

David Fernandez
Senior Assistant General Counsel



May 17, 2013

Via Overnight Mail

Adam Fogelson
Chairman, Universal Studios
100 Universal City Plaza
Universal City, CA 91608

Dear Mr. Fogelson:

It has come to our attention that Universal Studios is scheduled to release a motion picture in September called *Rush*, which, as shown in the movie's trailer and official website, will include numerous depictions of the Marlboro® brand.

This letter is to reiterate Philip Morris USA's strong desire that its brands not be depicted in any movie or other public entertainment media. Philip Morris USA's longstanding policy has been to deny all requests for permission to use or display our brands in movies, television, or other entertainment programming. We urge those involved in the production of motion pictures or other public entertainment media to refrain even from displays of our brands that are arguably subject to "fair use" protection. Many who see Philip Morris USA's brands in television programs or motion pictures assume falsely that these appearances are a result of product placement endorsed by Philip Morris USA. Further, the 1998 Tobacco Settlement Agreements prohibit such product placement, and the appearance of our brands continues to raise undue concerns among Attorney's General about Philip Morris USA's compliance with the Agreements.

We understand that you have adopted a company policy not to accept product placement for tobacco or tobacco-related signage. We appreciate that you have adopted such a policy. The prominence of the Marlboro® brand in *Rush*, however, could appear to be in conflict with this policy. In addition, your depiction of the Marlboro® racecar on the "Partners" page of the movie's website is likely to be misunderstood by website viewers as implying that Philip Morris USA is one of the movie's "partners."

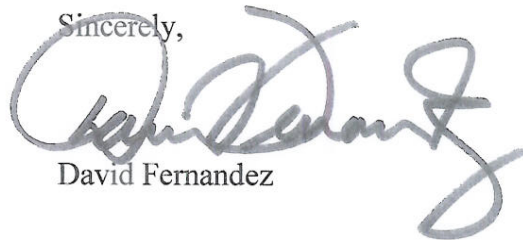
We request that Universal Studios take steps immediately to rectify these issues. First, we request that you immediately remove any depiction of Marlboro® branding from the movie's website, including in particular from the "Partners" page of the website. Given the likelihood of confusion created by this webpage, we believe time is of the essence here. Second, we ask that you reduce the visibility of any and all Marlboro® brand imagery and products from the movie and from its advertising and promotional

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materials before it is released. Third, we request that you include a statement in the movie, trailer, website, and other relevant communications reciting your policy on tobacco-related product placement and stating that no consideration of any kind was requested or received in exchange for depicting any tobacco product brands, including Marlboro[®]. Fourth, we ask that you eliminate or reduce the visibility of any and all Marlboro[®] brand imagery and products from *Rush* before it is made available in the future on DVD, video, broadcast or any other media, or that at a minimum you include a statement as noted above. Finally, we request that you review all motion pictures currently in production in your company and ensure that no Philip Morris USA, U.S. Smokeless Tobacco Company, or John Middleton Company tobacco products or brands are depicted, including Marlboro[®], Copenhagen[®], Skoal[®], or Black & Mild[®].

Thank you for your prompt attention in this matter, and I welcome discussing with you further.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Fernandez", is written over the word "Sincerely,". The signature is fluid and cursive.

David Fernandez

cc: Michelle Hickerson, Esq.
Denise F. Keane, Esq.
Jennifer L. Hunter