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THE EFFECTIVENESS OF MEDIA RATINGS

HEARING

BEFORE THE

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

SEPTEMBER 28, 2004

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ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

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THE EFFECTIVENESS OF MEDIA RATINGS

TUESDAY, SEPTEMBER 28, 2004

U.S. SENATE,
SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:36 p.m. in room SR–253, Russell Senate Office Building, Hon. Sam Brownback, Chairman, presiding.

OPENING STATEMENT OF HON. SAM BROWNBACK, U.S. SENATOR FROM KANSAS

Senator BROWNBACK. Good afternoon, everybody. I call the hearing to order.

We are here today to revisit a growing concern of this country, how to truly empower parents with an honest, user-friendly, and consistent account of the content in all entertainment products. As represented by the posters on either side of me, many find the current ratings systems overwhelming and confusing. As a result, parents are left to fight an uphill battle.

Our economy puts heavy demands on working moms and dads. Today's average parent has little energy left to master the intricacies of the multiple ratings systems. Adding to the challenge are inconsistencies in ratings between mediums, ratings creep, and media marketing departments that continue to target young audiences with inappropriate content. This makes setting clear boundaries on entertainment for children virtually impossible.

This concern over ratings is not new. Four years ago this month, Chairman McCain held a hearing that examined the marketing of violence to children. There he pushed the idea of creating a uniform ratings system for all media. Then in July 2001, Senator Lieberman echoed this call in his hearing on ratings systems. Their joint legislative effort to establish a system for labeling all violent media was met with fierce opposition as an unconstitutional regulation on industry. Yet it seems that no efforts have been made to voluntarily coordinate the ratings systems to respond to parents' concern.

I called this hearing because this concern is not going away. In fact, it is escalating in the wake of new studies that show exposure to violent and sexual material can desensitize children to violence, potentially cause ADHD, and lead to early teen sexual activity. Those are the recent studies.

Last week the Kaiser Family Foundation released a study that showed a majority of parents are worried about the amount of sex

and violence their children are exposed to on TV. Overall, they found parents are more concerned about inappropriate content on TV than in any other media. Yet the television ratings are amongst the most confusing out of all of the forms of media. The study found that, while many parents have used the V-Chip, too many still do not know what the ratings mean or even that their TV includes a V-Chip.

Further evidence of the frustration with media ratings is the emergence of new independent ratings systems. We have with us today a representative of these systems, Mr. David Kinney of PSVratings. Systems like PSV do a more thorough job of rating, not just for levels of sex, violence, and profanity, but also more specific concerns such as the use of drugs and alcohol and attitudes toward women. We are pleased that Mr. Kinney could join us today to explain more about how independent ratings are fitting into the entertainment industry landscape.

We are honored to have with us today two representatives from the Motion Pictures Association, the new President, Secretary, Congressman, now President of the Motion Picture Association, Dan Glickman, a fellow Kansan. I am delighted to welcome him to the Committee and to this prestigious position. And the former Chairman, Jack Valenti, who has for 36 years had first-hand knowledge of the ratings systems for movies and also for television, and we are fortunate to have him here and to have his expertise as well.

We are also honored to have Patricia Vance, President of the Entertainment Software Rating Board; Dr. Kim Thompson, Associate Professor and Director of Kids Risk Project at the Harvard School of Public Health, who has just completed the first study on ratings creep; Patti Miller, the Director of the Children and Media Program at Children Now; and Mr. Anthony Podesta of Podesta Mattoon, who is representing the TV Parental Guidance System.

Thank you all for being here today to help discuss and talk about the current ratings systems and explore ways that they can be made more useful for parents. I expect a number of my colleagues will be joining us throughout the hearing. We have a vote that is currently in action. I think several of them will be back. We may have some opening statements by some of the other members when they come in.

We would like to start off the hearing because I have a number of questions, too, and we have a large panel of people to present. To respect seniority, if I could, Mr. Valenti, I would like to go with you first, if you would be willing to give us your thoughts and expertise on this topic. You have been around it for a long period of time and we would like to go with you first if you would be willing to testify.

STATEMENT OF JACK VALENTI, FORMER CHAIRMAN AND CEO, MOTION PICTURE ASSOCIATION OF AMERICA

Mr. VALENTI. Thank you, Mr. Chairman. I cannot dispute the fact that I have been around a long time. That is a matter of record.

Mr. Podesta will go into some of the details of the entrails of the TV rating system, but I would like to say that I want to pay tribute

to Decker Anstrom, former President of the National Cable and Telecommunications Association, now the Chairman of the Landmark Communications Company, and to Eddie Fritts, President of the National Association of Broadcasters, who along with me spent almost 2 years of our time trying to put together a TV rating system.

Tony will go into the details, but I will tell you in the beginning one of my great heroes is a 14th century Franciscan monk named William of Occam, and he comprised something which has come down in the last 600 years to be what is known as Occam's Razor that, freely translated from the Latin, means: Entities are not to be multiplied except out of absolute necessity. Or to put it in plain English, keep it simple, keep it simple.

That is what we tried to do in the original version of the TV ratings. I think the criticism that the TV ratings are confusing has some merit to it, because after we put these ratings out there was some concern on the part of some people who felt strenuously and passionately that they did not do enough, and so we went back to the drawing board and as a result of that what you have now are really about seven different ratings along with "D" for "dialogue," "S" for "sex," "V" for "violence," and—what is the other one—"L" for "language."

All of that bred a kind of a confusion and I can understand that. But I think one of the good things that came out of the Kaiser study, which you spoke at last week and I stayed to listen to the findings, was that the people who use the V-Chip like it. The problem is that many people do not even know they have a V-Chip.

One of the ways to remedy that, Mr. Chairman, was, I thought, was to have at the retail sales where every television set is sold be a yellow placard on that television set that says: "In this set is a V-Chip. See the other side for how to work it." I think that is the best way to get the education across, because then you would go direct to the people who are buying the TV sets. About 25 to 28 million TV sets are sold every year. So since the ratings went into effect, there is probably 125 million sets in the country today that have the V-Chip in it. But I will let Mr. Podesta go into the details.

Now about movie ratings. The movie rating system, Mr. Chairman, will be 36 years old on November 1, and I like to believe that nothing lasts 36 years in this explosive, dynamic, and sometimes difficult marketplace unless it is providing some kind of a benefit to the people that it aims to serve, in this case the parents of America.

By the way, we urge parents to not just look at our ratings, but look at Mr. Kinney's ratings and all the others, read "Parents" magazine, talk to your neighbors, find out more you can about a movie. We urge that.

But I want to show you something that I believe is a telling blow against those who say the movie rating system is not working. I think the best measure of an election is how the people vote. The best measure of a rating system is how the people vote. One of the things that we found in the Kaiser study was that 45 percent of the respondents found the ratings, movie ratings, to be very useful. That comports almost identically with the ORC, Opinion Research Corporation's, survey that we take every year.

If I may, may I stand and show you something here, Mr. Chairman? I will sit so the microphone can catch me.

This is the latest survey from ORC. We have taken these every year since 1969, with approximately 2,600 respondents, with a plus or minus error probability of about 3 percent. We came out this September with the largest parental approval in the history of the ratings system. These are for parents with children under 13: 82 percent said that they found the ratings to be very useful to fairly useful in helping them decide what movies they want their children to see or not to see.

I am elated because the parents are the people that this system is directed, not to producers, not to studio heads, not to directors, writers, anybody else, directed at ratings. And they are the ones that are telling us, yes, we trust you and we believe in it.

As a matter of fact, what the Kaiser Foundation found was that 45 percent thought that movie ratings were very useful, and I think another 37 percent found the ratings system, 47 percent, to be fairly useful. So they had a 92 percent approval by parents.

So I do not want to go on any further. I think this is putting before you what parents are saying, I think to me is the essential, not just the ornaments of a survey, but the essentials of a survey. This is what I think that we have come forward with, and I am quite proud. So when November comes around about 4 or 5 weeks from now, we are going to let the people know that we are 36 years old and we hope to be 37, 38, 39, and whatever.

Thank you, sir.

Senator BROWNBACK. Thank you. I appreciate your testimony. I do not know if this will be the last time you will testify here. Dan is shaking his head no.

[Laughter.]

Senator BROWNBACK. But I know you have been here many, many times and we do deeply appreciate the thoughts and the words that you have put forward over many years in representing the Motion Picture Association. You have done a fabulous job.

The new, incoming President, I do believe this is your first testimony in front of this committee, is Mr. Dan Glickman, who is familiar with the industry. His son works in the industry. We go back a long ways. I want to welcome you in front of this committee.

STATEMENT OF HON. DAN GLICKMAN, PRESIDENT AND CEO, MOTION PICTURE ASSOCIATION OF AMERICA

Mr. GLICKMAN. Thank you, Senator. First of all, it is a pleasure having my first testimony before Congress before a Kansas, before a friend, and on this particular subject, and sitting next to my friend and mentor Jack Valenti, the father of the movie ratings system.

Actually, you understated his time at MPAA. He has been here 38 years. I know he looks impossibly young to have been here that long.

Senator BROWNBACK. Right.

Mr. GLICKMAN. I am here as much to learn as to be with you. But this is a very important subject and I would just have a couple of things to say, then would like to let the other witnesses talk about this. This is a very important issue to me, to the parents of

this country, and it is one that obviously, working with Jack, I am going to be intensely involved with.

Senator BROWNBACK. Dan, get that mike a little closer to you.

Mr. GLICKMAN. Yes. There are a couple of themes I would just like to mention quickly. One is the technical proficiency of young people with technology. This is a different world than when I was growing up or even perhaps when you were growing up, where our children, even children below the teenage years, have greater familiarity with technology than Ph.D.'s in technology might have had 20 or 30 years ago. Therefore, that issue will have a lot to do with what technology is used, how the ratings systems are dealt with in the future, because in many, if not most, cases children know more about their technology than their parents ever will or are ever going to be able to do that.

Second of all, the media choices before an average American are truly staggering in number, hundreds of choices available on a television set today and probably that will grow in the future.

The third thing, of course, is the hectic pace of American life can be overwhelming for many parents. Just coping and surviving with the economic challenges that are there have positioned a lot of parents not to be in a situation necessarily where they are on top of or capable of watching their kids at all particular times. So advance cautionary information about entertainment options for children have in my mind assumed even more importance than they have before.

We take pride in the ratings system, the movie ratings system, which Jack designed. He designed it thoughtfully and creatively and basically the people who actually do the ratings are parents themselves, and I think it explains why the system has been so good and for so long.

So in summary, I just would say that I am in the learning mode right now, but I appreciate the opportunity of being here to talk about a subject which I know is so important to you personally, but also to parents all over this country.

Thank you very much.

Senator BROWNBACK. Thank you very much. We appreciate that.

I next call Patricia Vance, the President of the Entertainment Software Rating Board, and I appreciate your being here today and your presentation.

[The prepared statement of Mr. Glickman follows:]

PREPARED STATEMENT OF HON. DAN GLICKMAN, PRESIDENT AND CEO, MOTION PICTURE ASSOCIATION OF AMERICA

On behalf of the members of the Motion Picture Association, Inc., I want to express my gratitude to Chairman Brownback and the members of the Subcommittee for convening this hearing.

As you may know, this is my first hearing as the President and CEO of the Motion Picture Association of America and I am very pleased that the subject covered by my first Congressional hearing in this position is media ratings. I say this because I am not just the head of the Association that gave birth to the most familiar media ratings system on the planet but because I am a father, a grandfather and a consummate consumer of movies who has benefited from the motion picture ratings system for decades. I am very proud to represent the Association responsible for this success story.

Today children are often more proficient with technology and consumer electronics than their parents. The media choices facing an average American family are truly staggering in number. The hectic pace of American life can be overwhelming for

many parents. For these reasons, advance, cautionary information about entertainment options for children have, in my mind, assumed more importance than ever before.

The Motion Picture Association of America takes pride in the fact that the movie ratings system is recognized, familiar and such an engrained part of our popular culture that it is known and recognized by 98 percent of American moviegoers. Its triumph is owed to its simplicity. It is a common language that every parent speaks and easily understands. A movie rating is included—along with the reasons the rating was selected for that film—in all advertising for films. It is the dominant system for advance cautionary information about movies.

This phenomenal success is owed largely to the man sitting next to me today. I realize that Jack Valenti, my predecessor, needs no introduction. He is, as you know, quite literally the father of the 36 year-old movie ratings system. He was instrumental in the development, implementation and continuing oversight of the TV Parental Guidelines. Any Congressional hearing on the issue of media ratings would be incomplete without his participation and insight and I am thankful that he has agreed to continue his leadership of the movie ratings system and share his knowledge with us today.

PREPARED STATEMENT OF JACK VALENTI, FORMER CHAIRMAN AND CEO, MOTION PICTURE ASSOCIATION OF AMERICA

THE VOLUNTARY MOVIE RATING SYSTEM

How It All Began

When I became President of the Motion Picture Association of America (MPAA) in May 1966, the slippage of Hollywood studio authority over the content of films collided with an avalanching revision of American mores and customs.

By summer of 1966, the national scene was marked by insurrection on the campus, riots in the streets, rise in women's liberation, protest of the young, doubts about the institution of marriage, abandonment of old guiding slogans, and the crumbling of social traditions. It would have been foolish to believe that movies, that most creative of art forms, could have remained unaffected by the change and torment in our society.

A New Kind of American Movie

The result of all this was the emergence of a "new kind" of American movie—frank and open, and made by filmmakers subject to very few self-imposed restraints.

Almost within weeks in my new duties, I was confronted with controversy, neither amiable nor fixable. The first issue was the film "Who's Afraid of Virginia Woolf," in which, for the first time on the screen, the word "screw" and the phrase "hump the hostess" were heard. In company with the MPAA's general counsel, Louis Nizer, I met with Jack Warner, the legendary chieftain of Warner Bros., and his top aide, Ben Kalmenson. We talked for three hours, and the result was deletion of "screw" and retention of "hump the hostess," but I was uneasy over the meeting.

It seemed wrong that grown men should be sitting around discussing such matters. Moreover, I was uncomfortable with the thought that this was just the beginning of an unsettling new era in film, in which we would lurch from crisis to crisis, without any suitable solution in sight.

The second issue surfaced only a few months later.

This time it was Metro-Goldwyn-Mayer, and the Michelangelo Antonioni film "Blow-Up." I met with MGM's chief executive officer because this movie also represented a first—the first time a major distributor was marketing a film with nudity in it. The Production Code Administration in California had denied the seal of approval.

I backed the decision, whereupon MGM distributed the film through a subsidiary company, thereby flouting the voluntary agreement of MPAA member companies that none would distribute a film without a Code seal.

Finally, in April 1968, the U.S. Supreme Court upheld the constitutional power of states and cities to prevent the exposure of children to books and films that could not be denied to adults.

It was plain that the old system of self-regulation, begun with the formation of the MPAA in 1922, had broken down. What few threads there were holding together the structure created by Will Hays, one of my two predecessors, had now snapped. From the very first day of my own succession to the MPAA President's office, I had sniffed the Production Code constructed by the Hays Office. There was about this

stern, forbidding catalogue of "Dos and Don'ts" the odious smell of censorship. I determined to junk it at the first opportune moment.

I knew that the mix of new social currents, the irresistible force of creators determined to make "their" films and the possible intrusion of government into the movie arena demanded my immediate action.

Within weeks, discussions of my plan for a movie rating system began with the president of the National Association of Theatre Owners (NATO) and with the governing committee of the International Film Importers & Distributors of America (IFIDA), an assembly of independent producers and distributors.

Over the next five months, I held more than 100 hours of meetings with these two organizations, as well as with guilds of actors, writers, directors and producers, with craft unions, with critics, with religious organizations, and with the heads of MPAA member companies.

The Birth of the Ratings

By early fall, I was ready. My colleagues in the National Association of Theatre Owners joined with me in affirming our objective of creating a new and, at the time, revolutionary approach to how we would fulfill our obligation to the parents of America.

My first move was to abolish the old and decaying Hays Production Code. I did that immediately. Then on November 1, 1968, we announced the birth of the new voluntary film rating system of the motion picture industry, with three organizations, NATO, MPAA, and IFIDA, as its monitoring and guiding groups.

The initial design called for four rating categories:

G for General Audiences, all ages admitted;

M for mature audiences—parental guidance suggested, but all ages admitted;

R for Restricted, children under 16 would not be admitted without an accompanying parent or adult guardian; (later raised to under 17 years of age, (and varies in some jurisdictions));

X for no one under 17 admitted.

The rating system trademarked all the category symbols, except the X. Under the plan, anyone not submitting his or her film for rating could self apply the X or any other symbol or description, except those trademarked by the rating program.

Our original plan had been to use only three rating categories, ending with R. It was my view that parents ought to be able to accompany their children to any movie the parents choose, without the movie industry or the government or self-appointed groups interfering with their rights. But NATO urged the creation of an adults only category, fearful of possible legal redress under state or local law. I acquiesced in NATO's reasoning and the four category system, including the X rating, was installed.

So, the emergence of the voluntary rating system filled the vacuum provided by my dismantling of the Hays Production Code. The movie industry would no longer "approve or disapprove" the content of a film, but we would now see our primary task as giving advance cautionary warnings to parents so that parents could make the decision about the movie-going of their young children.

Changes in the Rating System

We found early on that the M category (M meaning "Mature") was regarded by most parents as a sterner rating than the R category. To remedy this misconception, we changed the name from M to GP (meaning General audiences, Parental guidance suggested). A year later we revised the name to its current label, "PG: Parental Guidance Suggested."

On July 1, 1984, we made another adjustment. We split the PG category into two groupings, PG and PG–13. PG–13 meant a higher level of intensity than was to be found in a film rated PG. Over the past years, parents have approved of this amplifying revision in the rating system.

On September 27, 1990, we announced two more revisions.

First, we introduced brief explanations of why a particular film received its R rating. Since, in the opinion of the Ratings Board, R rated films contain adult material, we believed it would be useful to parents to know a little more about that film's content before they allowed their children to accompany them. Sometime later we began applying the explanations in the PG, PG–13 and NC–17 categories as well. These explanations are available to parents at the theater (by telephone or at the box office), in certain media reviews and listings, and also made available on the MPAA's World Wide Web Home Page on the Internet. This Internet address is *http://www.mpaa.org.*

Second, we changed the name of the X category to NC–17:NO ONE 17 AND UNDER ADMITTED. The X rating over the years appeared to have taken on a surly meaning in the minds of many people, a meaning that was never intended when we created the system. Therefore, we chose to reaffirm the original intent of the design we installed on November 1, 1968, in which this "adults only" category explicitly describes a movie that most parents would want to have barred to viewing by their children. That was and is our goal, nothing more, nothing less.

We have now trademarked "NC–17:NO ONE 17 AND UNDER ADMITTED" so that this rating symbol and the legend can be used only by those who submit their films for rating.

The Purpose of the Rating System

The basic mission of the rating system is a simple one: to offer to parents some advance information about movies so that parents can decide what movies they want their children to see or not to see. The entire rostrum of the rating program rests on the assumption of responsibility by parents. If parents don't care, or if they are languid in guiding their children's movie-going, the rating system becomes useless. Indeed, if you are 18 or over, or if you have no children, the rating system has no meaning for you. Ratings are meant for parents, no one else.

The Rating Board does not rate movies on their quality or lack of quality. That is a role left to film critics and audiences. Had we attempted to insert ourselves into judging whether a film is "good" or "bad" or "indifferent" we would have collapsed the system before it began.

The criteria that go into the mix which becomes a Rating Board judgment are theme, violence, language, nudity, sensuality, drug abuse, and other elements. Part of the rating flows from how each of these elements is treated on-screen by the filmmaker. In making their evaluation, the members of the Ratings Board do not look at snippets of film in isolation but consider the film in its entirety. The Rating Board can make its decisions only by what is seen on the screen, not by what is imagined or thought.

There is no special emphasis on any one of these elements. All are considered. All are examined before a rating is applied. Contrary to popular notion, violence is not treated more leniently than any of the other material. Indeed many films rated X in the past and NC–17 now, have at least tentatively been given the "adults only" rating because of depictions of violence. However, most of the directors/producers/distributors involved have chosen, by their decision, to edit intense violent scenes in order to receive an R rating.

How The Ratings Are Decided

The ratings are decided by a full-time Rating Board located in Los Angeles. There are 8–13 members of the Board who serve for periods of varying length. They work for the Classification and Rating Administration, which is funded by fees charged to producers/distributors for the rating of their films. The MPAA President chooses the Chairman of the Rating Board, thereby insulating the Board from industry or other group pressure. No one in the movie industry has the authority or the power to push the Board in any direction or otherwise influence it. One of the highest accolades to be conferred on the rating system is that from its birth in 1968 to this hour, there has never been even the slightest jot of evidence that the rating system has ever deliberately fudged a decision or bowed to pressure. The Rating Board has always conducted itself at the highest level of integrity. That is a large, honorable, and valuable asset.

There are no special qualifications for Board membership, except the members must have a shared parenthood experience, must be possessed of an intelligent maturity, and most of all, have the capacity to put themselves in the role of most American parents so they can view a film and apply a rating that most parents would find suitable and helpful in aiding their decisions about their children's moviegoing.

As the MPAA President, I take no part in rating decisions, and do not overrule or dissuade the Board from any decisions it makes.

No one is forced to submit a film to the Board for rating, but the vast majority of producers/distributors do in fact submit their films for ratings. Any producer/distributor who wants no part of any rating system is free to go to the market without any rating at all or with any description or symbol they choose as long as it is not confusingly similar to the G, PG, PG–13, R, and, NC–17. The rating symbols are federally-registered certification marks of the MPAA and may not be self-applied.

The Board Votes on Ratings

The Board views each film. Each member present estimates what most parents would consider to be that film's appropriate rating. After group discussion, the

Board votes on the rating. Each member completes a rating form spelling out his or her reason for the rating.

Each rating is decided by majority vote.

The producer/distributor of a film has the right under the rules to inquire as to the "why" of the rating applied. The producer/distributor also has the right, based on the reasons for the rating, to edit the film—if that is the choice of the producer/distributor—and come back to the Board to try for a less severe rating. The reedited film is brought back to the Board and the process goes forward again.

Appeal of Ratings

A producer/distributor who for any reason is displeased with a rating can appeal the decision to the Rating Appeals Board, which sits as the final arbiter of ratings.

The Appeals Board comprises 14 to 18 members who serve terms of varying length. They are men and women from the industry organizations that govern the rating system.

They gather to view the film and hear the appeal. After the screening, the producer/distributor whose film is being appealed explains why he or she believes the rating was wrongly decided. The chairman of the Rating Board states the reason for the film's rating. The producer/distributor has an opportunity for rebuttal.

After Appeals Board members question the two opposing representatives, they are excused from the room. The Board discusses the appeal and then takes a secret ballot. It requires a two-thirds vote of those present to overturn a Rating Board decision.

By this method of appeal, decisions of the Rating Board can be examined and any rating deemed a mistake set right.

The decision of the Appeals Board is final and cannot be appealed.

What The Ratings Mean

G: "General Audiences-All Ages Admitted."

This is a film which contains nothing in theme, language, nudity and sex, violence, etc. which would, in the view of the Rating Board, be offensive to parents whose younger children view the film. The G rating is not a "certificate of approval," nor does it signify a children's film.

Some snippets of language may go beyond polite conversation but they are common everyday expressions. No stronger words are present in G-rated films. The violence is at a minimum. Nudity and sex scenes are not present; nor is there any drug use content.

PG: "Parental Guidance Suggested. Some Material May Not Be Suitable For Children."

This is a film which clearly needs to be examined or inquired into by parents before they let their children attend. The label PG plainly states that parents may consider some material unsuitable for their children, but the parent must make the decision.

Parents are warned against sending their children, unseen and without inquiry, to PG-rated movies.

The theme of a PG-rated film may itself call for parental guidance. There may be some profanity in these films. There may be some violence or brief nudity. But these elements are not deemed so intense as to require that parents be strongly cautioned beyond the suggestion of parental guidance. There is no drug use content in a PG-rated film.

The PG rating, suggesting parental guidance, is thus an alert for examination of a film by parents before deciding on its viewing by their children.

Obviously such a line is difficult to draw. In our pluralistic society it is not easy to make judgments without incurring some disagreement. So long as parents know they must exercise parental responsibility, the rating serves as a meaningful guide and as a warning.

PG–13: "Parents Strongly Cautioned. Some Material May Be Inappropriate For Children Under 13."

PG–13 is thus a sterner warning to parents to determine for themselves the attendance in particular of their younger children as they might consider some material not suited for them. Parents, by the rating, are alerted to be very careful about the attendance of their under-teenage children.

A PG–13 film is one which, in the view of the Rating Board, leaps beyond the boundaries of the PG rating in theme, violence, nudity, sensuality, language, or other contents, but does not quite fit within the restricted R category. Any drug use content will initially require at least a PG–13 rating. In effect, the PG–13 cautions

parents with more stringency than usual to give special attention to this film before they allow their 12-year-olds and younger to attend.

If nudity is sexually oriented, the film will generally not be found in the PG–13 category. If violence is too rough or persistent, the film goes into the R (restricted) rating. A film's single use of one of the harsher sexually-derived words, though only as an expletive, shall initially require the Rating Board to issue that film at least a PG–13 rating. More than one such expletive must lead the Rating Board to issue a film an R rating, as must even one of these words used in a sexual context. These films can be rated less severely, however, if by a special vote, the Rating Board feels that a lesser rating would more responsibly reflect the opinion of American parents.

PG–13 places larger responsibilities on parents for their children's movie-going. The voluntary rating system is not a surrogate parent, nor should it be. It cannot, and should not, insert itself in family decisions that only parents can, and should, make. Its purpose is to give prescreening advance informational warnings, so that parents can form their own judgments. PG–13 is designed to make these parental decisions easier for films between PG and R.

R: "Restricted, Under 17 Requires Accompanying Parent Or Adult Guardian."

In the opinion of the Rating Board, this film definitely contains some adult material. Parents are strongly urged to find out more about this film before they allow their children to accompany them.

An R-rated film may include hard language, or tough violence, or nudity within sensual scenes, or drug abuse or other elements, or a combination of some of the above, so that parents are counseled, in advance, to take this advisory rating very seriously. Parents must find out more about an R-rated movie before they allow their teenagers to view it.

NC–17: "No One 17 And Under Admitted."

This rating declares that the Rating Board believes that this is a film that most parents will consider patently too adult for their youngsters under 17. No children will be admitted. NC–17 does not necessarily mean "obscene or pornographic" in the oft-accepted or legal meaning of those words. The Board does not and cannot mark films with those words. These are legal terms and for courts to decide. The reasons for the application of an NC–17 rating can be violence or sex or aberrational behavior or drug abuse or any other elements which, when present, most parents would consider too strong and therefore off-limits for viewing by their children.

Appraisal

In any appraisal, what is "too much?" becomes very controversial. How much is "too much" violence? Are classic war films too violent with scenes of marines storming a beach and slaying hundreds, wounding thousands? Is it the graphic cop killing, the gangster shoot-out, or the slap across the face of a woman that determines "too much"? How much is "blood spilled" to be given emphasis? Where is the line to be drawn between "this is alright" and "this is not alright"?

The same vexing doubts occur in sex scenes or those where language rises on the Richter scale, or where behavior not considered "normal" is revealed on the screen. What follows is disagreement, inevitable, inexorable, and oftentimes strident. That is what the rating system has to endure and confront. We understand that. We try to do our level best so that most parents would find our ratings mostly accurate and mostly useful.

But, importantly, we urge and implore parents to care about what their children see and watch, to focus their attention on movies so they can know more about a film before they consent to their children watching it.

To oversee the Rating Board, the film industry has set up a Policy Review Committee consisting of officials of MPAA and NATO. These men and women set guidelines for the Rating Board to follow, and make certain that the Board carries them out reasonably and appropriately.

Because the rating program is a self-regulatory apparatus of the film industry, it is important that no single element of the industry take on the authority of a "czar" beyond any discipline or self-restraint.

Advertising and Trailer Policy

Film advertising is part of the film industry's self-regulatory mechanism. All advertising for rated motion pictures must be submitted to the Advertising Administration for approval prior to its release to the public. This includes, but is not limited to, print ads, radio and TV spots, pressbooks, videocassette packaging and theatrical and home video trailers.

Trailers are an important aspect of the program. They are approved for "all audiences," which means they may be shown with all feature films, or "restricted audi-

ences", which limits their use to feature films rated R or NC–17. There will be, in "all audience" trailers, no scenes that caused the feature to be rated PG, PG–13, R or NC–17.

Each trailer carries at the front a tag which tells two things: (1) the audience for which the trailer has been approved, and (2) the rating of the picture being advertised. The tag for "all audience" trailers will have a green background; the tag for "restricted" trailers will have a red background. The color is to alert the projectionist against mismatching trailers with the film being shown on the theater screen.

How the Rating System Is Used By Theater Owners and Video Retailers

Motion picture theater owners, who co-founded the rating system in 1968, were the first group in the entertainment industry to voluntarily enforce its guidelines. NATO estimates that the majority of the theater owners in the Nation observe the rating system.

In the mid-1980s, as watching movies on videocassettes at home soared in popularity, video retailers joined theater owners in embracing the voluntary guidelines of the rating system. Parents who relied on the rating system to determine which films their children viewed in theaters found the information provided by the rating classifications equally helpful in home video. To facilitate its use, ratings are displayed on both the videocassette package and the cassette itself.

The Video Software Dealers Association (VSDA), which is the major trade association for video retailers in the United States, has adopted a "Pledge to Parents" which strongly endorses the observance of the voluntary movie rating system by video retailers.

The Public Reaction

We count it crucial to make regular soundings to find out how the public perceives the rating program, and to measure the approval and disapproval of what we are doing.

Nationwide scientific polls, conducted each year by the Opinion Research Corporation of Princeton, New Jersey, have consistently given the rating program high marks by parents throughout the land. The latest poll results show that 76 percent of parents with children under 13 found the ratings to be "very useful" to "fairly useful" in helping them make decisions for the movie-going of their children.

On the evidence of the polls, the rating system would not have survived if it were not providing a useful service to parents.

The rating system isn't perfect but, in an imperfect world, it seems each year to match the expectations of those whom it is designed to serve—parents of America.

NATO

THE NATIONAL ASSOCIATION OF THEATRE OWNERS

THE MOTION PICTURE ASSOCIATION OF AMERICA

FOR IMMEDIATE RELEASE

Movie Rating Explanations To Augment All Print Advertising

ENCINO, Calif. and NORTH HOLLYWOOD, Calif. – Language explaining why a film received its rating will soon appear on all print advertising for films rated by the Classification and Rating Administration (CARA).

Motion Picture Association of America (MPAA) president and CEO Jack Valenti, following meetings with the National Association of Theatre Owners (NATO), announced the new policy at NATO's Nov. 10 board meeting in Laguna Niguel, Calif.

Following a meeting of the Policy Review Committee of CARA (Classification and Rating Administration, the board that decides movie ratings), Mr. Valenti announced the new policy wherein the rating board will publicize the reasons for the ratings of films within all print advertising of a specific film (newspaper ads, billboards, point of sale material).

The Policy Review Committee, consisting of the Presidents of MPAA and NATO, believes that offering parents expanded information about movie ratings allows them to make informed jusgements about films they want their young children to see or not see. The prime objective of the movie rating system, in effect since November 1, 1968, is to give parents advance cautionary warnings about individual films so that parents can better guide their children's movie going. This new policy will be implemented around the first of the new year.

"The new print advertising policy will be a key part of our educational outreach effort, and represents a major step toward enhancing parental awareness of motion picture content," said NATO president William F. Kartozian. "We are enormously grateful to Mr. Valenti and the many others at the MPAA and CARA who championed this effort to more widely disseminate this valuable information."

North Hollywood, Calif.-based NATO is the world's largest trade association for cinema owners, representing approximately two-thirds of the screens in the United States and many more around the world.

The Motion Picture Association of America represents the 7 major American film studios. MPAA serves as the voice and advocate of the American motion picture, home video and televison industries.

November 18, 1999

STATEMENT OF PATRICIA E. VANCE, PRESIDENT, ENTERTAINMENT SOFTWARE RATING BOARD

Ms. VANCE. My pleasure. I just have to link this up. OK, there we go.

Before I begin—can you hear me?

Senator BROWNBACK. Yes. Get that a little closer if you would, Patricia. That would be great.

Ms. VANCE. I just want to thank you, Chairman Brownback, for the attention you have shown over the years to the critically important issues being discussed today and also for your past praise of the ESRB rating system.

I am going to start my remarks this afternoon by providing background on how the ESRB rating system came into being. Ten years ago the games industry created the ESRB with one central mission: to provide parents and consumers at large with the information they need to make educated purchase decisions when it comes to computer and video games. The rating system, although voluntary, has been universally adopted by game publishers and retailers alike. Today virtually all computer and video games sold in the U.S. carry an ESRB rating.

After consulting a wide range of child development and academic experts, analyzing other rating systems, and conducting nationwide research, the founders of the ESRB concluded that parents wanted two elements in a rating system, that is age-based categories and, equally if not more importantly, objective and detailed information about what is in a game.

Based on this research, the ESRB rating system was created, consisting of rating symbols for age appropriateness on the front of the game packaging, and on the back content descriptors stating why a game received a particular rating or indicating content that may be of interest or concern. There are five age-based rating categories, ranging from early childhood to adults only, and over 30 content descriptors currently in use.

In rating nearly 1,200 games each year, raters must consider a wide range of content elements. There are few hard and fast rules when it comes to rating games. The manner in which a particular act is depicted, the context in which it occurs, the intensity of the image itself, and the degree of player, which is unique to our rating system, all can greatly affect the assignment of a rating.

To ensure that the ratings we assign reflect the standards of average American consumers, every year ESRB commissions Peter Hart Research to survey parents across the U.S. Last year this research found that parents agreed or even thought our ratings were too strict 84 percent of the time, the highest ever.

Furthermore, as you know, Chairman Brownback, a new survey released by the Henry J. Kaiser Family Foundation last week found that the majority of parents thought the ESRB ratings were very useful. They also thought the ESRB rating system was the most effective among all rating systems.

While most games still carry an E rating, over the past few years we have seen a gradual increase in the teen and mature categories. Some critics feel that the ESRB rating standards have become more lax over time, commonly referred to as "ratings creep." In fact, if ratings creep were occurring the reverse trend would be

seen. Instead, we believe the shift we are experiencing is attributed to the aging demographic of today's gamer. Two-thirds of gamers today are over 18 and the average age is 29. It naturally follows that the industry would produce more games targeted at older consumers, who now make up a majority of the market.

Further, the Subcommittee asked that I comment on universal ratings. Though I understand its appeal, candidly I have serious concerns about creating a uniform system of ratings. Fundamentally, I do not believe there is anything confusing or unclear about ESRB ratings. Quite the contrary, research indicates that they are both easily understood and useful to parents.

Some have even suggested that game ratings be based on a numerical count of particular types of content, such as acts of violence. Trying to quantify content in an interactive medium, when players control the frequency of actions and the outcome of events themselves, is particularly impractical. Moreover, Mr. Chairman, the recent Kaiser study concludes that a clear majority of parents surveyed think a single ratings system is unnecessary.

Finally, I want to direct your attention to the extensive efforts we are making to raise consumer awareness in use of the ratings system. We agree that it is vital. According to a study conducted by the Federal Trade Commission, parents are involved in the purchase or rental of games 83 percent of the time. Keeping this in mind, last fall we launched a multi-channel consumer marketing campaign targeting parents. The campaign is composed of a public service announcement and a retail partnership program. To date, I am happy to report that the campaign continues to generate broad exposure from both media and retail partners.

We are also pleased that industry and ESRB efforts to encourage retailers to prevent the sale of mature-rated games to minors are taking root. We encourage Congress to support these efforts to further raise consumer awareness and responsible use of the ratings system.

Thanks for inviting me here today and I welcome any questions you may have.

[The prepared statement of Ms. Vance follows:]

PREPARED STATEMENT OF PATRICIA VANCE, PRESIDENT, ENTERTAINMENT SOFTWARE RATING BOARD (ESRB)

Mr. Chairman, I appreciate the opportunity to appear today to present an overview of the ESRB rating system and more broadly discuss the critically important issues surrounding the most effective ways to inform consumers, especially parents, about the content of the entertainment their families consume.

Background

The ESRB has been in existence for ten years. It was created in 1994 with one central mission: to provide parents and consumers at large with the information they need to make informed computer and video game purchase decisions. Today, we remain extremely proud of the ESRB rating system and the information it provides to parents. Indeed, the Federal Trade Commission and leading policymakers have praised it for its effectiveness and comprehensiveness. The rating system, although voluntary, has been universally adopted by the industry and today virtually all computer and video games sold in the U.S. carry an ESRB rating. In fact, most retailers in the U.S. refuse to stock games that do not carry an ESRB rating.

After consulting a wide range of child development and academic experts, analyzing other rating systems, and conducting nationwide research, the founders of the ESRB concluded what parents really wanted from a video game rating system were both age-based categories and, equally if not more importantly, objective and de-

tailed information about what's in the game. Parents surveyed agreed that a rating system should inform and suggest, not prohibit. Respondents also agreed that the rating system should not attempt to quantify objectionable incidents; instead it should reflect the overall content and objective of the game.

The ESRB Rating System

Based on the research conducted in 1994, the ESRB rating system was created with two equally important parts: 1) easily identifiable rating symbols, found on the front of game packaging, suggesting the most appropriate age group for each game, and 2) content descriptors, found on the back of game packaging, clearly stating why a game received a particular rating or indicating content that may be of interest or concern.

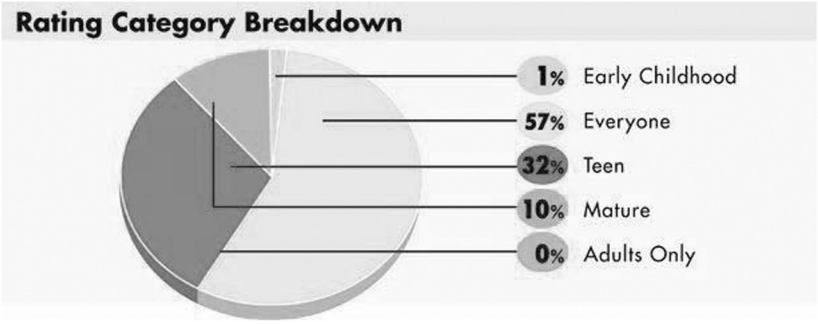
Here's an illustration of the two parts:

The five ESRB rating categories include:

- EC—Early Childhood means the game may be suitable for ages 3 and older, and is specifically designed for young children.
- E—Everyone means the game may be suitable for ages 6 and older. E—rated games may contain minimal cartoon-like violence or comic mischief, and are generally appropriate for a wide range of audiences.
- T—Teen means that the content may be suitable for ages 13 and older, and may contain violence, limited amounts of strong language, or suggestive themes.
- M—Mature means that content may be suitable for ages 17 and older and may contain sexual themes, intense violence, or strong language.
- AO—Adults Only means that the product is intended only for ages 18 and over.

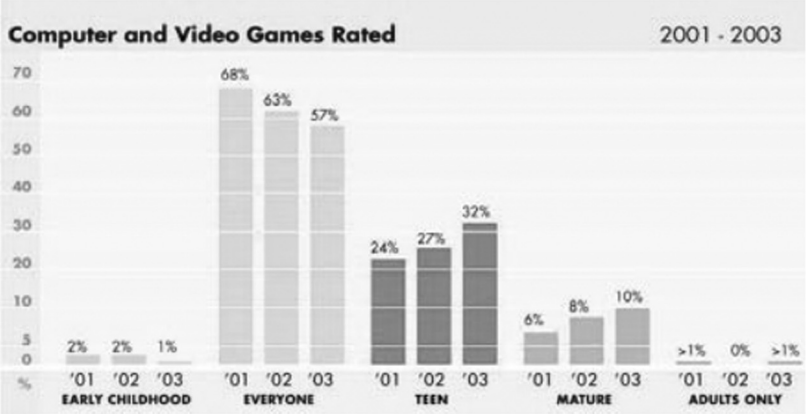
Over 30 different content descriptors are currently in use. They span various categories of concern to parents, including but not limited to violence, language, suggestive or sexual content, and use of controlled substances

As a point of reference, of the 1,176 games rated by the ESRB in 2003, 57 percent were rated E—Everyone and 32 percent were rated T—Teen. Games rated M—Mature represented 10 percent of games rated, with EC—Early Childhood representing most of the remaining 1 percent.



Ratings Creep?

Comparing the above data to prior years shows that the E for Everyone category has been declining slightly each year, while the Teen and Mature categories has been gradually increasing. It's not surprising that there are more Teen and Mature games because over the last decade the core audience for games has steadily aged. In fact, today, the core audience is 18–35 years old and the average age of game players is now 29 years old. Thus, it is perfectly logical to see game publishers create more titles aimed at this older consumer.



This upward shift in ratings assigned would refute assumptions that some critics have made about "ratings creep" in our system, since evidence of "ratings creep" would suggest that lower categories are getting larger, not smaller. But, just to be sure, as a test, we recently selected ten top-selling Teen and Mature-rated games from five years ago and ran them through our standard rating process to determine if they would receive the same ratings today. Raters had no idea they were evaluating 5-year old game titles. The results of the test were that all ten games received the same ratings they had originally received.

Recent Improvements

As we have done periodically since establishing the ESRB ratings system, last year, the ESRB took several pro-active steps to further ensure that consumers are getting the most out of the rating system. One step was to add several new content descriptors to provide greater nuance in several categories. Four new descriptors in the violence category alone were added to the system. A second pro-active step taken was to increase the visibility of the content descriptors on the back of every game box. This was achieved by repeating the rating symbol on the back of the box next to the content descriptors in an authoritative "seal". All games shipped to stores in the last year carry this new "seal". And the third step the ESRB took to increase the effectiveness of the rating system was to add the age "17+" to the M—Mature rating symbol and 18+ to the AO—Adult Only rating symbol, so consumers more clearly understand the specific age range we are suggesting.

Senator Joe Lieberman, who has worked closely with Chairman Brownback on issues related to media violence and monitoring the video game industry's ratings and marketing practices, remarked of these enhancements, "I appreciate the ESRB's ongoing commitment to helping parents make smart choices for their kids. I hope parents will return the favor by making better use of these better ratings, for in the end they have the primary responsibility to protect their kids. . .."

Rating Process

So, what is the process for assigning ratings? In order to have a game certified with an ESRB rating, software publishers fill out a detailed questionnaire explaining exactly what's in the game. This questionnaire is submitted to ESRB along with actual videotaped footage of the game and relevant supplementary materials (*e.g.,* soundtracks, cheat codes, scripts). The video footage must not only accurately represent the final product as a whole, but it must also show the most extreme content of the game. In the event that the ESRB discovers undisclosed pertinent content that would have affected a rating after a product has shipped, enforcement measures can be taken, including the imposition of significant fines and corrective actions (*e.g.,* re-stickering or recalling product).

Once the submission is received and checked for completeness, a minimum of three raters independently view video footage of each game and, for every scene, as well as the overall product, recommend a rating and content descriptors they deem most appropriate. ESRB compares the raters' recommendations to make sure there is consensus. Usually, the raters agree on an overall age rating and their recommendation becomes final. However, when the raters recommend different ratings,

additional raters will review the game in order to reach consensus. Once consensus on a rating is reached, ESRB issues an official rating certificate to the game's publisher. If a publisher is not satisfied with the rating issued, it may re-submit the game with changes and the process starts anew.

In rating a game, raters must consider a wide range of content elements including but not limited to violence, sex, humor, language, and use of controlled substances. There are few hard and fast rules when it comes to rating games. The manner in which a particular act is depicted, the context in which it occurs, the intensity of the image itself, and the degree of player control (unique to our rating system) all can greatly affect which rating category and content descriptor(s) ultimately are assigned to the game. Some have suggested that game ratings be based on a numerical count of particular types of content, such as acts of violence. I cannot say if this would work in other media. But trying to quantify content in an interactive medium when players control the frequency of actions and the events themselves is particularly impractical and pointless. Those who have played or studied video games universally recognize that the element of player control makes the medium and consequently its rating system unique.

It is critical to note that ESRB raters have no ties to the industry and are specially trained by us to rate computer and video games. Most ESRB raters have prior experience with children, either as parents, caretakers, or through prior work and education. They are part-time employees of the ESRB, and typically attend one rater session per week. The ESRB strives to recruit raters who are demographically diverse by age (must be over 21), martial status, sex, race, and cultural background to reflect the U.S. population overall.

Research

In order to ensure that the ratings we assign reflect the standards of average American consumers, we conduct consumer research on an annual basis in ten different markets across the U.S. This research has consistently shown that parents overwhelmingly agree with the ratings that we apply. Peter D. Hart Research Associates, a nationally renowned independent opinion research firm, tests randomly selected video games rated during the prior 12 months with parents of children between the ages of 6 and 17. We show parents clips of actual game footage and ask what rating they would apply. Then, we compare their responses to the actual rating assigned by the ESRB.

Last year this research found that parents agreed, or even thought our ratings were too strict, 84 percent of the time. Parents described the actual ratings as "about right" in 77 percent of all instances and "too strict" 7 percent of the time. Ratings issued by watchdog groups like The National Institute on Media and the Family, with whom Chairman Brownback has worked closely over the years, also confirm that ESRB ratings are reliable and, in fact, NIMF's own ratings agree with ESRB an overwhelming portion of the time. We think that's pretty good. And we recognize that in a pluralistic society like ours, which encourages and embraces differences among its citizens, no rating system could ever achieve 100 percent popular consensus. However, it is clear that ESRB ratings are well within the American mainstream, and that's exactly where we want to be.

Other opinion polls conducted by Hart Research show that parents not only agree with specific ESRB ratings, but that 90 percent of them say the ESRB rating system provides the kind of information they need. Moreover, approximately 75 percent say it's an effective tool that helps parents shield their children from inappropriate game content.

Supporting the Hart research is a new survey released by the Henry J. Kaiser Family Foundation last week, which found that among all entertainment rating systems (TV, movies, music, and games), parents found the ESRB ratings to be the most useful, with 91 percent finding them "somewhat (38 percent)" to "very useful" (53 percent).

Of course, some have expressed concern about some aspects of the ESRB system. We respect these concerns and have worked hard to maintain a dialogue with any and all persons who care about giving parents accurate ratings information. Like anything else, though, it is important for observers to look beyond the headlines and carefully examine the methodologies of those who have issued studies critical of the ESRB or other systems. For example, the headline of the Harvard press release earlier this year publicizing Professor Kimberly Thompson's study of Teen games reads, "Ratings of Teen-rated video games do not always fully describe content." Sounds pretty ominous. But in truth, Professor Thompson concluded that 95 percent of instances of violence found in games included in the study were properly labeled by the ESRB. In other words, in the category of greatest concern among parents, ESRB

content descriptors were applied to virtually all of the 81 games included in the study.

The Harvard study also suggested that ESRB was not issuing content descriptors labeling other relevant content. For example, the study stated that a game depicting a character holding a non-lit pipe—not smoking it—should have a "Use of Tobacco" content descriptor. Here we have an honest disagreement about rating theory and standards. ESRB raters would not have applied a "Use of Tobacco" descriptor in this case because the content was not significant from a contextual standpoint, and characters were not actually smoking. Similarly, unlike the Harvard researchers, we would not apply a "Reference to Alcohol" descriptor if a couple of unmarked bottles appear on a table in a scene. Our consumer research leads us to conclude that neither would most parents. All this said, I have great regard for Professor Thompson and I believe she is committed to helping us enhance the ESRB rating system and we welcome a continuing dialogue with her and others.

Universal Ratings

The Subcommittee asked that I comment on the issue of universal ratings. Candidly, I have serious concerns about this idea, though I understand its appeal. In the case of video game ratings, I think it is clear that our system is well received and considered effective and easily understood by consumers. Moreover, there is little evidence that consumers are confused by the current media rating systems. What is confusing about a game with a Mature 17+ rating with an Intense Violence content descriptor? It is not complicated or difficult for a consumer today to understand what type of video game they are purchasing. At a minimum, by picking up a box, checking the ratings information and looking at the title, images, screen shots and descriptions right on the packaging, it's hard to imagine a consumer would not know what he or she is getting. And a recent study by the Henry J. Kaiser Family Foundation confirms that nearly six out of ten parents surveyed think a single rating system is unnecessary.

I would also be concerned about whether it is even practical to develop a coherent single rating system that actually does simplify information for consumers. All media are not the same. Motion pictures and television programs usually involve visual depictions of real actors on film in realistic situations; music consists of auditory and occasionally visual elements. Music, film, and TV are passive media. But games are interactive. This element of player control makes games unique among entertainment media and it is not at all clear to me that one could devise a single system that could accurately or effectively capture the different aspects of various entertainment media.

Raising Consumer Awareness

Hopefully, by now you have a better understanding of the ESRB rating system, how it was developed, how we apply ratings, and what consumers think about those ratings. Now, I want to direct your attention to the extensive efforts we are making to raise consumer awareness and use of the rating system.

First, it's important to define who the "consumer" is. According to a study conducted by the Federal Trade Commission in September 2000, parents are involved in the purchase or rental of games 83 percent of the time. The ESA has found in similar research that adults make 90 percent all game purchases. Regardless of the data source used, it is clear that, parents are either involved in or ultimately making the decision about what games their kids are playing an overwhelming majority of the time.

Keeping in mind the significant role parents play in making purchase decisions, the ESRB launched a multi-channel consumer marketing campaign in October 2003 featuring the slogan *"Ok To Play?—Check The Ratings"*. The campaign, composed of a public service announcement (PSA) and a retail partnership program, encourages parents to use both components of the rating system (rating symbols *and* content descriptors) to determine if a game is appropriate for their family.

During the first six months of the campaign's launch, the print PSA campaign (see attached ad) generated more than 500 million gross consumer impressions. 5 of the top 10 consumer magazines including *TV Guide, Better Homes and Gardens, Good Housekeeping, Family Circle,* and *Ladies' Home Journal,* plus *Entertainment Weekly, Redbook, Parents, Working Mother,* and *Disney Adventures* have run the print PSA. More than a dozen top game enthusiast publications have also supported the campaign, and over 20 websites have run an online banner version of the ad. Furthermore, several major national retailers (*e.g.,* Wal-Mart, Toys R Us, EB Games) have included a "ratings legend" that ties into the campaign in their print circulars and catalogues.

The second critical part of our consumer awareness campaign is the launch of a unique retail partnership program. The goal of the program was to ensure that when consumers were shopping for computer and video games that they would be educated about and reminded to check the ratings. But rather than send posters or stand-alone brochures to stores that consumers may not notice, we succeeded in getting 12 of the top 14 retailers of games in the US, representing over 85 percent of all sales, to incorporate ratings education into their in-store display fixtures. All participating retailers, including Wal-Mart, Best Buy and Toys R Us to mention some of the largest, have re-printed and installed new signs for their game displays this year. ESRB has also provided these retailers with training materials for sales associates to learn about the rating system, and signage supporting store policies restricting the sale of Mature rated games (see attached store sign composite). .

Since launching the retail partnership program, the ESRB has conducted audits measuring compliance from retailers in displaying *"Ok To Play?—Check The Ratings"* and store policy signage. The most recent information from last month, which surveyed more than 4,100 store locations from six chains, indicated that 62 percent of stores were displaying their signs.

Recently, the ESRB expanded the retail partnership program to include local independent retailers and cyber café businesses, working closely with the Video Software Dealers Association (VSDA) and iGames to help penetrate these hard-to-reach outlets.

We encourage the Chairman, Subcommittee members and Congress to support these efforts to further raise consumer awareness and use of the rating system.

Other ESRB Activities

On a final note, ESRB work does not begin and end at ratings. In addition to the Rating Board, the ESRB is responsible for the oversight, compliance, and enforcement of industry-adopted advertising and marketing guidelines. This is performed through the Advertising Review Council (ARC) of the ESRB, which publishes the industry's *Principles and Guidelines for Responsible Advertising Practices* defining standards for responsible advertising practices, and providing information on enforcement, complaint resolution, appeals, and compliance. Additionally, specific marketing rules are codified in the ESRB Advertising Code of Conduct, addressing everything from the required size of rating icons on game boxes to the audience composition of media vehicles in which M—Mature rated ads may appear. All publishers of games certified with an ESRB rating are legally bound to these marketing guidelines.

The ESRB diligently monitors compliance with guidelines and in the event that a game publisher inappropriately labels or advertises a product; the ESRB is empowered to compel corrective actions and impose a wide range of sanctions, including monetary fines where appropriate.

In 1999, the ESRB launched the Privacy Online division in order to assist industry companies in the development and ongoing management of the online collection and use of personal information. The FTC endorsed the Privacy Online program as a "safe harbor" under the Children's Online Privacy Protection Act (COPPA). The division services companies in the development of privacy policies, ongoing monitoring and enforcement of stated practices, privacy complaint filtering and processing, employee training, and continuing consultation.

Closing Statement

I hope this testimony provides a clearer and broader understanding of the ESRB than when you arrived today. Thank you for inviting me here today and I'm grateful to have the opportunity to explain what we do and how we do it. We take great pride in our work and the service we provide to parents and other consumers of computer and video games. I look forward to having a constructive dialogue with members of the Committee and answering any questions that you may have.

Thank you.

Senator BROWNBACK. Thank you, Ms. Vance. We appreciate that presentation.

Next we would like to go to Mr. Anthony Podesta, Co-Chair of the Podesta Mattoon Group and here on the television rating system. Mr. Podesta, thank you for being here.

STATEMENT OF ANTHONY T. PODESTA, EXECUTIVE SECRETARIAT, ON BEHALF OF THE TV PARENTAL GUIDELINES MONITORING BOARD

Mr. PODESTA. Mr. Chairman, thank you very much for inviting the TV Parental Guidelines organization to be here at this hearing today. I am reminded of the old adage after following Mr. Valenti and Mr. Glickman that everything has been said, but not everyone has said it. But I will give you a little more information on how the ratings system came to be what it is.

In the Telecommunications Act of 1996, the Congress invited the entertainment industry to come together and create a voluntary ratings system. Led by Mr. Valenti and Decker Anstrom of the NCTA and Eddie Fritts of the Broadcasters Association, they convened a meeting of some three dozen individuals from all across the entertainment industry, including all of the major companies and guilds and the like and went through a series of meetings on a weekly basis that went on for hours and hours and hours and hours trying to sort out the complicated issues that were before us.

That group met over the course of the summer of 1996 with academic experts, with religious experts, with child advocacy experts, and across that period of time tried to hear from as many people as possible on this. In December 1996, the TV parental guidelines were announced by Mr. Valenti in a meeting at the White House and in meetings with the Congressional leaders here on Capitol Hill.

We produced a system that had a small number of characters. We have the characters on the boards behind us: "TV–Y" and "TV–Y7" for children's programming, "TV–G," "TV–PG," "TV–14," and "TV–MA" for non-children's programming. There was considerable discussion about that simple system and some in the advocacy community thought that it would be helpful to provide more information to parents. Another series of meetings were had. There were hearings on Capitol Hill.

Indeed, in addition to the consultations that were had in 1996 there were a series of negotiations between the child advocacy community and the entertainment industry, which led finally to an agreement by the advocates and by the industry to add descriptors to the system. So there is "S" for "sexual content," "L" for "language," "D" for "suggestive dialogue," and "V" for "violence." All of those are appended to certain programs.

That ratings system as modified was presented to the FCC and is now embedded in every television set that has been produced 13 inches or larger, and it is hard-wired into literally millions of television sets that have been in the marketplace and in people's homes across the country.

Today some 2,000 hours a day of television programming are rated under this system, everything with the exception of news and sports and commercial, commercial matter. The ratings appear for 15 seconds at the front of each program.

Let me spend a minute as well, if I may, Mr. Chairman, on the Monitoring Board. As a result of these discussions that we had in 1997, a board was founded, and we have been the secretariat of that board since its foundation, to bring together entertainment in-

dustry representatives and people from the child and parent and psychological and medical and religious community.

Today that board is composed—indeed, Mr. Valenti and Ms. Miller are members of that board. We are the institution that is there to guarantee the integrity of the system. At the beginning people were uncertain about what it meant. The board meets periodically, twice a year normally, but upon the call of the chairman as well in the event that there is a need for review of how a particular program has been rated.

The purpose of the board is to serve as a mechanism that parents or individuals or researchers or anybody else could say, there is a mistake being made here. Indeed, in the period in the early days of the TV rating system we had several complaints, and indeed the board met, reviewed programming, and in a couple of occasions actually encouraged the program runner, the broadcaster, the cable network, to re-rate the show in a more strict or cautionary fashion, and indeed that did occur.

The board also has a second function, which is to educate parents. We have run thousands of 30-second spots on virtually every broadcast and cable television network in the country over these past 7 or 8 years, trying to educate parents about this rating system. We have an annual effort at the National PTA Convention to try to bring the TV rating system to the PTA and to try to have its local organizations educate parents about this. We take that public education effort very seriously and work at it very hard.

We appreciate this opportunity and I am happy to answer any of your questions.

[The prepared statement of Mr. Podesta follows:]

PREPARED STATEMENT OF ANTHONY T. PODESTA, EXECUTIVE SECRETARIAT, ON BEHALF OF THE TV PARENTAL GUIDELINES MONITORING BOARD

Good afternoon. Thank you, Chairman Brownback and Ranking Member Breaux for the opportunity to testify today on behalf of the TV Parental Guidelines Monitoring Board. As the Executive Secretariat of the Monitoring Board, I am grateful for the chance to discuss the TV Parental Guidelines and answer any questions you may have about the television ratings system.

The TV Parental Guidelines is a voluntary rating system that gives parents information about the age-appropriateness and content of television programs. Used in conjunction with the V-chip, which is now standard in all TV sets 13 inches and larger, the TV ratings allow parents to block out programming they think is unsuitable for their children. The system is an effective tool to help parents supervise the programming that comes into their homes.

Every segment of the entertainment industry was involved in the creation of the TV guidelines, including national broadcast networks; affiliated, independent and public television stations nationwide; cable programmers; producers and distributors of cable programming; syndicators; entertainment companies; and members of the creative guilds representing writers, directors, producers and actors. They all came together to collaborate on the development of the ratings system. As you can imagine, this was no small feat.

Led by the Motion Picture Association of America, the National Association of Broadcasters, and the National Cable & Telecommunications Association, this first-ever collaboration among the entertainment industry had one clear goal: to devise a TV ratings system that was easy to understand, easy to use, and effective. The industry knew that parents were the primary audience for this ratings system, and its efforts focused on creating a tool that would help parents monitor and supervise what their children were watching on television. After several months of consultation both inside the television industry and with other groups that had an interest in the TV ratings, the industry announced the TV Parental Guidelines in December of 1996. This age-based system had six categories—two exclusively for children's programming—TV–Y and TV–Y7, and four for general audience programming—TV–

G, TV–PG, TV–14 and TV–MA. Each category had a corresponding detailed description of the content that might be found in programming carrying that rating.

After a period of public comment, during which parents expressed interest in having more information about the content of programs, the industry agreed to revisit the system to determine how this information could be provided. During the spring and early summer of 1997, industry leaders had extensive discussions not only with parents, but also with national children's and parents' advocacy groups as well as medical, religious, and educational groups. Among the groups involved in these discussions were the National Parent Teacher Association (PTA), the National Education Association (NEA), the American Psychological Association (APA), the American Medical Association (AMA), the Center for Media Education (CME), the Children's Defense Fund (CDF), the American Academy of Pediatrics (AAP), Children Now, the American Psychiatric Association (APA) and the National Association of Elementary School Principals (NAESP).

These groups spent hundreds of hours on this process, and it was important to the integrity of the system that a majority of them supported the final product. The result of these discussions was that television programming would continue to fall into one of the six categories (TV–Y, TV–Y7, TV–G, TV–PG, TV–14, and TV–MA), but that content labels would be added where appropriate. These content labels are FV for fantasy violence, which is used exclusively for TV–Y7 programs; V for violence; S for sexual content; L for language; and D for suggestive dialogue. These last four labels are used in the general audience categories of TV–PG, TV–14 and TV–MA.

On July 10, 1997, the revised ratings system was ratified by leading family and children's advocacy groups, as well as television broadcasters, cable systems and networks, and television production companies. Congress signaled support for the system and agreed to give it a chance to work. And, after accepting public comments on the system, the FCC deemed the TV Parental Guidelines "acceptable" in March of 1998.

In addition to coming together to create the guidelines, the industry also devised a process for implementing them. Because of the huge amount of programming involved—some 2,000 hours a day—the industry volunteered to review the programming and apply the guidelines episode-by-episode to avoid blanket ratings for a program that might be accurate one week, but not the next. Today, aside from news, sports, and advertising, everything you see on television has been rated by the industry, and the information is available for parents to use.

In order to give parents real-time information about a program's rating, the ratings icons and associated content symbols—for example, TV PG–V—appear in the upper left-hand corner of the screen for 15 seconds at the beginning of all rated programs. The ratings information is also included in published television listings and appears in electronic program guides.

In order to ensure that the TV ratings are applied accurately and consistently, the industry created the TV Parental Guidelines Monitoring Board. When the Board receives widespread and verifiable criticism about a specific program's rating, it reviews the program and makes recommendations about the appropriate rating to the relevant parties.

When the TV Parental Guidelines were implemented, the industry knew that to be effective, parents and others needed to understand what the ratings meant and how to use them. The industry undertook a comprehensive public education campaign that we continue to build on today. Industry trade associations, individual broadcast and cable networks, affiliates, cable operators, and independent television stations have produced public service announcements to educate the public and promote the TV Parental Guidelines and parental controls. Millions of dollars have been spent on public service advertising, and the industry has made substantial investments to update the TV Parental Guidelines website and brochure. The brochure is available in both English and Spanish. In addition, each year, the Monitoring Board hosts a booth at the annual PTA Convention and distributes information on the ratings system.

We have seen the results of this public education campaign firsthand. Parents send their questions, concerns, and suggestions about the ratings system to the Monitoring Board. Over the years, we have received more than 2,500 letters, e-mails or phone calls about the guidelines.

Virtually all of the negative feedback about the ratings came at the beginning of the implementation process. The positive effects of the industry's outreach efforts can be seen in the type of feedback we receive. We have not had any recent complaints about how a television program is rated. We know from our own polling and from surveys done by organizations like the Kaiser Family Foundation, that parents find the system helpful.

The TV Ratings System was created in conjunction with a broad cross-section of public advocacy groups to provide parents with a useful tool to help supervise the television programming that comes into their homes. We believe it serves that purpose. We understand that educating parents about this system is an ongoing process, and the industry remains committed to playing a continuing role in this process.

Chairman Brownback, Ranking Member Breaux, thank you for the opportunity to testify before your Committee on the TV Parental Guidelines. I look forward to answering any questions you may have on the system.

Senator BROWNBACK. Thank you, Mr. Podesta. I do have some questions I want to raise with you on this system when we get to the discussion.

Mr. Kinney, Chief Executive Officer of the PSVratings group. Mr. Kinney, thank you for joining us, this is a private ratings group, and we look forward to your testimony.

STATEMENT OF DAVID G. KINNEY, PRESIDENT AND CEO, PSVRATINGS, INC.

Mr. KINNEY. Good afternoon, Chairman Brownback, and thank you for inviting me to testify today.

I am relatively new to Washington. I am David G. Kinney, founder and President of PSVratings, as well as the Chair of the Coalition for Independent Rating Services. Let me say a word about each, please.

The Coalition for Independent Rating Services brings together five competitive organizations that provide independent ratings. The coalition members include PSVratings, Critics Inc./kids-in-mind.com, Coalition for Quality Children's Media/KIDSFIRST!, Family Style Film Guide, and Grading the Movies.

The coalition's goal is to increase dialogue and awareness about the value of independent rating systems among policymakers and the public at large. The coalition recently submitted comments to the FCC on the impact of violent programming on children. The coalition noted its support for an open V-Chip, which would allow consumers to access ratings systems of their choice, including independent competitive systems like ours.

We plan to participate in the FCC's rulemaking on interactivity and digital television and to work with partners in the industry toward an open V-Chip that could one day allow consumers, not merely to block violent programming, but watch programming that meets their preselected preferences for family viewing.

That is what independent rating services are all about. We do not produce content. We simply provide information about the content. As such, independent rating systems provide a market-based solution to supplement industry-based rating systems such as MPAA, RIAA, and ESRB with the independent information consumers want and truly need.

As the CEO of a corporation that has invested millions of dollars into the technology that enables us to meet the consumer demand and do it objectively, I can say that in fact the existing industry-based rating systems most assuredly do not adequately meet the demands of the consumer. In fact, parents do not want to be told what the entertainment industry thinks is suitable for their children. Parents want reliable information that will enable them to make that decision for themselves.

Today's hearing begs the question of whether or not it is possible to create a solution that can meet the needs of parents and consumers while protecting the freedom of expression of the entertainment industry. The answer is yes, it is possible. The solution is information.

I speak specifically for PSVratings when I say that we believe that the entertainment industry should be free to express themselves as they deem appropriate, but common sense dictates that social responsibility requires that freedom of expression be balanced with freedom of information.

The Committee has asked about the scientific process for developing ratings. I cannot speak to the process for the other members of the coalition, but I conceived the PSVratings system and spearheaded its development. Please allow me to summarize how the precise system that Dr. Thompson envisions in her study can actually work.

Our solution, called "PSVratings," provides parents and all consumers with comprehensive, accurate, and objective information about the profanity, sex, and violence in media, and it does so without judgment or calls for censorship. As you can see, we use a universally recognized traffic light, color-coded to alert consumers to the level of profanity, sex, and violence in the media.

When viewed in relation to existing industry-based ratings systems, parents can immediately see the different levels of profanity, sex, and violence in similar industry-based ratings. As you can see, there is a great divergence in the levels of profanity, sex, and violence even among movies given the same industry ratings.

Consumers can now go to currentattractions.com to access more comprehensive information about the levels and amounts of profanity, sex, and violence content, as well as the context in which it was used. As you can see, the PSVratings system offers relevant content-specific information which can greatly benefit not just the consumer, but film makers and studios as well. By clarifying and simplifying the decisionmaking process, PSVratings supports the entertainment industry's effort to reach the family audience. Moreover, with this technology-based solution studios and distributors could have the option of presenting multiple versions of their offerings with various levels of profanity, sex, and violence and thus open up additional channels of distribution, such as to airlines, schools, etcetera.

As to the scientific process for developing ratings, the PSVratings system employs algorithms governing in excess of 3,000 descriptor rules and over 10 million potential rule combinations, managed by a board of experts in child psychology and education. Their job is to ensure that the PSVratings system factors in child development.

While the technology behind the PSVratings system is very complex, as you can see, the consumer interface and display of data could not possibly be more user-friendly or simple to use.

The Committee has also asked whether a more uniform system for all forms of media is needed. Among the benefits of PSVratings is that we have developed a system that is universally applicable to all media. PSVratings began with a focus on the home video-DVD market, both because parents rent and buy more videos than any other market segment and because we were fairly successful

at obtaining screeners. We have now expanded to box office releases, but admittedly still cannot provide the public with the information they seek until the end of the first day of release without prior access to the movie content.

We are also working on video games and music and will soon be providing ratings for these media as well. In terms of online media, we have also developed the capability to monitor and rate chatrooms in real time, as well as a strategy for rating Internet sites and keeping those ratings updated.

Finally, I would like to offer that the PSVratings system could also be applied to television and make V-Chip programming tailored to the sensitivities and maturity levels of everyone in the household as easy as selecting a level of profanity, sex, and violence, if again we could get prior access to the content.

I will close now by stating that I look forward to the opportunity of working with the Committee and my fellow panelists in implementing solutions that protect children by providing parents with the information they need to make informed purchase and rental decisions, while at the same time protecting freedom of speech and the intellectual property of content producers against piracy.

On behalf of the Coalition for Independent Ratings Services and PSVratings, I thank you.

[The prepared statement of Mr. Kinney follows:]

PREPARED STATEMENT OF DAVID G. KINNEY, PRESIDENT AND CEO, PSVRATINGS, INC.

Good morning Chairman McCain, Chairman Brownback, Senators. Thank you for inviting me to testify today. I am David G. Kinney, founder and President of PSVratings, Inc., as well as the Chair of the Coalition for Independent Ratings Services. The Coalition for Independent Ratings Services brings together five organizations that provide independent ratings. The Coalition members include:

- PSVratings, Inc.
- Critics, Inc./kids-in-mind.com
- Coalition for Quality Children's Media/KIDS FIRST! (CQCM)
- Family Style Film Guide; and
- Grading the Movies

The fact that these independent ratings systems exist and are used by concerned parents and others is evidence of the public's demand for more information than currently is being provided by the industry's systems.

Executive Summary

The Coalition's goal is to increase dialogue and awareness about the value of independent ratings systems among policymakers and the public at large. To this end, the Coalition recently submitted comments to the FCC's on its proceeding on the impact of violent programming on children. The Coalition noted its support for an open V-chip, which would allow consumers to access rating systems of their choice, including independent, competitive systems like ours. We plan to participate in the FCC's Further Notice of Proposed Rulemaking on interactivity in digital television, to work with partners in the industry towards an open V-chip that could one day allow consumers not merely to block violent programming, but have programming that meets their pre-selected preferences be suggested for family viewing. For instance, the PSVratings system could enable parents to program their V-chip by simply selecting the level of Profanity, Sex and Violence they deem appropriate for their children based upon the individual maturity level and sensitivities of each of their children.

My company, PSVratings, is a supplement to industry-based ratings systems such as the MPAA, RIAA, and ESRB systems. I have been asked to come here and testify today on whether the existing ratings systems are effective in assisting consumers in discerning what is appropriate entertainment for their children. To that end, let me emphasize that we are a private corporation that has invested millions of dollars

into technology that enables us to fill a void in the marketplace for the data that parents and consumers demand specifically because the existing industry based ratings systems do not, in fact, fulfill the information requirements of parents and consumers. In fact, we have found that parents do not want to be told what the industry thinks is suitable for their children. They want objective information to make that decision for themselves. I have attached our market research to my testimony, in order to be fully responsive to the Committee's questions on the effectiveness of the industry's systems.

Our solution, called the PSVratings system, provides parents and indeed all consumers with comprehensive, accurate and objective information about the: Profanity, Sex and Violence in media. We use a universally recognized traffic light, color-coded to alert consumer to the level of content in each category. When viewed on our consumers website, called Current Attractions (*www.currentattractions.com*), consumers can access more comprehensive information about the nature of content in those categories.[1] The PSVratings system offers relevant, content-specific information. Such data can greatly benefit not just the consumer, but filmmakers and studios as well. By clarifying and simplifying the caregiver decision-making process, PSVratings supports the entertainment industry's effort to reach the family audience. Moreover, with this technology-based solution, studios and distributors could have the option of presenting multiple versions of their offerings with various levels of profanity, sex and violence and thus open up additional distribution channels, such as to airlines, after school programs, family restaurants, pediatric offices, etc.

The Committee has asked about the scientific process for developing ratings. With algorithms governing over 3,000 descriptor rules, resulting in over 10 million combinations, managed by a board of experts in child psychology and education, the PSVratings system is extremely complex. While the technology behind the PSVratings system is very complex, however, as you can see from the slides, the consumer interface and display of data could not possibly be more user-friendly or simple to use. In response to the Committee's interest in examining the process for developing ratings, I have included a more detailed description of this sophisticated process in an attachment to my testimony.

The Committee has also asked whether a more uniform system for all forms of media is needed. The benefit of PSVratings is that we have developed a system that is universally applicable all media.

PSVratings began with a focus on the home video/DVD market both because parents rent and buy more videos than any other market segment and because we were fairly successful at obtaining screeners. We have now expanded to box office releases. With respect to the Committee's question on systems providing consumers with effective information, our market research demonstrated that consumers ideally would like ratings information before the release day. However, we still cannot provide the public with the information they seek until the end of the first day of release, without prior access to the movie content. There is a great diversity in the nature of the content, even among movies given the same industry ratings. We also are working on video games and music and will soon be providing ratings for these media as well. We have developed the capability to monitor and rate chat rooms in real time, as well as developed a strategy for rating Internet sites and keeping those ratings updated. Finally, we could also apply our system to television if, as previously stated with respect to films, we could gain prior access to such content. Such

[1] *See* Attachments rating the recently released films *Anaconda* (*Screen Gems, Columbia TriStar Motion Picture Group* 2004) and *Cellular* (*New Line Cinema Productions* 2004).

access would of course be done in a manner consistent with protecting the content producers' intellectual property rights.

The Coalition

The Coalition for Independent Ratings Services ("Coalition") is a coalition of independent ratings service providers, including PSVratings, Inc., Critics, Inc./kids-in-mind.com, Coalition for Quality Children's Media/KIDS FIRST! (CQCM), FamilyStyle Film Guide, and Grading the Movies. The simple fact that so many competitive systems have developed in the last several years is evidence of consumers' demand for more information to help them determine the suitability of a particular film, TV show, video game, music CD or Internet site for their families. Independent ratings can provide objective information to consumers, because their market incentive is to satisfy consumer demand for effective information.

Box office sales research reflects that PG–13 movies garner the highest receipts, so there are strong incentives in the industry to secure a PG–13 rating. Likewise, box office receipts decline with NC–17 ratings, so there is a strong incentive to secure at least an R rating, instead of the economic-impactive NC–17 ratings. Box office receipt figures have a strong impact on additional box office attendance, and later on video distribution receipts. So there is a strong economic incentive to secure ratings that will attract broader audience, regardless of the actual content. In contrast, the independent ratings systems' top priority is to build trust in their product—objective information about the content of programming. With an independent ratings system, there is no conflict of interest between transparency and revenue maximization.

The Coalition's goal is to increase dialogue and awareness about the value of independent ratings systems among policymakers and the public at large. To this end, the Coalition recently submitted comments to the Federal Communications Commission (FCC)'s proceeding on the impact of violent programming on children.[2] The Coalition noted its support for an open V-chip, which would allow consumers to access rating systems of their choice, including independent, competitive systems like ours. We plan to participate in the FCC's Further Notice of Proposed Rulemaking on interactivity in digital television[3], to work with partners in the industry towards an open V-chip that could one day allow consumers not merely to block violent programming, but have programming that meets their pre-selected preferences be suggested for family viewing.[4] For instance, the PSVratings system could enable parents to program their V-chip by simply selecting the level of Profanity, Sex and Violence they deem appropriate for their children based upon the individual maturity level and sensitivities of each of their children.

The Coalition has already had some policy success working with the FCC to inform consumers of the availability of ratings systems independent of those developed by the industry. The Coalition commends the FCC's leadership in posting a link to the Coalition's website on the FCC's Parents Place page discussing TV Ratings.[5] The Coalition has asked the FTC to likewise post a link to the Coalition on the FTC website page discussing entertainment ratings.[6] Because the FTC covers a broader array of media product, beyond television program and including film and games, the Coalition hopes this Committee might encourage the FTC to likewise post a link to the Coalition—the only coalition organized to represent entertainment ratings providers independent of the industry—and thereby inform consumers of the availability of alternative ratings independent of those developed by content producers.

PSVratings, Inc.

My company, PSVratings, is a supplement to industry-based ratings systems such as the MPAA, RIAA, and ESRB systems. We are a private corporation that has in-

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[2] *See In the Matter of Violent Television Programming And Is Impact on Children,* Notice of Inquiry, MB Docket No. 04–261 (rel. July 28, 2004) and Comments of Coalition for Independent Ratings Services in MB Docket No. 04–261, Notice of Inquiry *In the Matter of Violent Television Programming And Is Impact on Children* (Sep. 15, 2004) (available at *www.independentratings.org*).

[3] *See News Release,* Federal Communications Commission, *FCC Adopts Children's Programming Obligations for Digital Television Broadcasters,* MM Docket 00–167 (rel'd September 9, 2004).

[4] *See also In The Matter of Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television,* MB Docket No. 03–15, RM 9832, Report and Order, at para. 154–168 (discussing and adopting the Advanced Television Standards Committee (ATSC) Program System and Information Protocol (PSIP) standard into the FCC rules as part of the DTV advanced digital television standard) (rel'd September 7, 2004).

[5] *See www.fcc.gov/parents/tvratings.html.*

[6] *See http://www.ftc.gov/bcp/conline/edcams/ratings/ratings.htm.*

vested millions of dollars into technology that enables us to fill a void in the marketplace for the data that parents and consumers demand. We have found that parents do not want to be told what the industry thinks is suitable for their children. They want the information to to enable them to make that decision for themselves. I have attached our market research to my testimony, to be responsive to the Committee's questions on whether the industry's systems are "effective in assisting consumers in discerning what is appropriate" for their children.

Our solution, called the PSVratings system, provides parents and all consumers with comprehensive, accurate and objective information about the Profanity, Sex and Violence in media.

We use a universally recognized traffic light, color-coded to alert consumers to the level of content in each category. When viewed on our consumer website, called Current Attractions (*www.currentattractions.com*), consumers can access more comprehensive information about the nature of content in those categories. The PSVratings system offers relevant, content-specific information. Such data can greatly benefit not just the consumer, but filmmakers and studios as well. By clarifying and simplifying the parent decision-making process, PSVratings supports the entertainment industry's effort to reach the family audience. Moreover, with this technology-based solution, studios and distributors could have the option of presenting multiple versions of their offerings with various levels of profanity, sex and violence and thus open up additional distribution channels, such as to airlines, after school programs, family restaurants, pediatric offices, etc.

In fact, the creation, development and management of PSVratings is founded upon the conviction that filmmakers, producers and artists have an important right to express themselves through their creative works.

At the same time, PSVratings believes that freedom of expression must be balanced with freedom of information. Consumers have a right to the information necessary to make informed purchase and rental decisions. PSVratings is dedicated to empowering parents, caregivers and consumers to make informed entertainment choices for themselves and their families, by giving them the objective information they need.

The PSVratings system makes no judgment of suitability or appropriateness for any given audience or age group. We believe that suitability is an individual choice. We simply provide the comprehensive and objective information to enable consumers to make that choice based on their own *individual* standards of suitability.

Scientific Process for Developing Ratings

I happened to have remarked during one of our company meetings a few years ago that in order for the PSVratings system to be as simple as possible for consumers on the front end, it would end up being extremely complex on the back end. That is true.

With algorithms governing over 3,000 descriptor rules, resulting in over 10 million combinations, managed by a board of experts in child psychology and education, the PSVratings system is extremely complex. The five steps developed by PSVratings to produce objective media ratings are as follows:

1. The PSVratings Standard is managed by an independent board comprised of child psychiatrists, child psychologists and educators. This group of experts is responsible for the application of ratings to the rules that underlie the PSVratings system. While the ratings values of the PSVratings system are intended only as a guideline as to the levels of Profanity, Sex and Violence in media, consumers can be confident that the guideline is based upon current re-

search on the impact of media on children. Thus, the PSVratings Standard is built upon a foundation of scientific knowledge independent of any commercial interest.

2. Data Capture Specialists are rigorously trained to 'audit', as opposed to 'review', media and identify all instances of Profanity, Sex and Violence without any judgment or interpretation. Not only do they note the occurrence itself, but they recognize relationship combinations for as many as 15 different character types (man, woman, teen, child, fantasy figure, role model, etc), the relationship(s) between the character types, the consequences of the occurrence, the level of graphic detail and whether it is seen, heard or sensed.
3. Once the Data Capture process has been completed, every element of the information is mapped to any or all of the applicable rules in the PSVratings database. Data Mappers are extensively trained in the process of locating and identifying the appropriate rule(s) from the in excess of 3,000 rules and 10 million rule combinations. In instances in which a situation is encountered for which there is no rule, a new rule will be created and submitted to the PSVratings Standards Board for approval and rating.
4. To ensure data integrity, the entire Data Capture process is basically repeated by the Data Validation department. The Data Validation department, however, works completely independent of the Data Capture department. While Data Capture is dedicated to ensuring comprehensive and accurate capture of data, Data Validation is incentivized to find any possible errors by Data Capture. Data Validation ensures that every instance is captured, every instance is properly reported and every instance is properly mapped.
5. The final step of the PSVratings process, prior to release, is a comprehensive Data Integrity review of every reported and mapped ratings instance. The Data Integrity division operates independent of the Data Development (Data Capture and Data Validation) division. Working with the PSVratings Standards Board, the Data Integrity division has access to the rating of the rules of the PSVratings Standard, but has no ability to go back and change any of the data supplied by the Data Development division. Thus, no individual can influence the rating of an individual media title. Upon approval by Data Integrity of the accurate mapping of all ratings instances, the proprietary technology of the PSVratings system generates a rating based upon a matching of the audit data with the rules of the PSVratings Standard.

A Uniform Ratings System

The Committee asked whether a more uniform system for all forms of media is needed. The benefit of PSVratings is that we have developed a system that is universally applicable to all media. While PSVratings has itself developed a uniform system, which we believe is more responsive to consumer needs than a plethora of different systems for different entertainment products, PSVratings discourages the Committee from considering a requirement that the industry generally develop a single system. Because of the conflict of interest in the industry between transparency and revenue maximization, PSVratings believe that independent ratings provide helpful competition and objective information that the consumer needs in making decisions about the suitability of a particular program or game for a member of their family. A mandate for a single, uniform system across the industry may very well, if coupled with any legal recognition of that single uniform system, marginalize competitive, independent systems that provide objective information free of any conflict of interest.

With respect to PSVratings' uniform, universally applicable ratings system, we began with a focus on the home video/DVD market both because parents rent and buy more videos than any other market segment and because we were fairly successful at obtaining screeners. We have now expanded to box office releases. With respect to the Committee's question on systems providing consumers with effective information, our market research demonstrated that consumers ideally would like ratings information before the release day. However, we still cannot provide the public with the information they seek until the end of the first day of release, without prior access to the movie content. There is a great diversity in the nature of the content, even among movies given the same industry ratings. We also are working on video games and music and will soon be providing ratings for these media as well. We have developed the capability to monitor/rate chat rooms in real time, a strategy for rating Internet sites and keeping those ratings updated. We could also apply our system to television if, as with films, we could gain prior access to content.

Effective and Reliable Ratings Systems

The data provided by PSVratings and other independent systems is useful for a number of audiences including but not limited to: parents making choices for their children; grandparents buying gifts for grandchildren; adults going on a first date or planning double-dates; child advocates, academics, researchers and government agencies doing research; studios analyzing the correlation between box office results and various levels and types of content; and retailers offering value added services for customers. Rating systems that are independent of the content producer can produce more reliable and therefore effective ratings for the above uses than the industries' own ratings, given the conflict of interest noted above.

Conclusion

I look forward to working with the Committee and my fellow panelists on implementing solutions that protect children and improve consumers' experience by providing parents and others with the information they need, while at the same time, protecting freedom of speech and the intellectual property of content producers against piracy. On behalf of the Coalition for Independent Ratings Services and PSVratings, Inc., I thank the Chairmen and the Committee, and their staff, for holding this important hearing.

Step 1 - The Standards Board

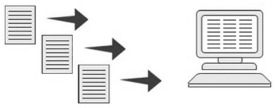
>> Jeanette Betancourt, Ed.D.
>> Joanne Cantor, Ph.D.
>> Ed Donnerstein, Ph.D.
>> Stacy Smith, Ph.D.
>> Vic Strasburger, M.D.
>> Barbara Wilson, Ph.D.

The PSVratings Standards Board is responsible for the development of the rules that form the foundation of the PSVratings system. This renowned group of experts ensures the integrity of the system by applying their knowledge and current research on the impact of media on children. The result is an objective and expert ratings standard independent of any commercial interest.

Step 2 - The Audit Process

We rigorously train our auditors to identify all instances of profanity, sex and violence without any judgment as to their suitability. Not only do they note the occurrence itself, but recognize relationship combinations for as many as 15 different character types (man, woman, teen, child, fantasy figure, role model, etc), the relationship(s) between the character types, the consequences of the occurrence and whether it is seen, heard or sensed.

Step 3 - Data Entry

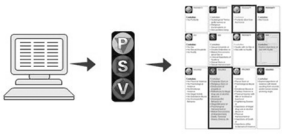


The results of the audit process are sent to the data entry department. Their role is to map all noted occurrences to one or more of the (currently) 3,375 rules in the PSVratings database. If no rule is both specific and appropriate to the occurrence, a new rule will be created and submitted to the PSVratings Standards Board for approval.

Step 4 - Data Integrity

To ensure data integrity, no PSVrating is generated until three audits of the title have been approved. Our proprietary ratings engine uses sophisticated metrics to analyze and compare the comprehensiveness and accuracy of each audit.

Step 5 - Generate A Rating



The final step of the process is for the proprietary PSVratings technology to generate a rating based upon a matching of the audit data with the rules of the PSVratings Standard. Displaying any combination of White, Green, Yellow and Red, the PSVratings traffic light symbol then serves as a reference to the PSVratings Chart (summarization of the rules) thus conveying an instant read of the **P**rofanity, **S**ex and **V**iolence content of any type of media.

Senator BROWNBACK. I thank you, Mr. Kinney. That is very thoughtful and very provocative. I look forward to pursuing it more with you.

Dr. Kim Thompson, Associate Professor and Director of Kids Risk Project at Harvard School of Public Health. Dr. Thompson, welcome.

STATEMENT OF KIMBERLY M. THOMPSON, SC.D., ASSOCIATE PROFESSOR AND DIRECTOR, KIDS RISK PROJECT, HARVARD SCHOOL OF PUBLIC HEALTH

Dr. THOMPSON. Thank you, Mr. Chairman, for inviting me to testify here today. I appropriate the opportunity and I appreciate your recognition of the important role of media in the lives of children, and I hope that this will be a beginning of some transition with the media ratings systems that we have today.

Senator BROWNBACK. I have five children. It is a very personal issue. I understand it very personally.

Dr. THOMPSON. As a parent, a consumer, an educator, and an active academic researcher of media content, I am excited to have the opportunity to talk about the effectiveness of the ratings systems. Over the past several years my research group at the Harvard School of Public Health has conducted several studies that quantitatively evaluated the actual content of popular media, particularly products marketed to children. We focused our studies on ratings for younger audiences.

The work includes rigorous peer-reviewed studies assessing violent content and depiction of substances in G-rated animated films, violence in E-rated and teen-rated video games, a comparison of content and ratings for teen-rated video games and analysis of movie content and ratings for films released in the last 10 years, and I am happy to provide details about any of those individual studies.

The most recent one I think is the one that is of most interest to the Committee today, where we used data from the MPAA and two independent resource that watch the entire released movie and provide consistent and detailed content information to parents. Those are kids-in-mind and ScreenIt. We demonstrated quantitatively that ratings creep has occurred over the last decade and that today movies do contain significantly more violence, sexual content, and profanity on average than movies of the same age-based rating a decade ago.

With today's children spending more time on average consuming media than in school, it is no doubt that the media serve as a powerful, pervasive, and persuasive influence in the lives of our children. One of the things that we researchers need to do is make sure that we are using science and evidence-based research to understand the potential impacts of media, both positive and negative, on children's perceptions, attitudes, beliefs, and behaviors. I think that is one of the things that would be something to have more emphasis on, is really research in this area.

Given the important role of media ratings as the current strategy in our self-regulatory system, it is critical that Congress ensure that the system is working and it does protect children. I want to emphasize that our self-regulatory system is one that gives us the

freedom to create and the freedom to choose that are reflecting deeply held values by Americans. We have to remember that freedom really depends on responsibility and that is true when it comes to media as well.

So based on my research, I do believe that the existing ratings systems provide very useful information to parents and it is not a surprise that in fact parents are saying that on the opinion polls. At the same time, we are not asking them what else they would like to see in the ratings. We are just asking them are they useful. I think there is certainly a lot more that we could ask parents and certainly learn from them if we delved into it more.

I think one of the things that is interesting is to compare the existing ratings systems to provide some context for those. Right now the MPAA provides age-based ratings and non-standardized rating reasons. So basically there is a set of categories that provide parents with standard age-based information, but the rating reasons are very welcome, very helpful, but not standardized, so it is not clear that parents know what to expect.

I do think that the MPAA could easily provide standardized descriptions of content that would better inform parents about what to expect when they see a specific rating reason, kind of along the lines of what the ESRB does with its content descriptors.

The ESRB system for video games also provides an age-based rating and content descriptors, and the ESRB does clearly define the content descriptors on our website—on its website. I think one of the things that is important about our studies is we have found what we have reported as some inconsistencies with respect to the application of those content descriptors and also a lack of transparency in how they are assigned. So some question as to whether or not all of the content is getting rated and also whether or not the fact that the ESRB is not actually playing the games as part of rating process is leading them to potentially miss content that might be of concern to parents.

Finally, with respect to television ratings, I think they do present confusing information to parents and particularly with respect to the four content designations, the "V," "S," "L," and "D." Those are assigned not necessarily consistently by networks. There does not seem to be a standard for those either. Those also only apply to the three highest age-based ratings of "PG," "TV–PG," "TV–14," and "TV–MA," and they also mean different things depending on the age-based rating. So there is certainly a lot of potential for confusion there and no information for parents about depiction of substances, which is something that the MPAA and the ESRB both provide.

Where this all comes together for me is what we are calling now convergence of media. We are now seeing video games and movies and television products and they are all on the Internet and they are similarly produced or produced at the same time, often cross-marketed very heavily. In some cases we are seeing inconsistent ratings. So for example we will see a teen-rated video game associated with an M-rated movie, or a PG–13-rated movie with an M-rated video game.

That makes it confusing for people when they are trying to tell their kids that this is something that seems OK or not OK, and you

are getting these mixed signals. So I think that there is cross-media marketing happening. I think that is evolving. The media are evolving very quickly, and this is an area where I think there is an opportunity to try and explore universal rating systems, which is what we recommended in the paper, although I have to say I have not looked at the PSV system, nor have I endorsed that system. So I do not want to have people infer from your statement that that was the case.

I do think that the bottom line is that we are already in the next generation of media and it is really time for us to take a look at whether or not we can make an improvement to the ratings systems, get rid of the alphabet soup that we see on the posters up there, and try to figure out whether we can have some more effective tools for parents.

I think one of the biggest issues is that we do not have a rigorous research-based system. We do not have standard definitions. It is not clear what parents should expect, and that does mean that sometimes people are surprised. I think it is the industry's responsibility and I think that they are doing a good job. I just think that they could do a better job.

So I want to be clear that I think that what we are talking about is improving and possibly changing in a way that just makes it easier, but also provides more information to parents.

I really think it is all about incentives and making sure that we are creating the right incentives for everyone to act responsibly. Parents need to make good choices. The industry needs to provide good information. Everybody needs to do their part. That is what self-regulation depends on.

I think I will wrap up by saying that Americans really need to realize that we do not have a national research agenda in this area. There are not very many academics who actually pay any attention to this particular topic. I think that this is a time when we should really seriously consider creating a national agenda that would help us use research and good science to guide our discussions about children and media, and in that regard I hope that the Senate will seriously consider the Children and Media Research Act and look at the opportunities to actually create incentives for good evidence to help us understand what positive and negative effects media might have on children.

Thank you.

[The prepared statement of Dr. Thompson follows:]

PREPARED STATEMENT OF KIMBERLY M. THOMPSON, SC.D., ASSOCIATE PROFESSOR AND DIRECTOR, KIDS RISK PROJECT, HARVARD SCHOOL OF PUBLIC HEALTH

Statement of Kimberly M. Thompson, Sc.D., Associate Professor and Director, Kids Risk Project, Harvard School of Public Health and Children's Hospital Boston before the United States Senate Commerce Committee Subcommittee on Science, Technology, & Space Washington, D.C. September 28, 2004

Mr. Chairman and members of the Subcommittee, thank you very much for recognizing the important role of media in the lives of children and for inviting me to present my views on the effectiveness of media ratings. As a parent, consumer, educator, and active academic researcher on media content, I welcome the opportunity to comment on:

1. the effectiveness of the existing ratings systems for video games, television, and motion pictures in assisting consumers in discerning what is appropriate entertainment for their children,

2. the lack of a scientific and research-based process for developing ratings, and
3. the need for a more uniform and reliable ratings system for all forms of media.

Over the past several years, my research group at the Harvard School of Public Health has conducted several studies that quantitatively evaluated the actual content of popular media products marketed to children. This work includes rigorous peer-reviewed studies assessing the violent content and depiction of substances in G-rated animated films, violence in E-rated and T-rated video games, a comparison of content and ratings for T-rated video games, and an analysis of movie content and ratings for films released in the last ten years. Each of these studies yielded significant insights including:

- Every one of the 74 animated G-rated animated feature films (100 percent) reviewed contained violence against another character (*http://www.kidsrisk.harvard.edu/faqs1.htm*).1
- Nearly 60 percent of the 81 G-rated animated feature films reviewed showed characters smoking and/or consuming alcoholic beverages (*http://www.kidsrisk.harvard.edu/faqs2.htm*).2
- 35 of the 55 (64 percent) E-rated (for "Everyone") video games studied contained violence (*http://www.kidsrisk.harvard.edu/faqs3.htm*), with injuring characters rewarded or required for advancement in 33 games (60 percent).[3]
- We observed content that could warrant an ESRB content descriptor in 39 out of 81 games (48 percent) T-rated (for "Teen") video games for which the ESRB had not assigned a content descriptor, and we did not observe the content indicated by an ESRB content descriptor within one hour of game play for seven games. These games may be a source of exposure to a wide range of unexpected content (*http://www.kidsrisk.harvard.edu/faqs4.htm*).[4]
- In the random sample of 81 T-rated video games we played:
  - 79 games (98 percent) involved intentional violence, representing 36 percent of game play time,
  - 73 games (90 percent) rewarded or required the player to injure characters,
  - 56 games (69 percent) rewarded or required the player to kill, and
  - we observed 5,689 human deaths for these 81 games, occurring at an average rate of 61 human deaths per hour of game play time (*http://www.kidsrisk.harvard.edu/faqs5.htm*).[5]
- Using data from the MPAA and two independent resources that watch the entire released movie and provide consistent and detailed content information to parents (Kids-in-Mind and Screen It!) we demonstrated quantitatively that ratings creep occurred over the last decade, and that today's movies contain significantly more violence, sexual content, and profanity on average than movies of the same age-based rating (*e.g.,* G, PG, PG–13, R) a decade ago (*http://www.kidsrisk.harvard.edu/faqs6.htm*).[6]

With today's children spending more time on average consuming media than in school, the media serve as powerful, pervasive, and persuasive influences in their lives. As the peer-reviewed, science-based research of my group and the studies of other researchers demonstrate, entertainment media represent an important source of exposure for children to messages that may positively or negatively affect their perceptions, attitudes, beliefs, and behaviors. Given the important role of the media ratings as the current strategy in our self-regulatory system—a system that gives us all the freedoms to create and to choose media and that reflects values deeply held by all Americans—Congress must ensure that the system works and protects children. Freedom depends on responsibility.

Effectiveness of the existing ratings systems

Based on my research, I believe that the existing ratings systems provide useful information for parents, but I also see large opportunities for improvement. Parents must currently grapple with an alphabet soup of rating symbols representing inconsistent approaches to rating media.

The MPAA provides its age-based rating (*e.g.,* G, PG, PG–13, R) and rating reasons. While the rating reasons provide some information about content and they are far superior to just giving parents the rating alone with no explanation, they do not necessarily tell all parents about all of the types of content that children might experience. The age-based ratings also reflect the relative standards of the anonymous members of a mysterious group and no standardized definitions for content exist. Could the MPAA provide a standard description of what the rating reasons mean

so that parents really know what to expect (as intended by the content descriptors used by the ESRB)? Also, since many parents express concerns about the depiction of substances and normalization of substance use in media, could the MPAA provide an indication of whether or not the film includes depiction of substances? In our most recent study, we found that the MPAA mentioned alcohol or drugs in its rating reason for 18 percent of films, while Screen It! assigned a score above "none" for tobacco and/or alcohol/drugs for 95 percent of films and above "none" for alcohol/drugs for 93 percent. What is the harm in providing transparent and consistent information about content so that parents can make their own well-informed choices about what media are appropriate for and with their children? Also, if ratings continue to creep, then parents need to know that they must stay calibrated. Creating standards so that parents know what to expect provides an important opportunity for the industry to help parents and to provide a level playing field for media producers. You can put anything you want into a movie, but that doesn't mean that you can market it inappropriately to children and expect no consequences.

The ESRB system for video games similarly provides an age-based rating (*e.g.,* E, T, M) and also provides content descriptors that the ESRB defines clearly on its website (*www.esrb.org*). Our studies suggest, however, some inconsistency in the application of these content descriptors and a lack of transparency in how they are assigned. Since the ESRB does not play the games prior to assigning a rating, the ESRB ratings by definition do not reflect full knowledge of the game content and leave raters without the opportunity to experience the full range of content that ultimately gets released in the final game. The ESRB requires game manufacturers to provide examples of the most extreme content, but do they do so? Should parents expect the content descriptors to provide information about *all* of the types of content in the games, or have the content descriptors now become more like the MPAA's rating reasons indicating only some of the content? With the information to parents very unclear on this, and parents and kids easily able to observe omissions as they experience actual game play, the ESRB should in my opinion focus more on ensuring the quality of its information and worry less about its advertising. Parents will use a system that they trust and that they find reliable, and perhaps the lack of use of ratings reflects a lack of trust.

Television ratings (*e.g.,* TV–Y, TV–Y7, TV–Y7–FV, TV–G, TV–PGTV–14, TV–MA) represent an area that I've spent the least amount of time studying as an academic. However, as a parent I can comment that I find it confusing that the same four content designations (V, S, L, D) assigned to the three highest age-based ratings (TV–PG, TV–14, TV–MA) mean different things depending on the age-based rating. Thus, with TV ratings parents must know the age-based rating and what the content designation means for that rating. I appreciate that TV uses some analogous symbols to movies, but why couldn't all of the age-based symbols used by all three of these media use the same symbols so that parents only need to know one set of these? Also, since individual networks and cable systems each assign their own ratings, should parents expect any consistency here? If parents can't expect consistency, then should we be surprised if they don't find the information very useful? Finally, the TV ratings provide no information about substances, something that the MPAA and the ESRB provide.

This all comes together with the convergence of media and cross-media marketing. In our studies we've noted high-profile media products with inconsistent ratings across media platforms that challenge parents who are trying to use the systems and that in my view undermine the collective authority of the rating boards. For example, we found that the T-rated video game *Enter the Matrix* game manual contained a $3 rebate toward the purchase of the R-rated movie *The Matrix* on DVD, which clearly indicates the continued marketing of R-rated violent entertainment to children in spite of the Federal Trade Commission reports efforts to get producers to stop this. (*Terminator 3* provides another example where the T-rated game includes discussion by the developers about the how the game provides an extension to the R-rated movie, and the PG–13 rated film *The Chronicles of Riddick* and M-rated video game *The Chronicles of Riddick: Escape from Butcher Bay* provide an example going the other direction.)

The bottom line is, we're already in the next generation of media products, and it's time for the rating systems to come into this century so that they can be effective tools for today's parents.

Lack of a scientific and research-based process for developing ratings

In my view, many of the current problems with the existing systems derive from a lack of a scientific and research-based foundation for providing ratings information. A rigorous system of ratings must begin with some standard definitions that can be used to classify content and to clearly and consistently inform parents. While

these definitions and classifying content includes subjectivity, that's no excuse for not trying to be as objective as possible. Our studies have demonstrated that using consistent definitions can work and provide comparative information, and I believe that it's time for the industry to start to perform its own content analyses and accurately report the ingredients of its products to consumers. I believe that the industry can better label its products and in doing so help parents make better choices, and that this is required as media continue to push the boundaries and consume more time in the lives of our children.

Need for a more uniform and reliable ratings system for all forms of media

In late September 2000 Senator McCain chaired hearings related to the first Federal Trade Commission report and asked leaders of the industry about the possibility of creating a universal rating system for media. Four years later we've seen no progress from the industry in this regard, and a continued reluctance to even engage in the debate. I believe that it's time to create the incentives for the industry to act to begin to develop a universal rating system and to improve the reliability of its ratings for all forms of media. I appreciate the important differences between interactive media and non-interactive media, and I still believe that it's possible to create a better system that will be easier for parents to use and provide more information about content that will help parents and kids make better media choices. It's time, and I join the call for industry to lead the charge in developing the next generation of media rating systems.

In all of my work in this area, I've come to appreciate the critical need for more research to further understand and characterize media content and their positive and negative impacts on kids. Americans should realize that we lack a national research agenda on children and media and currently few incentives exist for the academic community to play a significant and much-needed role in this area. In this regard, I urge members of Congress to take up the Children and Media Research Advancement Act (S. 2447) and to ensure that research and high-quality evidence guide our discussions about children and media.

Thank you very much again for the opportunity to testify today.

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6. Thompson KM, Yokota F. "Violence, sex, and profanity in films: Correlation of movie ratings and content." Medscape General Medicine 2004(July 13):6(3). (Available at: *http://www.medscape.com/viewarticle/480900).*

Senator BROWNBACK. Thank you, and thank you for the plug for CAMRA legislation. I am an original co-sponsor of that and I have been pushing it and seeking more research-based information for us to guide this, because these things are forming our children, these entertainment products are, and we really need to know what is in them and what it is doing to our children's minds as they develop. Thanks for that plug.

Finally, let us get to Ms. Patty Miller, Director of the Children and Media Program from Children Now. Thanks for joining us.

STATEMENT OF PATTI MILLER, DIRECTOR, CHILDREN & THE MEDIA PROGRAM, CHILDREN NOW

Ms. MILLER. Thanks. Children Now would like to thank the Senate Commerce Committee for holding this hearing on media ratings. It is a very important topic, especially given the fact that the

average American child is spending almost 6 hours a day with media and in fact children spend more time with media than they spend doing anything else except for sleeping.

There is no question that parents are extremely concerned about the content to which their children are exposed across entertainment media, especially on television. According to a new Kaiser Family Foundation poll released last week, six in ten parents are very concerned that their children are being exposed to too much sexual content on television, 53 percent are concerned about violent content, and 49 percent are concerned about adult language.

I have been asked to comment today on whether the existing media ratings systems are effective in helping consumers discern what is appropriate entertainment for their children. But before advocates can answer that question, we must first understand the answers to several other important questions. One, are parents currently using the ratings systems? Two, can parents depend on the accuracy of the ratings? And three, has the media industry done enough to support ratings systems?

Start with one: Are parents currently using the ratings systems? According to the Kaiser Family Foundation poll, about three-fourths of parents say they have used the movie ratings, about half say they have used the music advisories and video game ratings. When it comes to TV, about half of parents say they have used the TV ratings, one in four say they use them pretty often. Unfortunately, many parents still have not heard of the TV ratings and in fact one out of five say they have never heard about them. Many parents still also do not recognize the content-based TV ratings.

Two, can parents depend on the accuracy of the ratings systems? Sadly, the answer is no. A large number of parents, four out of ten, say that ratings do not accurately reflect the content of shows, and research confirms their concerns. According to another Kaiser Family Foundation study, content labels were only applied to one out of five programs with violence, sexual material, or adult language. A National Institute on Media and the Family study found that parents often disagree with the TV ratings that were assigned to shows for particular age groups.

When it comes to movie and video game ratings, there are serious issues as well. Dr. Thompson has already talked about the ratings creep issue when it comes to movies, so I will not talk about that here. But a Children Now study found that more than three-fourths of video games rated "E" for "everyone" contained violent content, half of which was significant to the plot.

With these kinds of statistics, how can we honestly tell parents that they can rely on the various ratings systems to make informed choices for their children?

Finally, three: Has the media industry done enough to support the ratings systems? Again, the answer is no. In order for media ratings to work, the media industry needs to provide accurate content information to parents. Children Now believes that the following recommendations should be implemented to ensure that existing media ratings systems are effective:

First, provide parents with more descriptive and accurate content-based information. Each media ratings system should provide content-based information. Some parents are more concerned about

violence, others are more concerned about sexual situations or suggestive dialogue. Content-based ratings are essential as they enable parents to make decisions based upon their own values and their own preferences.

Further, while the age-based ratings seem to be more recognizable to parents at this point, those who have used the ratings are twice as likely to say that content ratings provide more useful information than age-based ratings. I think it is interesting with the ESRB ratings, which I think provide the most content information, that parents find those most useful, according to the Kaiser poll.

Second, we need to increase parental awareness about the TV ratings. Currently the TV ratings are displayed for about the first 15 seconds of a show; instead, broadcasters should display them throughout the course of a show or, at the very least, as some shows are doing now, after each commercial break. Broadcasters also should provide parents with more information about the TV ratings through broad public education campaigns that could include more PSAs and making ratings information available I local newspapers.

Third, use digital technology to provide more information to parents. Broadcasters should take advantage of emerging click-through interactive technology to provide on-demand ratings information to parents. How great would it be if parents could click on the TV rating on the screen to find out what it means, as well as get more detailed information about why it received that particular rating?

Children Now believes that by adopting these recommendations the media industry would take a major step in ensuring that parents have the tools they need to make informed choices about their children's media consumption and it would decrease the need for regulatory action. Media ratings systems can only be truly effective when parents know they are available, parents know how to use them, and when they provide accurate and descriptive content-based information.

Thank you.

[The prepared statement of Ms. Miller follows:]

PREPARED STATEMENT OF PATTI MILLER, DIRECTOR, CHILDREN & THE MEDIA PROGRAM, CHILDREN NOW

Children Now would like to thank the Senate Commerce Committee for holding this hearing today on media ratings. It is a very important topic, especially given the fact that the average American child spends almost six hours a day with media.[1] In fact, children spend more time with media than they spend doing anything else, except for sleeping.

There is no question that parents are very concerned about the content to which their children are exposed across entertainment media, especially on television. According to a new Kaiser Family Foundation national poll of parents released last week, six in ten parents say they are very concerned that their children are being exposed to too much sexual content in the TV shows they watch; 53% are very concerned about violent content and 49% are concerned about adult language.[2]

I've been asked to comment today on whether the existing media ratings systems for the television, video game and motion picture industries are effective in helping consumers discern what is appropriate entertainment for children. But before advo-

[1] Kaiser Family Foundation, *Kids and Media @ the New Millennium,* Kaiser Family Foundation, 1999.

[2] Kaiser Family Foundation, *Parents, Media and Public Policy: A Kaiser Family Foundation Survey,* September, 2004.

cates answer that question, we must first understand the answers to several important questions:

(1) Are parents currently using the ratings systems?
(2) Can parents depend on the accuracy of the ratings systems?
(3) Has the media industry done enough to support ratings systems?

(1)Are parents currently using the ratings systems?

According to the recent Kaiser Family Foundation poll, about three fourths of parents say they have used the movie ratings, while about half of parents say they have used the music advisories and video game ratings.[3] When it comes to television, half of parents also say they have used the ratings, one in four of whom say they use them often.[4] Unfortunately, many parents still are not familiar with the TV ratings; one in five say that they have never even heard of them.[5] And many parents don't recognize the content-based TV ratings, with only half able to identify the "V" rating and fewer able to identify the "L" and "S" ratings.[6]

(2) Can parents depend on the accuracy of the ratings systems?

Sadly, the answer is no. A large number of parents (four out of ten) say that ratings do not accurately reflect the content of the shows[7]; research confirms their concerns. According to a 1998 Kaiser Family Foundation study, content labels were only applied to one out of five television programs with violence, sexual material or adult language.[8] Further, a National Institute on Media and the Family study found that parents often disagreed with the TV ratings that were assigned to shows for particular age groups. For example, only about one fourth of shows with a TV–PG rating were approved by parents for 8-to12-year-olds and only about one in ten shows with a TV–14 rating were acceptable to parents for 13-to 17-year olds.[9]

When it comes to movie ratings, there are serious accuracy issues as well. According to a recent Harvard University School of Public Health study, there has been a significant increase in violence, sex and profanity in films over the last ten years, suggesting that the age-based movie ratings (specifically PG, PG–13 and R) are increasingly lenient.[10] And video games ratings raise concerns as well. A Children Now study found that more than ¾ of games rated "E" for everyone (79%), contained violent content, half of which was significant to the plot.[11] With these kinds of statistics, how can we honestly tell parents that they can rely on the various ratings systems to make informed choices about their children's media consumption?

(3) Has the media industry done enough to support the ratings systems?

Again, the answer is no. In order for media ratings to work for parents, the media industry needs to provide accurate and descriptive content information to parents. Children Now believes that the following recommendations should be implemented to ensure that existing media ratings systems are effective in helping parents:

(a) Provide parents with more descriptive and accurate content-based information.—Each media ratings system should provide parents with content-based information. Some parents are very concerned about violence; others are more concerned about sexual situations or suggestive dialogue. Children Now believes that content-based ratings are essential as they enable parents to make decisions about what their children see based upon the parents' own values and preferences. Further, while the age-based ratings seem to be more recognizable to parents, those who have used ratings are twice as likely to say that content-based ratings offer more useful information than age-based ones.[12]

(b) Increase parental awareness about the TV ratings—Currently, the TV ratings are displayed for the first 15 seconds of a show. Instead, broadcasters should display the ratings throughout the course of a show, or at the very least, as some shows are doing, after each commercial break. Broadcasters also should

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[3] *Ibid.*
[4] *Ibid.*
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] Kaiser Family Foundation, *Rating Sex and Violence in the Media: Media Ratings and Proposals for Reform,* November, 2002.
[9] National Institute for Media and the Family, *Parents Rate the TV Ratings,* May 1998.
[10] Brooks Boliek, "Researchers Cite Ratings Creep," *The Hollywood Reporter,* July 14, 2004.
[11] Children Now, *Fair Play: Violence, Race and Gender in Video Games,* December 2001.
[12] Kaiser Family Foundation, *Parents, Media and Public Policy: A Kaiser Family Foundation Survey,* September 2004.

provide parents with more information about the TV ratings through broad public education campaigns that could include public service announcements and making ratings information available in local newspapers.

(c) *Use digital technology to provide more information to parents.*—As television transitions from analog to digital, Children Now believes that broadcasters should take advantage of emerging click-through, interactive technology to provide on-demand ratings information to parents. Parents should be able to click on a TV rating on the screen to find out what it means as well as more detailed information about why it received that particular rating.

Children Now believes that by adopting these recommendations, the media industry would take a major step in ensuring that parents have the tools that they need to make informed choices about their children's media consumption and decrease the need for regulatory action. Media ratings systems can only be truly effective when parents know they are available, know how to use them, and when they provide accurate and descriptive content-based information.

Senator BROWNBACK. Thank you, Ms. Miller.

Senator Smith, did you have an opening statement you wanted to make?

STATEMENT OF HON. GORDON H. SMITH, U.S. SENATOR FROM OREGON

Senator SMITH. Mr. Chairman, let me put it in the record, but simply to welcome our guests. This is a very important topic and I think I am here in part to learn, but also to suggest that I think Jack Valenti's pioneering on this long ago brings us to the stage where we can actually talk about doing this without government involvement, but as responsible people trying to give parents the tools. I am frankly here to find out how the Secretary of Agriculture feels about nutrition labeling for kids when it comes to media. So, there are lots of good ideas here.

Mr. GLICKMAN. Former Secretary of Agriculture.

Senator SMITH. Former, absolutely.

But I think that that has been referenced, some sort of labeling that provides us the information we need to protect our kids, but also to live under the freedoms provided under the First Amendment. So that is really the balance we are striking.

And I salute Jack as he leaves his service to this industry for the pioneering work that his industry did. Obviously, as new technology and new media outreach is available to kids, we are looking to see where we go from here and what we can yet do.

So thank you, Mr. Chairman.

Senator BROWNBACK. Thank you, Senator Smith.

Senator Ensign, do you have an opening statement you would like to make?

STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR FROM NEVADA

Senator ENSIGN. Mr. Chairman, I would appreciate it. I will try to keep it fairly brief.

The ratings systems to me, whether they are on video games, movies, television, wherever they seem to be applied, would basically be information. That is what we are trying to give people, information to make informed choices, and to try to be as responsible as we can about that. Obviously, if we make them too cumbersome they will become ineffective. So I can appreciate wanting to limit the amounts of information somewhat, but also providing out there

enough information, especially where we know when there is content in movies, television, video games, or whatever, that we have pretty good scientific evidence that leads to unhealthy behaviors, behaviors that are not good for society, behaviors that are not good for the individual, then I think that as individuals, as industries, I think we owe that to the American people to help them make those types of decisions, and especially to parents when they are involving making decisions for their children.

As a father of three, we look at, OK, what is going to be healthy for my kids, what are the kinds of entertainment that we are going to allow our children that are going to make them better people, that will not actually make them have worse behavior. We all know by the studies certain kids are influenced much more than other children based on what they watch, what they hear, those types of things, whether it is music or whatever it is.

I happened to be one of those kids when I was growing up that was greatly influenced, I mean tremendously influenced, by some of the things that I saw on television. I know that there are a lot of kids like me when I was a kid. So I think we have a tremendous responsibility out there, much greater than any of us realize, to have—to put in the right content, because if we have bad content going out we know we are going to end up with bad types of behavior.

Just as an illustration—and Jack, you and I, we have talked many times about this and now that we have somebody taking your place here, Mr. Glickman—we have had several hearings in the last—we had one hearing plus a meeting out in California. It has to deal with smoking in movies. I know that there is the idea of profanity, violence, all of the other types of things, but I am just using this as an example: that I have always felt for a long time that what we see affects behavior. I do not think that there is any question about it, and for people that argued against it, people would not pay $2 million for a 30-second ad in the Super Bowl if they did not think that what you watched affected your behavior. I mean, I think that is pretty obvious.

So how do we do this in a responsible way? Well, in smoking we know now, pretty good evidence—and I have been through it now and seen the studies, and I think it is maybe not causative, but it is a pretty strong a correlation of evidence—that the more kids watch smoking and the more incidents of smoking that they watch, whether they are in smoking households or non-smoking households, the more kids are going to start smoking. I mean, there is pretty good evidence for that now.

I understand that people want to have creative freedom. I totally understand the First Amendment. I have never called for censorship up here, for banning smoking in movies, for R-ratings, or any of that. But it would seem to me that if you put that as one of the labeling factors—Jack, you have said that you tried to only you do not want to start regulating legal behaviors.

Well, you know, profanity is not illegal, but yet profanity is one of those things you take into account in the ratings systems. Well, smoking actually kills people. Long-term smoking actually kills people, and we know that if kids start smoking when they get

older—if we stop them from smoking by the time they are 21, the chances of them ever starting smoking are virtually nil.

You know, we hear about the Tobacco-Free Kids campaign, regulating nicotine, all that kind of thing, and yet the biggest influence is what these kids are seeing. So it would just seem to me that we really need to consider this. By putting in the ratings, it would seem that we are going to raise a lot more awareness among the actors, the directors, the producers, to ask the question: Do I really need to put this smoking scene in?

It is the same thing we have done with violence and things like that. It at least makes people aware. It allows parents to make those choices on things like that.

So I would encourage, Dan, as you take on this responsibility, take a real hard look at this. You have some really good people in Hollywood that feel similarly as I do and I would encourage you to work with them and encourage them to have much more responsible movies, but also in the ratings systems take a look at doing something like this.

Thanks.

Senator BROWNBACK. Thank you.

We will run the question clock at 7 minutes. I am going to start off with Dr. Thompson and then, Mr. Podesta, I want to direct this to you, too. I want to ask you a question as a parent, not as a Senator but as a parent. I have got four children at home, televisions in the house, several televisions, not in any kid's room. I have watched the studies. The pediatricians are saying kids should not watch television under the age of two at all. I absolutely agree with that.

If I had a perfect world in my home and I was a perfect dad, which I am not—I wish I were, but I am not—we would be able to in our own home limit what comes into that in the television and the Internet, in particular—I do not see it as pervasive on the radio—sexual material, violent material, language material; we could as a consumer keep that out of our home. We would know ahead of time it was headed this way on this show, or when the scene comes up we could program the television that it does not show this type of scene.

Are those sorts of things possible for us to do today? And in your studies, what did you find the optimal conditions that a parent wanted in their own home to control the entertainment product coming into their home? Dr. Thompson, why don't we start with you.

Dr. THOMPSON. I will start. Actually I have not done studies that survey parents. I have never asked that question to parents and so I cannot answer. That is just a research study I have not done.

I think the strategy that I always take is that media teach and kids learn, and so the reality is that parents need to be ready to talk to their kids about what they see and to help make good choices with and for their kids. Basically, with V-Chip technology my understanding is that you can, you can actually set your television to allow or not allow any kind of programming that you would like or not like your children to view, but you need to invest the effort in understanding the system and programming your television to do that.

Senator BROWNBACK. But now is that actually the case? Because, Mr. Podesta, if it is ranked "V" all I can do is blank the whole show out. Why could we not program that entertainment product for when the violent scene comes up that that is when it goes out, so that we are not blanking the whole show?

Dr. THOMPSON. I will take a stab at that one, which is that that would imply rating every second of the program or every subset of whatever time unit you would want to do. Now, ironically enough, we do that in our studies. We have actually quantified every second of movies to figure out how much violence is in them, and it can be done.

I think the question is is that the information the parents want, and we have not asked that question, so I cannot answer it.

Senator BROWNBACK. Ms. Miller, have you asked that question of parents?

Ms. MILLER. We have not actually asked that question of parents, to find out that, if in fact they could actually cancel out scenes, would they want to do that as opposed to the entire show. So we do not know the answer to that.

Senator BROWNBACK. Could you inquire of them? Because it seems like, with us going to digital, all-digital entertainment product, you could program this into the entertainment product. And with the convergence that you are talking about, Dr. Thompson, which is on us now, of video games being piped into the home, of the movies being piped into the home, of television entertainment products being piped in, you are going to have a whole series of confluence going right into the home, which is the most invasive place.

This is where people generally want us to help them the most because they do not like callers coming into their home, they do not want unwanted things coming up on their Internet. I think on their television they would like to have a better system of control. So it is a consumer choice issue. It is not a regulatory issue; it is a consumer choice issue.

Mr. Podesta?

Mr. PODESTA. Mr. Chairman, I am not an engineer, but there were extensive discussions in a proceeding at the FCC on how to implement the V-Chip and it was determined by a group of engineers in consultation with the FCC and the FCC adopted the standard, that it was difficult to block out short programming. So the way the system works and the way the TV sets have been manufactured I believe is only to operate with a signal at the front end of the program which blocks off, which blocks off the whole program.

I suppose that engineers smarter than I could develop a different system, but that is the system that the FCC chose.

Senator BROWNBACK. Mr. Kinney, you seem to be working at the front edge of this type of situation, where the consumer drives the issue and drives the choice. You talk in your testimony like that is something that is doable with your system right now.

Mr. KINNEY. Senator, actually yes, that is exactly how our system works. We do record every single instance of profanity, sex, and violence. We break it down contextually, and we do that to the

one-hundredth of a second for every single thing that we rate. The technology does exist to do that.

In fact, the reminds me, I was asked at one point, do you not fear competition from a company like Clear Play. And my response was: Only if consumers want to watch the 7-minute version of "The Passion of the Christ." Rather than that, what it could do is and what I was suggesting earlier is that the technology could enable the entertainment industry itself to substitute various levels of profanity, sex, and violence if they chose, so that they could generate different versions of their content, which I thought, perhaps naively, but that I thought would then open up additional channels of distribution for them.

So in fact yes, it can be done.

Senator BROWNBACK. It could be like food products, where they have a basic version, then they have a lite version to it, and people get to choose which one they would like.

Mr. KINNEY. That is how I envision it, sure. And that is what I was suggesting I would like to work in cooperation with the industry to help them do that.

Senator BROWNBACK. Can the industry, Mr. Kinney—I would be open to others to answer this—can the industry itself actually set the ratings? Here I wonder if there is an inherent conflict of interest. Mr. Valenti, you may want to jump in on this.

Mr. VALENTI. I will after Mr. Kinney.

Senator BROWNBACK. Sex and violence sells. We use it to sell toothpaste. The connection between sex and violence and toothpaste is tenuous at best, I think, but we use it to sell every form of product virtually. And here is an industry that has a fiduciary duty to shareholders to maximize profits, and is there not this huge conflict for the industry to rate something and at the same time need to use this to be able to sell a product where they have a fiduciary duty to shareholders to manage their assets and make as much income as they can?

Can the industry actually rate these products fairly?

Mr. KINNEY. Mr. Chairman, my position all along has been that the entertainment industry has a primary responsibility to their shareholders and perhaps secondarily to their customers, the consumer that watches the movies. Certainly sex and violence sells, so that is why our position has always been that we take an approach that objectively says what is in it as opposed to saying, this should not be allowed to be produced.

I believe that the entertainment industry—yes, sex and violence do sell, so for that reason—I mean, I am not one to say that the industry should not produce sex and violence. What I do believe is that they have to balance, as I always say, the freedom of expression with freedom of information. As long as a parent or any other consumer knows what they are purchasing before they are exposed to it or they expose their child to it, it is the parent's responsibility to determine what is appropriate for the children.

As to whether or not the industry can self-regulate itself, I think the MPAA system has been around, as has been said, for 36 years. It is fairly useful. As Dr. Thompson pointed out, though, if you ask me if something is useful and you do not give me an alternative, then of course I am going to say it is useful.

So I just think that the industry systems need to be supplemented with the content information that parents and all consumers need to make informed decisions. And I do not think that that defeats the purpose of the entertainment industry to make profits for its shareholders.

Mr. VALENTI. Mr. Chairman, let me try to give you some facts, and not dealing with anecdotal information. Mr. Kinney says that sex and violence sells. I should present to him a list of the highest grossing pictures of the last 2 years. Number one is "Finding Nemo." Unless you find a lot of sex and violence there, I do not know.

Sex and violence does not necessarily sell. Every movie is different. It is not like a can of Campbell's soup that they run one million cans off of an assembly line. Every movie is different. You are not dealing here with Euclidean geometry. Every one of these systems that you are talking about is subjective. When you have any kind of a variance of violence, what is too much violence? The Supreme Court to this very hour, Mr. Chairman, is unable to define pornography or obscenity. So this is something that is quite subjective.

So let me just give you about three or four points. Point number one is that research and reasons—8 years ago the motion picture rating system—well, first let me tell you that when we started it I realized there would be pressure brought by producers and the big moguls that run the studios. I got the Motion Picture Association directors to sign a resolution that they would abide by the rules of the ratings system and they would submit every one of their pictures and that the only two people in the industry who would make policy for the motion picture ratings would be the president of the National Association of Theater Owners and the president of the Motion Picture Association of America.

The biggest claimants to disharmony about the ratings system come from the studios and from independent producers. But in order to get to the rating board they have got to go over me and John Fithian, the president of the National Association of Theater Owners. Not once has that ever happened. Even the most fierce critic in Hollywood of the ratings system—and most of the critics do come from the creative community—never once have challenged the integrity of the system.

Do we make mistakes in ratings? Of course we do, because we are normal people and in a subjective environment you are going to make mistakes.

When I first started the ratings system, I hired a number of social scientists and so-called child behavioral experts and I said: Show me the demarcation lines that we can deal with this. But, like the Supreme Court, they got bogged down and it all came out to subjectivity.

Eight years ago we started giving ratings for every movie, ratings, information ratings, and we sent them to every movie critic, every newspaper critic, every television critic in the country. 5–1/2 years ago, we have now put them in every ad in the newspapers that are over—I do not know the size of it; I think it is a fourth of a page or more—you will see the legend on every film. If it has submitted for a rating, it has the reasons for the rating.

You can go to filmratings.com and find the ratings of 18,000 films, and of those that had the reasons you can find them there. You can go to parentalguidance.org. Every movie studio has its own site where it shows you the movies that it has and they are rated. So the reasons for ratings are there.

Two more points and then I will—let us talk about ratings creep.

Senator BROWNBACK. Mr. Valenti, I want to get to it, but I am way past my time. If you can stay on this question, if you do not mind.

Mr. VALENTI. Yes, sir, I will.

Senator BROWNBACK. And if there is anything else, I want to go to my next colleague on this.

Mr. Glickman?

Mr. GLICKMAN. I just, I wanted to say two things. Number one, to Senator Ensign: I spoke yesterday to the National Association of Attorneys General. They had their annual meeting, and this issue came up and I told them I would continue to work with them on that. In truth, the directors and a lot of the creative community do in fact recognize the need to significantly reduce smoking in the presentation of movies and it is something we are going to continue to work on.

The other thing I would point out, the House just passed, just within the last few minutes, H.R. 4077, which has two pieces to it. One is that it makes it a Federal crime to engage in camcording movies illegally, in order to protect the copyright.

The other part of it is the Family Movie Act, which deals with a piece of litigation that we were involved with involving Clear Play. Without going into great detail on that, Senator Hatch and others have been involved in that on this side of the aisle. Clear Play may address some of the issues that you are talking about, Senator Brownback. We still worry about copyright considerations with that in the replicating, those issues, and reproducing a modified movie.

But there are a variety of ways that one might look at these issues. I just thought I would mention it since it passed the House today.

Senator BROWNBACK. Senator Ensign.

Senator ENSIGN. Thank you, Mr. Chairman.

I want to follow up just a little bit, because I have heard from directors and producers and creative people talk about that they do not like somebody messing with their content. I can appreciate that. What I do not understand, because I think of what Mr. Kinney talked about, about maybe expanding their markets because—if you could have modified versions of a film—I mean, you already have modified versions of film. You have on the airlines—I fly on the airlines every week.

Why is it OK to have a modified version for the airline? Why is that OK for the directors to have that, but if parents wanted, say, whatever you call it, an airline version of the movie—because there is a lot of movies that I would love to be able to share with my children, but they have just a few scenes that make it unacceptable, but they are awesome movies as far as the moral message in the movie and just the inspirational part of the movie, and you would love to let your kids watch that. But you have got to watch

it with them and you have got to fast-forward, so you almost have to do your own editing anyway if you are going to do that, and sometimes you do not quite get it just right and it is a royal pain. It would seem to me that that would be a market that would be there.

Then second, a follow-up to that, that I would love some comments on is, we have unrated versions of movies, too. You go into a video store, you see that, and it says: Buy the unrated version. So it seems to me that there are already several versions. Why would not a family friendly version be acceptable? If you can go the other direction, why would you not also want a family friendly?

Mr. Glickman, on your—or I guess, Jack, it was you, when you talk about quarter-page ads. The problem is you cannot read. Those things are such in small print now, the ratings, like why it is there. Unless you get a magnifying glass out, you cannot, even with reading glasses. Some of the print now is so small, when you go to buy a video or a DVD or whatever it is, you go to buy it, on there some of the print is—that is just a comment to the industry in general: Make the thing a little larger so you can read it, so it makes a little sense. If you are going to have why it has a certain rating, make it a little larger where people can read it. Some are good and then some are just you cannot read it at all.

Mr. VALENTI. Let me answer about the airline version. The airline versions are edited by the director. The industry offered to Clear Play to give them the airline versions, which would be edited by the directors, taking out severe acts of violence, all language, and all overt sexual material. But Clear Play did not want to do that and we could not come to grips with it. But the airline version was offered as a way to do what you are suggesting, Senator Ensign. But as I said, in the negotiations it fell apart because Clear Play did not want to do that.

Senator ENSIGN. Well, I would suggest that there should be—if there is anybody out there in America listening to this, they ought to put together a company that would do it, if that is the only way you can get it done, because I personally think that there would be a fairly large market of parents out there that would like to see that. So hopefully we can get that done.

Mr. VALENTI. About unrated films, Senator, I should tell you that the very premise of the rating system is based on voluntarism. The strength of our force in the courts—we have been sued a lot of times by people for various reasons. We have always won because there is no compulsion. If you do not wish to submit your film for a rating, you do not have to. No one is compelled to do anything.

But I would say that about 98 percent of the films that enter the theatrical marketplace and the home video marketplace are rated.

Mr. KINNEY. May I mention something?

Senator ENSIGN. Yes.

Mr. KINNEY. Senator Ensign, with regard to if there were a company out there that did that, we do not take copyrighted material and alter it and then present it. We do provide exactly all of the information that would enable a parent to know exactly what the profanity, sex, and violence is at any given moment in a film. So the families do have somewhat of a resource to come to.

Then with regard to—I just want to clarify a couple things. I did not say that the entertainment industry is set up to sell sex and violence. I simply agreed that in fact, as anybody knows, sex and violence do sell, especially in this country.

Finally, with regard to subjective versus objective, I have made the claim and I will stand here today or sit here today and say that the PSVratings system is objective. We are not a bunch of parents that live in Los Angeles who make a determination as to what the rest of America would think. We simply put together the information and present it objectively.

Even with regard to the colors that we use, they are just an indication of various levels. The fact of the matter is—and personally I do not agree with it—there are parents out there who think it is cute if their little 3-year-old uses the "f" word. I do not think so, but those parents are free to look at a movie that is rated red for profanity. So we do not make judgments. We are not a subjective system. We objectively give you exactly the information that is in the media.

Senator ENSIGN. Ms. Vance, if you could just comment on your organization's decision, how you came to a decision about tobacco, why you put it in, and some of maybe the violence in some of your ratings systems, why you decided to do that?

Ms. VANCE. Earlier in my testimony we went through the system itself. We have over 30 content descriptors currently in use. We did not always have 30. We have introduced a number of descriptors over time.

We have introduced controlled substances probably 3 or 4 years ago, broken down into drugs, tobacco, and alcohol. We actually fairly recently in the system introduced or differentiated the way that we apply those descriptors between use of and reference to.

We introduced four more descriptors last year in the area of violence, because clearly that is an area of great concern to many parents and we wanted to make sure that we had enough nuance in the descriptors that we were using to distinguish between cartoon violence or fantasy violence and more intense forms. So we now have descriptors suitable for that.

Can I just address one comment? Objectivity in a ratings system is very dangerous. Context has to be taken into account. In fact, in the study that was done at Harvard there was some differences of opinion in terms of where we would apply content descriptors. There were instances where, say, a character was holding an unlit pipe. Well, that would not qualify, particularly in a teen game, for a tobacco descriptor. Or unmarked bottles sitting on a table; you can make an assumption that they are alcohol. Nobody is using them.

So objectivity is a very dangerous thing. Subjectivity has to come into account, because these are creative products and a depiction can vary. The way you depict something can vary all the way from an "E" through "M."

Senator ENSIGN. I think that there is no question that a lot of this is subjective. What is OK for one parent is not OK—I mean, I look at certain movies, take violence for instance or smoking. Depending—smoking if it is made to look cool by the lead actor versus if it is somebody who is smoking and hacking and getting lung can-

cer, one thing could be a positive negative influence on children, so that could be a good smoking in a movie, where another one could be a very negative influence for the kids because it is encouraging them.

The same thing with violence. There is gratuitous violence. There is historical. Certainly "Saving Private Ryan," which was an incredible movie, was very violent. "The Passion of the Christ," very violent. But they were historically accurate.

And the same thing even sometimes with smoking in movies. We talked about this with some of the directors. You know, Franklin Delano Roosevelt, he had the big long cigarette. That is historically accurate. To not have that—I am just saying that sometimes—that I agree with you; it is just more information.

Also, the reason, Mr. Chairman, I am so glad you are—more of these hearings are important, and we keep talking about this. It is simply to draw attention to what kind of a society are we going to have. The video game manufacturers I think have done a superb job in going from what I believe was a very irresponsible industry in the early stages—and there are still some irresponsible actors in it. But several of the companies now are becoming more and more responsible, giving parents more. The retailers in cooperation, we can have more responsibility there. The same thing with the movies and the theater owners, and keeping—if it says "NC–17," that means "NC–17."

There is a lot of responsibility. If we can bring it more to public knowledge, awareness, corporate responsibility, parent responsibility, all of it working together, I think we can have a healthier society. And I think in the end that is what we should be looking at.

Thanks, Mr. Chairman.

Senator BROWNBACK. Thank you.

Mr. Podesta, on the TV ratings, I think this is backed by the Kaiser study. Of all the ratings involved, and I have been around this for several years, I think these are the least understandable. I really have—my favorite is the "FV" one of all on the TV ratings, because I look at that and I immediately think "family viewing" instead of "fantasy violence" on it.

I just, I look at the set of them and I really think these are the least useful of the entire groupings. I do not know if you guys are going in toward revamping or if you have looked at some of these studies that have been coming out recently about television ratings systems. That is in the environment that is the most invasive, in the home. You go to a movie and you pick it out, so you have made some conscious choice. A lot of times, television things, you are just roaming through the channels.

Are you looking at revamping some of this or do you believe the system is pretty acceptable?

Mr. PODESTA. Mr. Chairman, the system has been approved by the FCC and the FCC standard has hard-wired the system into millions of television sets that have been produced. I think it is also important to look at the Kaiser data on whether parents who use the system find it to be useful or not useful. Indeed, 88 percent of the parents who use the system—and slightly more than half do—have found it either to be very or somewhat useful.

So we have a job to do in terms of acquainting people with the system and we take that responsibility seriously.

If I may, I would also like to just speak to the point about whether or not the shows are misrated. We have a very open process. Any parent, any advocacy organization, any researcher who finds anything that is misrated in our system has immediate recourse. We have regular meetings at which child advocacy organizations like Children Now sit with people from the producers and directors guilds, people who actually rate the shows on television, and we have very open conversations about standards and the like.

We are a very young system compared to the motion picture ratings system. I could not say to you that no one has ever made a mistake, but I think we have strictly adhered to the standards that have been set by the voluntary effort of the industry and thousands of hours of television programming are accurately rated.

Is it a perfect system, Senator? I think, as with any system that a group of people devise, it is probably not—probably no one of us thought it was perfect, but I think it has a very useful purpose for American parents.

Senator BROWNBACK. Mr. Podesta, the Kaiser Family study—I am quoting from Ms. Miller's testimony now—said: "Unfortunately, many parents are still not familiar with the TV ratings. One in five say they have never even heard of them. Half of the parents say that they use the ratings"—it would seem to me it ought to be much higher—"one in four of whom say they use them often." I think you are getting a much higher take on the movies, the ratings system, and a lot better understanding of those.

Are you planning any programs to advise parents more at least, if we are stuck on this system, to tell them at least what these things stand for?

Mr. PODESTA. We work very hard. We produce literature. There is a brochure that is available to anyone. Any organization that wishes to can download it on the Internet and make it available at the local level. As I said, we work closely with the PTA. We have worked closely with medical organizations, pediatricians, to try to get this information out in the hands of parents.

We have also spent millions of dollars—we have also provided millions of dollars of public service advertising to try to educate parents on the system. There are parents who are eager and anxious to use the system and inform themselves and there are other parents who may choose not to do so. But it is for no lack of effort on the part of the industry and no process that we have undertaken that has led to that ignorance.

I would just also say that——

Senator BROWNBACK. But it is not working.

Mr. PODESTA.—the motion picture ratings have been here for nearly 40 years. We are only 6 or 7 years old and we aspire to get to 75 or 80 percent over a period of time.

Senator BROWNBACK. I do not think you are on the right track to make it yet.

Here is another quote: "Many parents do not recognize the content-based TV ratings. Only half are able to identify the 'V' rating and few are able to identify the 'L' or 'S' rating." I wonder how many would appropriately interpret the "FV" rating.

Ms. MILLER. I think the number is really low. I think it is something like 12 percent. I think again this really comes down to education of parents. In addition to one out of five parents not knowing the TV ratings, two-thirds either do not have a V-Chip or are not aware if they have a V-Chip.

In order for the system to work, it really requires much more public education than has been done. It is interesting; since January, all of a sudden there is a lot more talk about the V-Chip and TV ratings and education. I think that had a lot to do with——

Senator BROWNBACK. Superbowl.

Ms. MILLER.—Janet Jackson's wardrobe malfunction. You know, I am glad that that was an outcome of that event, but that is just not enough. I mean, if we really are going to ask parents——

Senator BROWNBACK. She needs to be invited back to the Superbowl, does she not?

Ms. MILLER. There needs to be a lot more ongoing public education that is done in a variety of ways—again, newspaper ratings, on-screen ratings that appear not just for the first 15 seconds, public education actually at hours when parents are actually watching television, not in the middle of the night. There needs to be a concerted effort on the part of the industry to get this information into the hands of parents.

Senator BROWNBACK. Mr. Podesta, is this impossible to do, when a violent scene comes up to put and have it programmed such that there is up in the upper right-hand corner a light, white-colored "V" for "violence" showing when that scene is on the television and requiring that in the TV rating product when you are putting it up? Mr. Podesta? And then I will be happy to catch you then, Mr. Valenti.

Mr. PODESTA. The system as it has been adopted by the FCC blocks out the entire program, not a scene, as I think the Senator is suggesting.

Senator BROWNBACK. I understand, but could you program——

Mr. Podesta: I fall back on my lack of engineering knowledge to know that. But the system that they adopted does not do that, and it may be possible, but I would be speculating, which I should not do.

Senator BROWNBACK. Would you mind inquiring in your group and then letting me know if that would be possible to do, just possible to do? And I realize the FCC has put this in place.

Mr. PODESTA. I am happy to do that, Senator. But just if I may point out that all of us in the content and broadcast and cable and production industry were largely bystanders in the FCC process that worked a lot with the manufacturers of hardware to set the standard. So no one is here representing the television set manufacturers, and some of the issues really are in that arena.

Senator BROWNBACK. Understood.

Mr. PODESTA. But I would be happy to supplement my testimony with an answer as well.

[The information referred to follows:]

TV PARENTAL GUIDELINES
Washington, DC, October 18, 2004

Hon. SAM BROWNBACK,
Washington, DC.

Dear Senator Brownback,

Thank you once again for inviting me to testify before the Commerce Subcommittee on Science, Technology, and Space on September 28, 2004, on the subject of media ratings systems.

I appreciate having the opportunity to elaborate on my testimony in writing. During the hearing you asked me about the feasibility of modifying the television V-Chip or perhaps using an alternative means to block not just programs, but scenes within programs.

In order to provide a complete and accurate answer to your question, we consulted a number of technical experts to determine if it is possible to block separate scenes for content or language.

The V-Chip information packet (ratings packet) is part of a technology called Extended Data Service (XDS). The specification for XDS (and Closed Captions) is contained in a technical standard called EIA!CEA-608-8, published by the Consumer Electronics Association. XDS is data sent in the ”TV signal that conveys detailed, program-specific information as well as television network/station or cable network information. XDS information packets, using the closed captioning technology, are carried on a space available basis within that data stream. XDS packets are sent repeatedly during a program (different packets have different repetition rates) to allow the TV set to capture all the data associated with a program should a viewer join a program in progress.

In order to block a specific scene or phrase, a ratings packet would need to arrive at a TV receiver at the exact moment the scene begins and then another packet would have to arrive at the exact moment that the scene ends to un-block the ”TV set. This would require what is called ″frame level″ accuracy. 1 Indeed, blocking a single word would likely require a ratings packet to be sent followed by another just one to two frames later.

It is not possible to send ratings packets to the ”TV set with this level of precision. CEA standard tests revealed that the ratings packet typically arrives at a TV set approximately every 1.5 seconds. However, because closed captions have priority and XDS packets must wait for holes in the caption traffic, it can be as long as three seconds between packets. This repetition rate was deemed adequate at the time the V-Chip technology was developed based on the requirements for the nt ratings system, yet it is dearly inadequate for frame accurate blocking.

For Digital Television (DTV), the Content Advisory Descriptor is the data structure that contains the rating for a particular program. The Advanced Television Systems Committee (ATSC) DTV standards specify that this descriptor be carried in the Program Map Table (PMT) or the Event Information Table (Em and apply to an entire program. There are no means in the ATSC standard by which the Content Advisory Descriptor could be applied to a segment of a program.

The television industry created the lV ratings system, and consumer electronics manufacturers developed the V-Chip technology, following enactment of the Telecommunications Act of 1996. The ”Parental Choice in Television Programming″ section of the Act (Section 551) contains carefully crafted statutory language that was adopted following intense negotiations involving a wide range of stakeholders.

The statute specifically prescribes a method for blocking ″programs.″ It makes no reference to rating or blocking programming on a scene-by-scene basis. The law calls for inclusion of a device in certain television sets to block ″display of all programs with a common rating.″ The statute also includes a provision anticipating further technological advances, but even this section makes no mention of rating or blocking less than the entire program. The statute reflects the authors' understanding that programmers would identify and rate content on a program-by-program basis and that lV sets would contain technology to block on that same basis.

I hope that you find this information useful. If you have any further questions on this subject, please feel free to contact me any time.

Sincerely,

ANTHONY T. PODESTA,
Executive Secretariat,
Parental Guidelines Monitoring Board.

Senator BROWNBACK. Mr. Valenti.

Mr. VALENTI. Two facts, Mr. Chairman. One is, as to Janet Jackson, even if you used your V-Chip it would not work because Janet Jackson is in the Superbowl; sports are not rated.

The second point is that when the manufacturers put in the FCC-mandated technical design it was impossible to change. They told us that. So if you tried to change what is in the V-Chip mechanism today, you could not do it except by having a new design, and you would obsolete the V-Chip in 125 million sets that are now in place.

Senator BROWNBACK. That is a good point.

Dr. Thompson, I want to ask you, and I will get to some of the others, but you stated in your testimony, you called for uniform ratings, I believe, is that correct, in your testimony?

Dr. THOMPSON. Yes.

Senator BROWNBACK. The Chairman of this Committee, Senator McCain, called for that 4 years ago. Joe Lieberman I believe has called for that previously. I have worked around this system. How would you do that? How would you move forward on a universal rating system? Have you thought that through any further?

Dr. THOMPSON. Yes. I think the most important thing—there are big differences between the media and I recognize that and my research respects that. There are differences between interactive and non-interactive media. But I do think that what it comes down to is standards and actually having clear definitions for what you mean by violence and what you mean by smoking or tobacco.

If you are not going to count unlit cigarettes, are you going to count pipes that are lit but are not in someone's mouth? Do you not count drugs that look like drugs but have a name like "Scuma" or something else, but have the effects and have a major role in the game?

These are questions that I think are important ones and they transcend the media. Some of these questions about how we are talking about violence are things that I think we could make some headway on and at least provide transparency to parents so we know what it is that is or is not getting counted.

I think that the first step is to try and come up with a set of standards. If they cannot apply to all media, then we should at least learn that by trying it. We should not just assert that up front. Then I think the existing ratings boards can implement those standards within their own media. I do not think we have to change fundamentally our entire system in the way that the ratings actually function. I think the issue is making it clear that there should not be opportunities for cross-media marketing where you get inconsistent ratings.

Senator BROWNBACK. Let me probe you a little more on this. What you are calling for is the FCC to establish a series of objective standards?

Dr. THOMPSON. I do not think the FCC has to do it. I think it should be something that the industry wants to do. I do think that this is a self-regulated industry that has worked very well and that if they can actually figure out how to come together to work on this then that would be the best option.

Senator BROWNBACK. And it would be all of these entertainment industries coming together to establish a series of objective standards?

Dr. THOMPSON. Well, again we are getting into objective-subjective. I do think that the reality is there is some subjectivity. There are always the borderline calls. So the key issue for me is just knowing what is and what is not in the category or what does and what does not count, and that is where the current systems really lack a lot of transparency.

Senator BROWNBACK. So let me go at this then. You are saying to get all the industries together and have them establish, here is what counts for violence, here is what counts for sexual material, here is what counts for language, and describe, descriptors on that, and then have those applied uniformly throughout the entertainment industry products; is that what I hear you saying?

Dr. THOMPSON. That is the concept. Now, again I think we have to realize that we do have age-based ratings that are very helpful. Parents do like age-based ratings. At least they report so on studies.

I personally think that we need more categories. I think there are big differences between a 6-year-old and a 13-year-old and it makes sense to me that we might have more age-based categories if we were starting it all over again. So I think it is time to actively really evaluate the media systems, look for opportunities to use single symbols that could apply for each rating board.

I know that each rating board would have to deal with the legal aspects of that, since these are all copyright issues. I suspect that that is something they could figure out if it was in their collective best interests. Right now I do not know that they have the incentives to actually do this. So I think that is why we are seeing people coming up with other systems. But I do think that this is the time for us to recognize that media are converging. The Internet puts everything in everyone's house—movies, TV, radio. You name it, it is there. We really need to think about how we can provide better, more effective information for parents that gives them information about content, tells them about the ingredients, but does so in a way that they can make their own informed and empowered choice.

Senator BROWNBACK. That last statement I certainly agree with. This is one where we really need to be there.

This has been an excellent panel. I did not know if anybody wanted to add anything or they felt like they were not heard. Mr. Kinney?

Mr. KINNEY. Just one follow-up. I believe that there is a need to simplify the ratings system. I think, though, my personal opinion is that the entertainment industry should be allowed to do what they are in existence to do, create entertainment content. And I believe that the ratings system will better come from the private industry. This is a market-driven society.

We even at PSVratings have worked for 3 years on developing our technology and refining it in anticipation of competition. We welcome competition. It is competition that is going to make us make our system better. So if we compete with other independent ratings systems, we will fulfil the needs of parents and consumers

better because we will have to in order to survive. And it will be up to us to market our systems and make parents and consumers learn how to use them and make them aware of the availability of them.

Again, this is a market-driven society. I believe that the solution should come from the private sector.

Senator BROWNBACK. Ms. Miller?

Ms. MILLER. I just wanted to add that in a digital television world there is the capability for an open V-Chip as television transitions and we move to a digital system. So I think that is something that can be looked into.

But I just wanted to say, for parents really more content information is better. What we really have to make a commitment to while we have the systems that we have now is to do what we can to make them work so parents can make empowered, informed choices.

Mr. VALENTI. May I have one second, sir?

Senator BROWNBACK. Yes.

Mr. VALENTI. The great omission in this panel, Mr. Chairman, is the file swapping sites on digital. They are not only not rated, it is very difficult to find them. If you go to digital, any 10-year-old kid today can go up and get Morpheus and Gnutella and Imesh and eDonkey and bring down at the speed of light the most squalid perversions of pornography that will shake the very foundations of your comprehension.

It is there. I do not know why nobody talks about it. It is awful. I have seen it and I have had people call me. I had one mother in California send me the pictures that her son brought down on a color printer, that I could not even look at myself, it was just so awful.

So you have to deal with that. We have been trying to get the Congress to understand this and trying to find, through technology, through education, through narrowly focused and narrowly drawn pieces of legislation, to deal with this, because it is there, Senator. It is much alive.

If you go on, for example, one of these file sites, you will find that some 400 to 500 million people are on it at any particular time and they are swapping 850 to 900 million files, and about half of it is this squalid pornography.

Senator BROWNBACK. I am familiar with that and the Congress, as you know, has tried to pass legislation and the court has struck it down. That is why I keep on in these things trying to move to more and more of a consumer choice issue, so that we give the information to the consumer, but then empower them technologically as well to block, if we can get that system in place.

Mr. Glickman, I do not mean to put you on the spot with this, but when you were Secretary of Agriculture you did a lot on food labeling. It was good work. Do you see a problem or do you see any analogy of going there in this industry? Basically, what we are trying to do is get products labeled and whether it is the most squalid, which Mr. Valenti just said, but requiring that labeling be on there and give the consumer the ability to accept or reject.

Mr. GLICKMAN. But you have a lot of the same issues involving objectivity and subjectivity. In the case of food, quite frankly, there

is a lot more hard science available as to what has an effect on your body and what does not than there is with respect to the kinds of entertainment intellectually received, observed, or listened to. So because that hard connection is not there, then you have to make basic judgments based upon what you think your good judgments are. Quite frankly, in the case of the movie ratings perspective, I think those judgments have been quite valuable.

I think there are some parallels there, but quite frankly the amount of scientific evidence involving food and consumption of food is much, much greater, much different than it is in this industry.

Senator BROWNBACK. So you would support Dr. Thompson's call for the CAMRA legislation to get a lot more intellectual information?

Mr. GLICKMAN. I do not know enough about that specific legislation, but I think it is always useful to get more information on these kinds of issues.

Senator BROWNBACK. I really do think that is a valuable piece for us to get, because the hard science is coming here, but we do not have it fully developed yet.

Ms. Vance——

Mr. Glickman. The other thing, of course, is that you have all the First Amendment intellectual property rights and freedom of expression issues when it comes to these issues, which are not necessarily at play when it comes to food.

Senator BROWNBACK. I understand.

Ms. VANCE. I just wanted to make one comment. It gets back to evidence. There is no evidence, at least with video games, that consumers are dissatisfied with the standards that we are using for our ratings and for our rating categories or the assignment of content descriptors. I think where we are most concerned right now is trying to understand why parents choose to ignore our ratings and bring home inappropriate games for their children.

We have the ratings system. It has been out there for 10 years. Every single box has prominent labels, every ad has prominent labels. So why is it that nine out of ten purchases involve an adult and why is it that many of those adults choose to ignore those ratings and bring home games that are inappropriate for their children? That is I think our biggest issue right now.

Senator BROWNBACK. Have you done any surveys of parents to tell you why?

Ms. VANCE. Not deep enough, no. And I think it would apply to everybody. The same would apply—I am a parent, I am a mother. I experience this frequently when my children go to other children's homes and their parents take them to inappropriate movies or bring home inappropriate movies to their children or watch inappropriate television programs. I think it is fairly pervasive in the consumption of entertainment and I think that would be a very good use of effort and time and expenditure, to really understand what motivates particularly parents to choose entertainment product and why some parents choose to ignore it.

Senator BROWNBACK. Well, thank you all very much. I anticipate that this will be an issue that will continue to come forward, and that we need to provide the parent with as much information as

we possibly can. Hopefully, we can get the CAMRA legislation through for the research. I think everybody is agreeing on that.

I hope as well we can provide and make this easier for the parent, not more difficult. My experience on this has generally been it has been the parent—the child is pushing to see and get more and more racier material and the parent is pushing back, and the society is pushing with the kid or the industry is pushing with the kid, with the child. I would like to make this as easy and as friendly for the parent to be able to use and do what they believe is right for this.

I thank you all for trying. It has been several years we have had panels like this. I do think we have been making progress on a tough subject. Thank you for coming.

The hearing is adjourned.

[Whereupon, at 4:18 p.m., the subcommittee was adjourned.]

A P P E N D I X

Common Sense Media Uses a Family-Focused Rating System for All Media Reviews

Good Kids'/Family Media Gets The "On Button"

A Statement from Common Sense Media CEO Jim Steyer

I want to thank Senator Brownback and the Commerce Committee for convening this important hearing on a universal ratings system. We can prove that it is a doable proposition, because we are already using one that works well. At Common Sense Media www.commonsensemedia.org, we believe that parents and kids can improve the media landscape one decision at a time. Since we launched last year, we've reached millions of people and several hundred thousand users regularly turn to us for trustworthy and independent information on media content. Our site continues to grow and expand as does our membership which is absolutely free. We know it is hard for parents to figure out the current mishmash of ratings systems. The video and computer game ratings are especially weak and meaningless to families. We have set up a ratings system that works for all media and we currently use it on our own website.

We've learned a lot from our 500,000 users and members, and in an effort to make using our site even easier, we've gone to a simpler system of **ON, OFF,** and **PAUSE** buttons since most parents who contact us want to know whether or not a program or game is right for their kids. **ON** means the offering is age appropriate and of good and enjoyable quality. **OFF** means we don't recommend it for the age of the kids most likely to want to play it, see it, or hear it or that it's so awful we wouldn't want you to waste your time or money. **PAUSE** means "know your kid." What's right for one 7 year-old may be all wrong for another. We know that every family and every kid is different, so these symbols are suggestions based on the developmental criteria our reviewers use in rating media. We still give you in-depth content information and show you what other adult and kid members say.

Parents need consistent information across media platforms because that is how our kids use media – interchangeably. Here is how our ratings system works:

Common Sense Media rates media based on developmental criteria recommendations from some of the nation's leading authorities. Our ON, OFF, and PAUSE buttons act as quick guides to help you figure out what media is right for your kids.

We know that kids and families are different. Our goal is to give you enough reliable information to determine works for you. In all cases, there's no substitute for knowing our kids -- each one is different and all families have their own preferences.

1. ON, OFF, and PAUSE

means the offering is age appropriate and of good and enjoyable quality.

means we don't recommend it for the age of the kids most likely to want to play it, see it, or hear it or that it's so awful we wouldn't want you to waste your time or money.

means "know your kid." What's right for one 7 year-old may be all wrong for another. We know that every family and every kid is different, so these symbols are suggestions based on the developmental criteria our reviewers use in rating media. We still give you in-depth content information and show you what other adult and kid members say.

2. Age Appropriateness:

8+

★★★★★

There's an age next to every button. That age represents the *minimum* age for which the content is appropriate or the age that the producer of the medium has targeted as its audience. There are times that PG-13 movie, aimed at a 13 year old, has content that too graphic, sexual, or negative to be appropriate for the age.

3. One Star? Five Stars?

Finally, we rate movies on their enjoyability and quality. A really age appropriate movie can be absolutely deadly sometimes. We think you want to know that before plunking down those twenties for something that will make you run screaming from the theater.

No Stars **Failure** - Worse than bad. Often seriously misleading, inappropriate, or harmful.

★ **Below Average** - Uninspired. Not entertaining, not educational.

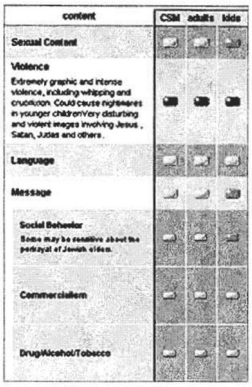
★★ **Adequate** - Good points are balanced by an equal number of weak points. An average effort that will require guidance to fully appreciate.

★★★ **Good** - A few flaws may narrow its overall appeal, but strengths in several areas make it worth recommending.

★★★★ **Excellent** - A top-notch, highly recommended effort that succeeds on almost all fronts. One or two small quibbles are worth noting, but they don't stand in the way of a strong recommendation.

★★★★★ **Masterpiece** - A genuine classic with timeless appeal to a broad range of ages.

4. Content Grid



On each review page you will see a content grid. Our reviewers will give you in depth information on: **Sex, Language, Violence** (including scariness), and **Message** which includes information on **role models, commercialism,** and **drugs/alcohol/tobacco use**.

If you want to know about our reviewers, you can click on their names and find out about who they are. You can click here to take a look at the summary developmental grid or here to find out how our reviewers use this information to inform their reviews.

Sort Reviews by Age

We know that all families are different and that most families have kids of different ages with different media interests. If you have a two and six year old child you're probably only interested in media specific for those age groups--and not for media for a twelve or fourteen year old child. All of the reviews on our website are assigned an age that represents the minimum age for which the content is appropriate. You can easily sort all of our reviews, in any media category, by these distinct age groupings.

On the top of each media review page, you'll see a bar with different age groupings ranging from 2-4 years to 17+. Click on the button that represents the age group for the media reviews you're interested in viewing, and then browse through the list of titles within that age group only. This way, you can quickly view the media titles that are right for your family!

If you're looking for a specific title, you can always type in the name of the title (or any specific author or artist) into the search box located on the top of every page.

Adult and Kid Reviews

Each media review contains an in-depth review of the content, message, and quality of the media with a specific focus on how kids may relate to and interpret that piece of media. But that's just our opinion--what do others think?

Thousands of adults and kids have added their opinions about the media listed on our site. On the top of each review page, you'll see three buttons, "CSM Review", "Adult Reviews", and "Kid Reviews". Click on the adult or kid reviews buttons to see a full list of the reviews submitted by other concerned parents and kids. Read what they have to say in addition to our reviews. We know that all kids are different--so the more information you know, the better equipped you'll be to make the best media choices for your family.

Rate Media

You and your kids can rate everything they watch, play, surf, read or listen to. Common sense member ratings are a great way to raise media-savvy kids...and have fun together. On every media review page, you'll see an orange box on the right-hand side of the page just under the content grid box. Complete this simple form, hit submit, and then write any detailed information you think will be of help to other parents and kids. Write as many reviews as you want...we want your voice to be heard!

You must be a registered member to submit your review, so if you're not already a member, please sign-up and join the hundreds of thousands of parents, educators and kids that are sharing common sense information and ideas to improve their media and entertainment choices.

Common Sense Media recommends ages based on developmental criteria from the highly respected child development experts (with the caveat that no two kids or families are the same and thus they are guidelines). We've made rating the media easier than ever. Take a moment to rate what you've seen. Have your kids rate, too. There's no better way to give them the skills they need to make good choices for themselves and become informed consumers of something that influences every hour of their lives.
Visit us at www.CommonSenseMedia.org to learn more!

Common Sense Media is the nation's leading non-partisan organization dedicated to improving media and entertainment choices for kids and families. Common Sense Media publishes a weekly e-newsletter and the online Common Sense Media Guide, a trustworthy, comprehensive review resource that is used by more than 500,000 families and individuals looking for information to help them make media decisions that are right for them. We believe that parents and kids together can improve the media landscape…one decision at a time.

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