

# Video Games Classification

DCMS Consultation 2008

Response of  
The Trading Standards Institute

November 2008



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Chief Executive  
Trading Standards Institute



BY EMAIL

Video Games Classification  
Department for Culture, Media and Sport



20 November 2008

Dear Sirs

Thank you for the opportunity to submit our comments on the Video Games Classification consultation.

The Trading Standards Institute is the professional body for Trading Standards professionals working in the private and public sectors.

It is the national body responsible for representing, supporting, lobbying, and championing Trading Standards to a range of stakeholders including government, business, consumers, and the media.

We look to provide innovative solutions across the regulatory arena; to administer and award professional qualifications; to accredit and certify training and ensure the ongoing competence of members; and to influence and lobby on behalf of the profession as a whole.

We aim, through our actions and our members' actions, to empower consumers and reputable business to contribute to a vibrant economy.

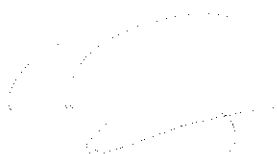
We strive to eliminate rogue traders and unfair trading practices from the marketplace, to promote environmental sustainability, and to make an

effective contribution to the health and social wellbeing of citizens and communities.

In compiling this response, TSI has sought the view of one of our Joint Lead Officers on Age-Restricted Sales, Brandon Cook. If you require clarification on any of the points raised in the response, please do not hesitate to contact Brandon [REDACTED]

In conclusion, please note that TSI does not regard this response to be confidential and is happy for it to be published.

Yours faithfully



Ron Gainsford  
Chief Executive

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## Video Games Classification

Trading Standards Institute Response – November 2008

### Option 1 Hybrid classification system

The BBFC would rate all games that are 12+ or higher, with PEGI continuing to rate all 3+ and 7+ games.

The BBFC logos would appear on the front of all boxes, with the PEGI logos on the back.

This system will work best if BBFC and PEGI come to an agreement on their logos and age classifications so that a more integrated approach can be adopted. The BBFC would extend its statutory powers to cover games from 12+, bringing it into line with the classification system used for DVDs/videos and building on parental awareness and understanding of what those ratings mean.

#### Q1: What is your overall assessment of whether this option would work and why?

*A hybrid system would not improve on the current confusion and lack of understanding by consumers. This review is an opportunity to educate the public and provide clarity.*

#### Q2: What are the key flaws with this option and how could it be adapted to overcome them?

*The current systems are quite different and awareness in the general population is not good. Using both systems would perpetuate this and not improve on the availability of crucial information to consumers.*

#### Q3: What are the key advantages with this option and why?

*Use of the BBFC ratings would, to some extent, bring it more into line with DVD ratings, a system with which consumers and retailers are familiar.*

#### Q4: How do you think this system would work for the following key stakeholders:

##### (i) the consumer?

*Too confusing as both systems (BBFC and PEGI) would need, to an extent, to be run in unison.*

*However, an increase in 'front of box' BBFC logos would still be a welcome aid to the consumer.*

(ii) the games industry?

*No view*

(iii) the retail industry?

*More BBFC ratings would help retailers in preventing age restricted sales occurring.*

*However, proof of age at 12 or 15 is (for all proposals) an issue in the UK where id at such ages is likely to be less available than, say 16 (which is a PEGI rating).*

Q5: What suggestions do you have to improve the system for any of the key stakeholders?

*Adopt the PEGI age ratings but giving them legal status to reduce availability to young people.*

Q6: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

*To an extent but fails to consider the awareness raising which is required.*

Q7: How do you think this system will last into the future?

*It will find itself being replaced with a pan-European system.*

Q8: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

*Yes if enforced.*

(ii) If not, what would be the problems and do you have any solutions?

*N/A*

Q9: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

*No view.*

Q10: Do you think having different age classifications on the front and back of the box is a significant problem? If so, do you think the solution offered here is the right one or can you suggest an alternative?

*Yes. Adopt/develop one system which is legally enforceable as regards under age sales and informs a prospective purchaser regarding content and suitability.*

Q11: Do you think this option would be more or less costly to the games industry and if so what evidence do you have of this?

*No view.*

Q12: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?

*No view.*

Q13: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.

*With increasing sales online purchases can be made from anywhere in the world. Consideration needs to be given to addressing advertising and supply in to the UK and EU.*

Q14: What do you think should be the determining factors or characteristics in deciding whether a game becomes subject to statutory classification at 12+? [see following section]

*Agree with the criteria currently used by PEGI in their 'Handbook for coders and contacts'.*

What are the criteria for deciding on a 12+ game?

Dr Byron recommends that statutory classification should be extended to include games rated 12+ and above. She arrived at this conclusion through her review of the research on child development, which shows that younger children have less ability to distinguish between fantasy and reality than more mature children. She also found both parents and children were worried and confused about gaming classification, and feels a system from 12+ backed by the law would give parents, children and retailers more confidence in the system, as well as protecting children from potentially harmful material. Children themselves gave evidence about trying to explain to their parents why younger siblings (particularly little brothers) should not play age-inappropriate games.

The review says the definition of what would constitute a 12+ game in law would have to be considered through public consultation but could broadly reflect the existing ratings. Dr Byron's example is that 12+ could incorporate games with more graphic violence, some nudity in a sexual context and some bad language.

The BBFC 12 classification for DVDs/videos says:

- \* Mature themes are acceptable but their treatment must be suitable for young teenagers.

- \* The use of strong language must be infrequent. Racist abuse is of particular concern.

- \* Nudity is allowed, but in a sexual context must be brief and discreet.

- \* Sexual activity may be implied. Sex references may reflect what is likely to be familiar to most adolescents but should not go beyond what is suitable for them.

- \* Violence must not dwell on detail. There should be no emphasis on injuries or blood. Sexual violence may only be implied or briefly and discreetly indicated.

- \* Dangerous techniques (e.g. combat, hanging, suicide and self-harming) should not dwell on imitable detail or appear pain or harm free. Easily accessible weapons should not be glamorised.

- \* Sustained moderate threat and menace are permitted. Occasional gory moments only.

- \* Any misuse of drugs must be infrequent and should not be glamorized or instructional

These are refined still further when the BBFC classifies video games because of the likelihood of greater offence emerging through interactivity, including the different ways gamers may play games.

The PEGI 12+ classification can include:

- \* Violence of a slightly more graphic nature than 3+ and 7+, if it is towards fantasy characters (any violence towards human looking characters or recognizable animals should still be non-graphic).

- \* Nudity of a slightly more graphic nature than 3+ and 7+ (but still must not show genitalia).

- \* Some words amounting to sexual innuendo (but not in a form that is considered 'bad language').

\* Mild bad language, which falls short of sexual expletives.

\* Obvious innuendo of sexual activity even though the couple cannot be seen or clearly seen.

### Option 2 – Enhanced BBFC system

The BBFC would act as the statutory classifications body for all video games, applying its ratings from U to 18. It would retain its power to refuse to classify games it feels are potentially harmful based on its public consultations.

Q15: What is your overall assessment of whether this option would work and why?

*While adopting one system is, I feel, the way forward, and using the BBFC would mean the extension of an already recognised system of marking, it (possibly) restricts trade in Europe.*

Q16: What are the key flaws with this option and how could it be adapted to overcome them?

*Not European wide which will restrict trade and not suit the business sector.*

Q17: What are the key advantages with this option and why?

*A well known system of marking.*

*Consumers and retailers know the symbols from their experience at the cinema.*

Q18: How do you think this system would work for the following key stakeholders:

(i) the consumer?

*Would be a clear system with little consumer education required.*

(ii) the games industry?

*No view.*

(iii) the retail industry?

*It would make it clear for retailers that all titles are age restricted but proof of age at under 16 is difficult.*

Q19: What suggestions do you have to improve the system for any of the key stakeholders?

*Adopt a pan-European system.*

Q20: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

*Yes in full.*

Q21: How do you think this system will last into the future?

*There will be pressure to conform with Europe.*

Q22: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

*Yes if enforced.*

(ii) If not, what would be the problems and do you have any solutions?

*The online environment is world wide which will always create issues of compliance for overseas companies.*

Q23: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

*Are BBFC equipped to certify many more titles?*

Q24: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?

*No view.*

Q25: Which of the following options do you think would work best in the online environment and why?

(i) BBFC symbols recognised as part of PEGI Online;

*This would be the preferred option.*

(ii) BBFC.online (separate from the PEGI system)

*2 systems would not be helpful.*

Q26: What are the likely implications (including costs) for games producers of having a classification system that does not automatically translate across to some other European countries?

*No view.*

Q27: This option could be complicated by differences across Europe if games are purchased elsewhere. We are interested to know whether there is evidence that might support or disprove this. (Please refer to Paragraph 2.16)

*No evidence known.*

Q28: We would be interested in evidence to demonstrate whether this option creates additional burdens to online games developers and whether this could be confusing to parents. (Please refer to Paragraph 2.25)

*No evidence known.*

Q29: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them.

*No view.*

### Option 3 – Enhanced PEGI system

A UK-based organisation (possibly the Video Standards Council) would be the designated statutory classification body for video games, applying the PEGI ratings. The VSC (or other UK body chosen) would need to sign up to this new role and any legislative changes required. All video games would be rated using the PEGI system and there would be no role for the BBFC in classifying video games.

Q30: What is your overall assessment of whether this option would work and why?

*This is the preferred option if it had legal status to prevent sales to under age persons.*

Q31: What are the key flaws with this option and how could it be adapted to overcome them?

*Consumers are not as familiar with the PEGI system as they are the BBFC but if one system was adopted and promoted it would be better than two systems. It would need to have legal status to prevent sales to under age persons.*

Q32: What are the key advantages with this option and why?

*One pan-European system.*

Q33: How do you think this system would work for the following key stakeholders:

(i) the consumer?

*Easier due to just one marking re age (plus content indicators).*

(ii) the games industry?

*No view.*

(iii) the retail industry?

*It should help retailers train staff to recognise one system and to comply with legislation.*

Q34: What suggestions do you have to improve the system for any of the key stakeholders?

*One European based body to control age ratings, with all European governments adopting those ratings.*

Q35: Do you think this system addresses the evidence on potential harms raised by the Byron review and if not why not?

*Yes if given legal status.*

Q36: How do you think this system will last into the future?

*No view.*

Q37: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

*Yes, within Europe but there would still be issues with world wide sites.*

(ii) If not, what would be the problems and do you have any solutions?

*Any such online system would probably require the co-operation of ISPs to block non-complying sites.*

Q38: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

*No view.*

Q39: Who do you think would be the right body to take on the role of statutory classifier of video games and why?

*The Video Standards Council is a recognised and trusted body and with the right systems in place could provide a service but would need to demonstrate independence from the trade.*

Q40: Do you think the body given in answer to Q39 would be able to set up the systems required to carry out this statutory function and why? But if not, why not?

*Yes if required to demonstrate independence.*

Q41: Do you think this option would be more or less costly to the games industry than both the current system and the hybrid system and if so what evidence do you have of this?

*No view.*

Q42: Do you think the BBFC should continue to rate all content (games and video) of discs which contain film or video content not integral to the game and why? [please refer to footnote 5 in answering this question]

*Not if adopting a legally based PEGI system as would reintroduce the current ambiguity.*

Q43: Do you think PEGI should rate the game content, while the BBFC rates the film/video content and why?

(i) If so, should both symbols be on the box?

*N/A.*

(ii) In the event of different age ratings, should only the higher symbol prevail?

*Different age ratings cannot be allowed to occur in a new system as this would perpetuate the current confusion.*

Q44: It would be helpful to have your views on whether this option would affect games developers based outside Europe, such as those in Japan or US; namely, how this option might affect them and the extent, if any, to which it may affect them. (Please refer to Paragraph 2.36)

*No view.*

#### Option 4 – Voluntary Code of Practice

There would be no changes made to the legislation so the BBFC and PEGI would continue to classify games as they currently do. The Government would ask retailers and suppliers to sign up to a voluntary Code of Practice to secure adherence to the classification system when selling or supplying video games to children aged 12 or above, even though a statutory offence would not be committed if they broke the code. This Code of Practice would focus on classification and consumer protection and would follow the guidelines outlined in the review. If tougher measures were called for, this could be backed up with statutory legislation calling on the industry to consult and agree on a Code of Practice, breach of which could then be taken into consideration during a prosecution.

Q45: What is your overall assessment of whether this option would work and why?

*Voluntary codes of practice (VCOP) are insufficient in this area i.e. protecting children.*

Q46: What are the key flaws with this option and how could it be adapted to overcome them?

*Voluntary codes are ineffective and risk should not be taken concerning exposure of young people to violence and other unsuitable content.*

Q47: What are the key advantages with this option and why?

*No view.*

Q48: How do you think this system would work for the following key stakeholders:

(i) the consumer?

*Unhelpful and not providing the necessary protection.*

(ii) the games industry?

*No view.*

(iii) the retail industry?

*No view.*

Q49: What suggestions do you have to improve the system for any of the key stakeholders?

*It cannot be improved to offer the protection required.*

Q50: Do you think this system is sufficient to reflect the evidence on potential harms raised by the Byron review and if not why not?

*It is not a sufficient change to make a difference to the current position.*

Q51: How do you think this system will last into the future?

*It would probably be reviewed and replaced due to ineffectiveness.*

Q52: Do you think this option would work in the online environment?

(i) If so, what would be the benefits?

*No*

(ii) If not, what would be the problems and do you have any solutions?

*For the same reasons that it would be ineffective in a retail environment.*

Q53: Is there any other information that you think Government should take into account when considering the monetary costs of this option?

*No View.*

Q54: Do you think industry would sign up to such a code?

*Yes because it would because it would lack teeth and be less risky to business if they failed to comply.*

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