



National Association of Theatre Owners™

22 September 2014

Ms. Sara Peterson, Editor in Chief
Mr. Daniel Fuchs, Publisher & Chief Revenue Officer
HGTV Magazine
320 West 57th Street
New York, NY 10019

Also by email to: hgtvmagazine@hearst.com

Dear Ms. Peterson and Mr. Fuchs:

On behalf of movie theater owners and operators nationwide, I write to request that HGTV Magazine publish this letter as a response to a column published in your magazine in which Ms. Jessica Dodell-Feder encourages your readers to violate established movie theater company policies and perhaps commit illegal acts.

The column attached to this letter was published in the September 2014 edition of your magazine. In that column, Ms. Dodell-Feder seeks to answer the question “How Bad Is It to Sneak Food into a Movie Theater?” Apparently without any legal or business ethics background, Ms. Dodell-Feder next posits this answer: “In general, it’s OK to smuggle your own goodies into the movies – as long as you don’t do it every time and you don’t make a mess.”

As her use of the verbs “sneak” and “smuggle” clearly suggest, Ms. Dodell-Feder understands that motion picture theaters generally prohibit patrons from bringing their own food and beverage items into cinemas (with some exceptions for patrons with certain health conditions.) As is the case in many other entertainment venues, concessions sales constitute an important component of the economic viability of cinemas. Patrons who attempt to “sneak in” snacks are violating published company policies. Those patrons are “invitees” who agree to comply with the policies of the establishment by buying a ticket and coming on the premises. Under many local laws, such patrons are committing trespass by knowingly violating the policies that govern their admission. Moreover, by encouraging your readers not to buy theater concessions, Ms. Dodell-Feder and those that agree with her make it more likely that movie ticket prices will have to rise.

I doubt that HGTV Magazine would want anyone to encourage your customers to violate your company policies. Should it be generally “OK” for potential subscribers to make illicit copies of your digital magazine instead of subscribing, as long as they “don’t do it every time?” I look forward to your reply.

Sincerely yours,

John Fithian
President & CEO

Cc: Members of the National Association of Theatre Owners

NATO is the largest association of motion picture theater owners in the world. Headquartered in Washington, D.C., NATO’s U.S. members include all of the 10 largest U.S. motion picture theater circuits and hundreds of small companies. NATO’s members operate motion picture theaters in all fifty U.S. states and U.S. territories.