

Hamburgers sizzle over WB's 'JFK' release

BY LAURENCE H. GROSS

MUNICH—Warner Bros. in Germany said it will fight an administrative injunction from authorities in the city-state of Hamburg, who threatened to fine WB 1 million deutsche marks (\$625,000) if it failed to more widely distribute Oliver Stone's "JFK" among the city's cinemas.

A spokesman for Hamburg's Economics Office, which also serves as the city's Cartel Commission, said the Cartel Commission has long been active in theater distribution activities in Hamburg, and that the commission's order was the result of long-term study.

"If a film is playing in more than half a dozen cinemas in other big cities, but not in Hamburg, then that's clearly (the result of) adverse competition," said Cartel Com-

mission spokesman Heiko Tor-now, "You can't give the cream to just one cinema, and the rest get milk."

'JFK' preem cited

The administrative order, which carries the force of law unless overturned, came last week after Warner Bros. chose a platform release for "JFK." The film opened at just one 500-seat hall, the Ufa/Riech Group-owned Streit's theater, which traditionally has been the theater for premieres in the Hanseatic city. Other theater owners in Hamburg filed a complaint with the Cartel Commission of unfair trade practices, which the Commission followed up with its order.

"I will not be told where I can play my films," said Warner's top-per in Germany, Kurt Silberschneider. "We distributors carry the risks, and we are the ones who search for the cinemas."

Silberschneider said on Monday that a reply already has been presented to a Hamburg court in an attempt to have the Cartel Commission's order overturned.

He said, however, the immediate threat of a large fine has forced Warner Bros. to offer several more copies of the film in Hamburg while the challenge is under way. He said that "JFK," which made its European premiere in Berlin on Jan. 23, has opened in a second 750-seat cinema in Hamburg during its second week, and four more copies are on their way to the Hanseatic city.

"It's not in anybody's best interest when the Cartel Commission starts to get involved in our business," said Silberschneider. "And this has been going on in Hamburg for years."

Of about 16,000 cinema seats in Hamburg, most are owned by two of Germany's largest cinema owners. More than a 55% market share in the city is held by the Ufa-Riech Group and 13% by Flebbe Kinos,

which is partly owned by Dr. Bodo Scriba. Alcor, the production arm of Scriba's Hamburg-based company, Scriba/Dehyle, was a co-production partner in the making of "JFK."

But Scriba is reported to have specified a platform release in Hamburg for "JFK," even though that meant opening at his competitor's cinema, the Ufa/Riech-owned Streit's. His decision reportedly was due to the cinema's reputation as Hamburg's cinema for premieres. Scriba was not available for comment.

Silberschneider said the Cartel Commission's decision was tantamount to dictating how a film should be released in Germany.

"Distribution is just different here. Germany has no Paris, where you can open the film in a single cinema for all of France to judge its success or failure," he said. "You must open here in eight cities, and in Hamburg we traditionally open in only one cinema, then expand later."