

CHAPTER SIX

Media Ratings Systems: A Comparative Review*

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During the last decade, media ratings have been increasingly utilized as a means of addressing concerns about “objectionable” or potentially harmful media content. Politicians, entertainment industry leaders, and media advocacy groups alike have turned to media ratings as a “middle ground” solution to such concerns, somewhere between direct government censorship and not addressing the issue at all. While movie rating systems have been in place for several decades, there is currently a trend toward adopting rating systems for other media—such as television, video games, sound recordings, home video, and the Internet—both in the United States and abroad. The advent of content blocking technologies, such as the V-chip, which require some form of attendant rating system to be useful, has further spurred this trend.

This chapter provides a survey of media rating systems in five countries: Australia, Germany, Great Britain, Sweden, and the United States. The survey reviews rating systems as they apply to various media, including film, videos, sound recordings, television, video games, film advertisements, and the Internet. The review briefly describes the historical origins of each rating system, its organizational structure, decision-making process, and the ratings themselves. The chapter closes with a discussion of the social impact of ratings, as well as the relative merit of various rating system designs.

AUSTRALIA

Films and Videotapes

The Australian Commonwealth Classification Board is a government agency that administers a national classification code for films, videos, publications, and computer

games. The board is part of the Australian Office of Film and Literature Classification (OLFC), which also classifies printed matter on behalf of New South Wales, South Australia, Queensland, Victoria, and the Territories.

According to law, the board has a maximum of twelve members, including the director, the deputy director and two senior classifiers. Appointments for up to six-year terms are made by the Governor-General, though customarily appointments are for three-year terms.¹

Australian customs legislation empowers the Commonwealth Classification Board to refuse to register a film or video imported for public exhibition if, in the board's opinion, it is "blasphemous, indecent or obscene," "likely to be injurious to morality," or "undesirable in the public interest."² In addition, Australian law provides for the classification of films and videos, in order to protect children and young people from material considered to be harmful to them. The classification process is intended "to reflect what a reasonable adult person would consider within the acceptable limits of community standards for that age group."³

The process of rating a film begins with accumulation of information about the film, including reviews by critics internationally, as well as the ratings given the film in other countries. This information is reviewed by the senior classifier, who determines the size of the screening panel based on the degree to which the film or video may be controversial. Most screening panels consist of three censors, but potentially controversial films may be viewed by the entire board.⁴

Outside advice is sometimes solicited from experts, such as clergy and psychologists. In addition, the public is consulted via direct input in the form of letters concerning particular films. The board also has chosen to convene focus groups, discussing both particular films and censorship issues in general, in order to more thoroughly reflect public opinion. The final rating decision is made by a majority vote of the screening panel. If a panel is sufficiently divided on a particular film or video, a larger panel is convened to review it.

The Office of Film and Literature Classification (OFLC) rating system for films and videotapes, revised on July 11, 1996, includes five categories.⁵ The OFLC criteria for inclusion in each category are extensive and are reproduced verbatim here:

G General (Suitable for all ages). This is a category which is considered suitable for all viewers. The G classification symbol does not necessarily indicate that the film is one that children will enjoy. Some G films contain themes or story-lines that are of no interest to children. Parents should feel confident that children can watch material in this classification without supervision. Material classified G will not be harmful or disturbing to children. Whether or not the film is intended for children, the treatment of themes and other classifiable elements will be careful and discreet.

Violence. Violence may be very discreetly implied, but should: have a light tone, or have a very low sense of threat or menace, and be infrequent, and not be gratuitous.

Sex. Sexual activity should: only be suggested in very discreet visual or verbal references, and be infrequent, and not be gratuitous.

Coarse Language. Coarse language should: be very mild and infrequent, and not be gratuitous.

PG Parental Guidance (Parental guidance recommended for persons under 15 years). The PG classification signals to parents that material in this category contains depictions or references which could be confusing or upsetting, to children without adult guidance. Material classified PG will not be harmful or disturbing to children.

Parents may choose to preview that material for their children; some may choose to watch the material with their children. Others might find it sufficient to be accessible during or after the viewing to discuss the content.

Violence. Violence may be discreetly implied or stylized, and should also be: mild in impact and not shown in detail.

Sex. Sexual activity may be suggested, but should: be discreet, and be infrequent, and not be gratuitous. Verbal references to sexual activity should be discreet.

Coarse Language. Coarse language should be mild and infrequent.

Adult Themes. Supernatural or mild horror themes may be included. The treatment of adult themes should be discreet and mild on impact. More disturbing themes are not generally dealt with at PG level.

Drug Use. Discreet verbal references and mild, incidental visuals of drug use may be included, but these should not promote or encourage drug use.

Nudity. Nudity outside of sexual context should not be detailed or gratuitous.

15+ Mature (Recommended for mature audiences 15 years and over). The Mature category is advisory and not legally restricted. However, material in this category cannot be recommended for those under 15 years. Films classified M contain material that is considered to be potentially harmful or disturbing to those under 15 years. Depictions and references to classifiable elements may contain detail. However, the impact will not be so strong as to require restriction.

Violence. Generally, depictions of violence should: not contain a lot of detail and not be prolonged. In realistic treatments, depictions of violence that contain detail should: be infrequent and not have high impact and/or not be gratuitous. In stylized treatments, depictions of violence may contain more detail and be more frequent if this does not increase the impact. Verbal and indirect visual references to sexual violence may only be included if they are: discreet and infrequent, and strongly justified by the narrative or a documentary context.

Sex. Sexual activity may be discreetly implied. Nudity in sexual context should not contain a lot of detail, or be prolonged. Verbal references to sexual

activity may be more detailed than depictions if this does not increase the impact.

Coarse Language. Coarse language may be used. Generally, coarse language that is stronger, detailed or very aggressive should: be infrequent and not be gratuitous.

Adult Themes. Most themes can be dealt with, but the treatment should be discreet, and the impact should not be high.

Drug Use. Drug use may be discreetly shown. Drug use should not be promoted or encouraged.

Nudity. Nudity outside of a sexual context may be shown but depictions that contain any detail should not be gratuitous.

15+ Mature Accompanied (Restrictions apply to persons under the age of 15). The MA category is legally restricted. Children under fifteen will not be allowed to see MA films in the cinema or hire them on video unless in the company of a parent or adult guardian. Material classified MA deals with issues or contains depictions which require a mature perspective. This is because the impact of individual elements or a combination of elements is considered likely to be harmful or disturbing to viewers under 15 years of age.

Violence. Generally, depictions of violence should not have a high impact. Depictions with a high impact should be infrequent, and should not be prolonged or gratuitous. Realistic treatments may contain detailed depictions, but these should not be prolonged. Depictions of violence in stylized treatments may be more detailed and more frequent than depictions of violence in close to real life situations or in realistic treatments if this does not increase the impact. Visual suggestions of sexual violence are permitted only if they are not frequent, prolonged, gratuitous, or exploitative.

Sex. Sexual activity may be implied. Depictions of nudity in a sexual context which contain detail should not be exploitative. Verbal references may be more detailed than depictions, if this does not increase the impact.

Coarse Language. Coarse language may be used. Coarse language that is very strong, aggressive or detailed should not be gratuitous.

Adult Themes. The treatment of themes with a high degree of intensity should be discreet.

Drug Use. Drug use may be shown, but should not be promoted or encouraged. More detailed depictions should not have a high degree of impact.

18+ Restricted (Restricted to adults 18 years and over). The R category is legally restricted to adults. Material which is given a restricted classification is unsuitable for those under 18 years of age. Material classified R deals

with issues or contains depictions which require an adult perspective. The classification is not intended as a comment on the quality of the material. Some material may be offensive to some sections of the adult community. Material which promotes or incites or instructs in matters of crime and/or violence is not permitted.

Violence. Depictions of violence which are excessive will not be permitted. Strong depictions of realistic violence may be shown but depictions with a high degree of impact should not be gratuitous or exploitative. Sexual violence may only be implied and should not be detailed. Depictions must not be frequent, gratuitous or exploitative. Gratuitous, exploitative or offensive depictions of cruelty or real violence are not permitted.

Sex. Sexual activity may be realistically simulated; the general rule is “simulation, yes—the real thing, no.” Nudity in a sexual context should not include obvious genital contact. Verbal references may be more detailed than depictions.

Coarse Language. There are virtually no restrictions on coarse language at R level.

Adult Themes. The treatment of any themes with a very high degree of intensity should not be exploitative.

Drug Use. Drug use may be shown but not gratuitously detailed. Drug use should not be promoted or encouraged. Detailed instruction in drug misuse is not permitted.

18+ Contains Sexually Explicit Material (Restricted to adults 18 years and over*). This classification is a special and legally restricted category which contains sexually explicit material. That is material which contains real depictions of actual sexual intercourse and other sexual activity between consenting adults, including mild fetishes.

No depiction of sexual violence, sexualized violence or coercion, offensive fetishes, or depictions which purposefully debase or abuse for the enjoyment of viewers is permitted in this classification.

RC Refused Classification. As pointed out in the introduction, films, and videos must be classified. A film or video which does not have the authorized classification symbols or the consumer advice is either an unclassified film or video, or it has been refused classification.

Films or videos which contain elements beyond those set out in the above classification categories are refused classification. Films or videos which fall within the criteria for refused classification cannot be legally brought into Australia.

The Classification Code sets out the criteria for refusing to classify a film or video. The criteria fall into three categories. These include films that:

1. depict, express or otherwise deal with matters of sex, drug misuse or addiction, crime, cruelty, violence or revolting or abhorrent phenomena in such a way that they offend against the standards of morality, decency and propriety generally accepted by reasonable adults to the extent that they should be classified RC;
2. depict in a way that is likely to cause offense to a reasonable adult a person who is or who looks like a child under 16 (whether or not engaged in sexual activity), or;
3. promote, incite or instruct in matters of crime or violence.

Films and videos are refused classification if they appear to purposefully debase or abuse for the enjoyment of viewer, and which lack moral, artistic or other values, to the extent that they offend against generally accepted standards of morality, decency and propriety.

Films and videos are refused classification if they contain: (a) depictions of child sexual abuse or any other exploitative or offensive depictions involving a person who is or who looks like a child under 16; (b) detailed instruction in: (1) matters of crime or violence, (2) the use of proscribed drugs; (c) depictions of practices such as bestiality.

Films and videos are refused classification if they contain gratuitous, exploitative or offensive depiction of: (d) violence with a very high degree of impact or which are excessively frequent, prolonged or detailed; (e) cruelty or real violence which are very detailed or which have a high impact; (f) sexual violence; (g) sexual activity accompanied by fetishes or practices which are offensive or abhorrent; (h) incest fantasies or other fantasies which are offensive or abhorrent.

In addition to refusing classification of films and videos, the board may sometimes agree to an importer's request to cut certain scenes for the purposes of receiving a particular rating. If a distributor or producer wishes, he or she may appeal a decision of the board to the Office of Film and Literature Classification.

Ratings issued by the board, whether for films or videos, include additional "consumer advice," which informs the public as to the rationale for a given rating. Consumer advice is usually in the form of a several word descriptive and evaluative statement, such as "low level violence" or "medium level coarse language."⁶ This consumer information is required by law to appear in advertisements for videos or films, and on the covers of videotapes for sale or rental. The consumer advice is in addition to the "code reasons for classification," which are published in *Discovery*, a government-run computer bulletin board service. In most Australian jurisdictions, stores selling or renting videotapes must have on display a sign that explains the videotape classification symbols.

Computer Games

The Office of Film and Literature Classification also classifies computer games. Titles sold or rented for home use as well as those played in arcades are subject to clas-

sification. Specific states and territories retain the right to vary classifications in their jurisdiction and are responsible for enforcement of the system. In addition, only those titles classified as G, G8+ and M are permitted for use in amusement arcades.

The classification system for titles is based on the categories for film and video but with significant alterations that make the title classification system more restrictive. In addition to the ratings, classification labels also provide consumer advice information similar to that provided for film and videotapes. Following are the OFLC computer game classifications and guidelines:⁷

General. This category is suitable for all persons under 15 years.

General (8+). This category is also suitable for persons under 15 years but may not be appropriate to younger children under 8 years who may have difficulty distinguishing between fantasy and reality.

Mature. This category is suitable for persons 15 years and over.

MA. This category is restricted to persons 15 years and over.

Refused Classification. Material so classified may not be sold, hired, exhibited, displayed, demonstrated or advertised. Material which includes any of the following is refused classification:

Violence. Depictions of realistic violence, even if not detailed, relished or cruel (e.g., excessive and serious violence such as realistic depictions of dismemberment accompanied by loss of blood to real-life images); extreme “horror” scenarios or special effects; depictions of unduly detailed and/or relished acts of extreme violence or cruelty.

Sex. Nudity, including genitalia *unless* there is a “bona fide” educational, medical or community health purpose; simulated or explicit depictions of sexual acts between consenting adults; any depiction of sexual violence or sexual activity involving non-consent of any kind; depictions of child sexual abuse, bestiality, sexual acts accompanied by offensive fetishes, or exploitative incest fantasies.

Language. Use of sexually explicit language.

Other. Detailed instruction or encouragement in matters of crime or violence or the abuse of proscribed drugs; depictions which encourage the use of tobacco or alcohol, or which depict drug abuse; depictions which are likely to endorse or promote ethnic, racial or religious hatred.

Although the OFLC is responsible for title classification, the industry has agreed to facilitate the classification process by providing the agency with clips of any “contentious material” contained in titles.⁸ This alleviates the OFLC from the time-consuming task of reviewing every title in its entirety for such material. Industry accountability is enforced by the ability of the OFLC to automatically declassify and withdraw from sale any title found to contain “contentious material” not submitted to the agency for review.

Printed Matter

The classification scheme for printed matter, also administered by the Office of Film and Literature Classification, is voluntary. Most publications submitted for classification are of a “sexual nature.”⁹ There are four OFLC categories of classification for printed matter:¹⁰

Refused Classification. Material which exploits children, promotes crime or violence, or would be considered so offensive to a reasonable adult person that it should not be permitted.

Unrestricted. (No restriction as to sale or display) Photographs on covers and advertising posters must be suitable for display in public. They may depict discreet nudity if it is not overtly sexually suggestive or if it does not imply sexual activity. Depictions of genitals, pubic hair, fetishes or implications of fetishes are not permitted. Language on covers must not be assaultative or sexually suggestive. Some lower level coarse language is acceptable, but sexually suggestive combinations of words or colloquialisms for sexual acts or genitals are not permitted. (Covers or posters which do not comply with these guidelines are considered unsuitable for public display and would result in a Category 2 restricted classification.)

Regarding the contents of unrestricted material, the following requirements apply: photographs of discreet male and female nudity are acceptable but not if sexual excitement is apparent; depictions of sexual activity between consenting adults are acceptable only where they are discreetly implied or stimulated; illustrations, paintings, statues etc. which are considered bona fide erotic artworks and depict explicit sexual activity or nudity may be acceptable in Unrestricted when set in an historical or cultural context; written descriptions of sexual activity between adults are acceptable in mainstream works of literature and in publications not overwhelmingly dedicated to sexual matters.

Category 1 Restricted. (Sale restricted to persons 18 years and over, to be displayed in a sealed wrapper—not to be sold in Queensland) The requirements for covers are the same as for unrestricted materials. Regarding the contents of Category 1 Restricted material, the following requirements apply: photographs may include explicit genital detail or obvious sexual excitement, and may also include implied, simulated or obscured sexual activity between adults and touching of genitals; depictions of mild fetishes such as rubberwear and stylised domination are acceptable; illustrations and paintings which are considered not to be bona fide erotic artworks, and depict explicit sexual activity or nudity will warrant a restricted category classification; photographs of realistic and explicit violence, or its aftermath, may be accommodated in a publication that exploits violence, except in a sexual context, or if extremely cruel or violent; exploitative novellas may contain explicit descriptions of sexual activity between consenting adults but excluding bestiality, or incest, or sexual activity involving children, or relished or

detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons; publications which contain exploitative, realistic and gratuitous descriptions of violence will warrant a Category 1 restricted classification. They will not include relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons.

Category 2 Restricted. (Sale restricted to persons 18 years and over, only to be displayed in premises restricted to persons 18 years and over—not to be sold in Queensland) As the publications are not displayed in a public place there is no restrictions on what may be displayed on their covers. Regarding the contents of Category 1 Restricted material, the following requirements apply: photographs of sexual activity between consenting adults which include explicit genital detail; depictions of stronger fetishes are permitted but not if non-consent or apparent physical harm are evident; exploitative novellas may contain explicit descriptions of sexual activity of most kinds but excluding sexual activity involving children, or relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons.

Refused Classification. (Publications refused classification may not be sold or displayed) Materials with the following content are refused classification: photographs of sexual activity involving children or of exploitative child nudity; publications which promote, incite or instruct in matters of crime or violence; photographs of sexual activity between humans and animals; photographs which depict extremely cruel or dangerous practices, especially those which show apparent harm to the participants; photographs which show sexual violence against the consent of a participant (this will also apply when the non-consent is established from text which relates to a photo sequence); books which promote, incite or encourage the use of prohibited drugs (included are books that instruct in the manufacture or cultivation of prohibited drugs; exploitative novellas which include gratuitous descriptions of sexual activity involving children (this guideline does not apply to works of genuine literary merit); exploitative novellas which contain relished or detailed descriptions of gratuitous acts of cruelty, or detailed or unjustifiable descriptions of sexual violence against non-consenting persons (this guideline does not apply to works of genuine literary merit).

Television

Commercial, community, and subscription television and radio broadcasters in Australia are regulated by the Australian Broadcasting Authority (ABA), a government agency authorized under the federal *Broadcasting Services Act 1992*.¹¹ The ABA replaces the former Australian Broadcasting Tribunal, which had broader powers over broadcasting content. Under the 1992 law, the ABA retains control over children's television

programming, while primary responsibility for all other programming standards falls to the broadcasters themselves. The broadcast networks are required by law to develop their own codes of practice.¹²

Broadcast network codes are developed in consultation with the ABA. To be included in the ABA Register of Codes of Practice, the codes must meet the following requirements: (1) the code must provide appropriate community safeguards for the issues covered in it; (2) the code must be endorsed by a majority of the providers of broadcasting services in that section of the industry; and (3) members of the public must have been given an adequate opportunity to comment on the code.¹³ Primary responsibility for compliance with the codes and for resolving complaints is held by the broadcasters. The ABA's role is to supervise the operation of the codes and perform the role of an independent adjudicator when complaints are not resolved between the complainant and the relevant broadcaster.

Broadcasting licensees are required to ensure that all programs transmitted have a rating assigned to them. In practice, the classifiers from the broadcast networks aim for continuity and meet occasionally to discuss classification issues. These meetings include representatives from the ABA and from the Office of Film and Literature Classification.

As the arbiter for children's television programming, ABA maintains two program classifications specifically for children's television. The two children's categories are C-Children and P-Preschool. These categories denote programming that is made specifically for children within the preschool or primary school ages and intended to "enhance a child's understanding and experiences."¹⁴

The commercial television industry code of practice came into effect in September 1993, in accordance with the 1992 law. The classifications, and their explanations, are as follows:

The General ("G") Classification. Material Classified "G" must not contain any matter likely to be unsuitable for children to watch without the supervision of a parent.

Violence: Depictions of physical and psychological violence and the use of threatening language, weapons or special effects must not be likely to cause alarm or distress to children, must be strictly limited to the context or story line of the program, and must not show violent behavior to be acceptable or desirable.

Sex and Nudity: Depictions of and references to sexual behavior must be limited and discreet. Discreet portrayal of nudity only when absolutely necessary to the story line or program context.

Language: Mild expletives or language which may be considered socially offensive or discriminatory may only be used in exceptional circumstances when absolutely justified by the story line or program context.

Drugs: References to the consumption of illegal drugs must be limited and discreet and allowed only when absolutely justified by the story line or program context. Use of legal drugs must be depicted with care.

Suicide: Reporting of suicide must be straightforward, and not include graphic details or images. Discreet references to suicide are acceptable only if justified by the story line or context, and not presented as romantic, heroic, alluring or normal act.

Other: Dangerous playthings may only be depicted where absolutely justified by the story line or context, and must be depicted in such a way as to minimize the likelihood of imitation.

Where music, special effects and camera work are used to create an atmosphere of tension or fear, care must be taken not to cause unnecessary distress to children. Care must be exercised in the treatment of themes dealing with social or domestic conflict.

General (“G”) classification zones.

<i>Weekdays</i>	6:00 A.M.—8:30 A.M. 4:00 P.M.—7:30 P.M.
<i>Weekends</i>	6:00 A.M.—7:30 P.M.

The Parental Guidance Recommended (“PG”) Classification. Material classified “PG” may contain adult themes or concepts but must remain suitable for children to watch under the guidance of a parent or guardian.

Violence: Any violence depicted must be inexplicit, discreet or stylized and appropriate to the story line or program context. No overly realistic, bloody or horrific depictions of violence are permitted.

Sex and Nudity: Depictions of and references to intimate sexual behavior must be discreet and appropriate to the story line or program context, and must not dominate the theme of a program. Discreet portrayal of nudity only where justified by story line or program context.

Language: Low-level offensive language may only be used when justified by the story line or program context, and then only infrequently.

Drugs: Techniques for the consumption of illegal drugs must not be demonstrated, and illegal drugs must not be depicted favorably. Use of legal drugs must be depicted with care.

Suicide: The depiction of suicide or attempted suicide must be inexplicit and discreet, and must not be presented as the means of achieving a desired result or as an appropriate response to stress, depression or other problems.

Parental Guidance Recommended (“PG”) classification zones.

<i>Weekdays (school days)</i>	5:00 A.M.—6:00 A.M.
	8:30 A.M.—12:00 P.M.
	3:00 P.M.—4:00 P.M.
	7:30 P.M.—8:30 P.M.

<i>Weekdays</i> (school holidays)	5:00 A.M.—6:00 A.M.
	8:30 A.M.—4:00 P.M.
	7:30 P.M.—8:30 P.M.
<i>Weekends</i>	5:00 A.M.—6:00 A.M.
	7:30 P.M.—8:30 P.M.

The Mature (“M”) Classification. Material classified “M” is *recommended* for viewing only by persons aged 15 years or over because of the matter it contains, or of the way this matter is treated.

Violence: May be realistically depicted only if it is not too frequent or impactful, appropriate to the story line or program context, and not unduly bloody or horrific.

Sex and Nudity: Intimate sexual behavior may only be implied i.e. at most inexplicitly simulated. It must be relevant to the story line or program context. Portrayals of nudity must be relevant to the story line or program context.

Drugs: No detailed instruction in the use of illegal drugs. Illegal drugs must not be depicted favorably.

Suicide: Suicide must not be depicted favorably, and methods of suicide must not be depicted in realistic detail.

Mature (“M”) classification zones.

<i>Weekdays</i> (school days)	12:00 A.M.—5:00 A.M.
	12:00 P.M.—3:00 P.M.
	8:30 P.M.—12:00 A.M.
<i>Weekdays</i> (school holidays) <i>and Weekends</i>	12:00 A.M.—5:00 A.M.
	8:30 P.M.—12:00 A.M.

The Mature Adult (“MA”) Classification. Material classified “MA” is suitable for viewing only by persons aged 15 years or over because of the intensity and/or frequency of violence, sexual depictions, or coarse language, or because violence is central to the theme.

Violence: No sustained, relished or excessively detailed acts of violence. Violence occurring in a sexual context is to be assessed more stringently. Depictions with a high degree of realism or impact must be brief and contextually justified. Violence may not be presented as desirable in its own right.

Sex and Nudity: No explicit depiction of sexual acts, or depiction of exploitative or non-consenting sexual relations as desirable. Intimate sexual behavior may only be implied or simulated.

Language: No excessive and grossly offensive language. The use of offensive language must be appropriate to the story line or program context and not overly frequent or impactful.

Drugs: No detailed instruction in the use of illegal drugs. Illegal drugs must not be depicted favorably.

Mature Adult (“MA”) classification zones.

All days between 9:00 P.M. and 5:00 A.M.

Material Not Suitable for Television. Material which cannot appropriately be classified “MA” or any lower television classification, because of the matter it contains, or the way that matter is treated, is unsuitable for television, and must not be broadcast.

The following categories indicate what will invariably be suitable for television.

Violence: Sustained, relished or excessively detailed acts of violence.

Sex and Nudity: Explicit depiction of sexual acts, or depiction of exploitative or non-consensual sexual relations as desirable.

Language: Excessive and grossly offensive language. The infrequent use of offensive language must be appropriate to the story line or program content.

Drugs: Detailed instruction or encouragement in the use of illegal drugs.

Display of Classification Symbols. An appropriate classification symbol must be displayed as close as is practicable to the start of those programs to be classified, and within any promotion for the program.

Consumer Advice for “M” and “MA” Programs. “M” classified feature films and all “MA” classified programs must carry, in addition to the classification symbol, brief consumer advice giving the principal elements which have contributed to the classification and indicating their intensity and/or frequency. The advice will be in a style consistent with the guidelines on consumer advice published by the Office of Film and Literature Classification.

Spoken and written consumer advice must be broadcast at the start of the program. The consumer advice is to be in a readily legible typeface, and is to remain visible for at least five seconds. Briefer written consumer advice is to be broadcast as soon as is practicable after the resumption of the program at each break.

Clearly visible consumer advice is to accompany all press advertising of programs placed by the licensee.

Warnings Before Certain News, Current Affairs and Other Programs.

Where news, current affairs, or other programs not classified “M” or “MA” include for public interest reasons material which is, in the licensee’s reasonable opinion, likely to seriously distress or offend a substantial number of viewers, the licensee must provide adequate prior warning to viewers. The warning must

precede the relevant segment in news and current affairs programs and precede the programs in other cases.

As of October 1997, the subscription television broadcasting services are developing their own code for television practices, to include program ratings.¹⁵

GERMANY

Film, Video, and Video Games

There are three separate kinds of bodies which play a role in the rating and classification of films in Germany: the Voluntary Self-Regulatory Board of the Film Industry, in cooperation with the Länder (German states or provinces) governments; the Federal Institution for the Examination of Youth-Endangering Media; and the public prosecutors of the Länder.¹⁶

The Voluntary Self-Regulatory Board of the Film Industry (FSK) was created in 1949 by the Spitzenorganisation der deutschen Filmindustrie (SPIO), the German film trade organization.¹⁷ In 1951, the German legislature introduced legislation for “protection of the youth,” which delegated to the Länder the authority to decide whether a film can be shown to minors, as well as to determine the classifications of films. The Länder governments work in conjunction with the FSK to determine the ratings of films.

The classification process for most films involves a working committee of seven examiners. The examiners are part of a pool of 180 individuals who are appointed for three-year terms. Of the 180 examiners on the board, 140 are from public bodies such as youth organizations and religious institutions, in addition to 40 representatives of the film industry, chosen by the SPIO.¹⁸ The examiners rotate onto the examination committees for three-week terms each year, and are paid a fee of DM114 (\$50–\$60) per day, plus expenses.¹⁹

On the FSK examination committees, four of the seven examiners are representatives of the Länder, the churches, or other public bodies, and three are representatives of the film industry. Film ratings are determined by a majority vote of the committees.²⁰

The FSK administers five categories of film classification, in accordance with the German “Law Relating to Protection of Youth in Public”:

Released without an age limit

Restricted for children younger than 6 years

Restricted for children younger than 12 years

Restricted for children younger than 16 years

Restricted for children younger than 18 years²¹

The FSK has no formal written guidelines concerning which behaviors earn films a particular classification. According to Folker Hönge, Chairman of the FSK, the main issue for raters is “the representation of violence and its consequences for the psyche and behavior of young people.”²²

A second organization responsible for the classification of film in Germany is the Federal Institution for the Examination of Youth-Endangering Media (BPJS). The BPJS,

an agency of the Federal Republic, deals with the classification of videos and music recordings. Like the FSK, the BPjS only enforces restrictions on the access of minors to media products. Federal law restricts the distribution of videos that depict the glorification of violence, the promotion of racial hatred, excessive violence, and pornography. Videos are placed on the BPjS Index based on whether they fall under any of those categories. Videos indexed by the BPjS can not be on public display in video stores or in catalogues. Videos not classified by the FSK run a greater risk of being banned than those which have been classified. Approximately 2,300 videos are currently indexed as restricted for use by children under the age of eighteen.²³

The third set of agencies responsible for the categorization of films in Germany are the public prosecutors of the Länder. These agencies operate under the auspices of the Penalty Law of the Federal Republic, and have the authority to ban films from public distribution in general.

Video Games

Since October 1995, the FSK is also responsible for the rating of video games with long film sequences.²⁴ The same rating codes are applied to video games as for films.

GREAT BRITAIN

Film and Video

The British Board of Film Classification (BBFC) is an independent, nongovernmental body, which classifies films and videos throughout Great Britain. Though the board is not an official entity, its decisions are usually followed by the local licensing authorities, who have statutory censorship powers over the films shown in their licensed theaters. It was founded in 1912 by the film industry.²⁵

The creation of the Board was a response to a situation in which local authorities had begun to impose their own, widely varying, censorship decisions on films after the courts ruled in 1911 that prior censorship of film was legal in Britain. The film industry hoped that the Board would be "a body which, with no greater power than that of persuasion, would make judgments which were acceptable nationally."²⁶ By the early 1920s, the Board had accomplished that objective.

In 1984, the British Parliament passed the Video Recordings Act (VRA), which created a requirement that all video recordings of works not exempted under the act must be classified by an authority to be determined by the Home Secretary.²⁷

The following year, the BBFC was so designated and, for the first time in its history, found itself "exercising a statutory function on behalf of central government."²⁸ The VRA makes sale or rental of unclassified videos, or videos that are inappropriate to the age of the purchaser, illegal acts punishable by fines or imprisonment. The regulations accompanying the VRA require that BBFC classification labels appear on the packaging for all classified home videos rented or sold in Britain; failure to do so is also a criminal offense.

Films and videos, as well as trailers and advertisements for them, are reviewed by a

committee of at least two examiners, and the classification decisions of the reviewers are usually released within seventy-two hours of viewing. If there is objectionable material in the film or video, the board will suggest specific edits, either to avoid banning or to elicit a particular rating. In addition to its suggested cuts, the board elicits cooperation between itself and the relevant filmmakers in the editing process, and is available to view the material with filmmakers to devise mutually acceptable solutions to problem material.²⁹

Under the terms of the Video Recordings Act, decisions of the board may be appealed to an independent Video Appeals Committee. In the first ten years since the act took effect, only nine of the board's decisions have been appealed.³⁰

The BBFC classification system, which has undergone several changes since its inception, includes the following categories:

U, for Universal. Suitable for all.

Uc, for Universal. Particularly suitable for young children.

PG, for Parental Guidance. Some scenes may be unsuitable for young children.

12. Suitable only for persons of twelve years or older.

15. Suitable only for persons of fifteen years and over.

18. Suitable only for persons of eighteen years and over.

R18. Restricted distribution only, through cinema clubs and licensed sex shops.

Since the end of World War II, the BBFC has not maintained a formal set of criteria for determining classification decisions. Instead, each film is judged independently, "on its merits," with precedent, context, and the "evolution of public taste" taken into account.³¹

Interactive Electronic Games

The passage of the Video Recordings Act in 1984 provided a legal framework for the classification of interactive leisure software, including video games. Under the act, computer and video games are exempt from classification by the British Board of Film Classification (BBFC) unless they have significant sexual and violent content.³² In such instances, the titles are to be referred to the BBFC by the software publisher for classification according to the BBFC ratings system. Historically, the vast majority of computer and video game titles have fallen outside the criteria requiring BBFC classification. However, in response to growing public and government concern regarding the content of video games, the video game industry has come under pressure to implement some type of ratings mechanism for non-BBFC classified titles.³³ In early 1994, the European Leisure Software Publishers Association (ELSPA), the trade association for the United Kingdom leisure software industry, unveiled a system of self-regulation for the game industry.

According to ELSPA, "[t]he system is designed to ensure responsible behavior by members and to allow parents to make informed choices about the game playing of their children."³⁴ The system was developed by ELSPA in cooperation with the Video Standards Council and the BBFC. It is comprised of two components: an age suitability classification system and an industry code of practice developed by the Video Standards Council (VSC).

All members of ELSPA, both in the U.K. and in other European countries, are bound by ELSPA membership requirements to include the ratings on their packaging. However, according to ELSPA Director General Roger Bennett, the ratings requirements are being enforced only with regard to titles marketed in Britain.³⁵ He notes that the monitoring and enforcement of titles packaged for non-U.K. markets are not a priority at this time. The reason for this is twofold. First, the broad cultural differences which characterize the European market limit the application of a uniform ratings system across the continent. Second, eighty percent of titles produced for the European market are by British-owned companies or British software subsidiaries.

The ratings classification system is voluntary. However, there is strong economic and political pressure for software publishers to support the system. Publishers who fail to submit the title to the BBFC in accordance with the 1984 Video Act are subject to heavy fines. Also, one criteria for ELSPA membership is compliance with the ratings system. In addition, most computer and video game retailers will only carry titles that are rated. The support of retailers and distributors has proven key to industry adoption of the ratings system. According to Bennett, as of July 1997, nearly 100 percent of all titles published and marketed in Britain are now rated.

The ELSPA age suitability ratings system includes four age categories: ages 3–10; 11–14; 15–17 and 18+. Games can be considered suitable for all or particular age groups depending on the extent to which the title contains violent and sexual content.

The rating for a specific title is determined through the completion of a Product Rating Assessment form by software publishers. The form is designed to assess the level of sexual and violent content of the title and age suitability. The effectiveness and credibility of the system are thus fundamentally based on the truthfulness of software publishers in completing the assessment form. Two checks exist in the system to reduce potential misclassification by the publisher. First, the form is reviewed by the Video Standards Council to ensure that the age rating is appropriate based on the information provided by the publisher. If the council suspects the rating is incorrect it can review the video game and require a change in the rating. Second, as was mentioned above, it is in the economic self-interest of the software publisher to abide by a ratings system increasingly supported by retailers and the general public.

SWEDEN

Film

The National Swedish Board of Film Classification was created in September 1911, making it the oldest public institution of its kind in the world.³⁶ There are five “censors” on the board; two, including the director, work full-time, while three work half-time.³⁷ All censors are appointed by the government. Currently, board members come from the following professions: psychology, sociology, education, and film.

Decisions as to how many censors review a given film are made on a case-by-case basis. A film can be reviewed by only one censor, though any for which cuts are recommended must be viewed by at least two.³⁸ For the board to classify a film within a category

lower than its “15” rating, at least two censors must have seen the film, and at least one of those must have appropriate education in behavioral science.

Board decisions can be appealed to the Administrative Court in Stockholm, which is expanded in such cases to include one specialist each in “film science” and behavioral science.³⁹ The board also employs fourteen inspectors who ensure compliance with the rating law by video stores and film theaters.

The board is financed entirely by the government. Film distributors are charged a fee based on the length of the film, with much lower rates given for documentaries.

The National Swedish Board of Film Classification’s film classifications are the following:

Allowed for All.

7. Allowed for children from the age of seven.

11. Allowed for children from the age of eleven.

15. Allowed for adults, that is, persons from the age of fifteen.

In 1991, a parental guidance policy was established whereby children under the age of seven may attend a film allowed for seven-year-olds when accompanied by an adult (a person eighteen or older), and children seven years and older may attend films allowed for eleven-year-olds with adult supervision.⁴⁰

Swedish age restrictions apply only to *public* showings of films. Private showings are not restricted in any way, and can include invitation-only events, members-only organizations, and videos shown in the privacy of the home.⁴¹ A teacher, for example, can legally show a picture that is given a “15” to a class of thirteen-year-olds, if he or she considers it valuable as a topic for discussion.

The board also rates videos for sale or rental on a voluntary basis. Since not all videos are reviewed by the board, there is some confusion as to whether the recommended age limits on the cover of videos for sale or rental are those of the board or of the video distributors themselves.⁴²

UNITED STATES

Film

In the United States, films are rated by the Classification and Ratings Administration (CARA), a division of the Motion Picture Association of America (MPAA), a film industry trade group. The current rating system is one of a series of self-regulatory actions taken by the MPAA over many years. From 1931 to 1968, the MPAA sponsored the Hays Production Code, which required that films meet standards concerning sexuality, vulgarity, religion, “repellent subjects” and “national feelings,” or not be released at all.⁴³ Then, in 1968, when two U.S. Supreme Court decisions gave state governments the right to control minors’ access to films, the MPAA responded by adopting the Voluntary Movie Rating System. Less restrictive than the Hays Code, this system advises audiences about the age appropriateness of films and limits minors’ access to films with adult themes.

The Rating Board is currently composed of eleven members, employed by the MPAA.⁴⁴ Producers/distributors present their films for review and pay a fee for this service. The board, by majority vote, determines a rating and provides a brief written rationale for the decision. Producers/distributors unhappy with the rating can edit the film and resubmit it for another review.

If they are dissatisfied with a ruling of the Rating Board and unwilling to edit their film, they can submit it to a separate twenty-one member Rating Appeals Board, whose membership is comprised of equal numbers of theater owners and producers/distributors. Board members are appointed by the MPAA member companies⁴⁵ and the National Association of Theater Owners. One representative of the American Film Marketing Association, which represents independent film production/distribution companies, also sits on the Appeals Board. The president of the MPAA serves as its chair. The board must achieve a two-thirds vote to overturn a rating.⁴⁶

There are no special professional qualifications for CARA board membership. All board members must, however, be parents, “be possessed of an intelligent maturity, and most of all, have the capacity to put themselves in the role of most American parents.”⁴⁷ With the exception of the board chair, the identities of CARA board members are kept secret to the public, though some family and occupational background information about them is released. The current board members include four homemakers, three teachers, a cabinetmaker, postal worker/social worker, microbiologist, and hairdresser.⁴⁸ Current board membership is diverse in terms of age, gender, race and national origin.⁴⁹

The CARA Voluntary Rating System, revised several times since its inception, currently provides for five ratings categories:

G for “General Audiences. All ages admitted.”

PG for “Parental Guidance Suggested. Some material may not be suitable for children.”

PG-13 for “Parents strongly cautioned. Some material may be inappropriate for children under 13.”

R for “Restricted. Under 17 requires accompanying parent or adult guardian.” (Age varies in some jurisdictions).

NC-17 for “No children 17 and under admitted.”

Film Advertisements

The enormous influence of movie advertisements becomes readily apparent when one realizes that far more people see or listen to such ads than see the movies they promote. Indeed, often, ad campaigns linger in the public consciousness long after the movies have faded from view.

Movie ads are found in every medium designed for advertising—from print and electronic media to online in cyberspace—with most advertising concentrated in newspapers, magazines, billboards, radio, and television. Unlike other products, movies can also be marketed through previews (trailers) of several minutes duration which highlight

a movie's more enticing scenes, and which run in theaters before the showing of feature films.

Unlike the films themselves, all movie advertising is approved or disapproved by the MPAA. In the case of ads, such ratings are given out by the MPAA's five-member Advertising Administration department. Though a like set of standards are applied to magazine, newspaper, billboard, radio and television ads, movie trailers are judged on a different, and stricter, basis. Trailers are approved for either G/PG for general audience release or R for restricted audience release. G/PG-rated trailers are for movies that have been rated either G, PG, PG-13 R, or NC-17 by the MPAA. Restricted trailers can only play in a theater that is playing an R- or NC-17-rated feature.⁵⁰

The approval or disapproval of trailers is based on their suitability for viewing by children. G/PG-rated trailers are prevented from showing any nudity, drugs or drug paraphernalia, and can only show mild depictions of violence. R-rated trailers are less restrictive and can display some depictions of nudity, drugs and drug paraphernalia, and some violence (though the act of pointing guns to actors' and actresses' heads is prohibited). However, restricted trailers are prevented from showing only the scenes from a film that have caused the film to be rated R or NC-17.

In other words, restricted trailers cannot be a collection of a film's R-rated scenes of sex and violence, which when edited together in a shortened clip, would possess a greater intensity than if the individual scenes were to appear in the context of a 90-minute or two-hour movie.⁵¹

Advertising for movies is sometimes submitted for rating to the Advertising Administration in advance of the movie being submitted to the MPAA for rating by the Classification and Rating Administration. Filmmakers are prohibited from displaying the MPAA-designated rating in their advertising until their advertising has been approved by the Advertising Administration. Failure to abide by this can result in the revocation of their rating.⁵²

In cases when an ad has been disapproved, filmmakers can contest the judgment of the Advertising Administration by appealing to the president of the MPAA to overturn the disapproval. Some of the more well-known ad campaigns that have been appealed include the print advertisements for the 1993 film *Dazed and Confused* (which contained the subsequently changed ad line, "Finally! A Movie for Everyone Who Did Inhale"),⁵³ and *Jason's Lyric* (1994), which displayed partial female nudity.⁵⁴ In both cases, the appeals were turned down. In another publicized case, a print ad for *Ready to Wear* (1995) showing a seminude model was also turned down. However, MPAA officials said the ad was rejected because it was used before it was submitted for rating. The ad was later approved by the MPAA.⁵⁵

Finally, an ad that showed frontal male nudity in the form of Michelangelo's Sistine Chapel fresco, *The Creation of Adam*, used as part of a trailer for the film *Six Degrees of Separation*, was labeled "unsuitable for all audiences" by the Advertising Administration. Though the offending image was trimmed from the ad, in an unusual statement, the MPAA's president labeled the decision a mistake and said it would have been rectified if the filmmakers had chosen to appeal the rating.⁵⁶

Television

TV Parental Guidelines

The United States Telecommunications Act of 1996, signed into law by President Clinton in February of that year, required the inclusion of v-chip technology in all newly manufactured television sets with screens larger than thirteen inches within two years of the law's enactment. The law also empowered the Federal Communications Commission to create a committee to develop its own television content code, should the television industry fail to create its own rating system compatible with V-chip technology within one year.

In December 1996, a television industry coalition comprised of the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America, announced the creation of the TV Parental Guidelines. The industry insisted that its new guidelines were created "voluntarily," despite the Telecommunications Act's threat of a rating code designed by a government-created committee.⁵⁷

The new rating system is divided into two groups: rating categories for programs designed for children, and categories for programs designed for the entire audience. The original ratings were: TV-Y (All Children), TV-Y7 (Directed to Older Children—age 7 and above), TV-G (General Audience), TV-PG (Parental Guidance Suggested), TV-14 (Parents Strongly Cautioned—may be unsuitable for children under 14), and TV-M (Mature Audience Only—may be unsuitable for children under 17).

The industry's guidelines immediately came under strong attack from parents groups, media researchers, members of Congress, public health associations, and media advocacy organizations.⁵⁸ The critics cited public opinion surveys that showed the overwhelming majority of the public—and, particularly, parents—preferred a rating system that described the content of shows rather than one which designated their suitability according to age.⁵⁹ They also cited studies that showed that age-based ratings can attract some children to those very shows that the ratings are intended to deter them from watching.⁶⁰

As a result of this criticism, the industry entered into several months of negotiations with some of its major organizational critics (the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, the Center for Media Education, the Children's Defense Fund, Children Now, the National Association of Elementary School Principals, the National Education Association, and the National PTA). The negotiations resulted in an agreement outlining modifications to the system, including the addition of certain content information to the rating system. As part of the agreement, the advocacy groups joined the industry in recommending to the Federal Communications Commission that the MPAA rating system and the new TV rating system be the only systems mandated for inclusion on the V-chip.⁶¹

Under the system, ratings are assigned to programs by broadcast and cable networks and producers. In addition, local television stations have the right to substitute the rating they deem most suitable for their particular audience. The ratings icons and associated content symbols appear for fifteen seconds at the beginning of all rated programming.

The guidelines are applied to all television programming except news and sports.⁶² Unedited movies that are often shown on premium cable channels carry their original MPAA ratings; movies produced before the creation of the MPAA rating system (1968) and movies that are edited for television are given TV Parental Guideline ratings.

The industry has also established an Oversight Monitoring Board to “ensure that the Guidelines are applied accurately and consistently to television programming.”⁶³ Board membership, as revised in the industry/advocacy group agreement, includes 24 members, six each from the broadcast industry, cable industry, and program production community, five from the advocacy community, and a chairman. The first chairman of the board is Jack Valenti, president of the Motion Picture Association of America.

Following are the revised TV Parental Guidelines rating categories, as submitted by the television industry to the Federal Communications Commission:⁶⁴

The following categories apply to programs designed solely for children:

TV-Y All Children This program is designed to be appropriate for all children. Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2–6. This program is not expected to frighten younger children.

TVY-7 Directed to Older Children This program is designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: For those programs where fantasy violence may be more intense or more combative than other programs in this category, such programs will be designated TV-Y7-FV.

The following categories apply to programs designed for the entire audience.

TV-G General Audience Most parents would find this program suitable for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.

TV-PG Parental Guidance Suggested This program contains material that parents may find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

TV-14 Parents Strongly Cautioned This program contains some material that many parents would find unsuitable for children under 14 years of age. Parents

are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

TV-MA Mature Audience Only This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L)”

As of this writing, two television networks, the National Broadcasting Company (NBC) and Black Entertainment Television (BET), have refused to sign on to the TV Parental Guidelines system.⁶⁵ NBC argues that the new system will have “a chilling effect” on program content.⁶⁶ NBC has instead pledged to increase its use of on-air program advisories.

Premium Cable Television

In addition to the TV Parental Guidelines, four premium cable networks—Cinemax, HBO, The Movie Channel and Showtime—continue to use a previously developed content advisory system that provides descriptive advisories. This voluntary system was established to provide viewers with information about programming containing violence, sex, and offensive language.⁶⁷ Executives in the networks’ programming departments are responsible for evaluating programs.⁶⁸ Because each network labels its own programs, however, it is possible that a movie might receive different advisory labels on different stations.⁶⁹ Showtime’s Executive Vice President McAdory Lipscomb comments, “‘It is possible that we would rank something different than HBO, but we both recognize our dual responsibility to provide information to our subscribers about what is graphic or perhaps unsuitable for children, and we think the common language we’ve developed will provide an acceptable parameter.’”⁷⁰

As many as five labels, which appear both on the air and in program guides, may be applied to a movie or program.⁷¹ The premium television content advisory system includes the following descriptive codes:

- MV, for Mild Violence**
- V, for Violence**
- GV, for Graphic Violence**
- RP, for Rape**
- AL, for Adult Language**
- GL, for Graphic Language**
- BN, for Brief Nudity**
- N, for Nudity**
- AC, for Adult Content**
- SC, for Strong Sexual Content**

Sound Recordings

In 1985, after a series of congressional hearings initiated by Tipper Gore and the Parents Music Resource Center (PMRC), the Recording Industry Association of America (RIAA), a trade association representing the major record producers, reached an agreement with the PMRC and the National Parent Teacher Association on the labeling of explicit lyrics. Under that agreement, record companies would voluntarily identify and label newly released sound recordings with lyrics that reflect explicit violence, explicit sex, or explicit substance abuse. In 1990 the RIAA standardized the label, which is still being used today. Under this system, labels reading "PARENTAL ADVISORY: EXPLICIT LYRICS" are affixed to some music cassettes, records, and CDs of an explicit nature. Beyond this advisory, however, no further distinctions in terms of content are made, such as whether the lyrics are "explicitly" violent, sexual, or profane.

The recording industry labeling system itself is wholly voluntary on the part of record companies, with no oversight or enforcement capability by the RIAA. Currently, any record company that wishes to identify any of its products with the official RIAA advisory sticker may do so, so long as the company uses and affixes the sticker correctly. There are no penalties for not placing the advisory stickers on music products that may be explicit, and there are no industry guidelines to determine which music products should be labeled. According to the RIAA, "given the vast number of songs (over 10,000) released each year, compared with the 577 films rated during 1993, developing a ratings board to review and rate every sound recording would be a near impossible task."⁷²

In 1995, a coalition of groups led by former Education Secretary William Bennett and C. Delores Tucker, Chairwoman of the National Political Congress of Black Women, initiated a campaign against music they deemed objectionable. This was followed by a speech on media violence by then Senate majority leader Bob Dole, in which he specifically criticized Time-Warner's music division as marketing "evil through commerce."⁷³ Consequently, Time-Warner severed its distribution ties with Interscope, a record label with popular rap artists that had been targeted for criticism.⁷⁴

As a result of this controversy, in October 1995, the RIAA, along with the National Association of Recording Merchandisers, representing record retailers, undertook a campaign to raise public awareness of the advisory system through merchandising and advertising.⁷⁵ Specifically, they pledged to encourage record companies, retailers, and distributors to include the advisory logo in consumer advertising; provide signs in retail outlets to identify the logo and describe its meaning; and create an internal process to ensure the correct size and placement of the logos on music products. The RIAA also announced plans to adopt a Parental Advisory logo for music videos, as well as a standard advisory notice for recordings that are distributed electronically.

Interactive Electronic Games

In response to congressional pressure, two major classification systems for interactive electronic entertainment have been created in the United States. These include the system developed by the Interactive Digital Software Association (IDSA) and that of the

Recreational Software Advisory Council (RSAC). Both systems began operations in late 1994. Sega, one of the largest producers of interactive entertainment, had its own rating system in place until the inception of IDSA; it has agreed to replace it with the ESRB system.⁷⁶

Entertainment Software Rating Board

The Interactive Digital Software Association (IDSA) was established in 1994 by members of the software industry in part to coordinate the development and oversight of a self-regulating rating system for the interactive entertainment software industry. As part of these efforts, IDSA established the Entertainment Software Rating Board (ESRB) as a ratings body for software titles. The ESRB is independent of the software association, and its rulings are not subject to review by the IDSA.

The ESRB classification system applies to software for all platforms. The system is comprised of five ratings categories:⁷⁷

Early Childhood (EC). Titles* rated “Early Childhood (EC)” are suitable for children ages three and older and do not contain any material that parents would find inappropriate.

Everyone (E). Titles rated “E” (Everyone) are suitable for persons ages six and older. These titles will appeal to people of many ages and tastes. They *may* contain minimal violence, some comic mischief (for example, slapstick comedy), or some crude language.

Teen (T). Titles rated “Teen (T)” are suitable for persons ages 13 and older. Titles in this category may contain violent content, mild or strong language, and/or suggestive themes.

Mature (M). Titles rated “Mature (M)” are suitable for persons 17 and older. These products may include more intense violence or language than products in the Teen category. In addition, these titles may also include mature sexual themes.

Adults Only (AO). Titles rated “Adult Only (AO)” are suitable only for adults. These products may include graphic depictions of sex and/or violence. Adults Only product are not intended to be sold or rented to persons under the age of 18.

*Title is the term used by the electronic game industry to refer to a specific product, such as a game or CD-ROM.

Accompanying these classification labels on title packaging are content descriptors relevant to each category. These descriptors provide consumers with additional content information and in many instances indicate the level of violence or sexual content of the title. Several descriptors are possible for each ratings category. Among the descriptors used are the following: Edutainment, Informational, Mild Animated Violence, Mild

Realistic Violence, Comic Mischief, Animated Violence, Realistic Violence, Animated Blood And Gore, Realistic Blood And Gore, Animated Blood, Realistic Blood, Suggestive Themes, Mature Sexual Themes, Strong Sexual Content, Mild Language, Strong Language, Gaming, Use of Tobacco And Alcohol, Use of Drugs, and Some Adult Assistance May Be Needed.

Submission of material for ratings classification is on a voluntary basis. As part of the ratings process, publishers submit a range of content-related materials. Each product is reviewed separately by three raters who are randomly selected from a pool of more than 100 specially trained individuals. The identity of all raters is kept anonymous.⁷⁸ The raters represent a cross section of demographic groups including sex, age, ethnicity, education, and marital status.

Submitted material must include a questionnaire on the game's content, as well as a videotape, demodisks, storyboards, scripts, and/or other narratives so raters can view the content of the product. Publishers are required to submit content excerpts representing the most "extreme portions" of the title, along with a full spectrum of game play.⁷⁹ Raters are randomly assigned by computer to rate the software title. Each rater reviews the title-related material and labels his or her observations and ratings recommendations, including suggested descriptors from among the standardized descriptors.

All three reviews are then submitted to an ESRB staff member. Upon review by the staff member, a consensus rating, based on the three individual ratings, are returned to the publisher. Prior to shipping, a copy of the final product must be sent to the board to provide a check that the final product corresponds with the original submission. The publisher can either accept or appeal the designated classification. An appeals board made up of persons unaffiliated with the software industry, but all with backgrounds in entertainment media, is available to hear appeals.

The ESRB has several systems in place that promote publisher accountability and honesty in submitting accurate product information. Submitting companies are required to sign judicially enforceable affidavits attesting to the accuracy of the submitted material. The ESRB's trademarks are registered and the board has a range of sanctions to use against companies which fail to provide full disclosure, including requiring that products be stickered in the field and/or revoking the rating. As a condition of accepting an ESRB rating, publishers must adhere to the IDSA Advertising Code of Conduct, which requires them to display the rating and content descriptor(s) on product packaging, and to include the rating symbol in all electronic and print advertising, as well as in other consumer marketing material. The ESRB has also established a toll free number for consumers to call to obtain rating information. An outside consumer and academic advisory board, whose members include representatives from the Consumer Federation of America and KIDSNET, meets periodically to advise the executive director on the system.⁸⁰

Recreational Software Advisory Council Rating System

A second ratings system to emerge from the software industry is the product of a coalition of personal computer software companies organized as the Computer Game Ratings Working Group. The Working Group was formed with the purpose of developing

an independent rating system for recreational software titles. The group was comprised of over twenty-five associations, including the Software Publishers Association (SPA), the Association of Shareware Professionals (ASP), the Educational Software Cooperative (ESC), Shareware Trade Association and Resources (STAR), the Software Entrepreneurs Forum (SEF), and the Computer Game Developers Association (CGDA).

The Recreational Software Advisory Council (RSAC) was founded by the Working Group to implement a game rating system. The council is an independent, non-profit organization comprised of various nonindustry representatives, including parents, teachers, and experts from various disciplines. The organization includes a Board of Directors, an Advisory Committee, and an Audit Group. The Board of Directors is responsible for the policy, operation and finances of the ratings program. The Advisory Committee advises the Board of Directors in developing and implementing the Game Ratings Program. The committee is comprised of media researchers, psychologists, and other experts in various disciplines. The Audit Group is responsible for viewing and rating randomly selected software titles. If there is a discrepancy between the rating assigned by the Audit Group and the rating determined by the software publisher's questionnaire, the title is sent to an Appeals Committee for a hearing. Appeals Committees are made up of a number of the Board of Directors which then reviews the contested rating.⁸¹

The ratings system developed by RSAC is based on a five-part classification scale ranging from titles suitable for all audiences to those considered extreme in violent and sexual content and language. For example, the content of titles considered suitable for all audiences (ALL) may contain violence that is considered harmless, must include no nudity or revealing attire, and involve language which is inoffensive or contains no profanity. Titles considered as having extreme content (Level 4) may contain wanton or gratuitous violence, torture or rape, provocative frontal nudity or explicit sexual activity and "four-letter" words or explicit sexual references. Levels 1 to 3 include content that varies between these two end points in terms of violence, nudity/sex, and language. Classification icons on title packaging and advertisements will appear in the form of thermometers, with four "temperature" readings, representing the four levels of intensity for each behavioral category. In addition, specific descriptors of the kinds of behaviors involved in determining the level of rating can accompany the icons, e.g. "bare buttocks," "blood and gore," "obscene gestures."

Title classification is determined through the use of an interactive software ratings program. Publishers complete a comprehensive, computerized ratings application that will indicate, through responses to specific questions, the extent of "potentially objectionable" violent and sexual content in the software title.⁸² Rating classifications are automatically determined by the computer program according to the answers given.

The RSAC system is based on self-disclosure. The accuracy of the ratings recommendation is fundamentally dependent on the honesty of the software publisher in completing the application. However, several checks are present at both the pre- and post-distribution stages of the title, which encourage publisher accountability. For example, the questionnaire is designed to be highly specific and objective to limit ambiguity. If points of ambiguity arise publishers can seek a clarity ruling from RSAC. Also, if a publisher considers the recommended rating unfairly harsh, the publisher may appeal to an Appeals

Committee. In addition to these application-related checks, external checks also are present. These include the operation of a consumer complaint hotline and the random selection of titles by RSAC for review.⁸³ If it is found that a publisher has intentionally falsified responses to the questionnaire, sanctions include monetary fines, as well as removal of the title from the market while relabeling occurs.

Titles are assigned labels by RSAC prior to distribution to retail outlets. Software publishers are required to display the rating on all packaging, retail displays, self-running demonstrations, and splash-screens for interactive computer games.⁸⁴

Online

Unlike other media, a rating system for the Internet need not be universally applied. In fact, ratings need only be used by those service providers who specifically want to target children. In order to protect children from other potentially objectionable areas of the Internet, parents can use a blocking technology to block out all materials that are unrated. This process can ensure that children are protected without interfering with the rights of adults.

Several Internet access providers have already added such parental control technologies to their services. America Online, CompuServe, and Prodigy, for instance, all have systems whereby parents can restrict children's access to adult-oriented areas of the Internet. In addition, several companies have introduced technologies that allow parents to filter out offensive language, sexually explicit materials, and other unwanted content. Many of these technologies also make it possible for parents to monitor their children's online activities.⁸⁵

In addition to the online blocking technologies already available, efforts are being made to devise ratings and advisory standards to label content on the Internet. One such effort is the Platform for Internet Content Selection (PICS), developed by the World Wide Web Consortium as a "practical alternative to global censorship of the Internet."⁸⁶ A technical protocol rather than a rating system, PICS has developed standards to allow for the voluntary rating of online content. These standards, based on such criteria as the amount of sexual content, the level of violence, or other references that parents may find objectionable,⁸⁷ enable companies to develop their own rating systems, distribute labels for Net content, and create label-reading software and services. Among the companies that will incorporate PICS standards into their products are Microsoft, Net Nanny Ltd., Netscape Communications, the Recreational Software Advisory Council (RSAC), and SurfWatch.⁸⁸

This protocol is unique in that it does not rely on the judgment of a single ratings entity. Parents will be able to choose the system that best reflects their personal criteria. Hence, parents will be able to follow the advice of independent groups such as the Boy Scouts, *Parents* magazine, or the Christian Coalition.⁸⁹ Parents will have their choice of several PICS-compatible rating systems, such as those already created by RSAC, SafeSurf, Cyber Patrol, and SurfWatch, to control children's access to Internet content.⁹⁰

An example of such a system is RSACi (RSAC on the Internet), created by the Recreational Software Advisory Council, which also provides a rating scheme for video games. RSACi provides detailed information about the content of an Internet site, based on the levels of sex, nudity, violence, and offensive language located within that site, and enables parents and teachers to block children's access to World Wide Web sites on the

basis of such criteria.⁹¹ Developed by Dr. Donald F. Roberts at Stanford University, the ratings questionnaire used to evaluate each site asks specific yes-or-no-type questions about the site’s content. A numerical rating label, from 0 to 4 (0 being the mildest), is then assigned to the site based on its levels of language, violence, nudity, and sexual themes.⁹² Another proposed Internet rating system is the Entertainment Software Rating Board Interactive (ESRBI), an arm of the video game rating board (ESRB) cited above.⁹³ ESRBI plans to rate Internet games and entertainment sites. ESRBI ratings symbols and content descriptors are similar to those listed in the section on ESRB above.

CONCLUSION: DESCRIPTIVE VS. EVALUATIVE RATINGS

Accepting as given the trend toward increasing use of media ratings in many countries, experience with existing rating systems such as those documented in this chapter indicates that there are better—and worse—ways to devise such systems, not only from the standpoint of freedom of expression, but in terms of general practicality and social usefulness.

Here I would like to focus on one general recommendation concerning the design of rating systems: Rating systems should be designed to provide maximum information about media content while minimizing judgments about that content. An example of the latter approach is provided by the food labeling system. The “Nutrition Facts” label found on virtually all foods in the grocery store provides information about the fat, cholesterol, carbohydrates, etc., contained in food products. It does not, however, comment on the healthfulness or unhealthfulness of those ingredients. Such value judgments are left to the consumer.

Likewise, descriptive media rating systems are preferable to evaluative or prescriptive ones. A broad distinction between the two is that descriptive ratings tend to focus on relaying information about media content, while evaluative ratings tend to make judgments about the appropriateness of media content for particular audiences. Some have referred to this distinction as one between “rating” and “labeling.”

In the context of ratings, description and evaluative are relative, not absolute, terms. No rating system is purely descriptive. The act of choosing to rate implies evaluation. Yet, there are rating systems that are more or less descriptive or evaluative. Table 1 provides some examples of the two types of ratings.

TABLE 1
Examples of Descriptive and Evaluative Ratings

Descriptive Ratings	Evaluative Ratings
Contains some violence	Parental Discretion Advised
Nudity/Sex Level 3	Teen: Ages 13+
Violence: Blood and Gore	R: Restricted
Language: Mild Expletives	Adults Only
Contains extreme violence	Mature: Ages 17+
BN: Brief Nudity	PG: Parental Guidance

There are four reasons why descriptive ratings are preferable to evaluative ones. First, evaluative ratings run a greater risk of having the opposite effect than the one for which they are intended. Such ratings have been shown to have boomerang/backlash effects. Attaching evaluative ratings such as PG-13, R, and “Parental Discretion Advised” to television programs can have the effect of attracting some children to watch those shows. By contrast, descriptive ratings, such as “This film contains extreme violence” have not been shown to have that effect.⁹⁴

Second, evaluative ratings are less likely to be consistently applied than descriptive ratings. An evaluative rating system combines divergent categories of behavior—sex/nudity, violence, profanity—into ratings such as G or R. This requires that each rating decision includes an evaluation of the relative importance to the rating of the sexual, violent, or language component in the media product. Such a process “individualizes” rating decisions, which then must ultimately be made on an “I know it when I judge it” basis. By contrast, descriptive ratings can be more consistently applied, since the level of judgment is lower and simpler to apply, i.e., whether or not certain depictions occur in the story or game.

Third, because of their relative lack of consistency, evaluative ratings are less reliable as a source of information for those making media consumption choices. A typical conservative consumer, for example, may have different viewing preferences concerning violence, language, and sex than an average liberal. Evaluative ratings make the decisions regarding the relative appropriateness of these factors for the consumers. In contrast, by providing specific content information, descriptive ratings allow these very different consumers to make media consumption choices appropriate to their values and preferences. This point is especially relevant to the implementation of V-chip-style blocking technologies. Using an evaluative rating system, content would be blocked according to the *rater's* decision about what is appropriate or inappropriate for particular audiences, rather than according to the specific values and tastes of individual consumers concerning sex, violence, and language.

Finally, descriptive ratings are less likely than evaluative ones to be misused as representing a value system for society. All media ratings run the risk of assuming a moralistic tone, and ideas—or “unacceptable” portrayals of behavior or attitudes—can be suppressed in ways more subtle than direct government intervention. The simple act of “rating” a behavior can imply that it may be socially undesirable in some way. There is less scientific consensus on the social harm of depictions of sexuality or profanity than there is with violence, yet these are usually rated also. This is of particular concern for television ratings, since television is currently the most pervasive and influential medium. The more universalized a rating system, the more it runs the risk of appearing to represent quasi-official values for the society as a whole. Therefore, there is greater burden on its creators, from the standpoint of freedom of expression, to minimize value judgments in the rating process. A descriptive rating system accomplishes this to the greatest degree.

The recent American controversy regarding the TV-PG14 rating for an episode of the TV series *Ellen*, which contained a scene in which two lesbians kiss, can be used to highlight the distinction between descriptive and evaluative or prescriptive ratings. Using the TV Parental Guidelines, the ABC television network “appropriately” applied the

prescriptive TV-PG14 standard that the show contained “material that many parents would find unsuitable for children under 14 years of age.” By contrast, if the mostly *descriptive* Recreational Software Advisory Council rating system (reviewed above) had been applied to the *Ellen* episode in question, the kiss in question presumably would have received a “1” level nudity/sex rating,⁹⁵ just as any heterosexual kiss would have (a kiss is still a kiss). It is ironic that during the debate over the creation of the TV rating system, many within the television industry argued inexplicably that descriptive ratings would have a greater potential chilling effect on the range of program content than age-based prescriptive ones, though the arguments and *Ellen* example above indicate that the reverse is true.

While media rating systems are increasingly being used in many countries as a vehicle for addressing concerns about violent and other potentially problematic media content, this choice is not without its costs. A society that values freedom of expression should be extremely cautious about assigning warning labels to ideas, regardless of whether those ideas come in the form of political rhetoric or fictional stories. While ratings are preferable to direct government legislation of media content, they are by no means an ideal social policy. The cost to freedom of expression involved in rating media content can be limited through the use of rating systems that maximize description and minimize judgment. Ratings that simply provide descriptive information can enable individual parents and other consumers to make media consumption choices based on their own values and tastes, an approach far superior to those rating systems that attempt to make judgments about which kinds of entertainment or information are “appropriate” for other people’s consumption.

Notes

- * This chapter is a revised and updated excerpt from the author’s book, *Media Ratings: Design, Use and Consequences* (Mediascope, 1996). The revision effort benefitted greatly from the cooperation of all the relevant film rating organizations, as well as from outstanding research assistance by Melissa York. The original book was commissioned and published by Mediascope, Inc., a Los Angeles-based nonprofit media policy organization. It was funded by the Carnegie Corporation of New York and the California Wellness Foundation, and written while the author was Mediascope’s Director of Research. For a copy of the full book, contact Mediascope at (818) 508-2080.
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