

CHAPTER FIVE

The V-Chip and Television Ratings: British and European Perspectives

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BACKGROUND

The United Kingdom has one of the most regulated broadcasting environments in the world. The British Broadcasting Corporation (the BBC) self-regulates through its Board of Governors. The Independent Television Commission (the ITC) grants licenses to, and regulates, the commercial television sector, including satellite-delivered services. The Broadcasting Standards Commission¹ (the BSC) acts as an independent body, established by statute, to consider complaints from the public on the issue of standards in broadcasting (such as the portrayal of violence, of sex and of matters of taste and decency, including bad language, stereotyping, and areas such as the treatment of disasters), and to consider complaints and offer redress on the question of unfair or unjust treatment in programs and unwarranted infringements of privacy. In addition, the BSC must monitor program content and may undertake research into all the areas within its remit, which covers all television, radio, cable, and satellite services.

Each of the regulatory bodies—the BBC, the ITC, and the BSC—produces a Code of Practice or guidelines that cover the areas within its remit. Each is aimed at slightly different audiences. The BBC's reflects its role as regulator and broadcaster, with detailed producer guidelines in certain areas. The ITC's reflects its role as licensor of commercial broadcasting. The BSC's Code of Practice aims to provide general principles for program makers but seeks to avoid what has been described as "the chilling effect" (an inherent danger to creativity in proscriptive regulation). The code seeks to reflect the BSC's role as a consumer voice, providing guidance and a framework within which broadcasters may work. It is laid down in the statute that the codes produced by the BSC must be reflected

within the guidelines produced by other bodies and broadcasters. The former Broadcasting Standards Council has published a code on standards issues (to be revised in 1997) and the new commission will be producing, for the first time, a code dealing with fairness and privacy issues.

In addition to the codes, a well-established procedure has been adopted by the broadcasters, that of "family viewing time" or the Watershed. On terrestrial television this is at 9:00 P.M. and states that to help parents decide, under normal circumstances, the broadcasters will not show programs before that time that they believe unsuitable. The earlier in the evening a program is placed, the more suitable it is likely to be for children to watch on their own. On subscription payment satellite-delivered film channels a "twin" Watershed is in operation with material broadcast at 8:00 P.M. that would not be permissible before the 9:00 P.M. Watershed on other broadcasting services. The further Watershed is at 10:00 P.M. after which time more "adult material" is acceptable.

Nonetheless, despite the regulatory structure of British broadcasting, there are concerns expressed about the material carried on channels. Much of this concern focuses around public uncertainty about the influences and effects of television viewing. In this sense the United Kingdom has differed historically from the United States, arguing that the audience has a dynamic, active relationship with the screen. In recent years, however, there has been a gradual coming together of the two disciplines, with both sides of the Atlantic more prepared to share and acknowledge experiences of the "influence" of broadcasting.

A number of recent studies have underlined concerns about influences on the young and those that are deemed vulnerable.² It is interesting to note that these concerns are raised not only by parents and other interested adults but also by young people themselves who are particularly aware of the effect advertising has on them, for example.³ "Ads are a bad thing for parents, with children demanding things" (fifteen-year-old boy).

Further, the ITC is (at the time of writing) in the process of awarding the first license to companies wishing to operate multiplex services. There is some uncertainty about what the future may hold in the rapidly developing media environment in which live pictures could be distributed through a variety of sources.

Concerns such as these about the power of broadcasting and its continued growth have led to the recognition, within the United Kingdom, that the V-chip offers a possible technological answer to the demands, made by some, for greater consumer control over broadcasting content.

In February 1996 the European Parliament voted in favor of an amendment to the 1989 Television Without Frontiers Directive to pursue V-chip technology (see Appendix). The proposed amendment was not included in the directive. However, in April 1997, the Council of Europe and Parliament agreed that the European Commission should carry out a study looking at ratings systems, technical devices (including the V-chip), and other strategies such as the family-viewing policy. The commission has been instructed to report back within one year.

Public attention in the U.K. has been drawn to the issue of on-screen violence most forcibly by a number of recent tragic events. This started with the (unsubstantiated) claim that two young boys who murdered a toddler had access to a violent horror film. Although this hypothesis was never proved, legislation was passed making it a criminal offense for

video rental outlets to supply videos certified for a particular age to anyone under that age. The debate calmed until the outrage in Scotland in March 1996 when a man murdered a number of primary school children in their school. Although it has never been suggested that on-screen violence played any part in the tragedy, the media were held up as a negative reflection of society. Other, subsequent tragedies added to that unease and with them came a more focused concern not only about violence in society but also the part television plays in reflecting it.

With this refocusing on screen violence came media debate about the V-chip. In the debate surrounding the 1996 Broadcasting Bill, reference was made to the V-chip but only in the form of a demand for research into the issue by the BSC. It was also proposed that broadcasters should be required to set up a classification system for programs. These amendments to the bill were defeated, but they attracted substantial cross-party support.

The then secretary of state called together the chairmen of the BBC, the ITC, and the BSC and asked that on-screen violence be brought to the top of their agendas. She also asked that the BSC host a seminar into the issue. This was held in March 1997. Members of the regulatory bodies, the political parties, the broadcasting industry, and the audience all attended. Audience research was presented, and presentations were made by program producers and editors. In these, they described the decision-making process they had to go through, illustrating these with specific examples.

One of the outcomes of the seminar has been the formation of a Joint Working Party on Violence with representatives from the BBC, the ITC, and the BSC. The V-chip is one of the issues that it is considering.

THE V-CHIP

The key questions that have been raised with regard to the V-chip have been issues about the technological and technical competencies of the system, and also concerns about the subsequent effect of its introduction on standards in broadcasting. It may be useful to take some time to develop these issues further.

The Technology

Early interpretations of the way in which the system is functioning in other countries where it is undergoing trials create some concern here. However, it is assumed that these "teething" problems will be overcome. But can they be overcome to such an extent that the introduction of the technology is commercially viable and attractive both to the hardware manufacturer and to the consumer? Initial costs appeared to be reasonable but the trials will identify the true cost.

In the United Kingdom, as in other countries, there is the issue of retrofitting. In the United Kingdom, television sets (which might contain the new technology) are replaced on an average five-to-seven-year cycle. The newest television set tends to be the one placed in the "family" room, the area where most joint viewing takes place. Secondary sets are often placed in children's bedrooms or in spaces outside the "family" environment. These sets would not, therefore, be fitted with the V-chip or any other such device. Yet, it

may be argued that the V-chip is designed with audiences such as children in mind. Retrofitting would be possible but may be inconvenient and too expensive for most homes.

Another issue for the U.K. is that the part of the broadcast signal that has been adapted in the U.S. and Canada to carry the V-chip signal is set aside in the U.K. for the transmission of teletext signals. It may be possible to adapt the teletext signal to carry the classification codes, but the difficulties created by out-of-date television sets are equally true for video recorders, which have varying capabilities with regard to teletext.

Within the U.K. it is believed that the advent of digital broadcasting offers the most scope for development. The likely introduction of electronic program guides (EPGs) may allow broadcasters to classify programs and feed the data into their schedule information. While this system is more flexible and may offer a way forward in the burgeoning multichannel environment, it is still reliant on the growth in the market of set-top boxes, in itself dependent on the introduction of digital broadcasting.

Security. Issues of security still need to be addressed, with both the key system and a PIN number system raising potential problems. Until a suitable mechanism has been found any technical “blocking” device would be rendered useless.

It may be worth noting that many of the experiments in the United Kingdom developing on-demand services use a mixture of methods—often comprising personal PIN numbers plus additional payment-related controls.

Standards in Broadcasting

Labeling. One of the possibilities under consideration is the labeling or classification of programs. This could be on-screen, using symbols, or pretransmission with warnings or with symbols or cinema-style classifications, or off-screen, through better publicity or information in listings. A previous fear on the part of the broadcasting regulators and advisers was that labeling systems might act as an attraction to viewers. There is some popular mythology in the U.K. that an early experiment with on-screen symbols on Channel Four (a commercial broadcaster) was unsuccessful. It was argued that viewers tuned in to see films with “red triangles” (the on-screen symbol used to denote an “adult” theme). This is not, however, clear from the patchy data available.

More useful may be a consideration of the system in France (being tested at the time of writing), which uses a mixture of symbols and colors to warn viewers about the suitability of material. This began in November 1996, voluntarily agreed to by broadcasters as a way of staving off political pressure. Films, fiction and documentaries are classified into five categories:

1. No broadcasting restrictions.
2. Parental guidance recommended. Use of a symbol and program cannot be broadcast in children’s programming time. No other time restrictions set.
3. Parental guidance required—violence of particular concern. Use of a symbol on-screen if the film is broadcast before 10:00 P.M. Program may be broadcast after 10:00 P.M. without the symbol on-screen.

4. Adults only—violence and eroticism of particular concern. Use of a symbol and program cannot be broadcast before 10:30 P.M. No trailers or advance publicity can be transmitted before 8:30P.M.
5. Broadcast is forbidden.

The Conseil Superieur de l'Audiovisuel in France—which regulates commercial television and oversees this scheme—reports that, since its inception, it has been highly successful. Eighty percent of respondents to a survey said they were aware of the system, and over two in three said that they found it useful. Some other preliminary studies showed that fewer children were watching programs classified as unsuitable for them than previously. For example, on the most popular television channel those in the audience aged 4 to 10 watching classified material had fallen from 6.5% to 4% over the period of time measured. Similarly, those aged 11 to 14 had fallen as a proportion of those watching classified programs from 9% to 6%.

Similar findings were made in Australia where programs are classified by their target audience age group and have timing restrictions placed upon them.

V-CHIP AND CLASSIFICATION

In both France and Australia it has not been possible to establish a common national classification system for television. Film does not create a significant problem as there are national guidelines and classification systems in place, and these are often followed by the broadcaster. However, other material is left to the broadcaster's discretion, with an overview provided by the relevant broadcasting regulatory authority. Further, the experience of Canada and the United States suggests that a common classification approach is fraught with difficulties.

In Europe there is an additional overlay that needs to be taken into account. These are the significant cultural differences between countries, which are, nonetheless, subject to common directives regarding transfrontier broadcasting. These differences make it difficult to see how a Europe-wide classification system could be achieved. If it were considered desirable that a unified approach be adopted, then guidance would need to be given establishing the criteria for classification for all broadcasters. The difficulty of a national classification system has already been alluded to—how much more difficult an international and crosscultural one!

Allied to this would be the difficulty of defining "violence." In the United Kingdom analyses of violent content on television have been undertaken, but there is much debate about the way in which violence has been defined. The definition was taken to be "any overt depiction of a credible threat of physical force or actual use of physical force, with or without a weapon, which is intended to harm or intimidate an animate being or a group of animate beings. The violence may be carried out or merely attempted, and may or may not cause injury. Violence also includes any depiction of physically harmful consequences against an animate being (or group of animate beings) that occur as a result of unseen violent means." This is not dissimilar to the definition being used by researchers in the United States who are currently looking at violent on-screen material.

Their definition is “any overt depiction of a credible threat of physical force or the actual use of such force intended to physically harm an animate being or group of beings. Violence also includes certain depictions of physically harmful consequences against an animate being or group that occur as a result of unseen violent means.” Nonetheless many within the audience and many broadcasters challenge such a broad meaning. They argue that fictional violence as seen in a Tom and Jerry cartoon should not be placed alongside the fictional violence in a Shakespearean tragedy or the fictional violence in an Arnold Schwarzenegger film. Again the aforementioned Joint Working Party on Violence will consider this as one of its tasks.

It has been suggested that factual programming, such as news and sports, will be exempt from any system, and “live” programming will also raise issues that will need to be addressed. It is possible that the oversight of such a system could work in a broadcasting landscape of twenty or so channels. But the difficulties of regulating content (and its classification) over the promised broadcast palette of many tens of channels will be significant. It is also worth reminding the reader that no regulatory or advisory body in the United Kingdom has the power to preview material any longer. Action can only be taken *after* transmission. The reasons for removing these powers (once held by the regulators) were twofold: (1) it was thought undesirable that censorship should be practiced in a free democracy, and (2) it was considered important that broadcasters should be freed, in the creative process, of direct intervention in the making of programs by those who regulate them (as far as is feasible in the case of an organization such as the BBC).

As this is the case, regulation would need to be retrospective. An efficient monitoring process would be too expensive and difficult, which would mean the system would become more reliant on complaints. It is recognized that less than 34% of those who have felt like complaining about something they have seen on-screen actually do so.⁴ Further, it has been noted in a number of studies⁵ that changing the relationship between viewer and broadcaster by payment affects how the viewer reacts to on-screen material. For example, respondents appear to be far more accepting of sexually explicit or violent material on a pay channel than on a free-to-air service.

Related to this of course is the economic argument of compliance. Concerns have been expressed about the cost of classification and encoding the relevant electronic signal. Smaller broadcasters, possibly catering to a minority interest audience, may find the expense prohibitive. It is also likely that advertising revenues will be affected as advertisers will not be able to predict audience size as well as has been done in the past, and measurement systems showing usage of the V-chip will not be available quickly.

On the other hand, it is possible that the commercial imperative may impact on the quality of British programming, that program makers will shy away from controversial material, or that the range and breadth of British programming will be reduced as “safe” audiences are sought.

The Responsibility of Broadcasters

It is possible that, in a more formally regulated environment than is currently the case in the United Kingdom, broadcasters might argue for a more liberal regime, with the

V-chip as a shield. It is also possible that the 9:00 P.M. Watershed might be put under pressure for similar reasons.

Parental Responsibility

A central plank of the U.K.'s broadcasting regulatory environment is self-regulation. Part of that is the determination to give viewers sufficient information on which to base their viewing decisions. There is a clear move among broadcasters—and their advisers and regulators—to ensure that such information is available and comprehensive. Indeed, this is one of the areas that the Joint Working Party on Violence will consider.

Other research by the BSC showed how widely video and film classifications were ignored by adolescents, particularly if a film took on “cult” status, or peer pressure came into play.⁶ The data showed that nearly two in three respondents (aged up to seventeen) had seen at least one of a list of films classified by the British Board of Film Classification as being suitable for those aged eighteen and over. Nearly a third had seen three or more. Nevertheless it was interesting to note that the youngest of the respondents (those aged between ten and twelve years) were significantly more likely to say that they were not interested in seeing the film, and were least likely to say that they had already seen them. It would seem that there is some element of self-regulation in play here as well.

However, there are already some data available on the potential use of a blocking device. Many homes with cable or satellite television have access to a parental lock device that can be used to “block” programs. Recent research shows that only 37% of these homes (with children aged under 15 in them) were aware of this device. More importantly, only 8% said that they used it regularly. A further 11% said they used it “occasionally.”

This in itself raises concerns about the nature of the vulnerable groups that need “protection.” While the data referred to above do not suggest the demographic profile of those households that exercise their parental lock devices, questions must be raised about the far greater proportion who do not. It may be hypothesized that those who leave their children to watch television unsupervised are less likely to use the V-chip or any other such device.

CONCLUSION

It will be clear that many of the arguments in the United Kingdom are against the V-chip. It should be emphasized that these arguments do not stem from an antipathy toward regulation—far from it. The approach to broadcasting has combined legislation (through the existence of regulatory and advisory bodies and their duties) with encouraging self-regulation and responsibility. The Watershed is the prime example of this. The notion of a “contract” between the broadcaster and viewer is well understood by those involved in the industry.

Substantial amounts of money are spent to understand televisual violence and its attraction, its effect, its influence. The audience's role in the debate is never lost and the broadcaster's voice is always heard as part of a larger picture.

However, it is recognized that the V-chip may be a useful tool for those who would

want to use it. The work that needs to be done will not only have to check the technological feasibility of the system but also the viewer's willingness to implement it. It is possible that a more rigorous approach to labeling and providing information may be the most logical way forward, especially on a pan-European dimension.

Notes

1. The Broadcasting Standards Commission came into effect on April 1, 1997, as the result of the merger between two bodies—the Broadcasting Standards Council and the Broadcasting Complaints Commission. The Standards Council previously dealt only with standards issues while the Complaints Commission dealt with complaints regarding fairness and unwarranted infringement of privacy in a broadcast program.
2. See for example, "Regulating for Changing Values," Broadcasting Standards Commission, Working Paper No. 1 (1997).
3. "Young People and the Media," Broadcasting Standards Council, Working Paper No. 13 (1996).
4. Broadcasting Standards Council, "Trend Data" (1995).
5. "Television: The Public's View," Independent Television Commission (1996) and "Regulating for Changing Values," Broadcasting Standards Commission, Working Paper No. 1 (1997).
6. "Young People and the Media," Broadcasting Standards Council, Working Paper No. 13 (1996).