

Beat: Health

## Hollywood Studios Defend Freedom to Have Smoking in Movies

### Movies Rated Suitable for Children

PARIS - HOLLYWOOD - LOS ANGELES, 04.05.2016, 11:49 Time

**USPA NEWS** - In response to a class-action lawsuit, MPAA members raise the First Amendment flag and warn of forced R ratings for movies with soda and fatty foods. The major film studios, their trade association and theater owners don't want to be held hostage to any misguided morality play...

In response to a class-action lawsuit, MPAA members raise the First Amendment flag and warn of forced R ratings for movies with soda and fatty foods. The major film studios, their trade association and theater owners don't want to be held hostage to any misguided morality play, not one that seeks to force them not to have any movies with tobacco imagery rated G, PG or PG-13. On Friday April 29, they filed court papers asking a judge to reject a putative class action that blames them for children becoming addicted to nicotine.

The lawsuit was filed in February against the Motion Picture Association of America, the National Association of Theatre Owners, Disney, Paramount, Sony, Universal and Warner Bros. and alleges the industry's film-ratings practices amount to negligence, misrepresentation and breach of duty. Citing health experts at leading universities throughout the country, plaintiff Timothy Forsyth and others say that if a judge doesn't order up an injunction, an additional 3.2 million American children will smoke, and 1 million of them will die prematurely from tobacco-related diseases including lung cancer, heart disease and emphysema.

The litigation addresses a ratings system that came about in the 1960s, when MPAA's then-president, Jack Valenti, aimed to take Hollywood from an era of morality codes to self-regulation. The MPAA has cited surveys showing that nearly all parents find ratings helpful, but while smoking has, as of 2007, been a factor weighed in how films are rated, the plaintiffs assert that not enough is being done. They've flagged such films as Dumb and Dumber To, Transformers: Age of Extinction and Iron Man 3 as among those featuring tobacco-related imagery that are being recommended for young audiences.

Today, the Hollywood defendants aim to strike down a lawsuit they see as an impingement of their First Amendment-protected rights on a matter of public interest. According to the court papers filed by the defendants, the lawsuit 'is a misguided attempt to upend basic tort principles and core First Amendment protections to force the Classification and Rating Administration ('CARA') "the movie ratings body that the MPAA and NATO jointly operate "' to change the opinions it expresses through its movie ratings system.'

Source : THR

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### Article online:

<https://www.uspa24.com/bericht-7887/hollywood-studios-defend-freedom-to-have-smoking-in-movies.html>

### Editorial office and responsibility:

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