

## Video Games Classification Consultation Response – Public

I am writing to respond to the request for consultation regarding Video Games classification posted on the DCMS website.

([http://www.culture.gov.uk/reference\\_library/consultations/5345.aspx](http://www.culture.gov.uk/reference_library/consultations/5345.aspx))

In the interest of full disclosure, I have been employed in the UK games industry for most of the last ten years (although currently have no commercial interests in the sector). I have also been a lifelong player and consumer of video games.

I have read the Byron Report and followed the subsequent debate with interest. Based on the information set out in the report and responses made by the key parties, my views on the four options for consideration are as follows:

1. "Option 1 - Hybrid Classification System - BBFC ratings for all games for players over 12 and PEGI ratings for under 12s"

In my view, the Byron Report did not provide clear or compelling evidence to support this recommendation.

The report leant heavily on the assumption that exposure to entertainment media could involve a quantifiable "risk" or form of "harm", without going into detail or giving a scientific rationale for this assumption. While it seems reasonable to suggest that a marginal number of entertainment products intended for an adult audience could have a harmful effect on younger viewers (for instance, excessively graphic or instructional films), suggesting that media aimed at the 12+ age group could pose a significant enough risk to younger viewers to warrant statutory enforcement of age ratings at this level is patently absurd. There are no statutory age ratings for virtually any other form of media (books, music, comics, board games, television programmes, etc.) marketed to this age group, with good reason.

This recommendation seems to have been designed purely to justify the existence of the Byron Report and to generate a positive public relations message for the government, with little thought as to whether this would have any tangible benefit for consumers.

There are also strong reasons from consumers' and the industry's perspective for rejecting any expansion of the BBFC's remit over games, which follow in the next point (but are equally applicable to Options 1 and 2).

2. "Option 2 - Enhanced BBFC system"

This option implies a forced withdrawal from the successful PEGI ratings system for games published in the UK.

The BBFC have failed to put forward any strong arguments for extending their already considerable powers. The argument that their symbols are more readily recognised by consumers has been countered by proposals by ELSPA for a clearer labeling system for PEGI. Consumers would receive no meaningful benefit for having a BBFC 12 logo on packaging instead of a PEGI one, while the industry would be put to great expense and inconvenience.

The likely result of this would be to put the UK games industry (a significant employer and contributor to the economy) at a competitive disadvantage. Furthermore, it would inevitably result in chilling effects on creative expression as publishers would be at the mercy of the BBFC to refuse classification or to unfairly demand complicated, expensive modifications to submitted games. For the consumer this means higher prices and less choice.

The question also remains of whether the BBFC are now or can ever be ready to deal with a massively increased workload which demands skills outside of those applicable to the classification of passive media.

Particularly concerning were comments by BBFC chief David Cooke (<http://www.edge-online.com/blogs/bbfc-chief-writes-edge> - under the heading "Can BBFC Handle the Workload?") which rather disingenuously attempt to compare the (immediate, several-hundred-percent) increase in the BBFC's workload that would be incurred by rating 12+ games to the organic growth of DVD releases over a nine year period (and failing entirely to mention that this was offset by a commensurate decline in VHS releases over the same period).

### 3. "Option 3 - Enhanced PEGI system"

Extending the PEGI system to make the 16+ and 18+ ratings legally enforceable and reducing or retiring the BBFC's role in games classification is the option almost unanimously favoured by the industry. It will reduce confusion and increase peace of mind for UK and European consumers, and give the industry far greater scope to provide effective, consistent consumer education. The PEGI system, aside from being designed for games and therefore inherently better suited to assessing their content than the BBFC's mechanisms, is also the only system that makes provisions for content distributed online.

The PEGI system has been a great success in all the current member countries. Germany is one exception, where a government scheme has been imposed due to Germany's extremely strict censorship laws. In fact, beyond Europe, typically only countries with excessively draconian censorship legislation have felt the need to impose their own systems, and at least two of these cases (Germany and Australia) have been unmitigated disasters for consumers in those countries, fuelling a massive market for grey imports at the expense of domestic businesses.

For all these reasons I strongly support the continued use (and/or extension) of PEGI as the best choice for all parties.

### 4. "Option 4 - Voluntary code of practice"

While I believe that a voluntary system can work (the old ELSPA system was fairly effective), it would require very strong links and mutual understanding between government and industry. It would also need to be codified in such a way as to ensure that creative expression and adult consumer choice is protected, rather than the interests of retailers and pro-censorship lobby groups, as has been the unfortunate result of the ESRB system in the United States.

The only further option that I can suggest would be to continue with the current status quo. The demand for changes in the law seem to have largely emanated from such poorly briefed reactionaries as the Rt. Hon.

Keith Vaz MP and the editors of the Daily Mail, and it would be a mistake to assume that they were representative of the wider public's views. The question then is whether the shortcomings and inefficiency of the current hybrid system are tolerable to achieve the current (generally positive) outcome.

The growth in scale and cultural impact of games in the last few years has been well documented, and the UK is uniquely placed, with support and understanding from the government and the DCMS, to richly benefit from this creative boom. At this critical time we cannot afford to allow the BBFC to effectively hold the UK's most important creative industry to ransom.

Thank you for taking the time to review this feedback.