

**DECEMBER 2003**

# ***PARENTS BEWARE:*** ***Retail stores ignore video game ratings***



**A STAFF REPORT TO**

**THE COUNCIL OF  
THE CITY OF NEW YORK**  
Hon. Gifford Miller • Speaker



**THE COMMITTEE ON  
OVERSIGHT AND  
INVESTIGATIONS**

Hon. Eric Gioia • Chair

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**THE COUNCIL OF  
THE CITY OF NEW YORK**

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**HON. GIFFORD MILLER**  
*SPEAKER*

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# **COUNCIL STAFF**

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Catherine Torres  
*Deputy Chief of Staff*

## **COUNCIL INVESTIGATION DIVISION**

Wayne Kawadler  
*Director*

*PREPARED BY:*

H. Torrence Allen, *Legislative Investigator*  
Triada Stampas, *Deputy Director*

*MAJOR CONTRIBUTORS:*

Sandy Dillon, *Legislative Investigator*  
Keri Sender, *Legislative Investigator*  
Cheree Buggs, *Counsel to the Committee on Oversight and Investigations*

*WITH THE ASSISTANCE OF:*

Leigh Digons  
Tammy Forman  
Vilma Perusina  
Matthew Williams

*COVER DESIGN BY:*

Anna Maclachlan  
*Member Services Division*

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## EXECUTIVE SUMMARY

A New York City Council Investigation Division investigation has revealed that a voluntary industry-wide rating system is failing miserably at keeping mature-rated video games out of the hands of minors. In fact, 97% of the time, a minor was able to purchase an inappropriate game without difficulty. A young person can walk into almost any store selling video games in New York City and purchase games that encourage and reward them for performing acts of violence and brutality that include beating women, shooting cops and committing racially motivated acts of violence. Today's top-selling video games have come a long way from "Pong" and "Pac Man"—some of the acts performed in these video games are among the most atrocious imaginable. Many of these video games are classified by the existing rating system as "M" (for Mature, *i.e.*, ages 17+).

Video games have emerged as a popular form of entertainment, with 70% of children living in a home with at least one video game player,<sup>1</sup> and 33% with one in their bedrooms.<sup>2</sup> The Entertainment Software Ratings Board (ESRB) rates video games in a system that consists of two components: a rating symbol that indicates age-appropriateness, and content descriptors that notify the consumer mainly of potentially objectionable material like blood, use of drugs, alcohol and tobacco, and varying degrees of violence and sexual content.

Computer and video game software generated a record-setting \$6.9 billion in sales in 2002.<sup>3</sup> And while only eight percent of games received an M rating,<sup>4</sup>

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<sup>1</sup> Donald F. Roberts et al., *Kids & Media @ the New Millenium* (The Henry J. Kaiser Family Foundation, 1999), Table 1.

<sup>2</sup> *Ibid.*, Table 4.

<sup>3</sup> The Entertainment Software Association. Historical Sales Figures. <http://www.theesa.com/ffbox7.html>. Last accessed 24 Nov 2003.

<sup>4</sup> ESRB. "About ESRB: Newsletters." [http://www.esrb.org/about\\_newsletters.asp](http://www.esrb.org/about_newsletters.asp). Last accessed 2 Dec 2003.

they are disproportionately popular: M-rated games represented three out of the top ten (30%) best-selling video game titles—including the #1 and #2 best sellers.<sup>5</sup>

Concerns over exposing children to exceedingly violent or sexual content in video games stem in part from research showing consumption of violent media content as contributing to actual acts of aggression, hostility and violence. These concerns have gained greater currency over time, particularly after reports that the perpetrators of the 1999 shootings at Columbine High School were regular players of the video game “Doom,” and that 17-year-old alleged D.C. area sniper Lee Malvo had been trained to kill by playing violent sniper-style shooting games.<sup>6</sup> In addition, many of the more objectionable video games present women only as sexual objects or as targets of violence.

Statistics indicate that parents may be unwittingly permitting their children to be exposed to the violent and sexually explicit content in video games. While video game ratings are similar in concept to movie ratings, a survey found that only 55% of households with children professed to understand them and only seven percent of eighth and ninth graders said their parents had ever stopped them from purchasing a video game because of its rating.<sup>7</sup> Meanwhile, 91% of seventh through 12<sup>th</sup> graders report playing video games mainly alone or with siblings and peers—that is, outside the presence of parents or other adults.<sup>8</sup>

The New York City Council Investigation Division conducted an investigation to determine how accessible to minors M-rated video games are, and what steps retailers are taking to enforce video game ratings.

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<sup>5</sup> The NPD Group, “The NPD Group Reports Annual 2002 U.S. Video Game Sales Break Record” (press release), 27 Jan 2003.

<sup>6</sup> The NewsHour with Jim Lehrer. “Violent Video Games.” [Transcript #7705] 7 Jul 2003.

<sup>7</sup> National Institute on Media and the Family. “6<sup>th</sup> Annual Video and Computer Game Report Card.” 2001.

For the field survey, investigators accompanied a minor to 35 stores where the minor attempted to purchase M-rated video games. Among the investigation's findings:

- Minors were able to purchase M-rated video games at 34 of the 35 stores visited (97%).
- Nevertheless, five of the six retail chains (83%) reported that they support the ESRB ratings system and have a clear policy not to sell M-rated video games to minors.
- Minors attempting to purchase an M-rated video game were asked for proof of age in only three stores (9%).
  - Two of these stores sold the minor an M-rated video game anyway—even after identification showed the minor to be under the age of 17.
- Only six stores (17%) posted a sign that explained the store's policy regarding the sale of M-rated video games to minors. Five of the 11 large retail stores surveyed (45%) displayed the store's policy governing M-rated video game sales. Only one of the 22 small retail locations (5%) posted a store policy.
- Ten stores (29%) displayed ESRB ratings and content descriptors. Eight of the 11 large stores surveyed (73%) posted ESRB ratings and content descriptors, whereas only two of the 22 small retailers (9%) did.

Numerous state and local jurisdictions have attempted to restrict minors' access to video games with strongly sexual and/or violent content and seen those efforts struck down in court, as video game content is considered protected speech under the First Amendment. Although the United States Supreme Court upheld a New York statute prohibiting the sale of obscene materials to those under the age of 17 years,<sup>9</sup> federal courts have ruled that the

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<sup>8</sup> Roberts *et al.*

<sup>9</sup> *Ginsberg v. State of New York*, 390 U.S. 629, 88 S.Ct. 1274 (1968).

content of video games does not meet the legal criteria of “obscenity,” and consequently cannot receive the same treatment as pornography.<sup>10</sup>

In light of the investigative findings and some of the legal challenges, CID has developed the following recommendations:

- Pass legislation requiring that vendors, retailers, and video rental stores post signage describing video game ratings.
- Pass legislation requiring that M- and AO-rated video games be displayed separately from other games.
- Pass legislation requiring that the Department of Consumer Affairs (DCA) produce and distribute an informational pamphlet for video game consumers.
- ESRB must do better outreach to small independent retailers.
- ESRB and the video game industry should be more proactive in its campaign to educate parents and retailers about the rating system.
- Parents need to be proactive and exercise supervision over what their children purchase and play.

No one entity is solely responsible for restricting minors’ purchases of inappropriate video games. The video game industry, retailers, government and parents can each play a part in making appropriate media available to young people.

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<sup>10</sup>U.S. case law agrees that obscenity: 1) appeals to the prurient interests of the average person, using contemporary community standards, 2) depicts or describes in a patently offensive way sexual conduct proscribed by statute, and 3) lacks serious literary, artistic political or scientific value.



## BACKGROUND

Last year, the video game industry celebrated its 30<sup>th</sup> anniversary. Major advances in technology over these years have brought video games into millions of Americans' homes. Electronic interactive games have emerged as one of the most popular forms of entertainment, with video game consoles in nearly 40% of American households,<sup>1</sup> and an estimated 145 million Americans—roughly 60% of Americans age six or older—routinely playing computer or video games.<sup>2</sup> According to the Entertainment Software Association (ESA), the trade association representing computer and video game software publishers in the United States, computer and video game software generated \$6.9 billion in sales in 2002.<sup>3</sup>

A comprehensive study by the Kaiser Family Foundation on children's media consumption found that the typical American child between the ages of two and 18 spends an average of more than 38 hours per week—nearly five and a half hours per day (5:29)—consuming media outside of school.<sup>4</sup> Video games are a medium readily available to a significant proportion of American children. Seventy percent live in a home with at least one video game player,<sup>5</sup> and 33% have one in their bedrooms.<sup>6</sup> When asked, children who had played video games the previous day had an average “gaming session” of a little over one hour (1:04).<sup>7</sup>

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<sup>1</sup> “Major Trends Affecting the InfoTech Industry.” Chap. 1 in *Plunkett's InfoTech Industry Almanac January 2001*. Plunkett Research Ltd., 2001.

<sup>2</sup> Peter D. Hart Research Associates, 2000. Cited in “Essential Facts About the Computer and Video Game Industry.” Interactive Digital Software Association (IDSA), 2002. IDSA is now known as the Entertainment Software Association.

<sup>3</sup> The Entertainment Software Association. Historical Sales Figures. [www.theesa.com/ffbox7.html](http://www.theesa.com/ffbox7.html). Last accessed 24 Nov 2003.

<sup>4</sup> Donald F. Roberts et al., *Kids & Media @ the New Millenium* (The Henry J. Kaiser Family Foundation, 1999), Table 7.

<sup>5</sup> *Ibid.*, Table 1.

<sup>6</sup> *Ibid.*, Table 4.

<sup>7</sup> *Ibid.*, Table 24.

As with other mass media, the entry of products featuring graphic violence or sexually explicit content into the video game market has prompted concern among parents and policymakers nationwide. One such product is 2002's top-selling video game "Grand Theft Auto: Vice City." This game puts players in the role of Tommy Vercetti, a member of a crime organization searching for the money and drugs stolen from him during a failed drug deal. During the course of the game, players are rewarded for performing different missions, as well as activities that include murdering the pizza boy, soliciting and beating prostitutes, and shooting police officers. While the Entertainment Software Ratings Board (ESRB) provides video game ratings similar in concept to movie ratings, a survey by the National Institute on Media and the Family found that only 55% of households with children professed to understand the ratings system and only seven percent of eighth and ninth graders said their parents had ever stopped them from purchasing a video game because of its rating.<sup>8</sup> Meanwhile, 91% of seventh through 12<sup>th</sup> graders report playing video games mainly alone or with siblings and peers—that is, outside the presence of parents or other adults.<sup>9</sup> These statistics indicate that parents may be unwittingly permitting their children to be exposed to violent and sexually explicit materials.

Concerns over exposing children to exceedingly violent or sexual content in video games stem in part from research showing consumption of violent media content as a contributing factor to actual acts of aggression, hostility and violence. These concerns have gained greater currency over time, particularly after reports that the perpetrators of the April 20, 1999 shootings at Columbine High School were regular players of the video game "Doom," and that 17-year-old alleged D.C. area sniper Lee Malvo had been trained to kill by

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<sup>8</sup> National Institute on Media and the Family. "6<sup>th</sup> Annual Video and Computer Game Report Card." 2001.

<sup>9</sup> Roberts *et al.*

playing violent sniper-style shooting games.<sup>10</sup> In addition, many of the video games found objectionable present women only as sexual objects or targets of violence.

## **Research Linking Youth Violence and Media Exposure**

The content of American media is among the most violent in the world. According to the American Psychiatric Association, the typical American child watches 28 hours of television a week, and by the age of 18 has seen 16,000 simulated murders and 200,000 acts of violence.<sup>11</sup>

Research dating back at least three decades has pointed to exposure to violence in the mass media as a contributor to the aggressive behavior and attitudes of children, adolescents and adults. In July 2000, the American Medical Association, American Academy of Pediatrics, American Psychological Association, American Psychiatric Association, American Academy of Family Physicians, and the American Academy of Child and Adolescent Psychiatry released a joint statement to Congress to convey the consensus of the public health community with respect to the impact of entertainment violence on children. The authors identified the following measurable negative effects of children's exposure to violent entertainment:

- Children who see a lot of violence are more likely to view violence as an effective way of settling conflicts. Children exposed to violence are more likely to assume that acts of violence are acceptable behavior.
- Viewing violence can lead to emotional desensitization towards violence in real life. It can decrease the likelihood that one will take action on behalf of a victim when violence occurs.

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<sup>10</sup> The NewsHour with Jim Lehrer. "Violent Video Games." [Transcript #7705] 7 Jul 2003.

<sup>11</sup> Cited in J. Osofsky, "The Impact of Violence on Children," *The Future of Children* 9, no. 3 (1999):33.

- Entertainment violence feeds a perception that the world is a violent and mean place. Viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and a mistrust of others.
- Viewing violence may lead to real life violence. Children exposed to violent programming at a young age have a higher tendency for violent and aggressive behavior later in life than children who are not so exposed.<sup>12</sup>

The authors acknowledged that there had been less research on the impact of violence in interactive media like video games, but found that “preliminary studies indicate that the negative impact may be significantly more severe than that wrought by television, movies or music.”<sup>13</sup>

A 2001 analysis of the extant scientific research on the various effects of violent video games found that “high video-game violence was definitely associated with heightened aggression” regardless of age or gender.<sup>14</sup> The analysis also found short-term links between video game violence and aggressive thoughts and feelings, diminished prosocial behavior and heightened physiological arousal (the so-called “fight or flight” reaction).<sup>15</sup> Due to the absence of longitudinal studies on these effects, however, researchers can only postulate as to what the long-term impacts of exposure to violent video games might be.

## **The ESRB Ratings System**

In December 1993, Senators Lieberman (D-Connecticut) and Kohl (D-Wisconsin) held hearings to examine the issue of video game violence and to explore the idea of creating an independent federal rating board for video

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<sup>12</sup> American Medical Association *et al.*, “Joint Statement on the Impact of Entertainment Violence on Children” (statement presented at Congressional Public Health Summit in Washington, D.C., 26 Jul 2000).

<sup>13</sup> *Ibid.*

<sup>14</sup> Craig A. Anderson and Brad J. Bushman, “Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A meta-analytic review of the scientific literature,” *Psychological Science* 12, no. 5 (2001): 353-359.

<sup>15</sup> *Ibid.*, p.358.

games. They gave the entertainment software industry one year to devise a ratings system of its own before advancing their proposal for federal regulation.<sup>16</sup> The Interactive Digital Software Association (now the ESA) established the Entertainment Software Rating Board in 1994 as a self-regulated not-for-profit organization. It independently applies and enforces content ratings, advertising guidelines, and online privacy principles adopted by the industry. ESRB ratings are determined by a consensus of at least three trained raters picked from its pool; in the event that consensus is not forthcoming, additional raters may be asked to provide their recommendations.<sup>17</sup> To ensure their objectivity, raters are not permitted to have any ties to the computer or video game industries. The ESRB rates over 1,000 games per year<sup>18</sup> and charges software publishers a fee of about \$1,000 for each game submitted for rating.<sup>19</sup>

The ESRB ratings system consists of two components: a rating symbol that indicates age-appropriateness, and content descriptors that describe elements in a game's content that influenced its rating. Content descriptors are designed mainly to notify the consumer of potentially objectionable material like blood, use of drugs, alcohol and tobacco, and varying degrees of violence and sexual content. The rating symbols are listed below:<sup>20</sup>

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<sup>16</sup> E. Michael Myers, "Video Game Industry Urged to Police Itself," *United Press International*, 1 Dec 1993.

<sup>17</sup> Entertainment Software Rating Board (ESRB). "ESRB Game Ratings: Frequently asked questions." [http://www.esrb.org/esrbratings\\_faqs.asp](http://www.esrb.org/esrbratings_faqs.asp). Last accessed 30 Nov 2003.

<sup>18</sup> *Ibid.*

<sup>19</sup> Don Steinberg, "Vice and Violence: Video game bestsellers," *Miami Herald*, 24 Dec 2002, C1.

<sup>20</sup> ESRB. "ESRB Game Ratings: Game rating & descriptor guide." [http://www.esrb.org/esrbratings\\_guide.asp](http://www.esrb.org/esrbratings_guide.asp). Last accessed 26 Nov 2003. For a full listing of ratings and content descriptors, see Appendix A.

| <b>ESRB Rating</b> | <b>Intended Audience</b>   |
|--------------------|--|
| <b><i>EC</i></b>   | Early Childhood (ages 3+)  |
| <b><i>E</i></b>    | Everyone (ages 6+)   |
| <b><i>T</i></b>    | Teen (ages 13+)  |
| <b><i>M</i></b>    | Mature (ages 17+)  |
| <b><i>AO</i></b>   | Adults Only (ages 18+)   |
| <b><i>RP</i></b>   | Rating Pending (this game has been submitted, but not yet rated) |

By convention, video game and software publishers place the ESRB rating symbol on the front of the product’s packaging, with content descriptors on the back. Since the creation of the ESRB, more than 350 companies have submitted products for rating, and it has rated over 8,000 games.<sup>21</sup>

Of the games rated in 2002, 63% received an E (everyone) rating, while eight percent received an M (mature) rating and zero received the rating AO (adults only).<sup>22</sup> By contrast, M-rated games represented three out of the top ten (30%) best-selling video game titles—including the top two best-selling games—in 2002, a record-setting year in video game sales.<sup>23</sup>

## **Attempts at Legislation and Court Rulings**

Numerous state and local jurisdictions wishing to further restrict minors’ access to video games with strongly sexual and/or violent content have seen

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<sup>21</sup> ESRB. “About ESRB: Fast facts.” [http://www.esrb.org/esrbratings\\_companies.asp](http://www.esrb.org/esrbratings_companies.asp). Last accessed 26 Nov 2003.

<sup>22</sup> ESRB. “About ESRB: Newsletters.” [http://www.esrb.org/about\\_newsletters.asp](http://www.esrb.org/about_newsletters.asp). Last accessed 2 Dec 2003.

<sup>23</sup> The NPD Group, “The NPD Group Reports Annual 2002 U.S. Video Game Sales Break Record” (press release), 27 Jan 2003.

those efforts struck down in court, as video game content has been considered protected speech under the First Amendment. Although the United States Supreme Court upheld a New York statute prohibiting the sale of obscene materials to those under the age of 17 years,<sup>24</sup> some federal courts have ruled that the content of video games does not meet the legal criteria of “obscenity,” and consequently cannot receive the same treatment as pornography.<sup>25</sup> In *American Amusement Machine Association, et al. v. Kendrick, et al.*, the Seventh Circuit Court of Appeals made explicit its opinion of the differences between obscenity and concerns regarding violent video games:

A work is classified as obscene not upon proof that it is likely to affect anyone’s conduct, but upon proof that it violates community norms regarding the permissible scope of depictions of sexual or sex-related activity.<sup>26</sup>

In Washington State, a federal district court struck down Washington State law prohibiting the sale to anyone under the age of 17 of video or computer games depicting violence to law enforcement officials.<sup>27</sup> In that decision, the court held that the video game content in question is “expressive,” and therefore, qualifies as protected speech under the First Amendment. The court allowed that speech content could be regulated if the State could show that the regulation was “narrowly tailored” to serve a “compelling state interest.”<sup>28</sup> While the court found that a “reasonable inference” might be drawn from scientific studies showing that violence in video games can have an “enhanced effect” on young people, it deemed it unlikely that the State could prove that its

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<sup>24</sup> *Ginsberg v. State of New York*, 390 U.S. 629, 88 S.Ct. 1274 (1968).

<sup>25</sup> U.S. case law agrees that obscenity: 1) appeals to the prurient interests of the average person, using contemporary community standards, 2) depicts or describes in a patently offensive way sexual conduct proscribed by statute, and 3) lacks serious literary, artistic political or scientific value.

<sup>26</sup> *American Amusement Machine Association, et al. v. Kendrick, et al.* 244 F.3d 572 (7<sup>th</sup> Cir. 2001).

<sup>27</sup> *Video Software Dealers Association, et al. v. Norm Maleng, et al.*, docket no. C03-1245L, U.S. District Court, Western District of Washington, July 10, 2003.

<sup>28</sup> *Ibid.*

legislation would alleviate the problem; further, the court considered the isolation of harm to law enforcement officials to be an “arbitrary choice.”<sup>29</sup>

Similarly, on June 3, 2003, the U.S. Court of Appeals for the Eighth Circuit struck down a St. Louis County ordinance that barred minors from access to video games containing “graphic violence.” In its decision, the Eighth Circuit ruled that the ordinance that banned selling or renting violent video games to minors without parental consent did not survive strict constitutional scrutiny; video games, even violent ones, were a protected form of speech under the First Amendment.<sup>30</sup>

The Second Circuit has also weighed in on the issue of First Amendment protections for video game content. In dismissing a suit brought against Midway Games, the maker of the video game “Mortal Kombat,” by the mother of a young boy whose friend, allegedly “addicted” to the game, stabbed him to death, the court found that the “expressive elements” of video games (alleged in this case to be violent) constitute protected speech.<sup>31</sup> The court further assessed the scientific literature regarding the effects of violent video games on children and young adults as “somewhat equivocal”; it stated that unless a video game’s images or messages are “directed to inciting or producing imminent lawless action and [are] likely to incite such action,” its content falls under First Amendment protection.<sup>32</sup>

A simple prohibition against the sale or rental of video games depicting violence goes beyond any applicable decisions by the U.S. Supreme Court, which in 2001 denied *certiorari* in a case finding First Amendment protection for video games.<sup>33</sup>

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<sup>29</sup> *Ibid.*

<sup>30</sup> *Interactive Digital Software Association v. St. Louis County*, 329 F.3d 954 (8<sup>th</sup> Cir. 2003).

<sup>31</sup> *Wilson v. Midway Games*, 198 F.Supp.2d 167 (2002).

<sup>32</sup> *Ibid.*

<sup>33</sup> *Am. Amusement Mach. Ass’n v. Kendrick*.



## Pending Legislation and Other Actions

Because of the various court decisions curtailing government regulation of M-rated video game sales or rentals, numerous local, state, and federal legislative proposals have never made it beyond the discussion or hearing stage. At the federal level, Congressman Joseph Baca of California introduced a bill earlier this year (H.R. 669, the “Protect Children from Video Game Sex and Violence Act of 2003”) that would prohibit the sale or rental of video games that contain graphic depictions of nudity, sexual conduct and/or violence to minors aged 17 and under. The legislation would subject retailers to fines for violations of the law.<sup>34</sup> The bill was referred to the Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security on March 3, 2003; no major action has been taken on it since.<sup>35</sup>

There is also pending legislation to limit minors’ access to violent video games in states like New York, Florida, Arkansas and Illinois. In the meantime, the state of Washington has been undertaking non-legislative efforts to educate the public on video game content and ratings. The Washington State Department of Health distributes a booklet entitled “What Games Do Your Children Play? Becoming a Video Smart Parent” that explains ESRB ratings and content descriptors, offers advice on restricting access to inappropriately violent or sexual content, and provides a list of other resources on video game violence.<sup>36</sup> In addition, Washington State Representative Mary Lou Dickerson and the organization Mothers Against Violence in America have just launched a Game

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<sup>34</sup> *Protect Children from Video Game Sex and Violence Act of 2003*, 108<sup>th</sup> Congress, 1<sup>st</sup> Session, H.R. 669.

<sup>35</sup> Status last checked on Thomas legislative database ([www.thomas.loc.gov](http://www.thomas.loc.gov)) 1 Dec 2003.

<sup>36</sup> “What Games Do Your Children Play? Become a video smart parent.” Washington State Department of Health. Publication no. 345-158, Feb 2001. Also available at <http://www.mavia.org/pdfs/videosmart.pdf>. See Appendix B for a copy of this pamphlet.

Smart Community campaign that calls on retailers to voluntarily post bright yellow tags that read: “We I.D.: No I.D. No game. No kidding.”<sup>37</sup>

The ESRB has undertaken its own efforts to increase public awareness of its rating system through its “Check the Rating” campaign, which consists of Public Service Announcements (PSA’s) on television, in print and online. The PSA’s for television featured celebrity athletes Derek Jeter and Tiger Woods. The PSA featuring Derek Jeter, released in May 2001, aired on television as well as on the in-store networks of four national game retailers—Babbages, Best Buy, Blockbuster and Wal-Mart.<sup>38</sup> Representatives from the ESRB informed the New York City Council Investigation Division (CID) that it would undertake renewed public awareness efforts beginning in October 2003 for the 2003 holiday season.<sup>39</sup>

This CID investigation was designed to assess enforcement of the ESRB ratings system among New York City retailers. At bottom, this study seeks to determine just how easy it is for minors to purchase games with inappropriate violent or sexual content.

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<sup>37</sup> “Get Game Smart Before Game Shopping” [editorial]. *The Seattle Times*. 30 Nov 2003, E2.

<sup>38</sup> “Derek Jeter Hits Home Run with Parents in ESRB Public Service Announcement; Helps parents choose video and computer games that are right for their kids” [press release]. ESRB. 4 May 2001.

<sup>39</sup> Informational meeting, 10 Sept 2003.

## METHODOLOGY

The survey included 25% of New York City's small video game stores and half of the large retail chain stores that sell video games in New York City. The Verizon Super Pages lists 89 small retail stores; 24 of these stores were randomly chosen for inclusion in this investigation. Six large retailers were identified (Best Buy, Circuit City, J&R Music World, K\*B Toy Stores, Target and Toys "R" Us) with a total of 23 locations in the five boroughs. Eleven of these 23 locations (50%) were surveyed.

Of the 24 smaller retailers, five (21%) were in Manhattan, five (21%) in Brooklyn, seven (29%) in Queens, five (21%) in the Bronx and two (8%) in Staten Island. The large retail chains had a greater presence in Manhattan, where we surveyed four stores (36%). We visited two stores (18%) each in Brooklyn, Queens and Staten Island, and one store (9%) in the Bronx.

Prior to conducting the field survey, CID investigators contacted the central offices of the six large retail chains by telephone and inquired as to whether the companies had a policy governing the sales of video games to minors.

The field survey took place between November 3<sup>rd</sup> and 13<sup>th</sup>, 2003. A survey team consisting of one minor under the age of 17<sup>40</sup> and one CID investigator visited each store. Minors were instructed to carry identification with their correct age and to produce it when asked by store employees. Minors were to select an M-rated game and attempt to purchase it. The CID investigator observed all transactions but did not interact with the minor while in the establishment being surveyed.

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<sup>40</sup> All minors who participated in this investigation did so with permission from their parent/guardian.

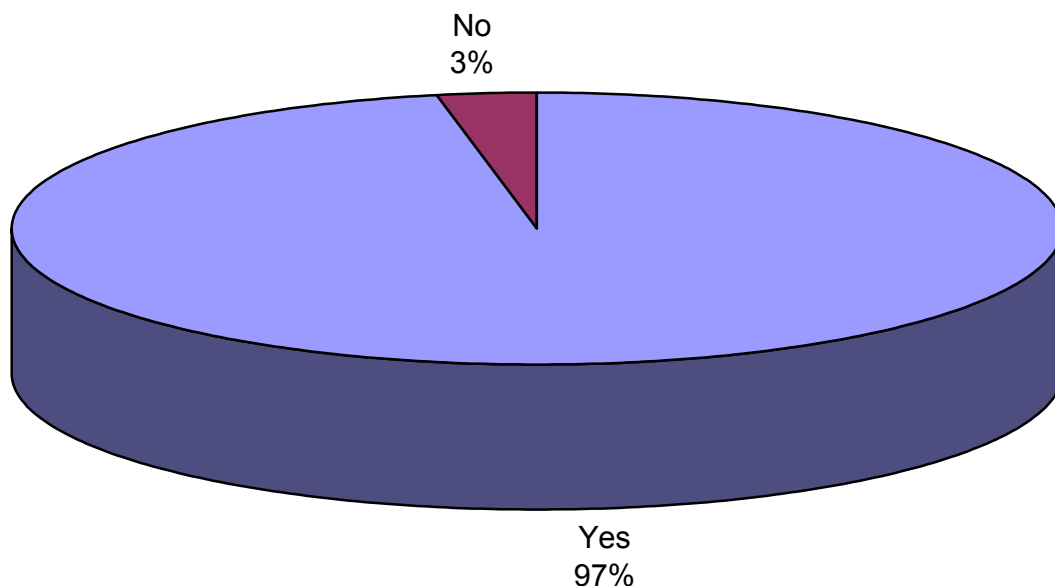
In addition, survey teams noted whether stores posted an explanation of the ESRB rating system and whether they displayed a written policy governing the sale of M-rated video games to minors.

## FINDINGS

Five of the six retail chains (83%) verbally reported that they support the ESRB ratings system and have a clear store policy not to sell M-rated video games to minors. They further reported that their sales associates are trained to ask for identification, and that in some stores, cash registers are programmed to prompt associates to request proof of age prior to the purchase of M-rated games. Only Best Buy Co. responded that their stores do not enforce any age restrictions on video game purchases. They asserted that their policy relies on parents to monitor what their children purchase.

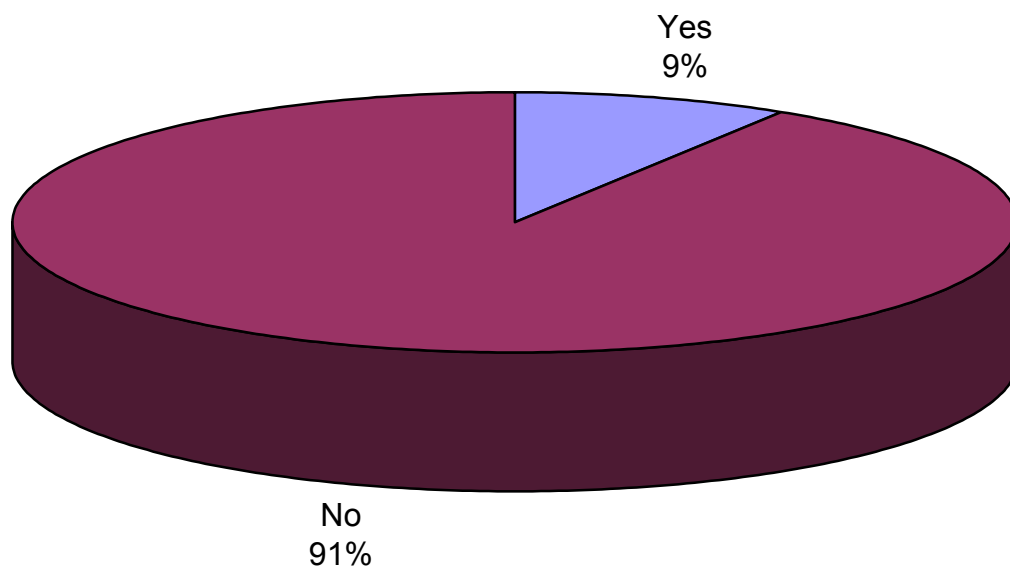
Of the 35 stores visited, minors were able to purchase M-rated video games at a total of 34 stores (97%).

**Minors Able to Buy M-Rated Video Games**



Minors attempting to purchase an M-rated video game were asked for identification in only three of the 35 stores surveyed (9%).

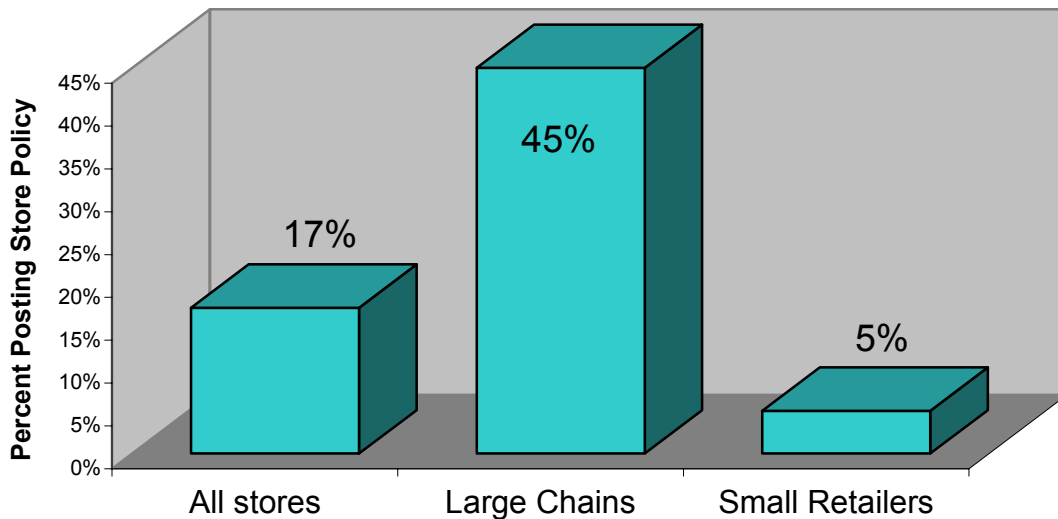
### **Minors Asked to Show ID**



Two of these stores (both Toy “R” Us locations) sold the minor an M-rated video game anyway, even after identification showed the minor to be under the age of 17. The third store, a small retailer in Brooklyn, prevented the minor from purchasing a video game because of its strict policy prohibiting minors inside the store during school hours.

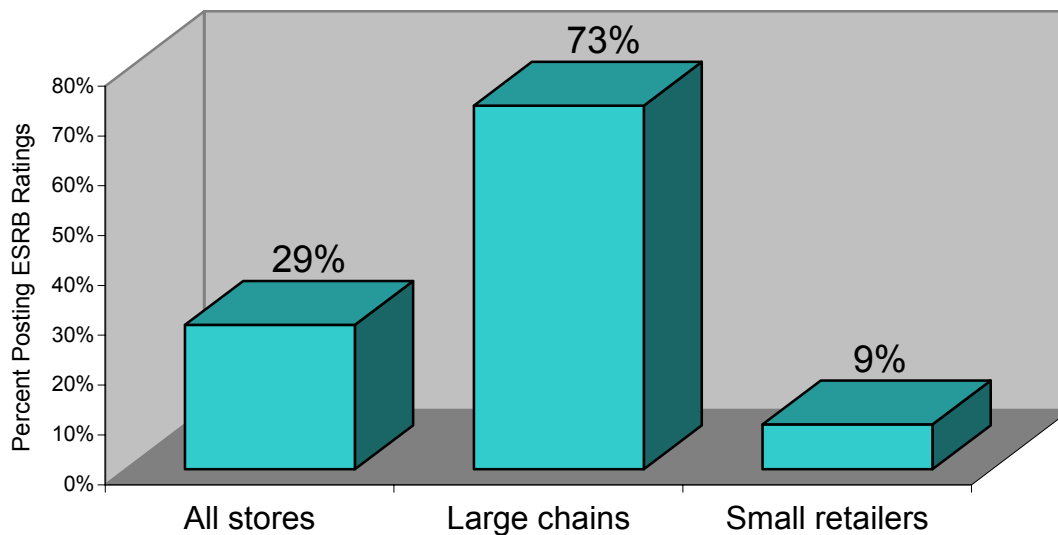
Six stores (17%) had a sign that explained the store's policy governing the sale of M-rated video games to minors. Five of the 11 large retail stores surveyed (45%) displayed the store’s policy governing the sale of M-rated video games to minors. Only one of the 22 small retail locations (5%) posted a store policy.

### Stores Posting Store Policy About M-Rated Game Sales



Ten stores (29%) displayed ESRB ratings and content descriptors. Eight of the 11 large stores surveyed (73%) posted ESRB ratings and content descriptors, whereas only two of the 22 small retailers (9%) did.

### Stores Posting ESRB Ratings



As all but one of the stores surveyed permitted minors to purchase M-rated video games and only three demanded proof of age, our results showed no significant disparities between the five boroughs.<sup>41</sup>0

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<sup>41</sup> For complete findings, see Appendix C.



## CONCLUSIONS

**A disturbing number of stores continue to sell M-rated video games to minors**, despite an industry policy that advises retailers not to sell these games to individuals under the age of 17. Retailers must make a real commitment to keeping video games with graphic violence or strong sexual content out of the hands of children. To do this, it is clear they will need to take several steps, including, at minimum, the following:

- Displaying explanations of the ESRB ratings system and content descriptors so that this information is available to consumers at the moment they are making their purchasing decisions;
- Posting store policies regarding the sale of M-rated video games to minors to deter youthful consumers; and
- Enforcing ESRB ratings by demanding proof of age at the point of sale and refusing to sell M-rated games to customers under the age of 17.

Great room for improvement remains both in educating consumers and in enforcing the ratings system. Retailers large and small did an equally poor job enforcing ESRB ratings at the point of sale—store policy notwithstanding. Nevertheless, large retailers did a significantly better job than their smaller counterparts of educating consumers about video game ratings and content. It is likely that the corporate structure of these large retail chains allows them to receive and disseminate information regarding industry policy much more effectively than an independently owned small business. Given that enforcement of the ESRB ratings system is voluntary, and that retailers do an egregiously poor job of it, it is incumbent on parents to educate themselves about this rating system and the video games their children play.

In this, government can be of some assistance. While any legislation restricting minors' access to violent and/or sexually suggestive video game

content would have to jump a formidable hurdle in the First Amendment, initiatives to increase public awareness could achieve some success in ensuring that consumers can make informed choices for themselves and their children.

## RECOMMENDATIONS

No one entity is solely responsible for restricting minors' purchases of inappropriate video games. Video game and software publishers, the ESRB, retailers, the government and parents can each play a part in making appropriate media available to appropriate age groups. The following Council recommendations seek to encourage each group to take responsibility to create a positive system for consumers to enjoy age-appropriate video games.

- **Pass legislation requiring that vendors, retailers, and video rental stores post signage describing video game ratings.**

Many consumers do not know that the ESRB rating system exists, let alone what the various ratings symbols denote. It took years after the inception of the movie rating system for public awareness to take hold. At each movie theater, a sign is posted that informs the consumer about the rating system and how each rating letter is defined. Retail and rental outlets for video games should be required to follow this example.

- **Pass legislation requiring that M- and AO-rated video games be displayed separately from other games.**

It is not uncommon for video games rated "E" (Everyone) to be displayed right next to those rated "M" (Mature). This makes it easy for young people to be enticed to purchase inappropriate video games, and for adults not to recognize the distinction. Separating these games by rating will make it more clear to consumers that the rating system is important and must be followed.

- **Pass legislation requiring that the Department of Consumer Affairs (DCA) produce and distribute an informational pamphlet for video game consumers.**

To aid in educational outreach, the City of New York should produce an informational pamphlet to inform consumers of the issues surrounding video game content. These pamphlets should be available in all retail locations where video games are sold, and should be given to anyone purchasing a video game.

- **ESRB must substantially increase outreach to small independent retailers.**

Small retailers do an especially poor job of educating consumers by posting information about the ESRB rating system, and of making sure underage people don't purchase M-rated video games. Insofar as many small retailers exist in neighborhoods where there are no major chains, they are accessible to local children and thus represent important local outlets for video game software. Lacking centralized corporate structures like major retail chains, small independent retailers can pose challenges for effective outreach; nevertheless, the ESRB cannot shirk its responsibility to spread awareness of video game ratings and content to these locations.

- **ESRB and the video game industry should be more proactive in its campaign to educate parents and retailers about the rating system.**

We applaud the ESRB's willingness to undertake an educational campaign this holiday season to inform consumers about the video game ratings system, and to partner with retailers and other organizations to get the message out. Unfortunately, the ESRB continues to rely almost exclusively on PSA's to spread the word. On television, PSA's, which are free, run when media networks have failed to sell time for paid

advertisements and have extra inventory and time to fill. Many of these PSA's consequently run late at night or at times when most people aren't watching.

The ESRB charges \$1,000 per game to video game publishers who collectively realize \$6.9 billion dollars in revenue every year. Rather than relying on the goodwill of media networks to run PSA's when time and space become available, the ESRB should take advantage of more effective paid advertising and marketing, even if it means requesting a larger fee from video game publishers to have their games rated.

- **Retail stores should train employees about the rating system, so they can request proof of age from anyone purchasing a video game rated "Mature" or "Adults Only."**

While one could blame low-wage store clerks for carelessly selling violent video games to underage consumers, it is the responsibility of the retail stores to ensure that their employees know, understand and comply with store policies.

- **Parents need to be proactive and exercise supervision over what their children purchase and play.**

The Council believes that we need to give the parents as many tools as possible to be in control of what their children are exposed to in the games they play. National surveys find that parents exercise little supervision over their children's video game usage. Parents must keep in mind that the ultimate responsibility for controlling what their children watch and play lies with them. We encourage parents to familiarize themselves with the ESRB ratings system, preview the games their children play, and play along with them whenever possible.

## **APPENDIX A**

### **ESRB Game Rating and Descriptor Guide**

**(from [www.esrb.org/esrbratings\\_guide.asp](http://www.esrb.org/esrbratings_guide.asp))**

## Game Rating & Descriptor Guide

ESRB ratings have two parts. The **RATING SYMBOL** suggests what age group the game is appropriate for and provides general information about a game's content. If a game contains content elements that aren't suggested by the rating symbol, **CONTENT DESCRIPTORS** are added that tell you what to expect.

To take full advantage of the ESRB rating system, it's important to check both the **RATING SYMBOL** (found on the front of the game box) and the **CONTENT DESCRIPTORS** (found on the back of the game box).



Look for the **rating/icon symbols** in the lower right and the lower left hand corner on the front of the box.



**Descriptors** are found on the lower left or right hand corner on the back of the box

### ESRB Rating Symbols



#### EARLY CHILDHOOD

Content may be suitable for ages 3 and older. Contains no material that parents would find inappropriate.



#### EVERYONE

Content may be suitable for persons ages 6 and older. May contain minimal violence and some comic mischief or crude language.



#### TEEN

Content may be suitable for persons ages 13 and older. May contain violent content, mild or strong language, and/or suggestive themes.



#### MATURE

Content may be suitable for persons ages 17 and older. May contain mature sexual themes or more intense violence or language.



#### ADULTS ONLY

Content suitable only for adults. May include graphic depictions of sex and/or violence. Not intended for persons under the age of 18.



#### RATING PENDING

Product has been submitted to the ESRB and is awaiting final rating.

### ESRB Content Descriptors

- **Alcohol Reference** - Reference to and/or images of alcoholic beverages
- **Animated Blood** - Cartoon or pixilated depictions of blood.
- **Blood** - Depictions of blood.
- **Blood and Gore** - Depictions of blood or the mutilation of body parts.
- **Comic Mischief** - Scenes depicting slapstick or gross vulgar humor.
- **Drug Reference** - Reference to and/or images of illegal drugs
- **Edutainment** - Content of product provides user with specific skills development or reinforcement learning within an entertainment setting. Skill development is an integral part of product.
- **Gambling** - Betting like behavior.
- **Informational** - Overall content of product contains data, facts, resource information,

reference materials or instructional text.

- **Mature Humor** - Vulgar and/or crude jokes and antics including "bathroom" humor
- **Mature Sexual Themes** - Provocative material, possibly including partial nudity.
- **Mild Language** - Mild references to profanity, sexuality, violence, alcohol, or drug use.
- **Mild Lyrics** - Mild references to profanity, sexuality, violence, alcohol, or drug use in music.
- **Mild Violence** - Mild scenes depicting characters in unsafe and/or violent situations.
- **Nudity** - Graphic or prolonged depictions of nudity.
- **Partial Nudity** - Brief and mild depictions of nudity.
- **Some Adult Assistance May Be Needed** - Early Childhood Descriptor only.
- **Strong Language** - Profanity and explicit references to sexuality, violence, alcohol, or drug use.
- **Strong Lyrics** - Profanity and explicit references to sex, violence, alcohol, or drug use in music.
- **Strong Sexual Content** - Graphic depiction of sexual behavior, possibly including nudity.
- **Suggestive Themes** - Mild provocative references or materials.
- **Tobacco Reference** - Reference to and/or images of tobacco products
- **Use of Drugs** - The consumption or use of illegal drugs
- **Use of Alcohol** - The consumption of alcoholic beverages
- **Use of Tobacco** - The consumption of tobacco products
- **Violence** - Scenes involving aggressive conflict.

The following ratings and content descriptors have been updated and are no longer used, but they may appear on games published previously.



#### **Kids to Adult**

Titles rated "Kids to Adult (K-A)" have content that may be suitable for persons ages six and older. These titles will appeal to people of many ages and tastes. They may contain minimal violence, some comic mischief (for example, slapstick comedy), or some crude language.

- **Gaming** - Betting-like behavior.
- **Mild Animated Violence** - Mild cartoon or pixilated scenes depicting animated characters in unsafe and/or violent situations.
- **Mild Realistic Violence** - Mild photographic-like detailed depictions of characters in unsafe and/or violent situations.
- **Animated Violence** - Cartoon or pixilated scenes depicting animated characters in unsafe and/or violent situations.
- **Realistic Violence** - Photographic-like detailed depictions of characters in unsafe and/or violent situations.
- **Animated Blood and Gore** - Cartoon or pixilated images of blood or the mutilation of body parts.
- **Realistic Blood and Gore** - Photographic-like detailed depictions of blood or the mutilation of body parts.
- **Realistic Blood** - Photographic-like detailed depictions of blood.
- **Reading Skills, Fine Motor Skills, Higher-Level Thinking Skills** - These phrases are found only on products rated Early Childhood and indicate whether children's reading, computer, or other skills are used in these titles.



## **APPENDIX B**

**“What Games Do Your Children Play? Become a Video Smart Parent”  
(Informational pamphlet produced by the Washington State Department of  
Health)**



## BECOMING A VIDEO SMART PARENT: AN OVERVIEW

In recent years, violence has been recognized as a public health issue. The Washington State Department of Health is developing community-based violence prevention strategies to help ensure public health and safety. One aspect of violence prevention is to understand the impact that violent messages in television, movies and video games have on children.

Video games (which include store-bought games, computer games downloaded from the Internet, and hand-held game players) are now a major industry and are very popular. Many games involve coordination and strategy, and may have appropriate educational uses. However, there are also games that use violence as the main theme, and this violence is controversial. The realistic—and increasingly interactive—nature of 3D graphics is the biggest change in today's games.

Reliable research on the effects of violence in movies and television consistently shows a link with aggressive behavior in children. But the new generation of violent video games is only beginning to be studied for possible links to aggressive behavior.

The Washington State Department of Health conducted a detailed summary of all relevant research on the behavioral effects of video game violence that had been conducted up to January 2000. If you wish to access this review, it is available at [www.doh.wa.gov/cfh/videoresearch.doc](http://www.doh.wa.gov/cfh/videoresearch.doc)

The video game industry supports a voluntary rating system as a way to inform consumers about violent content. However, a recent report from the Federal Trade Commission shows that games rated for mature audiences are being marketed to children (for more information go to [www.ftc.gov/opa/2000/09/youthviol.htm](http://www.ftc.gov/opa/2000/09/youthviol.htm)). These games are widely available and passed around among friends. Parents are increasingly challenged to monitor and control what their children play. The information in this booklet is intended to raise parents' awareness of the violent content of some video games so they can make appropriate and informed choices for their families.

*Sprinkled throughout this booklet are actual quotes from video and computer game packaging and advertising.*

**“Kill your friends  
guilt free.”**

**Magazine ad for  
Guilty Gear**

## VIDEO GAME RATING SYSTEMS

*A rating system used by game manufacturers can be helpful, but previewing a game yourself is the best way to see if it is appropriate for your child.*

A consistently enforced rating system, similar to those used for movies and television, is not yet the norm for electronic games. Some video, computer and Internet games are rated by the Entertainment Software Rating Board (ESRB). ESRB is supported by the entertainment industry, and is not regulated by state or federal government. Game manufacturers submit their products voluntarily for ratings. Not all games are rated. Retail stores do not always enforce the rating system. Many consumers are not yet aware of this rating system.

The complexity of the rating system is determined by the ESRB. There are two separate components to the system: symbols and content descriptors. Symbols indicate what the ESRB considers a suitable age for a player of the game. Content descriptors give more detail on the amount of violence, strong language and sexual references. Rating symbols and content descriptors are usually printed on the back or side of the box, but may be hard to find.

Parents should not assume that the symbols alone will inform them about the content.

### ESRB Symbols



**Early Childhood**  
Age 3 & older



**Everyone**  
Age 6 & older



**Teen**  
Age 13 & older



**Mature**  
Age 17 & older



**Adults Only**  
Not to be sold to anyone under 18



**Rating Pending**  
Awaiting a final ESRB rating

Games rated as suitable for ages 6 and older may contain some violence and crude language. Games rated as suitable for teens may have graphic violence, suggestive sexual themes and strong language. A game with a Rating Pending symbol may be suitable only for mature or adult audiences.

ESRB uses a similar voluntary system for rating games on the Internet. Many Internet games are not rated. Parents should be aware that Internet "arenas," such as chat rooms, bulletin boards and multi-player games, allow other computer users to interact with their child. Other players can be of any age and may use harsh language. Some Internet browsing software allows parents to block or set preferences for ESRB-rated Web sites.

### Content Descriptors

Below are most of the ESRB descriptors and what they mean. The ESRB Web site does not give an explanation of the relationship between content descriptors, symbols or suitable ages.

#### Mild Animated Violence

Depictions of cartoon characters in unsafe or hazardous acts or violent situations.

#### Mild Realistic Violence

Depictions of characters in unsafe or hazardous acts or violent situations in photographic detail.

#### Comic Mischief

Scenes or activities characterized as slapstick or gross vulgar humor.

#### Animated Violence

Depictions of aggressive conflict involving cartoon-like characters.

#### Realistic Violence

Photographic-like depictions of aggressive conflict.

#### Animated Blood and Gore

Cartoon-like depictions of blood, mutilation or dismemberment.

#### Realistic Blood and Gore

Photographic-like depictions of blood, mutilation or dismemberment.

#### Suggestive Themes

Mild provocative (sexual) references.

#### Mature Sexual Themes

Provocative material including depictions of the human body.

#### Strong Sexual Content

Graphic depictions of sexual behavior (i.e. frontal nudity).

#### Mild Language

Use of words like "damn."

#### Strong Language

Use of crude cursing and "4-letter" words.

### When choosing games:

- Encourage your local video retailers to use and enforce the ratings.
- Look for the rating symbol and content descriptor.
- Use the rating to back up your decision.
- Remember the rating system is only a guide. Read the game description and use your own judgment, especially if you have concerns about a particular game.
- Preview the game before you purchase, rent or download it. Ask for a demonstration. Rating systems may not reflect what is appropriate for your child or the standards you have for your family.
- Look for games that require strategy and decision making, and games that involve two or more players to encourage social interaction.
- For gifts, let the giver know what games are acceptable for your child.

For more information about the rating system, contact the ESRB:

email—[info@esrb.org](mailto:info@esrb.org)

phone—212-759-0700

write—845 Third Avenue

New York, NY 10022

[www.esrb.org/parent.html](http://www.esrb.org/parent.html)

**"More fun than  
shooting your  
neighbor's cat."**

**Magazine ad for  
Point Blank**

## RESTRICTING ACCESS

*The best way to restrict access to video and computer games is to communicate with your children, limit their use and provide supervision.*

There are several ways a parent or guardian can restrict access to violent video and computer games. Some are through technology while others are through parenting and guidance. On the next page are just a few suggestions. It is best for parents to use their own judgment in setting limits for their children.

Older children and adolescents can participate with their parents in developing rules which all agree to and follow.

Discuss your views with your child and listen to his or her feelings.

**“Shoot a snitch in the kneecaps, or snuff out a rival with a single head shot and watch them bleed to death.”**

**On the package for Kingpin: Life of Crime**

### Ideas on restricting access:

- Have a parent or guardian observe or play along. There is no substitute for parental supervision and positive attention.
- Place video games and computers in family areas, not in private bedrooms.
- Limit your child's access to the computer by using a password.
- Install blocking/filtering software on your computer. This method works for the Internet only and will not block games purchased in stores. For an on-line listing of this software go to [www.smartparent.com](http://www.smartparent.com).  
For one version of this kind of software that integrates with your Web browser go to [www.lcra.org](http://www.lcra.org).
- Remove the mouse and keyboard from the computer when you can't be there to supervise.
- Some games available on the Internet can be downloaded for free. Others must be purchased using a credit card. Games for sale on the Internet often feature free preview samples. Check them out first. Know which games your child is installing on the computer and how your credit card is being used.
- Provide non-electronic activities for your children. This helps give children other options for “play” that encourage creativity and promote healthy development.

## TIPS FOR PARENTS

*What other strategies can parents use? Child development experts encourage parents to be engaged with their children in activities, to communicate clearly, and to set limits and stick to them.*

### 1. Communicate!

- Discuss healthy ways to deal with the immediate feelings of anger, such as talking, or if need be, taking a walk to calm down.
- Listen to your children and be aware of their interests, activities and friends.
- Talk about respecting differences in other people.
- Talk with teachers about how your children are doing in school.
- Develop your own support network. Parenting is hard enough without having to be all alone!

### 2. Set a good example by showing the behaviors you would like to see.

- Use non-violent words and actions to solve problems.
- Use non-physical punishment for your children.
- Praise your children for finding peaceful solutions to problems.

### 3. Develop and consistently stick to family rules.

- Involve children older than five. Explain your reasons for the rules and listen to their feelings and beliefs.
- Older children can help make a list of house rules, rewards and consequences. Post them where everyone can see them.
- Share the rules with parents of your children's friends, child care providers, babysitters and others.
- For older children, discuss and develop clear rules for times when they are left alone.

### 4. Help your children develop a balanced approach to life.

- Encourage lots of activities and experiences including physical activities, reading, arts and crafts, clubs, and religious or civic groups.
- Plan and go on outings together.
- Support their efforts to develop and maintain friendships.
- Help them feel physically and psychologically safe. Alert them to risks of violence and preventive actions they can take.
- Encourage your children to volunteer in the community so they develop a sense of cooperation and social responsibility.

**5. Teach your children to be media literate.**

This means being able to understand and evaluate what is behind a product, how it is being marketed, what messages are being received, and how to avoid being manipulated. Children are less likely to be influenced by video game violence if they develop media literacy skills.

- Be selective about the media they view, and discuss the influence violence has on them.
- Help them learn to uncover the meanings of media messages, to think critically, and to recognize when they are being targeted.
- Talk about a particular violent act on TV or in a movie and discuss why it happened, how real it was, and possible non-violent alternatives.
- Help them understand how the media can reinforce harmful stereotypes.
- Encourage schools and community youth groups to incorporate media literacy into their curricula and activities.

**“Vengeance.  
Sometimes it’s the  
only answer.”**

**On the package for  
Black Thorne**

**RESOURCES ON  
VIDEO GAME  
VIOLENCE**

**Action For Children’s  
Television (ACT)**

20 University Road  
Cambridge, MA 01238  
617-876-6620

Provides information to parents and teachers about television viewing and children.

**American Academy  
of Pediatrics**

141 NW Point Boulevard  
PO Box 927  
Elk Grove Village, IL 60007  
847-434-4000

[www.aap.org](http://www.aap.org)

Provides information to parents and teachers about television viewing and children. See their recent joint statement with the American Academy of Child Adolescent Psychiatry on the impact of entertainment violence on children.

**Children’s Partnership**

1351 3rd Street Promenade  
Suite 206  
Santa Monica, CA 90401

[www.childrepartnership.org](http://www.childrepartnership.org)

Publishes the *Parents Guide to the Information Superhighway-Rules and Tools for Families Online*.



**ERIC Clearinghouse on  
Elementary and Early  
Childhood Education**

University of Illinois  
at Urbana-Champaign  
Children's Research Center  
51 Gerty Drive  
Champaign IL 61820-7469  
1-800-583-4135 or  
217-333-1386  
Publishes *Guidelines for Family Television  
Viewing* and other children and the media  
materials.

**Federal Trade Commission**

FTC Consumer Response Center  
Room 130  
600 Pennsylvania Avenue NW  
Washington, D.C. 20580  
Toll-free 1-877-382-4357

FTC Matter No. 994511  
[www.ftc.gov/opa/2000/09/  
youthviol.htm](http://www.ftc.gov/opa/2000/09/youthviol.htm)

September 2000 report "Marketing  
Violent Entertainment to Children: A  
Review of Self-Regulation & Electronic  
Game Industries."

**Mothers Against Violence in  
America (MAVIA)**

105 14th Avenue, Suite 2A  
Seattle, WA 98122  
206-323-2303  
[www.mavia.org](http://www.mavia.org)  
Dedicated to preventing violence by and  
against young people through education,  
outreach and advocacy. A national  
network of parents creating partnerships  
with school, business and community  
leaders.

**National Association  
for the Education of  
Young Children**

1509 16th Street NW  
Washington DC 20036-1426  
1-800-424-2460  
[www.naeyc.org/default.htm](http://www.naeyc.org/default.htm)  
Publishes information on media violence  
and young children.

**National Institute on  
Media and the Family**

606 24th Avenue South  
Suite 606  
Minneapolis, MN 55454:  
[www.mediaandthefamily.org](http://www.mediaandthefamily.org)  
1-888-672-5437  
Provides many resources on information  
about media, so that parents and other  
caring adults can make wise media  
choices and understand media's impact  
on children and families.

**National Parent Teacher  
Association (PTA)**

330 Wabash Avenue  
Suite 2100  
Chicago, IL 60611  
[www.pta.org](http://www.pta.org)

**"Psychiatrists say  
it's important to  
feel something  
when you kill."**

**A magazine ad for the  
vibrating WingMan  
Force joystick**

## INTERNET RESOURCES

### **Center for Media Education**

[www.cme.org/](http://www.cme.org/)

### **Center for Media Literacy**

[www.medialit.org/](http://www.medialit.org/)

### **Lion & Lamb Project**

(national initiative on the effects of violent entertainment on children)

[www.lionlamb.org](http://www.lionlamb.org)

### **Media Wise—A Resource Kit for the Media Age**

[www.mediafamily.org/store/](http://www.mediafamily.org/store/)

[mediawise.shtml](http://mediawise.shtml)

### **National Parent Information Network**

[www.npin.org](http://www.npin.org)

### **SmartParent.com**

<http://smartparent.com/protect.htm>

### **Teen Health and the Media**

<http://teenhealthandthemediac.net>

### **Television Violence: What Parents Can Do**

[www.media-awareness.ca/eng/med/](http://www.media-awareness.ca/eng/med/home/hand/ptpkit9.htm)

[home/hand/ptpkit9.htm](http://home/hand/ptpkit9.htm)

### **Ten Tips for Parents to Stop the Media Violence**

[www.media-awareness.ca/eng/med/](http://www.media-awareness.ca/eng/med/home/hand/tentip.htm)

[home/hand/tentip.htm](http://home/hand/tentip.htm)

### **Video and Computer Game Report Card**

[www.mediafamily.org/research/vgrc/](http://www.mediafamily.org/research/vgrc/)

[2000-1.shtml](http://2000-1.shtml)

### **Video Games and Children**

[http://ericecece.org/pubs/](http://ericecece.org/pubs/digests/1994/cesaro94.html)

[digests/1994/cesaro94.html](http://digests/1994/cesaro94.html)

### **Washington Attorney General's Report on Youth Violence**

[www.wa.gov/ago/releases/](http://www.wa.gov/ago/releases/)

[rel\\_report\\_041000.html](http://rel_report_041000.html)

### **Washington State PTA**

[www.wastatepta.org](http://www.wastatepta.org)



**Developed By:**

Office of the Assistant Secretary for  
Community and Family Health  
Health Promotion  
Injury Prevention and Safety  
Epidemiology

**Sponsors:**

Washington State Representative  
Mary Lou Dickerson  
Washington State Representative  
Helen Sommers  
Washington State Attorney General  
Christine Gregoire  
George E. Heidorn  
  
Knossos Foundation  
Mothers Against Violence in America—  
MAVIA  
Newsradio 710 KIRO

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To order free copies by phone:  
360-753-6820 (Department of Printing)  
8 a.m. to 5 p.m. Pacific time  
A receptionist will take your order.



## **APPENDIX C**

### **Detailed Findings**

**Chain Store Policies and Survey Findings**

| <b>Store</b>                 | <b>Policy (As Reported to CID)</b>   | <b>CID Findings</b>   |
|------------------------------|--|---|
| <b>Best Buy</b>              | ESRB ratings are posted in each store.<br>Best Buy does not enforce any age requirement on video game purchase.<br>Company believes that is parental role.   | Minors were able to buy M-rated video games.<br>No identification was required.<br>ESRB sign posted in the store.   |
| <b>Circuit City</b>          | Circuit City supports the ESRB rating system.<br>Sales associates trained to ask for ID.<br>Registers prompts to ask for ID when M-rated games are presented.<br>Monthly reminders sent to every store to ensure proper guidelines being followed. | Minors were able to purchase M-rated video games.<br>No identification was required.<br>No signs were visible in the store.                                 |
| <b>J &amp; R Music World</b> | J&R does not sell M-rated games to minors unless they come in with an adult.<br>Sales to individual are based on the rating on each game.<br>There is no written store policy.   | Minors were able to purchase M-rated video games.<br>No identification was required.<br>J&R had no ESRB ratings posted.                                     |
| <b>K*B Toy Stores</b>        | K*B Toy Stores comply with all existing rules as they relate to the sale of video games to minors.<br>Unaware of any published store policy.   | Minors were able to purchase M-rated video games.<br>No identification was required.  |
| <b>Target Corp.</b>          | Store policy governs video game sales to minors.<br>Cash register prompts clerks to ask for ID.<br>ESRB ratings are posted all over the store.   | Minors were able to purchase M-rated video games.<br>No identification was required.<br>No signs were visible in the store.                                 |
| <b>Toys "R" Us</b>           | Store policy prohibits sales of M-rated video games to minors.<br>Signs are clearly posted in the stores.<br>Clerks trained to ask for ID.   | Minors were able to purchase M-rated video games.<br>Identification required, but minors still able to purchase.<br>Store policy signs were clearly posted. |

**New York City Council Investigation Division**

| <b>Detailed Findings</b> |                  |                          |                |                             |                             |                      |                     |
|--------------------------|------------------|--------------------------|----------------|-----------------------------|-----------------------------|----------------------|---------------------|
|                          | <b>Stores</b>    | <b>Address</b>           | <b>Borough</b> | <b>Store policy posted?</b> | <b>ESRB ratings posted?</b> | <b>Asked for ID?</b> | <b>Able to buy?</b> |
| 1                        | Best Buy         | 23rd Street/6 Ave        | Manhattan      | No                          | Yes                         | No                   | Yes                 |
| 2                        | Circuit City     | 232 East 86th Street     | Manhattan      | No                          | Yes                         | No                   | Yes                 |
| 3                        | Circuit City     | Queens Blvd              | Queens         | No                          | No                          | No                   | Yes                 |
| 4                        | Circuit City     | 2505 Richmond Ave        | Staten Island  | No                          | Yes                         | No                   | Yes                 |
| 5                        | Coconuts         | 2097 Ralph Ave           | Brooklyn       | No                          | No                          | No                   | Yes                 |
| 6                        | Disco-o-Rama     | 186 West 4th Street      | Manhattan      | No                          | No                          | No                   | Yes                 |
| 7                        | Forbidden Planet | 840 Broadway             | Manhattan      | No                          | Yes                         | No                   | Yes                 |
| 8                        | FYE              | 2188A White Plains Rd    | Bronx          | No                          | No                          | No                   | Yes                 |
| 9                        | FYE              | 405-407 6th Avenue       | Manhattan      | No                          | No                          | No                   | Yes                 |
| 10                       | Game Champ       | 3263 Richmond Ave        | Staten Island  | No                          | No                          | No                   | Yes                 |
| 11                       | Game Champs      | 6 Nevin Street           | Brooklyn       | No                          | No                          | No                   | Yes                 |
| 12                       | Game Depot       | 591 Southern Blvd        | Bronx          | No                          | No                          | No                   | Yes                 |
| 13                       | Game Dimension   | 162-13 Depot Road        | Queens         | No                          | No                          | No                   | Yes                 |
| 14                       | Game Expo Inc    | 400 Fulton Street        | Brooklyn       | No                          | No                          | No                   | Yes                 |
| 15                       | Game Express     | 2454 Creston Ave         | Bronx          | No                          | No                          | No                   | Yes                 |
| 16                       | Game Express     | 163-18 Jamaica Ave       | Queens         | No                          | No                          | No                   | Yes                 |
| 17                       | Game Fan         | 36-09 Main Street        | Queens         | No                          | No                          | No                   | Yes                 |
| 18                       | Game Stop        | Whitman Plaza            | Brooklyn       | No                          | No                          | Yes                  | No                  |
| 19                       | Game Stop        | 166 Court Street         | Brooklyn       | Yes                         | Yes                         | No                   | Yes                 |
| 20                       | Game Stop        | 1120 6th Ave             | Manhattan      | No                          | No                          | No                   | Yes                 |
| 21                       | Game Stop        | 2764 Broadway            | Manhattan      | No                          | No                          | No                   | Yes                 |
| 22                       | Games Express    | 136-04 Main Street       | Queens         | No                          | No                          | No                   | Yes                 |
| 23                       | J&R Music World  | Park Row                 | Manhattan      | No                          | No                          | No                   | Yes                 |
| 24                       | Joyce Land       | 87-87 Francis Lewis Blvd | Queens         | No                          | No                          | No                   | Yes                 |
| 25                       | K.B Toys Stores  | 2655 Richmond Ave        | Staten Island  | Yes                         | Yes                         | No                   | Yes                 |
| 26                       | King Express     | 601 East Tremont Ave     | Bronx          | No                          | No                          | No                   | Yes                 |
| 27                       | Music Factory    | 162-00 Jamaica Ave       | Queens         | No                          | No                          | No                   | Yes                 |
| 28                       | Saturday Matinee | Staten Island Mall       | Staten Island  | No                          | No                          | No                   | Yes                 |
| 29                       | Target           | 88-01 Queens Blvd        | Queens         | No                          | No                          | No                   | Yes                 |
| 30                       | Toys "R" Us      | Bruckner Express Plaza   | Bronx          | Yes                         | Yes                         | No                   | Yes                 |
| 31                       | Toys "R" Us      | Fulton Mall              | Brooklyn       | Yes                         | Yes                         | Yes                  | Yes                 |
| 32                       | Toys "R" Us      | 2875 Flatbush Avenue     | Brooklyn       | Yes                         | Yes                         | No                   | Yes                 |
| 33                       | Toys "R" Us      | Times Square             | Manhattan      | Yes                         | Yes                         | Yes                  | Yes                 |
| 34                       | Universal Games  | 530 Willis Avenue        | Bronx          | No                          | No                          | No                   | Yes                 |
| 35                       | Village Games    | 89-02 165th Street       | Queens         | No                          | No                          | No                   | Yes                 |