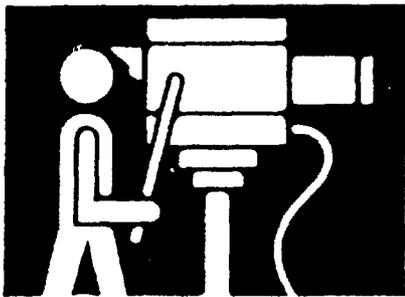


EXHIBIT 8

**Board of Directors:**

Thomas Radecki, M.D., Psychiatrist  
NCTV Chairperson & Research Director  
Nelson Price, Public Media Director  
United Methodist Church  
Mary Ann Banta, President  
Washington Assoc. for Television and Children  
Robert E. Gould, M.D., Sports Violence Reviewers  
New York Medical College, Psychiatry  
Evelina Kane, Board Member  
Women Against Pornography  
Pat Pulling, Violent Toy & Game Activist  
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Dr. Karl Menninger, M.D., FAPA  
The Menninger Foundation  
Dr. Carole Lieberman, M.D., psychiatrist & media consultant  
UCLA Neuropsychiatric Institute  
Rev. Leroy Hodapp, Bishop, United Methodist  
Church, Northern & Southern Indiana  
Rev. John E. McCarthy, Bishop, Catholic  
Church, Diocese of Austin, Texas  
Joan Baez, President  
Humanitas International  
Marguerite Boss, Past President  
Iowa Parents Teachers Association  
Dr. Michael J. Lavin, Ph.D., Chairperson  
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Dr. Ronald G. Slaby Ph.D., Harvard Univ  
Center for Research in Children's TV  
Dr. William Glasser, M.D.  
Institute for Reality Therapy  
Dr. David Speigel, M.D., Stanford Univ  
Chairperson, Subcommittee on Video  
American Psychiatric Association  
Prof. J. Phillippe Rushton, Ph.D., TV Research  
Dept of Psychology, Univ Western Ontario  
Prof. Leonard D. Eron, Ph.D., Research in Social Science  
Univ of Illinois at Chicago Circle  
Dr. Lawrence Hartmann, M.D., Harvard Univ  
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British Columbia, Canada  
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Port Huron, Michigan Branch  
Women Against Violence Against Women(WAVAW)  
San Fernando Valley Rape Crisis Service

**Legislation Spreads Against War Toys, Labelling Included**

Realistic toy guns have now been banned in Los Angeles, Boston, San Francisco and Santa Monica. A bill has been introduced into the state legislature in California to make the legislation state-wide. In San Francisco, the San Francisco Toy Museum held a party where over 100 children exchanged their war toys for hula hoops. The reception was so positive that many other children want to do likewise.

Mayor Tom Bradley of Los Angeles said, "When toys that are designed for child's play become so real that criminals can use them to assault unwitting victims, then it is time for those toys to be removed from store shelves."

Marin County is considering a ban on war games in county parks. Adults dressed in camouflage and toting \$70 toy Uzi machineguns have been stalking each other and frightening hikers. The machineguns fire die pellets. The owner of G.I. Joe's, a Santa Rosa outlet for authentic military, government-issued stock, opposes the laws. The owner of the Sonoma County store, says, "It'll never happen here. We have more rednecks."

Sen. John Kerry of York, Maine has introduced legislation that would require a label be placed on any war toy or videogame featuring war or violence. It would read: "Warning: Think Before you buy. This is a war toy. Playing with it may increase anger and violence in children. Is this what you really want for your child?" Dr. Radecki testified at Maine legislative hearings on the bill at the invitation of Stan Lofchie, Ph.D. and Veterans for Peace who have made a \$850 contribution to NCTV to help with our work. Radecki reported on NCTV research and the 12 of 13 university studies which have found significant increases in minor anti-social behavior shortly after playing with war toys. He noted long-term research documenting sizeable increases in serious violence and criminal convictions in middle class children due to a diet of violent entertainment in childhood.

NCTV strongly supports the educational label on war toys. Radecki also noted that three deaths and a number of additional criminal acts have now been linked to realistic toy guns in the past year.

**U.S. Congressional Legislation On TV Violence & Kids' TV.**

Rep. Terry Bruce(D-III)'s bill H.R. 3288 to ban program-length commercials by reinstating guidelines limiting the amount of advertising on TV has been combined with legislation H.R. 3966 by Chair Ed Markey(D-Mass) and Rep. John Bryant(D-Tx) to also require seven hours per week of educational programming for children. The legislation would effectively ban toy industry cartoon series that are aimed at selling war toys. Programs like *G.I. Joe*, *Transformers*, *Captain Power*, *Inhumanoids*, and *Photon* are among the most violent programs ever produced to be directed at child audiences. Over 40 such war cartoon series have now been produced and 25 are now airing somewhere in the U.S. up to five days a week. The Senate bill is S. 1505 sponsored by Sen. Tim Wirth(D-Colo) and Howard Metzenbaum(D-Ohio). Attempts are being made to waterdown Bruce's legislation by Rep. Tom Tauke(R-Iowa) by modifying the legislation to leave any guidelines up to the good will of the broadcast industry. A Nickelodeon VP however noted that advertising is saturating broadcast TV for children and that the industry is causing its own problems.

A second piece of legislation pending in the U.S. House of Representatives Judiciary Committee is Sen. Sam Simon(D-Ill)'s bill to give the TV industry a three year exemption from anti-trust laws in order to get together to find ways to decrease violent entertainment.

**Please Write Today!** Write your Representative and Senators today to support these attempts to decrease TV violence and the exploitation of children. Address: U.S. House of Representatives, Washington DC 20515; U.S. Senate, Wash. DC 20510. NCTV's has been encouraged to ask you to write letters as soon as possible.

**Videocassette Legislation Active In Dozen States  
NCTV, Illinois Junior League and PTA Model Legislation**

At least 12 states at this time are working on legislation to deal with the videocassette violence issue. The Junior Leagues are very active across the nation including Texas, California, Massachusetts, New York, and Illinois. The New Hampshire House of Representatives has just passed legislation to require the enforcement of the MPAA ratings except that it uses an under 18-year-old age limit for R-rated films instead of the under 17-year-old. New Jersey has pending legislation to enforce the MPAA ratings including PG-13 which would require a parent be present at the time of the sale or rental and give his written consent. The R-rating would be similar for under 17.

Rhode Island has established a film ratings board that it is quite narrow in the areas of enforcement, restricted to the Ginsberg v. New York ruling. It prevents children under 18 from seeing films with sado-masochistic or strong sexual material which is patently offensive with respect to what is suitable for young persons and utterly without redeeming social importance for young persons. Since the eight board members are chosen from the educational community by the governor and serve without pay, the total cost of the board is \$10,000 per year. Rhode Island also prohibits the previewing of any R or X-rated film except at a showing of a film rated R or X.

don't like!

**Ron Schwary**, program producer, admits that several outlines have been rejected by the military. Also changes have been made in the program at the insistence of the Pentagon. Several programs approved by the Pentagon have been rejected because the producer states, "We are not doing Army training films" (Common Cause Magazine 1/88).

**Military General Bans HBO:** Phillipino General Juan Ponce Enrile has successfully forced HBO to move its film on the overthrow of Ferdinand Marcos out of the country by getting a court restraining order. HBO stated that the expense of fighting the order in court would be too great and moved the filming to Australia. The conservative military general, now a Phillipine senator at odds with the Aquino government, does not want his name used in the film, nor the portrayal of the role that he played in the revolution (Electronic Media 3/7/88).

**Violence Inserted Into Witness Film:** The popular film *Witness*, about violence involving Amish country in Pennsylvania reportedly had a fatherly figure kicked to death in the film solely in order to add blood and guts. The producer required the writer to make revisions so that this would occur (Information from Greg Hoi, ABC Australia).

**Censorship For The Wealthy:** According to the multi-national Monitor (9/87), all 22,000 copies of the first printing of Catherine The Great: Catherine Graham and the Washington Post were destroyed after the Washington Post pressured publisher Harcourt Brace Janovich. The book had already been selected by the Literary Guild as a top book selection. The Monitor notes that it is likely that business interests suppressing freedom of the press is likely to become more common in the U.S. as the book publishing industry becomes concentrated in the hands of a few owners. According to the Monitor HBJ relies on favorable reviews in powerful newspapers to help sell books and didn't want to alienate the Post. The book was finally published in 1986 by National Press Publishing.

## General NCTV News

### European TV Owners Wants More U.S. Violence

The reason U.S. TV is shifting away from "action-adventure" to sitcoms is due to the falling Nielsen ratings to violent TV programs. This has caused a shortage of violent American TV programs for Europe. MCA president Collin Davis says: "I'm alarmed that the programming genre that is most successful in the international market is becoming less and less profitable to make in the U.S." European companies, even public TV stations are getting into making violent TV programs to make up the shortfall. German ARD, French Antenne-2, Italian RAI, and Spanish RTVE are all combining for a Eurocop Series. Germany's ZDF is making Inspector Derrick and ARD has combined with Austria's ORF and Switzerland's SRG to make Peter Strohm, a Germanic crime story. Sitcoms often have difficulty with the language and cultural barriers because some humor is not easily translatable (Variety 2/10/88).

Not one European TV station has ever run an educational message reminding viewers that violent entertainment has been found to have harmful effects on both children and adult viewers. Both real-life and TV violence is on the upswing in Europe, although on a smaller scale than in the U.S.

### NCTV Helps Researcher in U.S. Court Review

NCTV aided **Julieth Lushbough Dee**, communications professor at the University of Delaware, in her research review of 14 cases in which families have sued broadcasters, movie producers, rock musicians or game designers for negligence. This review, published in the *Journal of Communication*, Spring 1987 (37(2):106-138), is undoubtedly the most authoritative review of this subject ever published. The cases include Weirum v. RKO, Zamora v. CBS, State v. Nelson Molino, Olivia N. v. NBC (Born Innocent), Bill v. Superior Court (Gang Movie), Yakubowicz v. Paramount (The Warriors), Carter v. Rand McNally and Bertrand v. Rand McNally, Walt Disney v. Shannon, DeFilippo v. NBC (Johnny Carson hanging), Nezworski v. ABC and Hanna-Barbera (Scooby Doo-hanging), Pulling v. TSR (Dungeons and Dragons), Herczeg v. Hustler (Auto erotic hanging), McCollum v. Ozzie Osbourne (Suicide Solution), Vance v. Judas Priest (hanging), and Roberston v. Judas Priest (hanging). Dee notes the research of NCTV linking over 90 suicides and murders to fantasy role playing games (now over 120).

Unfortunately, the most impressive cases, those of 43 men who put bullets in their heads after watching the Russian roulette scenes of the Deerhunter film, have apparently never come to court, several being perhaps settled out of court. Dee notes that ABC paid off in the Nezworski case with the settlement agreement including a gag order so that the lawyers and family involved would not discuss the case. In that case a 6-year-old boy hung himself after attempting to hang his 4-year-old brother in imitation of a hanging scene from a Scooby Doo cartoon. Dee is now working on the large number of criminal cases involving Dungeons and Dragons and other fantasy role playing games, again with the assistance of NCTV and Dr.

Radecki who himself has been involved in seven of these trials.

## Governmental Actions

**FCC Refuses To Investigate Electrocuting Message:** A reporter from the WJNO Radio in West Palm Beach told NCTV that his two children were watching *WWF Professional Wrestling* on cable television when a "Dr." Fugi claimed he made his wrestlers tougher by having them hold one end of a frayed electrical wire while he plugged the other end into a light socket and had them jump into the swimming pool. The reporter's son asked his father whether that could also make him tougher. The reporter was very displeased by the promotion of electrocution by the World Wrestling Federation Inc., and attempted to contact both the company and the television cable network without obtaining any response whatsoever. When he contacted the FCC, the FCC falsely claimed their hands were tied and they were unable to even look into the problem.

**Ministry Protests FCC:** The 777th Precinct Police Officer Ministry, a 25,000 member organization, is protesting the FCC approval of airing indecent material after 10 p.m. The officers note that the U.S. Code Title 18 section 1464 reads "Whoever utters any obscene, indecent, profane language by means of radio communication shall be fined no more than \$10,000 or imprisoned not more than two years." The Ministry states the FCC tries to claim the First Amendment voids such laws. The Ministry states that such is not the case (Nick Volante, 201-390-6063).

**FCC Slow On Indecency:** In Indianapolis a group called Decency In Broadcasting has complained the FCC is dragging its feet on indecency on WFBP-FM in Indianapolis. The group recorded 4,931 references to sexual organs and activities, 1,323 to excretory organs and activities, 118 to bestiality and 57 to sex with children during this monitoring of a morning "Bob and Dan Show." The group submitted 500 tapes and 1600 pages of transcribed programming in its complaint to the FCC last July (Electronic Media 3/7/88). Reagan says one thing while his business-controlled FCC does the opposite.

## TV & Film Alcohol Research

### TV Stars Drink Heavily, No Harmful Effects Shown Alcohol's Illness & Violence Effects Censored From TV

NCTV monitoring of fall, 1987 prime-time television found total alcohol consumption actually down slightly, but still markedly higher than real-life. 45% of all beverage consumption in the prime-time study of the major networks was alcoholic in nature. This compares to 16% in real-life. It means that network *television exaggerates alcohol consumption by 430%* when compared to real-life beverage consumption patterns. Not only this, but the alcohol on television is much more likely to be in a concentrated form. Of all alcohol consumed on TV, *78% was wine or liquor*, much higher than in real-life.

Despite television's marked over-representation of alcohol consumption, NCTV found *only three out of 2,720 scenes where alcohol had any harmful consequence* whatsoever. In two of these scenes the person became intoxicated and in only one scene was there actually a harmful consequence, a fight attributed to the consumption of alcohol. While in real life roughly 50% of all violence is committed under the influence of alcohol, this was the only violent act on network television committed under alcohol's influence out of more than 2,000 covered by NCTV's survey! Only one out of 2,000 whereas in real-life it would be 1,000 out of 2,000. Hollywood continues to portray alcohol as a harmless beverage that can be consumed in vast quantities without any harmful effects. In not one instance during the monitoring did NCTV find a character addicted to alcohol despite alcohol being quite an addictive substance, the leading cause of hospitalization for drug addiction and the leading cause of imprisonment in the United States for criminal offences. 80% of all arrests that result in imprisonment in county jails are for crimes committed with under the influence of alcohol.

### Alcohol, Drugs and Tobacco Very Common in Hollywood Films

NCTV, as well as monitoring the violence in motion pictures, is also monitoring alcohol, drugs, and cigarette smoking. The following numbers in this article refer films monitored in January and February. *100% of the movies portrayed alcohol!* Two films clearly portrayed the harmfulness of alcohol: *Barfly* and *Ironweed*. One film, *The 20th Tournee of Animation*, included mixed messages about the effects of alcohol.

*Illegal drugs occur in 20%* of the motion pictures. *Return of the Living Dead, Part 2*; and *Satisfaction* portrayed marijuana. Cocaine was used in *Sammy and Rosie Get Laid* and *Action Jackson*. *The Last Emperor* portrayed opium. Two of these films, *The Last Emperor*, and *Satisfaction* clearly discouraged the use of drugs by showing the harmful effects of drug addiction. *Action Jackson* gave a mixed message concerning drugs.

*Tobacco smoking was found in 64%* of the January-February films! This

means smoking by the main characters were depicted in 16 films. Some of these films show heavy consumption of cigarettes. All films show smoking in a positive manner. **Rape occurred in 12%** of the films. Hollywood frequently presents women in rape situations to set up a revenge theme for the rest of the film. The films monitored as having rape or attempted scenes were: *Braddock*, *Hey Babu Riba*, and *Action Jackson*. **Profanity is quite common, present in 88%** of the films.

NCTV did find six films to recommend: *Cry Freedom*, *Good Morning Vietnam*, *Hope and Glory*, *Ironweed*, *The Last Emperor*, and *Moonstruck*. All of these films are 1987 releases and NCTV hopes that directors will produce even more pro-social films throughout 1988 and not wait for the holiday/award season.

**California Senator Against Film Substance Abuse:** Sen. John Seymour, (R-Anaheim), who chairs the Senate Select Committee of Substance Abuse in California, said that after a series of meetings with industry leaders, he has come up with a master plan to discourage the glamorous images sometimes associated with drug and alcohol abuse. He told the California's Little Hoover Commission that TV producers, recording artists, and movie and video producers must be encouraged to deal with the problem in a responsible way. He will introduce legislation calling for the entertainment industry to push home an anti-drug message to consumers (Hollywood Reporter 1/28/88). The legislation may use tax credits and achievement awards or similar alternatives.

### Children Now View 32,000 Murders By Age 18

Because of the increasing violence on television, the average American diet of gore has increased. According to NCTV's most recent monitoring figures covering August 87-Feb. 88 television is averaging 1.1 murders per hour and 1.1 attempted murders per hour. Theater films and thus pay cable and VCR rentals now average 2.5 murders and 3.5 attempted murders per hour.

Calculating the number of hours of viewing for the average child to age 18, the average child without a VCR or pay cable will see 26,000 murders on TV. The average child with pay cable and/or a VCR will enjoy 32,000 murder and 40,000 attempted murders by age 18. TV is now averaging 12 acts of violence per hour on prime-time. The vast majority of the violence is unrealistic and highly glamorized or portrayed with a sadistic purpose, i.e. to let the viewer enjoy the excitement of the violence.

### Briefs

**Preventive Psychiatry Conference Notes TV Violence:** The UCLA Conference on Preventive Psychiatry strongly urges active intervention to prevent mental illness. Keynote speaker Michael B. Rothenberg, M.D., co-author of *Dr. Spock's Baby and Child Care Book*, expressed concern about child abuse and neglect, and illiteracy. Among other issues covered, he noted that children who watch TV are exposed to 18,000 murders by the time they graduate from high school (Psychiatric News 12/4/87).

**The High Cost Of Police Protection:** The typical American City spends \$86 per resident per year to provide police protection, or \$350 per family of four, the largest item in city government spending (Washington AP 3/2/88).

**Ethical Investment and TV Violence:** Skip Landos, Waco investment broker, suggests that ethical investment groups avoid organizations sponsoring high levels of TV violence (Waco Tribune Herald 7/31/87).

**U.S. Highest in Military Spending:** U.S. Military spending was the highest of all industrial countries with 25% of federal spending going to the military budget in 1984. Switzerland was second with 10%, Germany third with 9% and France at 7.35%. U.S. spending further increased up to 30% of the total Federal Budget in 1987 (Washington AP 12/9/87).

**Cigarettes and Films:** The following films carried cigarette ads: *Platoon* (Kools), *Ferris Bueller's Day Off* (Marlboro), and *Beverly Hills Cop II* (Lucky Strikes). Aliens also carried five smokers on a spaceship years in the future, but no brands were shown. The main company for placement of film ads is Unique Product Placements in Hollywood.

**Peace Wins Record Awards:** U-2, a peace-oriented Irish rock group, won two Grammys for *The Joshua Tree*, their 12-million selling album. Amongst others that U-2 thanked while accepting the award included Martin Luther King Jr., Amnesty International, and Archbishop Desmond Tuto. Paul Simon won the record of the year honors for *Graceland* the title track of his album on apartheid in South Africa.

**Methodists Push Non-Violent Toys:** The United Methodists Church launched a Christmas crusade to discourage parents from buying violence oriented toys with a parents guide distributed by the denomination advising against *GI Joe*, *Rambo*, *Transformers*, etc. Susan Butenhoff, spokeswoman for Galoob Toys, said the manufacturers are only giving kids what they want, that America is a very pro-militaristic society right now and it's the parents, not the manufacturers who control the toy chest (Nashville AP 12/14/87).

**One Of Every 55 Adults Being Punished:** A record 3.2 million people were on probation, parole, or behind bars on January 1, 1988 according

to recent government report. This was a 32% increase over just four years. Inmates in prison rose to 547,000, in jail to 273,000, and 2,100,000 on probation (Washington AP 12/14/87).

**Female Gun Ownership Increasing Rapidly:** Between 1983 and 1987 there was a 53% increase in female gun owners in the U.S. from 7.9 million to 12.1 million according to a Gallup Poll paid for by Smith and Wesson the gun manufacturer. A three-page article by a female gun-toting author in *Parade Magazine* failed to mention a Seattle study showing that for every potential rapist or burglar killed, home handguns kill 199 friends, families and acquaintances. At current rates, 1 out of every 100 handguns will kill someone during the purchaser's lifetime.

**Greed On The Increase In College:** According to a survey of 390 Colleges, freshmen have a markedly decreased concern about developing a meaningful philosophy of life. This has steadily decreased from 82% in 1967 to 39% in 1987. A desire to be very well off financially and attend college to make more money has reached a record high of 71%, increasing from 40% in 1970 (NY Times 1/14/88).

## Olympic & Pro Boxing Violence

**Tyson-Biggs Olympic Revenge Match:** Before the October 16th bout, heavyweight champion Michael Tyson told a reporter that he wanted to hurt Terrell Biggs, to punish him. After knocking Biggs unconscious Tyson said, "I could have knocked him out in the third round, but I did it very slowly. I wanted him to remember it for a long time....I think I hate Terrell Biggs." Tyson's resentment dates from being an alternate on the U.S. Olympic Team in 1984 when Biggs won a gold medal. Biggs denied demeaning Tyson stating, "It's just in his makeup. What he feeds on. To destroy people" (NY Times 1/20/88).

**Boxing Promoter Admits Violence:** According to Wayne Cook, an up and coming manager quoted in *Boxing Beat* magazine, "People fail to realize that in boxing boxers wear gloves to allow them to continue to punch and punish their opponents. Otherwise, their hands would be sore, swollen, and in most cases, broken. Let's not forget what boxing is." Cook was objecting to the reduction from 15 to 12 rounds for championship WBC boxing matches. The reduction was instituted due to deaths in earlier fights.

**Heavy Weight Champion Commits Crime:** Michael Tyson, the 1984 champion and current world's heavyweight champion was accused of trying to kiss a theater employee, then hitting her supervisor at a June 21, 1987 Run-DMC and Beastie Boys concert. He was charged with criminal assault and battery, but a spokesman for the Los Angeles district attorney's office says that Tyson worked out an out-of-court settlement (*Boxing Beat* 2/88).

**More Amateur Boxing Violence In Canada:** Matthew Hilton passed up an opportunity to be a 1984 Olympic boxer in order to turn professional earlier. He had an amateur record of 106-0. That includes knocking out 56 amateur boxers! Since he has turned professional he has won an additional 27 bouts, 21 by knockout. Amateur boxing is brutal and causes plenty of damage to the head. The knockout is the ultimate victory.

**Canadian Olympic Gold Medal Winner Continues Violence:** The 1984 silver medal Olympic Canadian boxer Shaun O'Sullivan turned professional after the Olympics boxing for the Sugar Ray Leonard/Coors Professional Boxing Team. To date, O'Sullivan has knocked out 11 of 16 opponents. Although O'Sullivan has lost one match, he is apparently still quite successful at knocking others unconscious. *Boxing Beat* magazine notes that most boxers, after being knocked unconscious, are not able to make a comeback at all. Although *Boxing Beat* claims that this "robs the boxer of much of his confidence," it is much more likely that it robs him of much of his mental capacity and reaction time.

**Yet Another Olympian Turns Pro Boxer:** Jerry Page, Olympic gold medal winner in 1984 in his boxing weight group, has since turned professional. He is now 6-0, knocking out three of his opponents. This is more evidence of the close ties between Olympic and professional boxing.

**A Detroit Boxer Murdered:** Former welterweight championship contender Darrell Chambers was murdered in September, 1987 in Detroit in a drug related incident. He was a doorman at a crack house when he was murdered. Junior welterweight Kenny Smith and heavyweight Walter Gragg of the ABC Boxing Team were both murdered with gunshot wounds in Detroit in other drug-related incidents. Also, light heavyweight Miguel Figueroa recently died of a drug overdose. So much for the claims that boxing keeps young people off the streets.

**Boxing Magazines Promote Violent Pornography:** *Boxing Beat* magazine in February, 1988 carried a full-page add for *Amazons in Action* magazine and *Fighting Gals* monthly magazine. The magazines feature barebreasted, barely clothed and unclothed women punching each other out. The stories in the magazines feature girls tearing each other's clothes off and hitting each other on the breast and in the female genital area. The magazines contain no actual sexual activity, only sick stories of glamorized violence. They could only appeal to men with sick minds.

# NCTV NEWS

Volume 9, No. 1-2, Jan.-Feb., 1988



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## NCTV Files Research Study With FCC

NCTV filed its research finding a harmful impact on normal children, an 80% increase in playground violence immediately after playing/viewing the *Captain Power & Soldiers of the Future* interactive war toys/program at the FCC hearings on children's program-length commercials. We also filed annotated bibliographies of 34 studies on the impact of violent cartoons and 13 studies on the impact of war toys on normal children along with monitoring results of over two dozen program-length war toy commercials. NCTV noted that there has never been such violent children's programming in TV's history.

NCTV protested the FCC claim that program-length commercials increase the "quality" of children's TV, but its repeated refusal to even consider looking at the negative qualities of these programs. NCTV noted that the First Amendment does not protect commercials when a compelling public interest is at stake. The massive promotion of violence to children is a compelling governmental concern. NCTV also protested FCC statements that the industry should control itself. A Supreme Court ruling actually prohibits the industry from taking such action. Such action is the responsibility of the FCC.

NCTV has joined numerous other organizations in support of the Action for Children's Television and National Association for Better Broadcasting petitions to once again ban the use of children's programming by toy companies to sell products. This was the law until 1982 when the FCC started to deregulate children's TV. Doug Thomson, President of the Toy Manufacturers of America, while opposing any governmental hearings or action, told NCTV that the court ruling prohibits the industry from even studying the problem.

## NCTV Protests Film Violence, Drugs, Schwarzenegger, HBO

NCTV found 1987 Hollywood films twice as violent, 24 acts per hour, as on prime-time TV. While not a record, the level and popularity of violence(14 of top 25) in films continues very high, while the popularity of violence on prime-time(0 of top 20) is way down. The three most violent channels in America: HBO, Cinemax and Showtime average 62% of programming high in violence compared to 34% for network prime-time.

Running Man with 146 acts of violence per hour, Fatal Beauty(134), Death Wish 4(116), and Robocop were named the worst films of 1987. Both Fatal Beauty and Robocop were initially X-rated by the MPAA. Mattel's Masters of the Universe(137) was named the most violent children's(PG) film. Arnold Schwarzenegger was named the most violent actor and Whoppi Goldberg the most violent actress. Empire of the Sun, Full Metal Jacket, and The Last Emperor were named NCTV's best films of 1987 for pro-social content. NCTV announced it would be shifting greater emphasis in 1988 to the pay cable movie-VCR-Hollywood film violence problem due to the improvement on prime-time.

90% of all film contained alcohol with the typical beverage consumption equal to an alcoholic style of drinking with no harmful side-effect. 53% of films contained cigarette smoking with 43% of films with a major actor smoking! Even more surprising was that 14% of films contained illegal drug use with anti-drug messages usually very mixed or absent. NCTV concluded that despite claims from Hollywood, substance abuse in Hollywood films has not decreased and has serious harmful effects on America's youth.

## TV Guide, Redbook, CNN, USA Today, E.T. Coverage

NCTV's research work and efforts continue to receive wide coverage, thus extending our educational efforts. Our work against Olympic boxing continues with Dr. Carole Lieberman of UCLA, our LA rep, debating a contributing editor of Ring Magazine. Dr. Radecki debated the Michigan Commissioner of Boxing on WXYZ Radio in Detroit. NCTV's fall report on TV violence appeared on CNN, in TV Guide and in a network statement by Dr. Robert Gould of NCTV. Dr. Radecki debated Robert Mulholland, former NBC president on Headlines on Trial and Hank Levinson on the Mort Downing Show. Both represented the Television Information Office and defended TV violence and war toys as harmless.

Dozens of groups received widespread coverage this past fall protesting war toys. NCTV's research was usually quoted. Several AP wire stories covered the protests of the United Methodist Church, of the American Academy of Pediatrics, and of the combined efforts of the Gray Panthers, War Resisters League, Alliance For Survival, NCTV, and International War Toys Boycott. The scale of the protests and news coverage were unprecedented for the entertainment violence issue. Dr. Radecki served as a consultant on war toys for Time-Life Books and wrote in USA Today.

NCTV's international effort through the International Coalition Against Violent Entertainment received coverage around the world, in many places most people hardly know: Cinema India, the Bangkok Post, the Mauritius Times, the Dawasa News of Sri Lanka, Granma Press in Havana, etc.

Coverage in the religious media was also good for NCTV with articles in such places as the Canadian United Church of Christ Observer, the Catholic Telegraph, the Christian Advocate, Mike McManus' nationally syndicated column(McManus carried the FCC address so readers could join the protest against 30-minute war toy commercials). Focus on the Family joined the effort against interactive war toys and the United Evangelical Action carried an article by Dr. Radecki.

Entertainment Tonight twice covered NCTV's work this past fall, once on Dungeons & Dragon and FRP deaths and once on war toys. Dr. Radecki appeared with Bob Keeshan, Captain Kangaroo on WXYZ-TV Detroit protesting war toys. Pat Pulling on NCTV's Board appeared on WNEV-TV Boston with Dr. Radecki on D & D. Radecki appeared on ABC's Newsbreak. NCTV was featured on numerous radio stations, and the ABC, IMS, and U.S. Radio Networks.

# NCTV Movie Ratings, Nov-Dec, 1987

## NCTV Rating Acts/Hr.

### Very High and Extreme Violence:

Running Man(Tri-Star Pictures)(R)	XUnfit	146
Fatal Beauty(MGM/UA)(R)	XUnfit	134 †
Death Wish 4(Cannon Group,Inc.)(R)	XUnfit	*116 †
Matewan☆(Cinecom)(PG-13)	R-18	87 †
The Sicilian(20th Century Fox)(R)	XUnfit	83
The Hidden(New Line Cinema)(R)	XUnfit	82 †
Teen Wolf, Two(Atlantic Entertainment)(PG)	RV	63
Empire of the Sun★(Warner Bros)(PG)	PGV	57
Penitentiary III(Cannon)(R)	XUnfit	49
Gothic(Vestron Pictures)(R)	XV	*42 †
Batteries Not Included(Universal)(PG)	RV	40

### High Violence:

Pinnocchio & the Emperor...(New World Pic.)(G)	RV	34
Russkies(New Century)(PG)	RV	30
No Man's Land(Orion)(R)	RV	29 †
Leonard, Part VI(Columbia)(PG)	RV	25
Otello(Cannon)(PG)	R-18	23 †
Hiding Out(D.E.G.)(PG-13)	RV	21 †
Throw Momma From the Train(Orion)(R)	RV	20
Flowers in the Attic(New World Pictures)(PG-13)	XV	18
House of Games(Orion)(R)	RV	18
The Rosary Murders(New Line Cinema)(R)	XUnfit	15
Suspect(Tri-Star)(R)	RV	*15

### Some Violence:

Date With an Angel(De Laurentis)(PG)	R-18	13
Rita, Sue and Bob, Too(Orion)(R)	X	12
Eat the Peach(Film Four Internat'l)(not rated)	R-18	11 †
Gaugin☆(Dagmar Film)(not rated)	R-18	10 †
Less Than Zero(20th Century Fox)(R)	RV	8 †
Wallstreet(20th Century Fox)(R)	R-18	6 †
Nuts(Warner Bros)(R)	R-18	5
Overboard(MGM)(PG-13)	R-13	5
Planes, Trains, & Automobiles(Paramount)(R)	R-18	5 †
Surrender(Warner Bros.)(PG-13)	R-18	5

### Low Violence:

Cross My Heart(Universal)(R)	R-18	4
Broadcast News(20th Century Fox)(R)	R-18	3
In the Mood(Lorimar)(PG-13)	R-13	3
Made in Heaven(Lorimar)(PG-13)	R-13	3
Three Men and a Baby(Touchstone)(PG)	PG	3
Dancers(Cannon)(PG)	R-13	2
Jean de Florette(Rene Productions)(R)	R-18	2 †
Sweet Lorraine(Angelica Films)(PG-13)	R-18	2 †
Castaway(Cannon)(R)	R-18	1 †
Baby Boom☆(United Artists)(PG)	PG	0
Coming Up Roses(Red Rooster Films)(PG)	R-18	0 †
The Dead(Vestron Pictures)(not rated)	R-18	0 †
Eddie Murphy: Raw(Paramount)(R)	X	0
Hail Hail Rock and Roll★(Delila Films)(PG)	R-13	0
Hello Again(Touchstone)(PG)	PG	0

\* = Rape or attempted rape by force or by drugging

†-★★★★ = Level of Recommendation

‡ = Heavy alcohol, tobacco and/or illegal drug use.

NCTV's movie rating system is based upon current MPAA concepts, but with the idea that ratings should inform and that movies for children and adolescents should not teach violence. R-13 is a category proposed by the MPAA in 1983, but dropped and replaced by PG-13. It would allow only adolescents over 12 years of age to see a movie without parent or guardian. PGV is given when violence may frighten some young children, but probably does not teach violence. R-13 is given by NCTV when violence probably has some harmful effect, promoting minor amounts of inappropriate violence, or contains anti-social themes that parents should discourage. Or the film may contain mature sexual material that may not be suitable for children to view. R-18 is given to films containing adult sexual material, either non-harmful or somewhat harmful, or material with more than minor harmful anti-social effects. RV is given when the film is likely to cause viewers to become more prone to anger and violence according to existing research studies, but where the violence is not especially gruesome, sadistic, graphic, or intense. X is given to movies with serious exploitative or degrading sexual content as the main defect. XV is for high levels of intense violence of a very harmful nature. XUnfit is given to any movie whose plot is concerned with intense violence, which usually contains a large number of rapes or homicides falls into this category. Movies with a moderate number of homicides or rapes can also fall into this category, if the scenes last a long time and are marked with intense emotionality. These movies are characterized by gruesome, sadistic, graphic or intense violence in sizeable quantity. Intensely callous and degrading sexual material, as in most pornographic movies, would fall in this category.

Any person concerned with his/her own moral and mental health would probably want to avoid RV movies, as well as all X material. NCTV notes that many R-13

and R-18 movies may not be worthwhile either. ☆(½) stars to ★★☆☆ stars are earned based on amounts of pro-social material in a given movie and *not* indicative of pure entertainment considerations such as quality of acting, cinematic technique, etc.

NCTV recognizes that its ratings are subjective and may not be the same ratings given to movies by all informed and concerned reviewers or independent public movie rating boards. NCTV's violence score is an objective count of the actual acts of violence per hour in the given movie with a greater weighting given to murder and rape, and lesser weighting for mild violence, e.g. a push or a shove. NCTV's movie ratings take violence seriously, not only the fright that some movies cause in some viewers, but also more seriously the desensitization to and teaching of violence to viewers of all ages. NCTV notes that fright after seeing violence is actually a healthy response and its absence is usually a sign of some desensitization. The enjoyment of violence is a sign of serious, though perhaps unconscious, harmful effects.

Complete definition and monitoring information is available upon request. Please send \$1 for postage and handling to NCTV News Monitoring Dept., Gayle Johnson, P.O. Box 2157; Champaign, IL. 61820. For a copy of NCTV recommended legislation on public movie and videocassette ratings and for an educational public label on all videocassette material, send \$1 and request this specifically.

## Alcohol and Drugs Flow Freely in Hollywood Films Violence & Rape at High Levels

NCTV, as well as monitoring the violence in motion pictures, is also monitoring alcohol, drugs, and cigarette smoking. The following numbers in this article refer to the last quarter of 1987 unless stated otherwise. From September to December, only nine films did not contain alcohol. This means **90% of the movies contained alcohol**. No film clearly portrayed the harmfulness of alcohol. Indeed, the films portray an alcoholic pattern of drinking with few harmful consequences.

*Illegal drugs occur in 14% of the motion pictures. The Big Easy, Death Wish 4, Fatal Beauty, The Hidden, Kandyland, Less Than Zero, and Tough Guys Don't Dance, had cocaine. Fatal Beauty and Kandyland contained PCP and hallucinogenics. Less Than Zero contained crack. Marijuana appears in Death Wish 4, Fatal Beauty, Kandyland, La Bamba, Less Than Zero, A Man in Love, The Principal, Sweet Lorraine, and Withnail and I. Night Flyers had Experon. Death Wish 4 is the only film which clearly discourages the use of drugs although Less Than Zero tries, but ends up glamorizing both drugs and violence, using rich drug dealers as bad guys. Death Wish 4 showed the anguish of a mother when her daughter died of a cocaine overdose. We also feel a sense of loss because the girl was depicted as being talented and interested in architecture.*

*Tobacco smoking was found in 53% of the November-December films! This means smoking in 25 films. Some of these films show heavy consumption of cigarettes. All films showing smoking show it in a positive manner. Rape occurred in 12% of the films from September to December. Hollywood frequently presents women in rape situations to set up a revenge theme for the rest of the film. Profanity is quite common, present in 66% of the films.*

Commercials began appearing before films in December. NCTV has comments on three. Smith-Corona's advertising included a violence with two dinosaurs fighting. Toyota has a car commercial containing tense car chases with stunt drivers. Sprite has a *prosocial* commercial by including the Coalition for Comic Relief, reminding people not to forget the poor in America. NCTV did find seven films to recommend: *Baby Boom, Claymation, Empire of the Sun, Hail Hail to Rock and Roll, Gaugin, Matewan, and Twist and Shout*. *Gaugin* and *Twist and Shout* are appropriate only for mature audiences. Four films, without significant harmful elements as long as adult guidance is given to the younger viewer are, *Hello Again, Like Father Like Son, My Life as a Dog, and Three Men and a Baby*.

In 1987, NCTV monitored 136 films. **58% of films were high in violence** and considered likely to have harmful, unconscious effects on normal viewers. These were classified as RV, X, XV, or XUnfit. Hollywood films averaged **24 acts of violence per hour or twice as high as network prime-time TV** even after correcting for advertising time. Eleven films were recommended by NCTV in the year of 1987. For the year of 1987 only 16% of the movies were rated R-13 or better, meaning minor or no harmful effects.

**Baby Boom ☆: PG-0:** A woman inherits a baby and realizes how hard it is to work and be a mother at the same time. The half star is given for showing women in a positive role and having the ability to be a successful entrepreneur. Alcohol is used once. No profanity. Diane Keaton.

**Batteries Not Included: RV-40:** A clearly misrated film by the MPAA. There is profanity, smoking, and alcohol consumption. The violence occurs because sadistic punks are hired by greedy businessmen to coerce tenants out of an old apartment building so they can build a skyscraper complex. These punks 'trash' the first floor cafe, while shoving and pushing the elderly owner. They antagonize a pregnant woman. They have obviously terrified two tenants, since the tenants try to hide. Aliens come to help the tenants and fix up the building, as well as hit one punk in the head and zap one with electricity. One punk hits an alien with an ax and tries to beat up an ex-boxer. A punk fights with a man after he set a bomb in the building. There is some indication that the leader of the gang is trying to change his criminal ways, but it is too unclear whether the punk has changed his ways. Violence is clearly depicted as the conventional way to solve problems. Hume Croyn, Jessica Tandy.

EXHIBIT 9

# Pushing Smokes in Kids' Movies

It is hard to go to a movie today, including a movie made for children, and not be subjected to advertising that promotes cigarette smoking. As shown in the adjacent table, many movies targeted at young audiences have brand-specific cigarette advertising in them.

We believe that when movie producers accept tobacco company money, part of the deal is that they include scenes in which smoking appears in a positive light. In almost every movie in which embedded cigarette advertising appears, one or more of the leading characters smoke in a highly glamorized fashion.

Several recent hits subliminally push cigarette smoking on young viewers. In *Big*, a delightful spoof about a thirteen-year-old who is trans-

formed into a young adult and becomes a successful toy executive, the heroine smokes long slim cigarettes. During one scene, the unmistakable slinkiness of a Virginia Slims ad appears on a bus passing by.

In the Walt Disney cartoon movie *Who Framed Roger Rabbit?*, detective Eddie Valiant bums a few Lucky Strike cigarettes from some kids (confirming what Eddie Murphy said in the movie *Beverly Hills Cop* when he exclaimed, "These cigarettes are very popular with the children"). Lucky Strike advertisements appear prominently throughout *Roger Rabbit*.

Children are highly susceptible to being influenced by images on the silver screen. Tobacco companies must be stopped from turning children's movies into insidious commercials for smoking.

## Movies With Embedded Cigarette Advertising

MOVIE	CIGARETTE BRAND
Crocodile Dundee .....	Marlboro
Legal Eagles .....	Century
Heaven Help Us .....	Chesterfield
Beverly Hills Cop .....	Lucky Strike, Kent
Desperately Seeking Susan .....	Camel
Children of a Lesser God .....	Marlboro
Tin Men .....	Marlboro
White Knights .....	Marlboro
Agnes of God .....	Benson and Hedges
Heavenly Kid .....	Pall Mall
Superman II .....	Marlboro
Baby .....	Marlboro
Splash .....	Carlton
Who Framed Roger Rabbit? .....	Lucky Strike, Camel
Crimes of the Heart .....	Marlboro
Two of a Kind .....	Camel
Risky Business .....	Marlboro
Batteries Not Included .....	Salem

## STAT Receives Grants

STAT has received two grants to support the project to eliminate the illegal sale of tobacco to minors in Santa Clara County, California. Funding for the community education component is being provided by the Henry J. Kaiser Family Foundation.

## Deceitful Business

In its "smokers as an economic force" series of advertisements, Philip Morris attempts to portray smokers as intelligent,

Cigarettes are never advertised in Business Week, Fortune, Forbes, or the Wall Street Journal, all business maga-

## HOLY SMOKES: PUSHING CIGARETTES IN KIDS' MOVIES

In recent years, there has been a significant increase cigarette smoking on television. Most of this smoking is being performed by leading characters who are "cast in strong and enduring roles", rather than being "bad guys".<sup>1</sup>

Smoking is playing an increasingly visible role in movies as well, including many movies created explicitly for children and adolescents. Smoking promotion in movies takes two forms: smoking by leading characters and movie-embedded advertising for specific brands. Often, both are present.

The movies constitute an ideal media for cigarette companies to reach children and adolescents. Anyone who has gone to a movie recently knows that this is a predominant form of entertainment for young people. In fact, more than 40 percent of movie attendees is under the age of 21. Teenagers are three times more likely to be frequent moviegoers than adults are.<sup>2</sup>

Are cigarette companies behind this increase in smoking and promotion of specific cigarette brands in movies? Yes. Corporations typically pay agents between \$25,000 and \$50,000 per year to have their products placed in movies which they think will reach the desired target audience.<sup>3</sup>

Movie-embedded advertising can be highly effective at influencing children to use certain products. Promotion of Reese's Pieces in the movie "ET", for example, resulted in an 85 percent increase in sales of that product.<sup>4</sup>

Philip Morris reportedly paid to have its Marlboro logo prominently featured in the movie "Superman II".<sup>5</sup> Lois Lane, the independent and self-assured ace reporter, also smokes Marlboro. Although the movie "Supergirl" does not contain brand-specific advertising, all of the villains smoke in a highly exaggerated manner that accentuates the pleasure that they appear to be deriving.

Another childrens' movie that features Marlboro is the Walt Disney film "Baby", in which the leading character -- a female postdoctoral student -- is a smoker.

In "Beverly Hills Cop", Eddie Murphy steals a truckload of Pall Mall and Lucky Strike cigarettes, both of which are sold by American Brands. While trying to fence them, he opens a case of Luckies and says "These are very popular cigarettes with the children". He says of himself, "I don't smoke Lucky Strike. I smoke king-size Kent."



*These Lucky Strikes are very popular cigarettes with the children*

R.J. Reynolds' Camel brand is featured in the movie "Desperately Seeking Susan", starring the hard-smoking teenage rock star Madonna. Camel's cameo appearance occurs in a scene where a young woman, who heretofore had been a nonsmoker, lights one of Madonna's Camels as she struggles to find her identity.

### *Using God To Promote Smoking*

Perhaps the most ingenious way that movies have been used to promote smoking among young people is by depicting God's representatives on earth as smokers. It is hard enough for the Surgeon General to compete with the Marlboro Man; if God approves of smoking, who is the Surgeon General to say that kids shouldn't do it?

In the adolescent movie "Two of a Kind", with John Travolta and Olivia Newton-John, one of God's assistants drives a bus with a huge Camel cigarette advertisement on the side. In a masterful association of forbidden fruits, in one scene the devil tempts God's assistants with scantily clad beautiful women, with the Camel ad serving as a prominent

backdrop. In the final scene, God's assistant asks Travolta for a cigarette.



#### *Temptation: Cigarettes and Sex*

Divine approval of smoking is also implied in "The Heavenly Kid". A 1950's teenager who died in a car crash is sent back to earth to redeem his soul by teaching a shy high school kid how to score with girls. Integral to the lesson was learning to smoke.

In several scenes, the boy flourishes a pack of American Brands' Pall Mall cigarettes while practicing his lessons on various female subjects. He is never shown coughing or encountering the other untoward effects that kids typically suffer when they learn to smoke. Although heaven is never shown, the halfway house between earth and heaven is depicted as a smoke-filled bar.



#### *An Angel Told Me To Smoke*

In the movie "Heaven Help Us", several students at a Catholic prep school are smoking Lucky Strikes in a drug store when one of the school's brothers walks in. The kids quickly extinguish their cigarettes. The brother orders a pack of Chesterfields, and asks one of the students for a light. He smokes throughout the movie, to the delight of his young wards.



#### *Light My Lucky, Brother*

When movie makers portray smoking as a natural part of adolescence, they cooperate with cigarette promoters in trivializing the health hazards. In doing so, they do a great disservice to young people who each weekend watch wide-eyed as their imaginations are sparked by the images on the silver screen.

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# OTHER NEWS

## STAT IS GROWING!

This spring, the national headquarters will be relocated to Boston. STAT president Joe Tye will be working with an east coast based board of directors on guiding the strategic directions of the organization. Tye is chief operating officer of Baystate Medical Center in Springfield Massachusetts. David Altman, Ph.D., associate director of the Stanford Health Promotion Resource Center, will serve as president of the California division of STAT, based in Palo Alto. We are hoping to recruit our first paid staff person soon.

STAT has received its first foundation funding—\$12,000 from the Cancer Research Foundation of America to help develop our campaign to eliminate the illegal sale of tobacco to minors. We are pleased to have been awarded this special purpose grant, but we need your support now more than ever.

Your contributions are critical to helping us sustain our momentum. Please join STAT today.



## BATTERIES NOT INCLUDED: CIGARETTES ARE

"Batteries Not Included," Steven Spielberg's latest movie, is a delightful fantasy for children. It is about an extraterrestrial family of miniature UFOs summoned to Earth by the prayers of an elderly couple about to be evicted from their home by a ruthless developer. I took my children to a Saturday matinee; the film was hugely popular with the audience, whose average age was about 12 years old.

As do many youth-oriented movies of today, "Batteries Not Included" does include cigarette advertising, in this case for R.J. Reynolds' Salem brand. Advertising representatives for the giant cigarette company arranged to have a full-color billboard strategically placed near the elderly couple's building, where it takes center stage in several scenes.

Reynolds may have gotten more for its money than just placement of a billboard featuring healthy young smokers. Both of the film's elderly protagonists smoke. In one of the cutest scenes, an adorable little spacehip flicks a built-in cigarette lighter to fire-up the elderly gentleman's cigar.

STAT has uncovered more than a dozen youth-oriented movies that have cigarette advertising in them. In almost all of them, in addition to prominent display of the advertised cigarette brand, one or more stars depict smoking in a favorable light. The Surgeon General's warnings don't stand a chance against this kind of glamorization.

Having been deprived of television as a means of reaching youngsters, cigarette makers have latched on to the next best thing. They are systematically exploiting the silver screen to implant positive images of smoking in the minds of unsuspecting children.

More than one-third of all movie tickets are used by people under the age of 21. The logic that held for outlawing cigarette advertising from television holds equally for outlawing it from the movies.



## Just say no to tobacco companies

### The Mercury News should reject advertisements for cigarettes

By Joe B. Tye

**T**ODAY, on the Great American Smokout, the San Jose Mercury News should reconsider its habit of running advertisements for cigarettes.

This year, more than 100,000 Americans died prematurely of diseases caused by smoking. Almost all of these victims were young men and women who were unable to avoid the habit. They died in great pain and at great cost to their families. It is inappropriate for a newspaper to participate in the tobacco industry's campaign to promote smoking.

No advertising is more deceptive than that used to sell cigarettes (img.). Images of independence are used to sell a product that creates profound dependence. Images of health and vitality are used to sell a product that causes disease and suffering. Images of life are used to sell a product that causes death.

Most cigarette advertising is intended to serve one of two purposes. The first is to convince worried smokers that it is reasonably safe for them to continue. Advertisements like "New is lowest" and "Christie is lowest" are intended to convey the message that these brands are "safest." In fact, there is little evidence that smokers of low tar/nicotine cigarettes reduce their risk of disease.

The second is to attract new smokers. Every day, the tobacco industry must recruit more than 4,000 new smokers to

replace the adults who quit or die of disease caused by smoking. These replacement smokers come almost exclusively from the ranks of children; most regular smokers begin before their 14th birthday.

Cigarette advertising attempts to associate smoking with the healthy, glamorous and athletic lifestyles that most young people aspire to. For boys, cigarette advertisements link smoking with the rebelliousness and risk-taking attitudes that are typical of adolescent psychology. Cigarette ads counter health fears by linking smoking with athletic excitement.

Tobacco companies have been singularly effective at recruiting young females. The three most important psychological needs of adolescent girls are independence from parents, acceptance by peers and a positive body image. Independence, popularity and minders are the three most common themes in advertisements for "feminine" cigarettes. In the six years following the introduction of Virginia Slims, the number of teen-age girls smoking more than doubled.

Many cigarette advertisements violate the tobacco industry's own code of advertising ethics. That code prohibits depiction of athletically strenuous activities. Many cigarette ads feature air racers, aerobic dancers and other athletes in an attempt to convince young people that smoking is compatible with the extraordinary conditioning of the heart and lungs that is required for these activities.

Tobacco companies spend more than \$2 billion every year on cigarette advertising and promotion, making cigarettes the most heavily promoted product in our society. This massive promotional campaign is necessary to prevent a precipitous decline in cigarette sales. Of 12 published studies that have considered the effect of advertising on cigarette consumption, nine concluded that the more advertising there is, the more cigarettes are smoked.

In Canada, each of the nation's three major newspapers has voluntarily stopped advertising cigarettes. They did so after considerable deliberation, expressing concern for protecting freedom of speech. They each concluded, however, that they should not allow their pages to be used for deceptive advertising aimed at promoting smoking.

The Mercury News can take leadership in this country. Kick the habit. Stop pushing cigarettes.

Joe B. Tye is assistant administrator at El Camino Hospital in Menlo Park and on the board of directors of Stop Teen-age Addiction to Tobacco, of Palo Alto.

Mercury News Publisher William Orr's response: "Accepting an ad does not mean endorsement of the product. Our primary duty is to present and cover newsworthy information of apparent merit, including Mr. Tye's condemnation of cigarette ads and this newspaper."

## STAT SQUASHES MOVIEGOER

The Summer 1986 issue of the Tobacco and Youth Reporter included an article exposing the efforts of the R.J. Reynolds Tobacco Company to reach young people by distributing Moviegoer magazine in theaters around the country. This slick publication, produced for Reynolds by the 13-30 Corporation of Knoxville, Tennessee, featured articles about youth-oriented movies and stars. Its primary purpose was to serve as a platform for advertisements for Camel and Salem cigarettes.

Our article was widely reproduced. Within several months, Reynolds discontinued the magazine. ▼▼▼

## CALIFORNIA BILL TO BAN FREE SMOKES

A bill currently being considered in the California legislature would outlaw the distribution of free tobacco products. The lead sponsor for the bill is assemblyman Bill Filante, who was the champion for legislation eliminating student smoking areas in public schools.

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Joe Tye, Editor

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EXHIBIT 10



News Release From

Congressman

# Tom Luken

Ohio—1st District

FOR IMMEDIATE RELEASE  
MARCH 20, 1989

STAFF CONTACT: BENJAMIN COHEN  
WILLIAM HARKER  
(202) 225-9304

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LUKEN SEEKS CRIMINAL PROBE BY DEPARTMENT OF JUSTICE OF CIGARETTE  
ADVERTISING IN NEW JAMES BOND MOVIE AND OTHER FILMS

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Tom Luken (D. Ohio) announced today that he has sent a letter to Attorney General Richard L. Thornburgh asking that the Department of Justice review whether Philip Morris and Liggett have committed a federal crime by paying filmmakers to have a particular cigarette appear in a movie.

Philip Morris admitted in a February 24 letter to Luken that in September 1988 its representative agreed to pay \$350,000 on condition Lark cigarettes would be shown in a new James Bond movie under production. The movie, originally called "Licensed Revoked" and now called "Licensed to Kill," will be distributed throughout the world by United Artists this summer. Lark is manufactured and marketed in an arrangement between Liggett and Philip Morris. Philip Morris also acknowledged that in 1979 it paid \$42,500 to have its Marlboro cigarette appear in the film Superman II. Liggett told Luken that in 1983 it paid \$30,000 to have its Eve cigarette appear in the movie Supergirl.

The Federal Cigarette Labeling and Advertising Act ("FCLA Act") has prohibited since 1971 showing any cigarette advertisement on television. The FCLA Act has also required since October 1985 that a health warning appear in every cigarette advertisement.

It is a federal crime, punishable by a fine of up to \$10,000, to violate any provision of the FCLA Act. The FCLA Act also authorizes the Attorney General to seek a court injunction to prevent any violation of the Act.

In his letter to the Attorney General, Luken points out that "Superman II and Supergirl have reportedly been shown on television, and the new James Bond movie will be shown on television despite the clear statutory prohibition on showing cigarette advertisements on television."

Luken also noted in his letter that "Clearly the new James Bond movie will not contain the warning label required by the FCLA Act even though it contains an advertisement for Lark cigarette."

The Surgeon General recently told Congress that approximately 20 percent of high school seniors are daily smokers and that 390,000 Americans die each year from using tobacco products.

"This practice of paying money to have a particular cigarette appear in a movie is an insidious technique by the merchants of addiction to get young people to smoke," said Luken.

-more-

"I have no desire to restrict in any way an artistic decision to include a smoking scene in a movie. But that decision should not be influenced by the lure of large cash payments from the tobacco companies. It's up to the Attorney General to vigorously enforce the current laws dealing with cigarette advertising," he continued.

"We also need tougher laws to protect our children from the siren songs of the merchants of addiction, and that is why I introduced the Protect Our Children from Cigarettes Act of 1989," Luken explained.

The bill, H.R. 1250, prohibits all tobacco product advertising and promotion that can be seen or heard by any person under the age of 18. However, the bill permits text-only (i.e., no pictures) tobacco product advertisements to appear in newspapers, magazines, and other publications and on signs or billboards. The bill also prohibits the sale of tobacco products from vending machines located in places where people under the age of 18 have access.

Luken is Chairman of the Subcommittee on Transportation and Hazardous Materials, which has jurisdiction over the Federal Trade Commission. The bill amends the Federal Trade Commission Act, which prohibits unfair or deceptive acts or practices.

The Subcommittee is continuing its investigation of the practice of providing cash or valuable props to have a particular tobacco product appear in a movie and will have a hearing on this subject later this year.

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**U.S. House of Representatives**  
**SUBCOMMITTEE ON TRANSPORTATION**  
**AND HAZARDOUS MATERIALS**  
**COMMITTEE ON ENERGY AND COMMERCE**  
**WASHINGTON, DC 20515**

March 17, 1989

The Honorable Richard L. Thornburgh  
Attorney General of the United States  
Department of Justice  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Attorney General:

The Subcommittee on Transportation and Hazardous Materials, pursuant to Rules X and XI of the Rules of the United States House of Representatives, is responsible for overseeing the adequacy and implementation of laws administered by the Federal Trade Commission, including the Federal Cigarette Labeling and Advertising Act. In order to do so, the Subcommittee has been investigating various forms of advertising by cigarette companies. Enclosed is a copy of the applicable portions of the Rules of the House of Representatives relating to the jurisdiction of the Committee on Energy and Commerce and of the Subcommittee on Transportation and Hazardous Materials.

As part of the Subcommittee's review, in January 1989 we requested information from each of the six cigarette companies on whether they paid money or supplied valuable props to filmmakers on condition that a particular cigarette appear in the movie.

Last month Philip Morris told the Subcommittee that in the fall of 1988 its representative agreed to pay \$350,000 to have Lark cigarette appear in a new James Bond movie, which will be distributed this summer by United Artists. Philip Morris also told us that in 1979 it paid about \$42,500 to have its Marlboro cigarette appear in the movie Superman II. Liggett told the Subcommittee last month that in 1983 it paid \$30,000 to have its Eve cigarette appear in the movie Supergirl.

The details of the two Philip Morris agreements are set forth in the enclosed contracts. Liggett told the Subcommittee that its agreement was oral.

Federal law has required since October 1985 that all cigarette advertisements contain a warning label. Section 4(a)(2) of the Federal Cigarette Labeling and Advertising Act ("FCLA Act"), 15 USC 1333(a)(2), provides, in pertinent part, that "[i]t shall be unlawful for any manufacturer ... of cigarettes to advertise or cause to be advertised (other than through the use of outdoor billboards) within the United States any cigarette unless the advertising bears, in accordance with the requirements of this section, one of the following [four warning] labels..." concerning the link between smoking and disease.

Federal law also prohibits the showing of cigarette advertisements on television. Section 6 of the FCLA Act, 15 USC 1335, provides "After January 1, 1971, it shall be unlawful to advertise cigarettes and little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission."

While the FCLA Act contains no definition of "advertise," the dictionary defines an advertisement as "a notice designed to attract public attention or patronage." I believe that paying to have a particular cigarette appear in a movie is in fact an advertisement.

Superman II and Supergirl have reportedly been shown on television, and the new James Bond movie will be shown on television despite the clear statutory prohibition on showing cigarette advertisements on television. Clearly the new James Bond movie will not contain the warning label required by the FCLA Act even though it contains an advertisement for Lark cigarette.

It is a federal crime to violate any provision of the FCLA Act. Section 10 of the FCLA Act, 15 USC 1338, provides that "[a]ny person who violates the provisions of this Act shall be guilty of a misdemeanor and shall on conviction thereof be subject to a fine of not more than \$10,000."

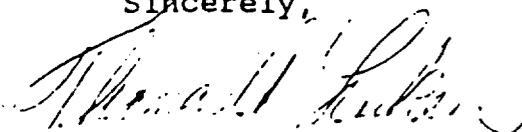
Section 11 of the FCLA Act, 15 USC 1339, provides that you may apply for an injunction "to prevent and restrain violations of" the FCLA Act.

I request that you investigate whether these payments by Philip Morris and Liggett under the stated agreements violate either the requirement for a warning label contained in section 4(a)(2) of the FCLA Act or the prohibition on showing cigarette advertisements on television contained in section 6 of the FCLA Act.

I am referring these matters for your appropriate consideration. I enclose copies of the Subcommittee's correspondence with Philip Morris and Liggett and the two Philip Morris contracts. Should your examination of this matter require further information from the Subcommittee, please contact the Subcommittee's Senior Counsel, Benjamin Cohen, at (202) 225-9304.

Your attention to this matter is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas A. Luken".

THOMAS A. LUKEN  
CHAIRMAN

enclosures