, 2005*

The Middlesex-London Health Unit (MLHU) would like to take this opportunity to provide feedback on how to modernize the *Film Classification Act, 2005*, creating a framework for film classification that ensures consumers have the information they need to make informed viewing choices. The MLHU supports the implementation of a new framework that includes a rating system that specifically addresses tobacco use and vaping depictions in movies.

Content in movies can impact health behaviours. Evidence from the Centres for Disease Control and Prevention (CDC), World Health Organization, and the US Surgeon General have demonstrated conclusively that there is a causal relationship between exposure to onscreen smoking and youth smoking initiation. The more youth see smoking in movies, the more likely they are to start. Not only does exposure to onscreen tobacco imagery increase smoking initiation and progression to regular smoking among youth, it also undermines tobacco prevention efforts, normalizing tobacco use.

We strongly urge you to enhance the movie rating system so that all new movies containing tobacco and vaping imagery receive a rating of 18A. In addition to an 18A rating, MLHU strongly feels that warning language should be required on all movies that contain tobacco and vaping imagery so that viewers can make informed decisions for themselves and their families.

Support for this proposed rating change is very high across southwestern Ontario. According to the 2018 SWTCAN RedCap Survey, 94.64% of parents and caregivers in the South West region reported that they support changing the movie rating system so that new movies with smoking receive an 18A rating. Support has also been strongly demonstrated locally within London, Ontario and the County of Middlesex. Since 2012, the MLHU has hosted local outdoor movie events in our community. We have reached an estimated 10 750 community members at these local events, with thousands of families gathering to demonstrate their support for smoke-free youth-rated movies. Over the years, *One Life One You*, MLHU's youth health advocacy team, has collected 1250 signatures of support on a petition that they provided to local Members of Provincial Parliament (MPPs); members of *One Life One You* met with local MPPs to present the petitions and to provide education on the role that film ratings could play to reduce the initiation of tobacco use by young people.

Since 2011, the Middlesex-London Board of Health has been a strong proponent for taking action on smoking in movies, endorsing the Ontario Coalition for Smoke-Free Movies' polices to reduce youth exposure. The Ontario Coalition for Smoke Free Movies is a group of concerned organizations working to raise awareness about the impact that smoking in movies has on youth smoking initiation. The Coalition's policies mirror those promoted by the [World Health Organization](#); they include:

- Rate all new films that include tobacco imagery “18A” in Ontario
- Ensure film producers certify no pay-offs by posting a certificate in the closing credits ensuring nothing of value was received in exchange for using or displaying tobacco products.
- Stop showing tobacco brands in any film.
- Require studios and theatres to run strong anti-tobacco advertisements before any film with tobacco.
- Require films with tobacco imagery assigned a youth rating to be ineligible for government film subsidies.

The modernization of the *Film Classification Act, 2005* to include a rating system that specifically addresses tobacco use and vaping depictions in movies is an important mechanism to help prevent the initiation of tobacco use by young people, and to prevent the normalization of tobacco use. Please refer to the attached submission for additional information and evidence to support the MLHU’s recommendations pertaining to the proposed changes to Ontario’s film classification system. For more information, please don’t hesitate to contact me at (519) 663-5317 ext. 2388.

Sincerely,



Linda Stobo, Program Manager
Chronic Disease Prevention and Tobacco Control

**Middlesex-London Health Unit Submission to the Ministry of Government and Consumer Services
Policy, Planning and Oversight Division
Modernization of the Film Classification Act, 2005
Regulation No. 452/05**

Q.1 What features of Ontario’s film classification system are important to you?

Response: The rating of movies depicting tobacco use and vaping are of key importance to the Middlesex-London Health Unit. In a 2012 report, the US Surgeon General concluded that there is “a causal relationship between depictions of smoking in the movies and the initiation of smoking among young people.”¹ The research supporting this conclusion has involved thousands of young people in the UK, Europe, the United States, Australia, New Zealand, Mexico and elsewhere. The causal relationship between exposure to on-screen tobacco and youth tobacco initiation has been accepted by the World Health Organization, the US Centers for Disease Control and Prevention (CDC), the US Surgeon General, the US National Cancer Institute, and by other public health authorities worldwide.

Based on CDC data and a review of population studies, it has been estimated that 37 percent of all new young smokers are recruited by their exposure to on-screen tobacco imagery.² Because Ontario and Canada have much stronger restrictions on conventional tobacco advertising and promotion than the US does, exposure to on-screen smoking may also have a larger impact on smoking initiation in Ontario than in the US.

The cumulative effect is what matters most when assessing the impact of smoking in movies. The impact on youth is not limited to any one movie: repeated on-screen exposure to smoking incidents is the issue. It does not matter if tobacco appears in the background or foreground, or is used by good guy or bad guy, or is seen all at once or a little over time.

In Ontario, children’s and adolescents’ access to on-screen tobacco is substantially higher than in the US because the Ontario Film Review Board (OFRB) consistently awards youth-accessible ratings to most films, with heavy smoking, that are rated “R” in the US:

- More than half (56%, 1,350 of 2,400) of the top-grossing films included tobacco imagery films; 87 percent of films with tobacco were youth-rated (G, PG, 14A), while 13 percent were adult-rated.³
- Eighty-six percent of 46,000 tobacco incidents in Ontario film releases, along with 86 percent of the estimated 12.8 *billion* tobacco impressions delivered to Ontario moviegoers, were in films youth-rated by the OFRB.³
- In 2018, 63 percent of top-grossing films rated AA or 14A by the OFRB contained tobacco imagery, higher than the share of 18A or R-rated films with tobacco (58%).³

From 2008, when the OFRB started including some tobacco-related “detailed observations” in its online ratings, through to 2018, the OFRB failed to indicate tobacco content in one out of three of all top-grossing films with tobacco imagery released in Ontario (231 of 706 films).⁴ From March 2012, when OFRB began displaying some tobacco content advisories, OFRB left 85 percent (383 of 448) of films confirmed by independent monitors as having tobacco content unlabeled for tobacco.⁴

In a 2019 report, the Ontario Tobacco Research Unit (OTRU) estimated that exposure to onscreen smoking will recruit a cohort of more than 185,000 Ontario youth presently aged 0 to 17 years old, resulting in more than 59,000 premature deaths and at least \$1.1 billion in additional health care costs over the cohort’s lifetime. If exposure continues at current

levels, the health care system would incur additional billions of dollars from illness among successive cohorts as they age. An adult rating (18A) for smoking in movies in Ontario would prevent more than 30,000 premature deaths and save more than half a billion dollars in healthcare costs.⁴

In accordance with the World Health Organization Framework Convention for Tobacco Control (WHO FCTC) Article 13 standards, films including tobacco content should be subject to an 18A rating.⁵ Canada signed the WHO FCTC in 2003,⁶ thereby becoming a party to the Treaty, which commits signatories to protecting present and future generations from the health and economic consequences of tobacco consumption and exposure to tobacco smoke. This treaty binds all sub-national jurisdictions in Canada, including provinces.

The World Health Organization has declared that “On-screen smoking benefits the tobacco industry and increases youth smoking initiation.”⁷

“Parties to the WHO FCTC are required to implement a comprehensive ban on tobacco advertising, promotion and sponsorship according to Article 13 of the treaty (2). The guidelines for implementation of Article 13 recognize that the depiction of tobacco in films is a form of tobacco promotion that can strongly influence tobacco use, particularly among young people, and recommends a set of specific measures... including required adult ratings for movies with tobacco imagery.”¹

“Given that there is a dose-response relationship between exposure to on-screen smoking and youth tobacco initiation, a key goal should be to reduce youths’ level of exposure (the dose) to on-screen smoking. Most youth exposure to on-screen smoking comes from smoking incidents in youth-rated films... Any future movie with tobacco imagery should be given an adult rating, with the possible exception of movies that unambiguously depict the dangerous consequences of tobacco use or portray smoking by an actual historical figure who smoked...in general, an “adult” rating means that individuals younger than that age (18 years of age in many countries) are not allowed to see the movie or that the viewer under the age of majority must be accompanied by a parent or adult guardian.”¹

Ontarians want to see action taken on smoking in the movies. Eight in ten Ontarians support not allowing smoking in movies that are rated G, PG or 14A.⁸ The support for smoke-free youth-rated movies is widespread because the health evidence warrants protecting children and teens from being addicted to tobacco products.

Movement on this issue is taking place in the United States simultaneously. On August 6, 2019, 43 state and territorial US Attorneys General wrote America’s leading media companies asking them to “eliminate or exclude tobacco imagery in all future original streamed content for young viewers.”^{9, 10}

An 18A rating for movies with smoking shown in Ontario will increase the pressure on the industry to not include tobacco use from the outset of filming.

In addition to film ratings, the basis on which films are classified, the evidence used, and the process in which ratings are decided are of importance. There has never been any publicly available documentation in Ontario outlining how smoking depictions are factored into the rating system.

Q.2 Do you see the federal government playing a role in the film classification system, please explain?

Response: The Middlesex-London Health Unit believes it makes sense for Canada to ultimately move from a provincial to a national film and video rating system. Duplicate ratings do not appear to benefit the public, and as noted in the consultation document, several provinces already defer to other provinces for their ratings. However, creating an avenue for appeal/input will be critical in the creation of national standards.

Currently, both Ontario and BC fail to follow film rating guidelines laid out by the World Health Organization Framework Convention on Tobacco Control (Article 13) for depiction of tobacco in entertainment media, described in our response to question 1. above. These guidelines include requirements for:

- “Adult ratings for films with tobacco imagery - for new films and entertainment programs that “depict tobacco products, use or images.”⁶ The two possible exceptions include films that depict the actual, serious health effects of tobacco/nicotine use, or exclusively portray the tobacco use of an actual person who used tobacco, as in a documentary or biographical drama. Subjective terms, such as “historical” or “glamorized”, are not acceptable.
- “Prescribed anti-tobacco advertisements — to be shown immediately before any film or other entertainment program with such content, regardless of classification.”⁶

Other tobacco content policies recommended by the WHO, which may fall under the licensing powers of a modernized film classification system, include:

- “Certify no payoffs — Credited producers must attest that no-one connected with the production made any agreement or accepted any consideration for the tobacco/nicotine content in the film or program.”⁶
- “Stop identifying tobacco/nicotine brands in entertainment programming.”⁶

Legacy films and programming (produced before standards are updated) would not be re-rated but would, instead, need to be preceded by anti-tobacco advertisements in all media.

In addition, all adult-rated material with tobacco/nicotine content would need to be responsibly marketed on all on-demand platforms (subscription, rental or purchase), with clear and obvious warnings that tobacco content is physically hazardous to young viewers included on all catalog listings and order pages, and subject to unique parental control settings. If material with tobacco/nicotine content is not adult-rated, such platforms have the potential to recruit additional smokers and add to the existing healthcare costs resulting from smoking.³

In conclusion, what value is a rating system that does not effectively and consistently protect the young people it is purported to serve? Updating the *Film Classification Act* is welcomed by the public health community because it is an evidence-based solution to a well-documented threat. Under the WHO Framework Convention on Tobacco Control, Canada – including its provinces - is obliged to stop entertainment media from promoting tobacco use and nicotine addiction.

The film rating system should not needlessly inconvenience private industry. But the ratings system must serve the public’s health and safety interests, first and foremost.

Q.3 How does the adoption of film ratings from another Canadian jurisdiction impact you and/or your business?

Response: See response to question 2. above. Tobacco prevention programs run by Ontario health units, that are mandated under Ontario's Public Health Standards, are being undermined by continued exposure of young people to smoking in movies.

Q.4 Do you have a preference for which Canadian jurisdiction should be used, if so, please indicate which jurisdiction and why?

Response: As described above, an 18A rating for all films depicting tobacco use is required. Therefore, no current Canadian rating system should be selected.

Q.5 Are there benefits to licensing film distributors, exhibitors and retailers, please explain?

Response: No comments

Q.6 Where do you generally obtain a film's classification before you watch a movie?

Response: A film's classification is generally obtained at the point of ticket purchase, whether at the actual theatre or on-line. It is also advertised on posters and in film trailers, online and in theaters, and is often included in critical reviews of films.

Q.7 What type of information should film exhibitors and retailers provide to the public?

Response: In addition to an 18A rating for the reasons described above, the public should be informed of tobacco use in movies through warning language provided with the rating. Recommendations for warning language includes: "Promotes tobacco addiction" and "Promotes youth tobacco use."

Q.8 Beyond the short-term changes the government recently announced, are there additional changes the government should consider making, please explain?

Response: As called for above, the government should mandate changes to the rating system requiring that films containing tobacco use be rated 18A, with applicable warning language included.

Q.9 Do you have general comments about Ontario's film classification system?

Response: No comments

References:

1. U.S. Surgeon General. (2012). Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General
2. Glantz, S. (2015). Smoke-free movies: Top numbers. Center for tobacco control research and education. Retrieved from:
https://smokefreemovies.ucsf.edu/sites/smokefreemovies.ucsf.edu/files/sfm_top_numbers_080216_0.docx
3. Narkar R, O'Connor S, Schwartz R. (2019). *Youth Exposure to Tobacco in Movies in Ontario, Canada: 2002-2018*. OTRU Special Report. Toronto, ON: Ontario Tobacco Research Unit, June 2019. Retrieved from:
https://www.otru.org/wp-content/uploads/2019/07/special_sfm_2019.pdf
4. Luk R, Schwartz R. (2015). *Youth Exposure to Tobacco in Movies in Ontario, Canada: 2004-2014*. OTRU Special Report. Toronto, ON: Ontario Tobacco Research Unit, September 2015. Retrieved from:
https://otru.org/wp-content/uploads/2015/09/special_movies.pdf
5. World Health Organization. *Depictions of tobacco in entertainment media*. Retrieved from:
https://www.who.int/fctc/guidelines/article_13.pdf?ua=1
6. World Health Organization. (2003). Framework Convention on Tobacco Control.
7. World Health Organization. (2011). *Smoke-Free Movies: From Evidence to Action (2nd Edition)*, p. 10-11, 14-15.
8. Ipsos Reid. (March 2018). Smoke Free Movies Omnibus Final Report
9. National Association of Attorneys General. (2019). State Attorneys General Ask Streaming Industry to Protect Young Viewers from Tobacco Imagery. Retrieved from <https://www.naag.org/naag/media/naag-news/state-ags-ask-streaming-industry-to-protect-young-viewers-from-tobacco-imagery.php>
10. National Association of Attorneys General. (2019). Letter to the US Streaming Services. Retrieved from <https://www.naag.org/assets/redesign/files/2019-08-06%20NAAG%20Letter%20to%20Producers%20-.pdf>

London Office

50 King St., London, ON N6A 5L7
tel: (519) 663-5317 • fax: (519) 663-9581

www.healthunit.com
health@mlhu.on.ca

Strathroy Office - Kenwick Mall

51 Front St. E., Strathroy ON N7G 1Y5
tel: (519) 245-3230 • fax: (519) 245-4772