

November 30, 2020

VIA EMAIL

The Honourable Rod Phillips
Finance Minister of Ontario
Ministry of Finance
Frost Building South, 7th Floor
7 Queens Park Cres.,
Toronto, ON

Re: **Comments on the Film Content Information Act 2020 (part of Schedule 12 to the Budget implementation bill, Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020).**

I am writing to express my concern about the *Film Content Information Act, 2020* (FCIA) contained in Schedule 12 of the government's Budget implementation Bill 229.

There is a public health risk when young people view movies with adult content. From years of research in Ontario¹, we know that movies are a powerful tool for promoting tobacco use. A substantial body of scientific evidence indicates that exposure to smoking in movies is a cause of smoking initiation and progression to regular smoking among youth.¹ In the past, the tobacco industry spent millions of dollars to develop and maintain the portrayal of smoking in films. Tobacco companies have paid film producers to feature specific tobacco brands and funded advertising campaigns for film studios' latest films and their top stars.² The role of films as vehicles for promoting smoking has become even more important as other forms of tobacco promotion are constrained.² The FCIA is a major step backwards in Ontario when it comes to protecting Ontario children from the harmful effects of dangerous on-screen impressions.

Specific concerns:

Section 4(1)(1): This paragraph appears to state that it is the exhibitor who "***reasonably determines***" [what information about the film and its contents] would be relevant to persons who may intend to view the film." [*emphasis added*].

Information about the risks of tobacco use, drug use or other high-risk behaviours may thus be provided but only through a decision by the "exhibitor", rather than by an impartial public health authority with relevant expertise. This means that movies with smoking, drug use and/or any number of behaviours damaging to public health may be shown with no warnings or qualification.

Further compounding this risk is the use of the word "*reasonably*," which excuses any failure to provide this information.

Section 4(2)(2) only provides "*examples*" of information that could be included in content information. It does not require the disclosure of these items but offers them as merely an example of the kind of information the exhibitor might "*reasonably determine*" is relevant.

Leaving the disclosure of film contents up to the exhibitors and providing no thresholds or content that must be disclosed, will lead to inconsistencies in the information provided about films. Parents will be unable to rely on film labelling to make informed viewing decisions. This approach does not serve the public's need and right to know if a film contains imagery that has scientifically been proven to increase the risk of a young person emulating a behaviour or using a product that has serious implications to their health and that may lead to premature death.

Section 4(2)(1) Under the FCA age classifications were provided to films based on content. For example, excessive use of coarse language would mean a film would not be rated for children or youth. Removing the age rating system means that films with adult content such as violence or tobacco use will not receive a rating and therefore, not be restricted to adult audiences. This change eliminates the incentive the film industry must ensure adult content is left out of movies intended for children or youth viewers.

I recommend the government considers the following:

- **The FCIA be amended to require that at a minimum, film content information is provided consistently using all the current indicators under the FCA such as coarse language, and violence, but should also include tobacco product use and vaping;**
- **The appropriate Ministry immediately convene a group of scientific and public health experts to develop a comprehensive and evidenced based list of content that would be required to be disclosed about every film; and**
- **The appropriate Ministry immediately establish a consultation process to evaluate effectiveness of an age-based rating system as opposed to the proposed information disclosures.**

In summary, there are very large public health implications to repealing the *Film Classification Act, 2005 (FCA)* and replacing it with the *Film Content Information Act, 2020 (FCIA)*. The public deserves to be consistently and accurately informed about movie content, so they can make informed viewing choices for themselves and their children. As stated previously there is significant evidence to show that movies are a clear influencer on children and can lead to dangerous and life-threatening addictions and behaviours.

Sincerely,



Doug Malanka, Board Chair

cc: Honourable Doug Ford, Premier of Ontario
Honourable Christine Elliott, Minister of Health and Deputy Premier of Ontario
Honourable Lisa Thompson, Minister of Government and Consumer Services
Standing Committee on Finance and Economic Affairs

1. *Youth Exposure to Tobacco in Movies in Ontario, Canada:2002-2018. Ontario Tobacco Research Unit, Toronto, 2019.*

2. World Health Organization; Smoke Free Movies: From Evidence to Action, 2016
http://apps.who.int/iris/bitstream/10665/190165/1/9789241509596_eng.pdf?ua=1