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Bill 3 of 50

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Media Violence Labeling Act of 2000 (Introduced in the Senate)

S 2497 IS

106th CONGRESS

2d Session

S. 2497

To provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes.

IN THE SENATE OF THE UNITED STATES**May 2, 2000**

Mr. MCCAIN (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Media Violence Labeling Act of 2000'.

SEC. 2. SYSTEM FOR LABELING VIOLENT CONTENT IN AUDIO AND VISUAL MEDIA PRODUCTS AND SERVICES.

(a) DECLARATION OF POLICY- Section 2 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1331) is amended--

(1) by inserting '(a) POLICY REGARDING CIGARETTES- ' before 'It is the policy of the Congress'; and

(2) by adding at the end the following:

`(b) POLICY REGARDING VIOLENCE IN AUDIO AND VISUAL MEDIA PRODUCTS AND SERVICES- It is also the policy of Congress, and the purpose of this Act, to provide for the establishment, use, and enforcement of a consistent and comprehensive system in plain English for labeling violent content in audio and visual media products and services (including labeling of such products and services in the advertisements for such products and services), whereby--

`(1) the public may be adequately informed of--

`(A) the nature, context, and intensity of depictions of violence in audio and visual media products and services; and

`(B) matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products and services containing violent content by minors of various ages; and

`(2) the public may be assured of--

`(A) the accuracy and consistency of the system in labeling the nature, context, and intensity of depictions of violence in audio and visual media products and services; and

`(B) the accuracy and consistency of the system in providing information on matters needed to judge the appropriateness of the purchase, viewing, listening to, use, or other consumption of audio and visual media products and services containing violent content by minors of various ages.'.

(b) DEFINITION- Section 3 of that Act (15 U.S.C. 1332) is amended by adding at the end the following:

`(10)(A) The term 'audio and visual media products and services' means interactive video game products and services, video program products, motion picture products, and sound recording products.

`(B) The term does not include television programming, including any motion picture broadcast on television.'.

(c) LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS AND SERVICES- That Act is further amended by inserting after section 4 (15 U.S.C. 1333) the following new section:

`LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS AND SERVICES

`SEC. 4A. (a) VOLUNTARY LABELING SYSTEM- (1) Manufacturers and producers of audio and visual media products and services may submit to the Federal Trade Commission a joint proposal for a system for labeling the violent content in audio and visual media products and services.

`(2) The proposal under this subsection should, to the maximum extent practicable, meet the requirements set forth in subsection (b).

`(3)(A) The antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement between or among manufacturers and producers referred to in paragraph (1) for purposes of developing a joint proposal for a system for labeling referred to in that paragraph.

`(B) For purposes of this paragraph, the term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

`(b) REQUIREMENTS FOR LABELING SYSTEM- A system for labeling the violent content in audio and visual media products and services under this section shall meet the following requirements:

`(1) The label of a product or service shall consist of a single format which provides a product-specific or service-specific description in plain English of the nature, context, and intensity of the depictions of violence in the product or service.

`(2) The content description of a product or service under paragraph (1) shall specify a minimum age in years for the purchase, viewing, listening to, use, or other consumption of the product or service in light of the totality of all depictions of violence in the product or service.

`(3) The format of the label for products and services shall--

`(A) incorporate each label provided for under paragraphs (1) and (2);

`(B) include product-specific or service-specific written text in plain English; and

`(C) be identical in visual format for each given label provided under paragraphs (1) and (2), regardless of the type of product or service involved.

`(4) In the case of a product or service sold in a box, carton, sleeve, or other container, the label shall appear on the box, carton, sleeve, or container in a conspicuous manner.

`(5) In the case of a time-sequenced product or service that is intended to be viewed, the label shall--

`(A) appear before the commencement of the product or service;

`(B) appear in both visual and audio form; and

`(C) appear in visual form for at least five seconds.

`(6) Any advertisement for a product or service shall include a label of the product or service in accordance with the applicable provisions of this subsection.

`(c) FEDERAL TRADE COMMISSION RESPONSIBILITIES- (1)(A) If the manufacturers and producers referred to in subsection (a) submit to the Federal Trade Commission a proposal for a labeling system referred to in that subsection not later than 180 days after the date of the enactment of the Media Violence Labeling Act of 2000, the Commission shall review the labeling system contained in the proposal to determine whether the labeling system meets the requirements set forth in subsection (b) in a manner that addresses fully the purposes set forth in section 2(b).

`(B) Not later than 180 days after commencing a review of the proposal for a labeling system under subparagraph (A), the Commission shall issue a labeling system for purposes of this section. The labeling system issued under this subparagraph may include such modifications of the proposal as the Commission considers appropriate in order to assure that the labeling system meets the requirements set forth in subsection (b) in a manner that addresses fully the purposes set forth in section 2(b).

`(2)(A) If the manufacturers and producers referred to in subsection (a) do not submit to the

Commission a proposal for a labeling system referred to in that subsection within the time provided under paragraph (1)(A), the Commission shall prescribe regulations to establish a labeling system for purposes of this section that meets the requirements set forth in subsection (b).

`(B) Any regulations under subparagraph (A) shall be prescribed not later than one year after the date of the enactment of the Media Violence Labeling Act of 2000.

`(d) PROHIBITION ON SALE OR DISTRIBUTION WITHOUT LABEL- Except as provided in subsection (f), commencing one year after the date of the enactment of the Media Violence Labeling Act of 2000, a person may not manufacture or produce for sale or distribution in commerce, package for sale or distribution in commerce, or sell or distribute in commerce any audio or visual media product or service unless the product or service bears a label in accordance with the labeling system issued or prescribed by the Federal Trade Commission under subsection (c).

`(e) PROHIBITION ON SALE IN VIOLATION OF AGE RESTRICTION- Except as provided in subsection (f), commencing one year after the date of the enactment of the Media Violence Labeling Act of 2000, a person may not sell in commerce any audio or visual media product or service to an individual whose age in years is less than the age specified as the minimum age in years for a purchaser and consumer of the product or service, as the case may be, under the labeling system issued or prescribed by the Federal Trade Commission under subsection (c).

`(f) DEFENSES- (1) It shall be a defense to a violation of subsection (d) or (e) that the person made a good faith effort to comply with subsection (d) or (e), as the case may be.

`(2) In the case of a person who is an employer, it shall be a defense to a violation of subsection (e) by an employee of such person that such person--

`(A) carried out a program designed to train employees of such person in techniques and procedures necessary to ensure compliance with subsection (e); and

`(B) enforced the compliance of such employees with such techniques and procedures.

`(g) INVESTIGATIONS OF IMPROPER LABELING- (1) The attorney general of a State shall have the authority to receive and investigate allegations that an audio or visual media product or service within such State does not bear a label under the labeling system issued or prescribed by the Commission under subsection (c) that is appropriate for the product or service, as the case may be, given the nature, context, and intensity of the depictions of violence in the product or service.

`(2) For purposes of this subsection, the term 'attorney general', in the case of a State, means the chief legal officer of the State.'

(d) CIVIL PENALTY- That Act is further amended by inserting after section 10 (15 U.S.C. 1338) the following new section:

`CIVIL PENALTY

`SEC. 10A. (a) IN GENERAL- Except as provided in subsection (f) of section 4A, any person who violates subsection (d) or (e) of section 4A shall be subject to a civil penalty in an amount not to exceed \$10,000 for each such violation.

`(b) DURATION OF VIOLATION- In the case of an audio or visual media product or service determined to violate section 4A(d), each day from the date of the commencement of sale or distribution of the product or service, as the case may be, to the date of the determination of the violation shall constitute a separate violation of subsection (a), and all such violations shall be aggregated together for purposes of determining the total liability of the manufacturer or producer

of the product or service, as the case may be, for such violations under that subsection.'.

(e) SHORT TITLE OF ACT- The first section of that Act (15 U.S.C. 1331 note) is amended to read as follows: 'That this Act may be cited as the 'Federal Cigarette and Media Violence Labeling and Advertising Act'.

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MARKETING VIOLENT ENTERTAINMENT TO CHILDREN:

A REVIEW OF SELF-REGULATION AND INDUSTRY PRACTICES IN THE MOTION PICTURE, MUSIC RECORDING & ELECTRONIC GAME INDUSTRIES

REPORT OF THE
FEDERAL TRADE COMMISSION

SEPTEMBER 2000

EXECUTIVE SUMMARY

On June 1, 1999, President Clinton asked the Federal Trade Commission and the Department of Justice to undertake a study of whether the movie, music recording, and computer and video game industries market and advertise products with violent content to youngsters. The President's request paralleled Congressional calls for such a study. The President raised two specific questions: Do the industries promote products they themselves acknowledge warrant parental caution in venues where children make up a substantial percentage of the audience? And are these advertisements intended to attract children and teenagers?

For all three segments of the entertainment industry, the answers are plainly "yes."

Although the motion picture, music recording and electronic game industries have taken steps to identify content that may not be appropriate for children, companies in those industries routinely target children under 17 as the audience for movies, music and games that their own rating or labeling systems say are inappropriate for children or warrant parental caution due to their violent content. Moreover, children under 17 frequently are able to buy tickets to R-rated movies without being accompanied by an adult and can easily purchase music recordings and electronic games that have a parental advisory label or are restricted to an older audience. The practice of pervasive and aggressive marketing of violent movies, music and electronic games to children undermines the credibility of the industries' ratings and labels. Such marketing also frustrates parents' attempts to make informed decisions about their children's exposure to violent content.

For years – over backyard fences and water coolers, on talk radio and in academic journals – parents, social scientists, criminologists, educators, policymakers, health care providers, journalists and others have struggled to understand how and why some children turn to violence. The dialogues took on new urgency with the horrifying school shooting on April 20, 1999, in Littleton, Colorado.

Scholars and observers generally have agreed that exposure to violence in entertainment media alone does not cause a child to commit a violent act and that it is not the sole, or even necessarily the most important, factor contributing to youth aggression, anti-social attitudes and

violence. Nonetheless, there is widespread agreement that it is a cause for concern. The Commission's literature review reveals that a majority of the investigations into the impact of media violence on children find that there is a high correlation between exposure to media violence and aggressive, and at times violent, behavior. In addition, a number of research efforts report that exposure to media violence is correlated with increased acceptance of violent behavior in others, as well as an exaggerated perception of the amount of violence in society.

For their part, the entertainment industries have recognized these concerns and taken steps to alert parents to violent or explicit content through self-regulatory product rating or labeling programs. Self-regulation by these industries is especially important considering the First Amendment protections that prohibit government regulation of content in most instances.

The self-regulatory programs of the motion picture, music recording and electronic game industries each address violence, as well as sexual content, language, drug use and other explicit content that may be of concern to parents. In keeping with the President's request, the Commission focused on the marketing of entertainment products designated as violent under these systems. In its analysis, the Commission accepted each industry's determination of whether a particular motion picture, music recording or electronic game contains violent content; the Commission did not examine the content itself.

The motion picture industry uses a rating board to rate virtually all movies released in the United States, requires the age-related rating to appear in advertising and makes some effort to review ads for rated movies to ensure that their content is suitable for general audiences. The music recording industry recommends the use of a general parental advisory label on music with "explicit content." The decision to place a parental advisory label on a recording is made by the artist and the music publishing company and involves no independent third-party review; nor does the industry provide for any review of marketing and advertising. In late August 2000, the recording industry trade association recommended that recording companies not advertise explicit-content labeled recordings in media outlets with a majority under-17 audience. The electronic game industry requires games to be labeled with age- and content-based rating information and requires that the rating information appear in advertising. Only the electronic

game industry has adopted a rule prohibiting its marketers from targeting advertising for games to children below the age designations indicated by the rating.

The Commission carefully examined the structure of these rating and labeling systems, and studied how these self-regulatory systems work in practice. The Commission found that despite the variations in the three industries' systems, the outcome is consistent: individual companies in each industry routinely market to children the very products that have the industries' own parental warnings or ratings with age restrictions due to their violent content. Indeed, for many of these products, the Commission found evidence of marketing and media plans that expressly target children under 17. In addition, the companies' marketing and media plans showed strategies to promote and advertise their products in the media outlets most likely to reach children under 17, including those television programs ranked as the "most popular" with the under-17 age group, such as *Xena: Warrior Princess*, *South Park* and *Buffy the Vampire Slayer*; magazines and Internet sites with a majority or substantial (i.e., over 35 percent) under-17 audience, such as *Game Pro*, *Seventeen* and *Right On!*, as well as *mtv.com*, *ubl.com* and *happypuppy.com*; and teen hangouts, such as game rooms, pizza parlors and sporting apparel stores.

Movies. Of the 44 movies rated R for violence the Commission selected for its study, the Commission found that 35, or 80 percent, were targeted to children under 17. Marketing plans for 28 of those 44, or 64 percent, contained express statements that the film's target audience included children under 17. For example, one plan for a violent R-rated film stated, "Our goal was to find the elusive teen target audience and make sure everyone between the ages of 12-18 was exposed to the film." Though the marketing plans for the remaining seven R-rated films did not expressly identify an under-17 target audience, they led the Commission to conclude that children under 17 were targeted nonetheless. That is, the plans were either extremely similar to the plans of the films that did identify an under-17 target audience, or they detailed actions synonymous with targeting that age group, such as promoting the film in high schools or in publications with majority under-17 audiences.

Music. Of the 55 music recordings with explicit content labels the Commission selected for its study, marketing plans for 15, or 27 percent, expressly identified teenagers as part of their

target audience. One such plan, for instance, stated that its "Target audience" was "Alternative/urban, rock, pop, hardcore – 12-34." The marketing documents for the remaining 40 explicit-content labeled recordings examined did not expressly state the age of the target audience, but they detailed the same methods of marketing as the plans that specifically identified teens as part of their target audience, including placing advertising in media that would reach a majority or substantial percentage of children under 17.

Games. Of the 118 electronic games with a Mature rating for violence the Commission selected for its study, 83, or 70 percent, targeted children under 17. The marketing plans for 60 of these, or 51 percent, expressly included children under 17 in their target audience. For example, one plan for a game rated Mature for its violent content described its "target audience" as "Males 12-17 – Primary Males 18-34 – Secondary." Another plan referred to the target market as "Males 17-34 due to M rating (the true target is males 12-34)." Documents for the remaining 23 games showed plans to advertise in magazines or on television shows with a majority or substantial under-17 audience. Most of the plans that targeted an under-17 audience set age 12 as the younger end of the spectrum, but a few plans for violent Mature-rated games targeted children as young as six.

Further, most retailers make little effort to restrict children's access to products with violent content. Surveys conducted for the Commission in May through July 2000 found that just over half the movie theaters admitted children ages 13 to 16 to R-rated films even when not accompanied by an adult. The Commission's surveys also indicate that unaccompanied children have various strategies to see R-rated movies when theaters refuse to sell them tickets. Additionally, the Commission's surveys showed that unaccompanied children ages 13 to 16 were able to buy both explicit content recordings and Mature-rated electronic games 85 percent of the time.

Although consumer surveys show that parents value the existing rating and labeling systems, they also show that parents' use and understanding of the systems vary. The surveys also consistently reveal high levels of parental concern about violence in the movies, music and video games their children see, listen to and play. These concerns can only be heightened by the extraordinary degree to which young people today are immersed in entertainment media, as well

as by recent technological advances such as realistic and interactive video games. The survey responses indicate that parents want and welcome help in identifying which entertainment products might not be suitable for their children.

Since the President requested this study over a year ago, each of the industries reviewed has taken positive steps to address these concerns. Nevertheless, the Commission believes that all three industries should take additional action to enhance their self-regulatory efforts. The industries should:

1. *Establish or expand codes that prohibit target marketing to children and impose sanctions for violations.* All three industries should improve the usefulness of their ratings and labels by establishing codes that prohibit marketing R-rated/M-rated/explicit-labeled products in media or venues with a substantial under-17 audience. In addition, the Commission suggests that each industry's trade associations monitor and encourage their members' compliance with these policies and impose meaningful sanctions for non-compliance.

2. *Increase compliance at the retail level.* Restricting children's retail access to entertainment containing violent content is an essential complement to restricting the placement of advertising. This can be done by checking identification or requiring parental permission before selling tickets to R movies, and by not selling or renting products labeled "Explicit" or rated R or M, to children.

3. *Increase parental understanding of the ratings and labels.* For parents to make informed choices about their children's entertainment, they must understand the ratings and the labels, as well as the reasons for them. That means the industries should all include the reasons for the rating or the label in advertising and product packaging and continue their efforts to educate parents – and children – about the meanings of the ratings and descriptors. Industry should also take steps to better educate parents about the ratings and labels.

The Commission emphasizes that its review and publication of this Report, and its proposals to improve self-regulation, are not designed to regulate or even influence the content of movies, music lyrics or electronic games. The First Amendment generally requires that creative decisions about content be left to artists and their distributors. Rather, the Commission believes the industries can do a better job of helping parents choose appropriate entertainment for their

children by providing clear and conspicuous notification of violent content. Industry self-regulation also should support parents' decisions by prohibiting the direct sale and marketing to children of products labeled as inappropriate or warranting parental guidance due to their violent content.

Implementation of the specific suggestions outlined above would significantly improve the present self-regulatory regimes. The Report demonstrates, however, that mere publication of codes is not sufficient. Self-regulatory programs can work only if the concerned industry associations actively monitor compliance and ensure that violations have consequences. The Commission believes that continuous public oversight is also required and that Congress should continue to monitor the progress of self-regulation in this area.

September 11, 2000

MID-WESTCHESTER COMMUNITY EVENT

LOCATION: Kaufmann Hall, Jewish Community Center

TIME: 10:30 – 11:30 a.m.

I. PURPOSE

To discuss the importance of the Federal Trade Commission's report on "Marketing Violent Entertainment to Children" and to highlight the need for continued leadership on the issue of curbing violence in the media targeted to young children.

II. BACKGROUND

In June of last year, you called on the Federal Trade Commission (FTC) and the Justice Department to jointly study the marketing of violence to children and, specifically, to evaluate the effectiveness and enforceability of the various rating systems (movies, television, video games, and music). The FTC has finalized their report and will be releasing it on Monday September 11.

The report set out to answer two central questions: Does the media and entertainment industry inappropriately advertise to children younger than the age suggested by the rating, e.g. are "R" movies being advertised to children under 17 years of age? And, if so, does the industry do it intentionally? The answer to both was a resounding "YES" supported by extensive and explicit documentation where industry leaders have documented advertising strategies to young children.

Regarding movies, the report found that two-thirds of movies are targeted to audiences that are inappropriate given the rating. In addition, the report concludes from a "shopper survey" that 50 percent of movie theaters do not ask for evidence of age when young people buy movie tickets. Similarly, 80 percent of television shows are inappropriately marketed and heavily targeted to children who are younger than the suggested viewing age. The video industry trade association (Interactive Digital Software Association), on the other hand, is the only industry that has explicitly set guidelines and standards prohibiting the industry members from advertising violent video games to young children. However, the report found that the industry members largely ignore these guidelines. In addition, 85 percent of retailers will sell mature video games to young children. The report also concludes that parents find these ratings very confusing. In addition, the report cites that consumer and parent advocates would like one system for the entire industry.

The report does not include any original research on the question of whether there is a causal connection between watching or participating in violence through the media and committing real-life acts of violence, but it does include a section citing all of the recent studies on this topic. [Note: Recently, four national health associations released a statement directly linking violence in television, music, video games and movies to increasing violence among children. The joint statement by the American Medical Association, the American Academy of Pediatrics, the American Psychological Association and the American Academy of Child and Adolescent Psychiatry stated, "The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviors, particularly in children."]

III. PARTICIPANTS

Speaking Program

Westchester County Executive Andrew Spano

Rep. Nita Lowey

The First Lady

Peggy Charen

Parent TBD

YOU

Peggy Charen is the founder of Action for Children's Television (ACT) a 10,000-member strong national child advocacy organization based in Cambridge, MA. ACT promotes awareness of issues relating to children's television.

IV. PRESS PLAN

Open press.

V. SEQUENCE OF EVENTS

- Off-stage announcement of YOU, accompanied by the program participants.
- Andrew Spano makes brief remarks and introduces Rep. Lowey.
- Rep. Lowey makes brief remarks and introduces the First Lady.
- The First Lady makes remarks and introduces Peggy Charen.
- Peggy Charen makes remarks and introduces Parent TBD.
- Parent TBD makes remarks and introduces YOU.
- YOU make remarks.
- YOU and the First Lady work a ropeline and then depart.

VI. REMARKS

Provided by Speechwriting.

DGA NEWS

For Immediate Release

DIRECTORS GUILD OF AMERICA

JACK SHEA, PRESIDENT

JAY D. ROTH, NATIONAL EXECUTIVE DIRECTOR

September 14, 2000**DGA CONTACTS:****Andrew Levy****Chuck Warn**

(310) 289-5333

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DGA TASK FORCE ON VIOLENCE AND SOCIAL RESPONSIBILITY RELEASES STATEMENT IN RESPONSE TO FTC REPORT ON MARKETING VIOLENCE TO CHILDREN

Statement calls for overhaul of ratings system and “zero-tolerance” policy towards underage admissions by theatre owners; encourages industry-devised code of conduct for marketing motion pictures

The Directors Guild of America's Task Force on Violence and Social Responsibility released the following statement at a 10:00am press conference today at DGA Headquarters in Los Angeles. Attending the press conference were DGA President Jack Shea, DGA Secretary-Treasurer Gil Cates and DGA Task Force members Paris Barclay, Wes Craven, Rob Reiner, Gary Ross, Brad Silberling, and Mark Tinker. [A complete list of Task Force members follows this release.]

The Directors Guild of America and its members understand the concern of parents regarding violence in the media: indeed, many of us are parents—and grandparents—ourselves. This is why in June of 1999 the DGA's National Board of Directors formed a **Task Force on Violence and Social Responsibility**. We've fostered a dialogue within the Guild and with scholars who are respected for their work in this field. We have also held discussions with Jack Valenti about making the rating system more effective. In light of our extensive involvement in this area, we have decided to make this statement today to address the Federal Trade Commission report.

As filmmakers, we are storytellers who seek to tell our stories in the most evocative manner possible. Our stories, like the culture they often reflect, may contain scenes of violence. This has been true of storytellers and cultures throughout history, from Homer to the Bible to Shakespeare to Hemingway. Depictions of violence do not inherently mean that our stories promote violence, and indeed many are doing the polar opposite. Often our stories are intended for an adult audience, or for those mature enough to understand the nuances of the storytelling.

We believe in freedom of speech and expression as social values of the highest order. At the same time, as responsible members of the community, we believe that there are steps we as an industry can take to ensure that our movies are seen only by the audiences for whom they are intended.

We believe that it is ultimately the obligation of parents and legal guardians to protect their children from exposure to material they deem inappropriate. For this reason:

- We believe that parents and other consumers should have access to a more useful and elaborate self-regulated ratings system (or systems). A simple, clean and detailed rating should apply to all
- We advocate a system (or systems) that would give parents and other consumers the most detailed information possible regarding the true nature and content of a film (or other media) and the reason for its rating, so that they can make informed decisions for themselves and for their children.
- Such a system will allow us as filmmakers to tell our stories to the audience for which they are intended.
- In strengthening the ratings system, we urge the industry to adopt references that more clearly delineate the film's intended audience. For example:

o Under the current system all children under 17 are treated equally. However, while some films may be appropriate for older children to see with parental accompaniment, some are inappropriate for younger children under any circumstances. This problem needs to be addressed either through public education or through a new rating system that would prevent younger children from being exposed to material that is inappropriate or harmful for their age group.

o For films intended solely for adult audiences, we urge the Motion Picture Association of America, theatre owners, video stores and advertising outlets to develop, nurture and stand behind a rating that will allow filmmakers to tell adult stories without the fear that minors will see them, while at the same time ensuring that films so rated will not be unfairly stigmatized. The NC-17 rating that currently exists has been an abject failure: many films that should *not* be seen by minors are re-cut so that they receive a "hard" R rating. This has the effect of not only compromising filmmakers' visions, but also greatly increasing the likelihood that adult-oriented movies are seen by the very groups for which they are not intended.

- We believe this new rating system would best be developed with the active participation of the creative community, and we offer our members' services to help make it as effective as possible.
- We understand and agree that parents also should be able to look to the industry to assist them once they have made their decisions.
 - o No filmmaker wants his or her film to be seen by those for whom it was not intended.
 - o We call upon all theatre owners to employ a zero-tolerance policy with respect to allowing underage children to enter the theatre playing a movie that has been deemed inappropriate for their age group.
 - o We further support an industry-devised code of conduct governing the marketing of movies intended for mature audiences, and encourage all who produce and distribute such materials to develop these policies as soon as possible.

The DGA and its members are pleased that the Federal Trade Commission Report recognizes that the First Amendment requires that creative decisions about content be left to artists and their distributors, and that the FTC's recommendations build on self-regulation, not government intervention. The FTC has recognized that self-regulation can be effective, and we commend the agency for resisting the temptation to call for government intervention. We think it would be both inappropriate and unconstitutional for any government agency to regulate or enforce any potential ratings system through civil penalties, criminal prosecution or other means.

We are committed to ensuring that the stories we tell find the audience for whom they are intended. The Directors Guild is not going to stop at this statement: we plan to continue our efforts to examine what we can do to improve this situation, and will gladly join others to seriously address the concerns raised in the FTC report. We owe this to ourselves, to our children, and to the society we are dedicated to serve.

Directors Guild of America

Task Force on Violence and Social Responsibility

Jack Shea, Chair

John Badham, Paris Barclay, Michael Bay, LeVar Burton, John Carpenter, Duane Clark, Wes Craven, Bill D'Elia, Bill Duke, David Fincher, Taylor Hackford, Walter Hill, Albert Hughes, Allen Hughes, Mimi Leder, Michael Mann, Sydney Pollack, Rob Reiner, Gary Ross, Ed Sherin, Brad Silberling, Betty Thomas, Mark Tinker, Lili Zanut

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Bill 3 of 50

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Children's Protection Act of 2000 (Introduced in the Senate)

S 2127 IS

106th CONGRESS

2d Session

S. 2127

To exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 1, 2000

Mr. **BROWNBACK** introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To exempt agreements relating to voluntary guidelines governing telecast material, movies, video games, Internet content, and music lyrics from the applicability of the antitrust laws, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Children's Protection Act of 2000'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Television is seen and heard in nearly every United States home and is a uniquely pervasive presence in the daily lives of Americans. The average American home has 2.5

televisions, and a television is turned on in the average American home 7 hours every day.

(2) Television plays a particularly significant role in the lives of children. Figures provided by Nielsen Research show that children between the ages of 2 years and 11 years spend an average of 21 hours in front of a television each week.

(3) Television has an enormous capability to influence perceptions, especially those of children, of the values and behaviors that are common and acceptable in society.

(4) The influence of television is so great that its images and messages often can be harmful to the development of children. Social science research amply documents a strong correlation between the exposure of children to televised violence and a number of behavioral and psychological problems.

(5) Hundreds of studies have proven conclusively that children who are consistently exposed to violence on television have a higher tendency to exhibit violent and aggressive behavior, both as children and later in life.

(6) Such studies also show that repeated exposure to violent programming causes children to become desensitized to and more accepting of real-life violence and to grow more fearful and less trusting of their surroundings.

(7) A growing body of social science research indicates that sexual content on television can also have a significant influence on the attitudes and behaviors of young viewers. This research suggests that heavy exposure to programming with strong sexual content contributes to the early commencement of sexual activity among teenagers.

(8) Members of the National Association of Broadcasters (NAB) adhered for many years to a comprehensive code of conduct that was based on an understanding of the influence exerted by television and on a widely held sense of responsibility for using that influence carefully.

(9) This code of conduct, the Television Code of the National Association of Broadcasters, articulated this sense of responsibility as follows:

(A) 'In selecting program subjects and themes, great care must be exercised to be sure that the treatment and presentation are made in good faith and not for the purpose of sensationalism or to shock or exploit the audience or appeal to prurient interests or morbid curiosity.'

(B) 'Broadcasters have a special responsibility toward children. Programs designed primarily for children should take into account the range of interests and needs of children, from instructional and cultural material to a wide variety of entertainment material. In their totality, programs should contribute to the sound, balanced development of children to help them achieve a sense of the world at large and informed adjustments to their society.'

(C) 'Violence, physical, or psychological, may only be projected in responsibly handled contexts, not used exploitatively. Programs involving violence present the consequences of it to its victims and perpetrators. Presentation of the details of violence should avoid the excessive, the gratuitous and the instructional.'

(D) 'The presentation of marriage, family, and similarly important human relationships, and material with sexual connotations, shall not be treated exploitatively or irresponsibly, but with sensitivity.'

(E) 'Above and beyond the requirements of the law, broadcasters must consider the

family atmosphere in which many of their programs are viewed. There shall be no graphic portrayal of sexual acts by sight or sound. The portrayal of implied sexual acts must be essential to the plot and presented in a responsible and tasteful manner.'

(10) The National Association of Broadcasters abandoned the code of conduct in 1983 after three provisions of the code restricting the sale of advertising were challenged by the Department of Justice on antitrust grounds and a Federal district court issued a summary judgment against the National Association of Broadcasters regarding one of the provisions on those grounds. However, none of the programming standards of the code were challenged.

(11) While the code of conduct was in effect, its programming standards were never found to have violated any antitrust law.

(12) Since the National Association of Broadcasters abandoned the code of conduct, programming standards on broadcast and cable television have deteriorated dramatically.

(13) In the absence of effective programming standards, public concern about the impact of television on children, and on society as a whole, has risen substantially. Polls routinely show that more than 80 percent of Americans are worried by the increasingly graphic nature of sex, violence, and vulgarity on television and by the amount of programming that openly sanctions or glorifies criminal, antisocial, and degrading behavior.

(14) At the urging of Congress, the television industry has taken some steps to respond to public concerns about programming standards and content. The broadcast television industry agreed in 1992 to adopt a set of voluntary guidelines designed to 'proscribe gratuitous or excessive portrayals of violence'. Shortly thereafter, both the broadcast and cable television industries agreed to conduct independent studies of the violent content in their programming and make those reports public.

(15) In 1996, the television industry as a whole made a commitment to develop a comprehensive rating system to label programming that may be harmful or inappropriate for children. That system was implemented at the beginning of 1999.

(16) Despite these efforts to respond to public concern about the impact of television on children, millions of Americans, especially parents with young children, remain angry and frustrated at the sinking standards of television programming, the reluctance of the industry to police itself, and the harmful influence of television on the well-being of the children and the values of the United States.

(17) The Department of Justice issued a ruling in 1993 indicating that additional efforts by the television industry to develop and implement voluntary programming guidelines would not violate the antitrust laws. The ruling states that 'such activities may be likened to traditional standard setting efforts that do not necessarily restrain competition and may have significant procompetitive benefits...Such guidelines could serve to disseminate valuable information on program content to both advertisers and television viewers. Accurate information can enhance the demand for, and increase the output of, an industry's products or services.'

(18) The Children's Television Act of 1990 (Public Law 101-437) states that television broadcasters in the United States have a clear obligation to meet the educational and informational needs of children.

(19) Several independent analyses have demonstrated that the television broadcasters in the United States have not fulfilled their obligations under the Children's Television Act of 1990 and have not noticeably expanded the amount of educational and informational programming directed at young viewers since the enactment of that Act.

(20) The popularity of video and personal computer (PC) games is growing steadily among children. Although most popular video and personal computer games are educational or harmless in nature, many of the most popular are extremely violent. One recent study by Strategic Record Research found that 64 percent of teenagers played video or personal computer games on a regular basis. Other surveys of children as young as elementary school age found that almost half of them list violent computer games among their favorites.

(21) Violent video games often present violence in a glamorized light. Game players are often cast in the role of shooter, with points scored for each 'kill'. Similarly, advertising for such games often touts violent content as a selling point--the more graphic and extreme, the better.

(22) As the popularity and graphic nature of such video games grows, so do their potential to negatively influence impressionable children.

(23) Music is another extremely pervasive and popular form of entertainment. American children and teenagers listen to music more than any other demographic group. The Journal of American Medicine reported that between the 7th and 12th grades the average teenager listens to 10,500 hours of rock or rap music, just slightly less than the entire number of hours spent in the classroom from kindergarten through high school.

(24) Teens are among the heaviest purchasers of music, and are most likely to favor music genres that depict, and often appear to glamorize violence.

(25) Music has a powerful ability to influence perceptions, attitudes, and emotional state. The use of music as therapy indicates its potential to increase emotional, psychological, and physical health. That influence can be used for ill as well.

SEC. 3. PURPOSES; CONSTRUCTION.

(a) **PURPOSES-** The purposes of this Act are to permit the entertainment industry--

(1) to work collaboratively to respond to growing public concern about television programming, movies, video games, Internet content, and music lyrics, and the harmful influence of such programming, movies, games, content, and lyrics on children;

(2) to develop a set of voluntary programming guidelines similar to those contained in the Television Code of the National Association of Broadcasters; and

(3) to implement the guidelines in a manner that alleviates the negative impact of television programming, movies, video games, Internet content, and music lyrics on the development of children in the United States and stimulates the development and broadcast of educational and informational programming for such children.

(b) **CONSTRUCTION-** This Act may not be construed as--

(1) providing the Federal Government with any authority to restrict television programming, movies, video games, Internet content, or music lyrics that is in addition to the authority to restrict such programming, movies, games, content, or lyrics under law as of the date of the enactment of this Act; or

(2) approving any action of the Federal Government to restrict such programming, movies, games, content, or lyrics that is in addition to any actions undertaken for that purpose by the Federal Government under law as of such date.

SEC. 4. EXEMPTION OF VOLUNTARY AGREEMENTS ON GUIDELINES FOR CERTAIN ENTERTAINMENT MATERIAL FROM APPLICABILITY OF ANTITRUST LAWS.

(a) EXEMPTION- Subject to subsection (b), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement by or among persons in the entertainment industry for the purpose of developing and disseminating voluntary guidelines designed--

(1) to alleviate the negative impact of telecast material, movies, video games, Internet content, and music lyrics containing violence, sexual content, criminal behavior, or other subjects that are not appropriate for children; or

(2) to promote telecast material that is educational, informational, or otherwise beneficial to the development of children.

(b) LIMITATION- The exemption provided in subsection (a) shall not apply to any joint discussion, consideration, review, action, or agreement which--

(1) results in a boycott of any person; or

(2) concerns the purchase or sale of advertising, including (without limitation) restrictions on the number of products that may be advertised in a commercial, the number of times a program may be interrupted for commercials, and the number of consecutive commercials permitted within each interruption.

(c) DEFINITIONS- In this section:

(1) ANTITRUST LAWS- The term 'antitrust laws' has the meaning given such term in the first section of the Clayton Act (15 U.S.C. 12) and includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) INTERNET- The term 'Internet' means the combination of computer facilities and electromagnetic transmission media, and related equipment and software, comprising the interconnected worldwide network of computer networks that employ the Transmission Control Protocol/Internet Protocol or any successor protocol to transmit information.

(3) MOVIES- The term 'movies' means theatrical motion pictures.

(4) PERSON IN THE ENTERTAINMENT INDUSTRY- The term 'person in the entertainment industry' means a television network, any entity which produces or distributes television programming (including theatrical motion pictures), the National Cable Television Association, the Association of Independent Television Stations, Incorporated, the National Association of Broadcasters, the Motion Picture Association of America, each of the affiliate organizations of the television networks, the Interactive Digital Software Association, any entity which produces or distributes video games, the Recording Industry Association of America, and any entity which produces or distributes music, and includes any individual acting on behalf of such person.

(5) TELECAST- The term 'telecast' means any program broadcast by a television broadcast station or transmitted by a cable television system.

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Children and Families – FTC Report on Media and Violence. In June of last year, you called on the Federal Trade Commission (FTC) and the Justice Department to jointly study the marketing of violence to children and, specifically, to evaluate the effectiveness and enforceability of the various rating systems (movies, television, video games, and music). The FTC is in the final stages of completing their report and plan to work with us to release it the week of September 10th. As you know, the *Washington Post* ran a front-page story last Sunday outlining some of the findings of the report from a leaked account of the report.

The report set out to answer two central questions: Does the media and entertainment industry inappropriately advertise to children younger than the age suggested by the rating, e.g. are “R” movies being advertised to children under 17 years of age? And, if so, does the industry do it intentionally? The report provided a definitive “yes” to both of these questions supported by extensive and explicit documentation that laid out industry leaders advertising strategies to young children. In each and every sector of the industry, the report found that the industry was overwhelmingly targeting young audiences – two-thirds of movies are targeted to inappropriate audiences; 80 percent of television programming is heavily targeted to children younger than the suggested viewing age; and, even in video games where the industry sets specific guidelines prohibiting the advertisement of violent video games to young children, the report found that industry members largely ignored these guidelines.

One important conclusion of the report not included in the *Post* account is that parents find these ratings very confusing and that many consumer and parent advocates would like one system for the entire industry. Also not reported by the *Post* is the fact that the report includes a summary of research studies on whether there is a connection between watching or participating in violence through the media and committing real-life acts of violence. The majority of such studies did find a definite connection. In fact, four national health associations (the American Medical Association, the American Academy of Pediatrics, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry) recently released a statement directly linking violence in television, music, video games and movies to increasing violence among children.

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August 27, 2000, Sunday, Final Edition

SECTION: A SECTION; Pg. A01

LENGTH: 925 words

HEADLINE: Violent Material Marketed To Youth; FTC Probe Finds Advertising for Films,
Games
Belies Labels

BYLINE: Christopher Stern , Washington Post Staff Writer

BODY:

Movie studios, record companies and video game producers are aggressively marketing violent entertainment products to children even as they label the material inappropriate for young audiences, a yearlong Federal Trade Commission investigation has found.

A draft report on the investigation shows that movie studios advertised violent R-rated movies during television shows with predominantly teen audiences. It also shows that producers of violent video games touted products suitable for "mature" users in magazines aimed at young teens, according to sources who are familiar with the report's findings.

Investigators reviewed thousands of pages of internal documents from the entertainment industry, including market research showing that violent material is an effective lure to get young people to buy movie tickets, music and video games, sources say.

The FTC report, slated to be released next month, is likely to reignite the debate between Hollywood and Washington over the influence of media on the violent behavior of the nation's youth. Senate Commerce Committee Chairman John McCain (R-Ariz.) is planning to conduct a hearing next month on the still-confidential FTC report.

Vice presidential candidate Sen. Joseph I. Lieberman (D-Conn.), a frequent Hollywood critic, has expressed interest in testifying. The senator will make a final decision about testifying once he sees the results of the FTC investigation, according to Lieberman spokesman Dan Gerstein. However, an appearance could put Lieberman in a sensitive position because many of the high-dollar Democratic contributors include movie studio and other entertainment executives.

President Clinton ordered the FTC and the Justice Department to conduct the investigation last year in the wake of a series of school shootings, including the tragedy at Columbine High School in Littleton, Colo., in which two students shot and killed 13 people and wounded others before taking their own lives. Clinton's directive came after the Senate approved a similar proposal authored by McCain, Lieberman and others.

FTC spokesman Eric London refused to comment on the substance of the report prior to its public release. FTC commissioners are still reviewing the staff conclusions, which are subject to change.

In addition to surveying internal marketing documents, FTC investigators also found that the content codes voluntarily administered by the film, music and video game industries are poorly enforced.

FTC investigators found that underage children were frequently sold tickets to R-rated movies even though the Motion Picture Association of America's own code bans youths under 17 from entering such movies unless accompanied by a parent or adult guardian.

A poll conducted by the FTC found that parents want more information than is currently provided by the MPAA's rating code. The code makes age-based viewing recommendations but provides little information about the actual content of the movie, according to sources familiar with the draft report.

MPAA chief executive Jack Valenti said he could not comment on the substance of a report that he has not seen. However, he insisted that the movie industry is "the most responsible of all spectator entertainment."

Valenti said the reasoning behind each movie's age-based rating is provided to newspaper, television and radio critics. In addition, Valenti's organization maintains a Web site, mpaa.org/movieratings/, which refers users to a database that includes details on each particular movie's rating.

"We give all the information in the world," Valenti said.

Valenti also noted that an annual poll of parents about the movie ratings shows that most parents find it to be a useful tool when making decisions about which movies to allow their children to see.

Like Valenti, Doug Lowenstein, president of the Interactive Digital Software Association, a group that represents video game producers, declined to comment on the report until it is released. Lowenstein said there is a misconception that the bulk of the video game market is made up of children. About 62 percent of video game enthusiasts are over 18, according to Lowenstein. In addition, Lowenstein said that video game companies have modified their advertising practices in the last year to steer violent ads away from children.

Recording Industry Association of America President Hilary Rosen was unavailable for comment, according to her staff.

The FTC conducted a similar probe of the tobacco industry that looked into charges that cigarette maker R.J. Reynolds's "Joe Camel" cartoon character was targeted at teenagers in an effort to get them to begin smoking. RJR dropped the use of the Joe Camel cartoon in 1997, but not before seven tobacco company executives dramatically testified at a hearing that they did not market their products to underage smokers.

While it is illegal to sell cigarettes to minors, no such legal restrictions apply to the marketing of violent programming to children.

McCain expects high-level entertainment industry executives to testify about the FTC findings at his hearing, according to a Commerce Committee staff member. Industry executives have sometimes been reluctant to show up at hearings, where movies, music lyrics and video games are often blamed for

societal ills ranging from schoolyard violence to sexual promiscuity. But the Commerce Committee staffer said that subpoenas have been discussed as an option if industry executives balk at making an appearance.

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UPDATE ON RESPONSE TO PRESIDENT'S CHALLENGES TO THE MEDIA AND ENTERTAINMENT INDUSTRIES

FTC Report:

Challenge: The President called for the Federal Trade Commission (FTC) and the Justice Department to jointly study the marketing of violence to children and, specifically, to evaluate the various rating systems.

Response: The FTC report will also evaluate the issue of enforceability of movie ratings. The FTC plans to complete the report by the fall of 2000.

Movies:

The President made a number of challenges to the motion picture industry.

Challenge #1: First, he challenged theater and video store owners to enforce more strictly the ratings systems on the movies they show, rent, and sell – a challenge that the theater owners accepted.

Response: The National Association of Theater Owners (NATO) accepted this challenge and has been working to promote enforcement of the ratings by disseminating information to its members on the importance of checking ID's, and contacting sellers or theaters when informed of a break with policy. NATO has had on-going consultations with educational associations such as the PTA to develop ways to better educate parents

Challenge #2: The President has challenged the whole industry to stop showing guns in any ads or previews children might see.

Response: The MPAA has since implemented a policy of heightened scrutiny on movie advertisements.

Challenge #3: The President challenged the movie industry to reevaluate its entire ratings systems, especially the PG rating, to determine whether it is allowing too much gratuitous violence in movies approved for viewing by children.

Response: At this point, we are not sure how far the industry has come to meet this challenge, but the FTC is including an evaluation of the movie industry ratings system in its report.

Television:

Challenge #1: The President fought for legislation that requires the V-Chip to be installed in all new television sets sold beginning January 1, 2000.

Response: This goal was accomplished on time so that all new televisions produced now are installed with the V-Chip. The technology of the V-Chip is based on the television ratings system

already developed and currently in use by the television industry. V-Chip is technology built into a TV set that "reads" the rating for a particular TV program and is used by parents to block out programs with these ratings. Currently, all programs on the broadcast networks are rated and encoded for V-Chip use (TV7, TV14, etc.), and all the networks, excluding NBC, use content descriptions in their ratings as well (S,V,L, etc.). Additionally, all cable channels, excluding the Black Entertainment Network (BET), encode their programming with the V-Chip ratings.

Challenge #2: In order to promote awareness and give parents tools they need to effectively use the V-Chip, the President called for two new initiatives to make sure the V-Chip becomes a useful tool for parents: the establishment of a V-Chip Task Force to ensure that the V-Chip law is implemented effectively and a major public awareness campaign about the V-Chip.

Response: The FCC established the V-Chip task force to: (1) ensure the V-Chip requirement is enforced; (2) promote parental awareness about the V-Chip; (3) encourage adoption of a standard label identifying television sets that contain the V-Chip; (4) study the use of the V-Chip; and evaluate the effectiveness of the industry's ratings system.

In addition, all four major networks have agreed to run PSAs on the V-Chip and the Kaiser Family Foundation in partnership with the Center for Media Education have produced a free booklet for parents on how the V-Chip works.

Computer Games:

Challenge: The President has also challenged the video game industry to widely inform the public of its ratings and enforce the ratings at the point of sale.

Response: In 1994, the Interactive Digital Software Association (IDSA) established an independent board, the Entertainment Software Ratings Board (ESRB) to develop and implement ratings for computer software. These ratings provide the most extensive and comprehensive ratings of any in the system and have been applauded by Senator Lieberman for their comprehensive nature. Recently, the IDSA accepted the President's challenge and worked with ESRB to set tough standards in advertising to ensure that video game software makers are providing appropriate, responsible, truthful, and accurate advertising.

The industry also has developed guides for parents to be able to more effectively use the ratings on video games and has distributed these guides at the counter of video game stores over the holiday season. And, the industry has created a point-of-sale system to remind clerks to ask for identification from buyers to ensure that stores are not selling adult-rated games to minors.

Internet:

Challenge: The Administration has been actively working to encourage the Internet industry to self-regulate and to help give parents the tools they need to protect their children from inappropriate material.

Response: The Administration has worked with the Internet industry to encourage the 25 largest Internet providers to develop a comprehensive resource for parents. These companies developed “getnetwise” – a one-stop site where parents and teachers can learn how to provide kids with a safe, educational, and entertaining and age-appropriate online experience. Through this web site, parents can access more than 80 technologies that allow them to monitor the amount of time their child spends on the Internet, and provide them with tools to block inappropriate information, as well as links to report troubling or illegal material.

A number of large companies on the Internet have begun to use the ratings system for their products. One example is America On-Line which recently announced that it will require all games played on the AOL service to be rated by the Entertainment Software Rating Board (ESRB), and will work with others in the industry to press for wide adoption of game ratings across the Internet. Games which are rated adults-only or which are not rated will not be available for play on the AOL service. Beyond.com, CNET and eToys joined AOL in this announcement and have agreed that any games in their inventory which have been rated by the ESRB will have their ESRB rating prominently displayed wherever they are sold. Additionally, Amazon.com uses ratings on the music, DVDs and games sold on its web site.

**TAKING ACTION AGAINST YOUTH VIOLENCE:
CLINTON-GORE ADMINISTRATION ACCOMPLISHMENTS**

“...we have asked every sector of our society to get involved in the search for solutions to youth violence, to hatred, to the absence of control, to environmental and cultural factors that need to be dealt with. We’ve asked people to help at home and school, in Hollywood and in the heartland, in our State capitals and in the Nation’s Capital.”

- President Clinton October 15, 1999

REDUCING YOUTH VIOLENCE – ENCOURAGING TRENDS

- Serious violence by juveniles dropped by 33% between 1993 and 1997.
- Serious violence against juveniles declined 22% between 1992 and 1996, and simple assaults against juveniles declined 30% in the same period.
- Homicides of juveniles peaked in 1993 at 2,900 and by 1997 had fallen to their lowest level in the decade (2,099). Homicide rates for young males began to decline in 1994 and dropped 34% between 1993 and 1997.
- Violent deaths in school have dropped from 54 in the 1992-93 school year to 13 in the 1999-2000 school year. Deaths by shootings in schools have also declined during this period. (Bill M. thinks these #s are wrong. He needs to check.)
- From 1991 to 1997, the percentage of students carrying a weapon on school property dropped 30% and the percentage of students injured in a physical fight at school decreased 20%.
- Youth suicide rates declined by 13% between 1994 and 1997.

MAKING SCHOOLS SAFER

Supporting a Community-Wide Response to School Safety and Youth Violence. To help communities throughout the country promote a coordinated, comprehensive response to school safety, the President launched the Safe Schools/Healthy Students Initiative in 1999. The SS/HS Initiative is an unprecedented effort to provide students, schools and communities the benefit of enhanced comprehensive educational, mental health, social service, and law enforcement services. It is based on evidence that a comprehensive, integrated community-wide approach is an effective way to promote healthy childhood and youth development and address the problems of school violence and alcohol and other drug abuse. The Initiative has provided \$147 million to 77 local education authorities who have established formal partnerships with local mental health

and law enforcement agencies. The grants support coordinated and comprehensive school safety plans that include anti-truancy initiatives, mentoring, mental health services, conflict resolution programs, school resource officers, and more – helping to promote healthy development and to prevent youth violence before it occurs.

Responding to the Early Warning Signs of Troubled Youth. President Clinton directed the Secretary of Education and the Attorney General to develop a guide to help teachers and principals identify and respond to the early warning signs of troubled youth that can lead to school violence. In August 1998, the Departments of Justice and Education released *Early Warning, Timely Response: A Guide to Safe Schools*. This guide provides schools and communities with information on how to identify the early warning signs and take action steps to prevent and respond to school violence. More than 400,000 copies of the guide have been distributed to every school in the country and to youth organizations throughout, and additional copies may be obtained through the websites of the Departments of Education and Justice. (In April, 1999, ED and DoJ released an update Safeguarding Our Children: An Action Guide – get language.)

Helping to Make All Schools Safe, Disciplined and Drug-Free. In 1994, President Clinton expanded the Drug-Free Schools Act into the Safe and Drug-Free Schools Act, making violence prevention a key part of this program. Safe and Drug-Free Schools currently provides support for violence and drug prevention programs to 97 percent of the nation's school districts.

Promoting Collaborations Between Schools and Law Enforcement. Under the School-Based Partnerships grant program, the Clinton Administration has provided \$30 million to 275 policing agencies to work with schools and community-based organizations to address crime at and around schools. The grants help forge or strengthen partnerships between local law enforcement and schools to focus on school crime, drug use and discipline problems. In addition, the COPS in Schools initiative hires and trains school resource officers using the community policing strategies that have made neighborhoods safer all over America. Under the COPS in Schools initiative, the Clinton-Gore Administration has provided \$252 million for 1,060 communities to hire 2,250 police officers to work in schools, engaging students in problem solving and mediation, collaborating in safe school planning efforts, coaching sports and acting as mentors for kids.

Encouraging Conflict Resolution. The Departments of Education and Justice have developed and distributed 40,000 conflict resolution guides to schools and community organizations, providing guidance on how to develop effective conflict resolution programs. In addition, the departments are training community officials and educators on these conflict resolution measures.

Issuing the First Annual Reports on School Safety. In December 1997, President Clinton called for the first Annual Report on School Safety. Issued every year since, these reports describe the nature and scope of school violence and steps that communities can take to develop a comprehensive school safety plan. The reports highlight what schools, students, parents, police, businesses, and elected officials can do to create safe learning environments and describe schools and communities doing an exemplary job of creating and maintaining safe school

environments. The reports also list resources for information on school safety and crime prevention issues.

Hosting White House Conferences on School Safety. In October 1998, President and Mrs. Clinton hosted the first-ever conference on school safety to provide an opportunity for Americans to learn more about how they can make their own schools and communities safer. Students, parents, teachers, principals, law enforcement, ministers, and other experts from across the country participated in the Conference, and hundreds of communities and schools were linked by satellite. In May 1999, after the Littleton tragedy, President Clinton and the First Lady held another strategy meeting to discuss the problem of youth violence and develop a strategy for a national campaign to address this problem. The meeting included a broad cross section of Americans, including parents and children, teachers and religious leaders, law enforcement and government officials, gun manufacturers and sportsmen, and representatives of the entertainment industry.

FOCUSING ON PREVENTION

Developing Guides for Best Practices to Prevent Youth Violence. Recognizing that youth violence prevention must start at the community level, the Clinton-Gore Administration has researched the most effective and successful approaches to prevention and published them in guides for community leaders, school officials, law enforcement, health professionals and others. The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) *Blueprints* Initiative identifies 10 successful youth violence prevention programs in such areas as mentoring, bullying, family therapy and foster care. OJJDP also released *Promising Strategies To Reduce Gun Violence* with practical information on a range of effective strategies for local officials. Expected in August, 2000, the Centers for Disease Control and Prevention's *Best Practices of Youth Violence Prevention: A Sourcebook for Community Action* will provide step-by-step guidance for implementing proven youth violence prevention initiatives.

Coordinating the Federal Government's Response to Youth Violence: In October, 1999, President Clinton created the White House Council on Youth Violence to coordinate federal programs and research activities on youth violence. In addition, the Council is developing a citizen's information hub to make information on these activities more accessible to the public and will publish a series of pamphlets for parents and others on the normal range of adolescent development and how to identify and address troubling behavior.

Creating Internet Web Sites to Provide Resources to Prevent Youth Violence. This Administration has created numerous web sites, including: <http://www.afterschool.gov/>, which contains a compendium of federal resources that support children and youth during out-of-school hours, and includes information about government guides, reports, and research, as well as information about successful community programs and available funding sources; <http://www.americasteens.gov>, which contains information for teens on college opportunities and funding, community service, jobs, volunteering, and teen health issues, including substance abuse; <http://www.parentingresources.ncjrs.org/>, sponsored through the Coordinating Council on Juvenile Justice and Delinquency Prevention, which strives to help families meet the

formidable challenges of raising a child today by addressing topics such as school violence, child development, home schooling, organized sports, child abuse, and the juvenile justice system; and A new interagency web site due in September, which will provide access to all federal agency resources addressing youth violence, including information on research, reports, specific programs, and funding sources.

Engaging the Private Sector in Youth Violence Prevention: President Clinton launched the National Campaign Against Youth Violence, an independent national to engage the private sector in addressing the problem of youth violence on a national scale. The Campaign has developed anti-violence activities including a major media campaign, concerts, town hall meetings, and in-school and after-school programs. The Campaign also highlights effective youth violence initiatives in cities across the country.

ADDRESSING FACTORS THAT PUT YOUTH AT RISK FOR VIOLENCE

Cracking Down on Truancy. Truancy prevention initiatives have been shown to keep more children in school and dramatically reduce daytime crime. The Education Department issued a guidebook to the 15,000 school districts nationwide which outlines the central characteristics of a comprehensive truancy prevention policy and highlights model initiatives in cities and towns across the country. Since then, the Education Department has provided grants to local school districts to develop innovative truancy prevention programs of the kind described in the guidebook.

Developing a Comprehensive Anti-Gang Strategy. President Clinton has proposed a comprehensive strategy to target gangs and violent youths by hiring new prosecutors and probation officers, and expanding anti-gang task forces and the use of racketeering statutes (i.e., RICO) for gang-related offenses. There is a high correlation between gang membership and violent behavior. (Get stat - 90%?)

Developing a Comprehensive Anti-Drug Strategy Including a \$195 Million National Youth Anti-Drug Media Campaign. The President appointed Barry McCaffrey, a four-star general, to lead the Clinton-Gore Administration's anti-drug strategy as the nation's Drug Czar. In July 1998, President Clinton launched the national expansion of the Anti-Drug Media Campaign first proposed in 1997. The 5-year, \$2 billion campaign (which includes private sector matching contributions) is designed to let teens know -- when they turn on the television, listen to the radio, or surf the Internet -- that drugs are dangerous, wrong and can kill you.

Building and Strengthening 14,000 Community Anti-Drug Coalitions. In 1997, President Clinton signed into law the bipartisan Drug-Free Communities Support Program. Over the next five years this program will provide \$143.5 million to help community coalitions rid their streets of drugs -- the coalitions are made up of young people, parents, media, law enforcement, religious and other civic organizations and school officials. Under this program, the President recently announced new Federal assistance to enhance grassroots efforts in 93 communities in 46 states to prevent youth drug abuse. This assistance will fund the work of broad-based community coalitions to target young people's use of drugs, alcohol and tobacco. (needs update)

Encouraging Schools to Adopt School Uniform Policies. School uniforms have been found to be a promising strategy to reduce violence while promoting discipline and respect in school. Because of this, the Clinton Administration has encouraged schools to consider adopting school uniform policies by sharing with every school district a school uniforms manual prepared by the Department of Education in consultation with local communities and the Department of Justice. Since the President highlighted school uniforms, a growing number of schools have adopted these policies including: New York City, Dade County, San Antonio, Houston, Chicago and Boston.

Supporting Curfews at the Local Level. Community curfews are designed to help keep children out of harm's way and enhance community safety. Because of their success, President Clinton has encouraged communities to adopt curfew policies. A 1997 survey by the U.S. Conference of Mayors has shown that 276 of 347 cities surveyed -- or 80 percent -- had youth curfew laws, up from 70 percent in 1995.

ENCOURAGING POSITIVE YOUTH DEVELOPMENT

Providing Safe After-School Opportunities for 850,000 Students Each Year. The 21st Century Community Learning Centers program will provide enriching after-school and summer school opportunities for 850,000 school-age children in rural and urban communities in FY 2000. Extended learning time has not only been shown to increase achievement in reading and math, but to decrease youth violence and drug use. Funding for this program more than doubled from FY 1999 to FY 2000. The Education Department released a report in June 1998, titled *Safe and Smart: Making the After-School Hours Work for Kids*. This report shows that after-school programs can lower juvenile crime and improve academic performance. *Safe and Smart* was sent to every school district in the country.

Establishing the GEAR-UP Mentoring Program for Middle School Children. President Clinton and Vice President Gore created and expanded GEAR-UP, a nationwide mentoring initiative, to help over 750,000 low-income middle school children finish school and prepare for college. The President's FY 2001 budget would expand services to 1.4 million students.

Supporting Civic, Community and Faith-Based Organizations. Recognizing the important role that civic, community and faith-based organizations can play in reducing crime, the Administration launched a new Values-Based Violence Prevention Initiative to make \$2.2 million in grants available to 16 community-based collaboratives, including religiously-affiliated organizations, that target youth violence, gangs, truancy, and other juvenile problems by promoting common-sense values and responsibility.

Launching the expansion of the "Caring For Every Child" mental health campaign. At least one in ten American children and adolescents may have behavioral, or mental health problems. The Administration will launch a five-year \$5 million dollar campaign in targeted communities to highlight the special mental health needs of children. (date? WH Conference on Mental Health) (Is there a better SAMSHA program?)

Helping Students Take a Stand Against Violence. In October 1998, the President kicked-off a partnership between the Federal government and MTV to engage youth in solutions. The MTV year-long media campaign --"Fight For Your Rights: Take A Stand Against Youth Violence" -- is designed to give young adults a voice in the national debate on school and youth violence. In partnership with the Department of Justice and Education, and the National Endowment for the Arts, MTV created and is distributing a Youth Action Guide and CD-ROM that aim to engage youth in mentoring, conflict resolution, and other positive solutions to violence. The guide is available through a 1-800 number at the Justice Department and through MTV.

RESTRICTING YOUTH ACCESS TO GUNS

Launching the Youth Crime Gun Interdiction Initiative. In 1996, President Clinton launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to help trace crime guns to their source, as well as identify and arrest the adults who traffic firearms to children. Since then, the President has expanded the YCGII initiative to 37 cities. ATF agents have conducted more than 200,000 crime gun traces for local law enforcement. In 1998 alone, ATF initiated over 300 investigations in these cities, which involved over 3,300 illegally trafficked firearms. The President's FY 2001 budget proposes to increase YCGII to 50 cities with more ATF agents and additional resources to help more cities to trace their firearms.

Enforcing Zero Tolerance for Guns and Other Weapons in Schools. In October 1994, President Clinton signed into law the Gun-Free Schools Act, requiring school districts to expel students who bring guns to school. The President issued a Presidential Directive later that month to enforce the "zero tolerance" policy for guns in schools, consistent with the Gun-Free Schools Act. Over the 1996-98 school years, the U.S. Department of Education estimates that, under zero tolerance policies, nearly 10,000 students were expelled from public schools for bringing a firearm to school.

Issuing Directive on Child Safety Locks for Handguns. Child safety locks and other safety devices can reduce the unauthorized use of handguns, by a child at play or a teen looking to commit a crime. Many youth have to look no further than their own home to get their hands on a gun: an estimated one-third of all privately-owned handguns are left both loaded and unlocked. In March 1997, the President signed a directive to every federal agency, requiring child safety locking devices with all handguns issued to federal law enforcement officers. And, in an historic agreement, eight major gun manufacturers followed the President's lead and have voluntarily agreed to provide child safety locking devices with all their handguns.

Signing into Law the Youth Handgun Safety Act. In 1994, President Clinton signed into law the Youth Handgun Safety Act, which generally banned the possession of handguns or handgun ammunition by juveniles under the age of 18, and made it a federal offense for adults to transfer handguns to juveniles, with limited exceptions. In 1997, the President directed the Treasury Department to require that signs be posted on the premises of Federal firearms licensees and that written notification be issued with each handgun sold to non-licensees to help ensure compliance with the Youth Handgun Safety Act.

LIMITING YOUTH EXPOSURE TO MEDIA VIOLENCE

Giving Families A New Tool -- A Content-Based Television Ratings System. Striving to protect children from violence and adult content on television, the Vice President garnered a breakthrough agreement from the television industry to create a new content-based voluntary ratings system. The new system went into effect October 1, 1997, giving parents the information they need to determine if television shows are appropriate for viewing by their children and to identify which programs they may want to block from their homes through screening technology (the V-chip). The voluntary rating system includes age- and content-based ratings.

Helping Parents Control What Comes Into Their Living Room with the V-Chip. Five years ago, President Clinton and Vice President Gore used the Vice President's Family Policy Conference in Nashville to call for V-chip legislation -- to give parents new tools to help them screen out television programs that are not fit for their kids. Under strong leadership from the White House, the following year saw Congress enact the Telecommunications Act of 1996 which included V-chip legislation. As of January of this year, all new television sets 13 inches or larger contain the V-chip.

Launching an Investigation Into Marketing of Violence to Children. In June of 1999, the President asked the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent (and other) material that is rated for adults.

Keeping Children Safe on the Internet with the Parents' Protection Page. In the wake of the Columbine Tragedy last year, the Vice President announced the parents' protection page, an important new commitment by the country's premiere Internet companies to give parents the resources they need to protect their children from inappropriate material on the Internet. The parents' protection page, now known as GetNetWise.com, provides parents with the tools and knowledge to supervise and guide their children's online activities. In addition to giving parents access to more than 100 blocking, filtering and monitoring tools, this page includes information for parents, teachers and children on how to report crime or other troubling activity online. The parents' protection page also can serve as a guide to finding the vast array of high quality educational materials online.

Creating a White House Task Force on Navigating the New Media Age. At the White House Conference on Teenagers in May, 2000, the First Lady announced a public-private effort to provide tools for parents and teens to find resources through the media and to help parents monitor their teens' use of the media. The task force plans to complete its work within six months and will: establish an Internet site that provides a one-stop information site for parents of teenagers, including a newly developed federal effort, "Parenting Resources in the 21st Century" www.parentingresources.ncjrs.org; work with the media and entertainment industry to develop one web-site where parents can find comprehensive information on current media ratings systems; establish a portal for teenagers that would include non-commercial, teenager-friendly resources on the Internet; and provide guidance to local communities on how to set up one-stop

information centers that list services, hotlines, and community opportunities to teenagers and their parents through toll-free numbers and local web sites.

SEPTEMBER 07, 13:08 EDT

Kmart, Wal-Mart Take Stand on Games

By JEFFREY McMURRAY

Associated Press Writer

WASHINGTON (AP) — Young people itching to wreak havoc with an Uzi on their Playstation will have to bring along a parent if they want to buy a violent video game from some major retailers.

Kmart announced Thursday it will refuse sale of mature-rated games to anyone under 17, using a barcode scanner that will prompt cashiers to ask for identification from young people.

After Kmart's news conference in Washington, Wal-Mart announced it would enact the same policy. In a letter last month to Alabama Sen. Jeff Sessions, the president of Toys R Us said the practice is already in place at his company's stores.

Sessions applauded the move, but said he would prefer that retailers stop selling mature-rated games, as Montgomery Ward and Sears, Roebuck and Co. already have done.

Sessions said he believes "intense involvement" with violent video games can cause a young person to become violent.

"Common sense should tell us that positively reinforcing sadistic behavior, as these games do, cannot be good for our children," said Sen. Sam Brownback, R-Kan.

"We cannot expect that the hours spent in school will mold and instruct a child's mind but that hours spent playing violent games will not."

Kmart executives said they believe their policy lets parents make decisions about video games.

"A step of responsibility that gets the parents involved is a smart step, rather than just walking away from the issue and letting someone else deal with it," said Shawn Kahle, Kmart's vice president of corporate affairs.

In May, Sessions, Brownback and seven other senators sent a letter to executives of Kmart and several other major retailers encouraging them to pull the games off their shelves or prevent their sale to anyone younger than 17.

Sen. Joe Lieberman of Connecticut, the Democratic nominee for vice president, was among those who signed.

Most video games sold at major retailers include a rating from the Entertainment Software Review Board advising consumers about which games are suitable for certain age groups.

Wal-Mart spokeswoman Jessica Moser said her company has invested more than \$3 million on store signs and advertising to educate customers about the rating system.

Moser said she was not sure when Wal-Mart would implement the new policy. Kmart plans to enact the policy Oct. 15, in time for the holiday shopping season.

Brownback said the Senate Commerce Committee next week will examine the results of a Federal Trade Commission report on whether violent, adult-rated games are target-marketed to kids.

"If this is true — and there is plenty of anecdotal evidence to suggest that it is — this is a scandal and an outrage," said Brownback, who authored an amendment that passed the Senate requesting the FTC to conduct the study.

For Immediate Release

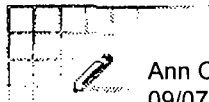
June 8, 2000

STATEMENT BY THE PRESIDENT

I applaud the media and the entertainment industry for announcing that they have answered our call to action to develop a one-stop web site for parents to learn more about how to monitor and understand their children's interaction with the media. This website is a positive step, but not the only one we need to take, to give parents the tools they urgently need to help them choose what media is appropriate for their children. The First Lady challenged the industry to develop this web site as part of the White House Conference on Teenagers, to give parents more and better information about how to use the current media rating systems and parent advisory guidelines voluntarily put in place by the movie, television, music, and computer/video game industries. Hillary and I will continue to call on the industry to take the next step of voluntarily creating a uniform rating system that would apply to movies, television, music, and video games.

The parental media guide can be found at www.parentalguide.org. This web site was jointly developed and produced by the Motion Picture Association of America, the National Cable Television Association, the National Association of Broadcasters, the Recording Industry Association of America, and the Interactive Digital Software Association.

30-30-30



Ann O'Leary
09/07/2000 06:49:29 PM

Record Type: Record

To: Laura E. Schiller/WHO/EOP@EOP
cc:
Subject: NCAYV

----- Forwarded by Ann O'Leary/OPD/EOP on 09/07/2000 06:49 PM -----



● **Sonia G. Chessen** 09/07/2000 04:02:05 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP
cc:
Subject: NCAYV

Sarah Ingersoll sent me these two paragraphs as possible language to include in Monday's statement. I said I would pass it along. I am doing so....

The National Campaign Against Youth Violence is a national effort to reduce youth violence established with the support of President Clinton. It was conceived at the White House Summit on Youth Violence by a broad cross-section of educators, parents, corporate and media executives, religious leaders, law enforcement officials, and others who recognized that each of us can make a difference.

The Campaign's Board is composed of many of the nation's most innovative and influential people in broadcast and interactive media, entertainment, professional sports, youth development, academia, government, and corporate America, including Mel Karmazin, Steve Case, Gerry Laybourne, Dick Parsons, Judith A. McHale, Bob Iger, Bob Wright, Henry Cisneros, and several other media leaders. The decision to engage the media was a deliberate one. Any effort to change public attitudes and cultural norms must work with the media if it is to have any chance of success. We are grateful that the media have volunteered to be a real partner in this effort.



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PSYCHOLOGICAL
ASSOCIATION

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***Joint Statement on
the Impact of Entertainment Violence on Children
Congressional Public Health Summit
July 26, 2000***

We, the undersigned, represent the public health community. As with any community, there exists a diversity of viewpoints – but with many matters, there is also consensus. Although a wide variety of viewpoints on the import and impact of entertainment violence on children may exist outside the public health community, within it, there is a strong consensus on many of the effects on children's health, well-being and development.

Television, movies, music, and interactive games are powerful learning tools, and highly influential media. The average American child spends as much as 28 hours a week watching television, and typically at least an hour a day playing video games or surfing the Internet. Several more hours each week are spent watching movies and videos, and listening to music. These media can, and often are, used to instruct, encourage, and even inspire. But when these entertainment media showcase violence – and particularly in a context which glamorizes or trivializes it – the lessons learned can be destructive.

There are some in the entertainment industry who maintain that 1) violent programming is harmless because no studies exist that prove a connection between violent entertainment and aggressive behavior in children, and 2) young people know that television, movies, and video games are simply fantasy. Unfortunately, they are wrong on both counts.

At this time, well over 1000 studies – including reports from the Surgeon General's office, the National Institute of Mental Health, and numerous studies conducted by leading figures within our medical and public health organizations – our own members – point overwhelmingly to a causal connection between media violence and aggressive behavior in some children. The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behavior, particularly in children.

Its effects are measurable and long-lasting. Moreover, prolonged viewing of media violence can lead to emotional desensitization toward violence in real life.

The effect of entertainment violence on children is complex and variable. Some children will be affected more than others. But while duration, intensity, and extent of the impact may vary, there are several measurable negative effects of children's exposure to violent entertainment. These effects take several forms.

- 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.
- 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.

Although less research has been done on the impact of violent interactive entertainment (video games and other interactive media) on young people, preliminary studies indicate that the negative impact may be significantly more severe than that wrought by television, movies, or music. More study is needed in this area, and we urge that resources and attention be directed to this field.

We in no way mean to imply that entertainment violence is the sole, or even necessarily the most important factor contributing to youth aggression, anti-social attitudes, and violence. Family breakdown, peer influences, the availability of weapons, and numerous other factors may all contribute to these problems. Nor are we advocating restrictions on creative activity. The purpose of this document is descriptive, not prescriptive: we seek to lay out a clear picture of the pathological effects of entertainment violence. But we do hope that by articulating and releasing the consensus of the public health community, we may encourage greater public and parental awareness of the harms of violent entertainment, and encourage a more honest dialogue about what can be done to enhance the health and well-being of America's children.

Donald E. Cook, MD
President
American Academy of Pediatrics

L. Michael Honaker, Ph.D.
Deputy Chief Executive Officer
American Psychological Association

Clarice Kestenbaum, MD
President
American Academy of Child & Adolescent Psychiatry

Dr. E. Ratcliffe Anderson, Jr. MD
Executive Vice President
American Medical Association

1994

VIOLENCE IN MASS MEDIA

WHEREAS the consequences of aggressive and violent behavior have brought human suffering, lost lives, and economic hardship to our society as well as an atmosphere of anxiety, fear, and mistrust;

WHEREAS in recent years the level of violence in American society and the level of violence portrayed in television, film, and video have escalated markedly;

WHEREAS the great majority of research studies have found a relation between viewing mass media violence and behaving aggressively;

WHEREAS the conclusion drawn on the basis of over 30 years of research and a sizeable number of experimental and field investigations (Huston, et al., 1992; NIMH, 1982; Surgeon General, 1972) is that viewing mass media violence leads to increases in aggressive attitudes, values, and behavior, particularly in children, and has a long-lasting effect on behavior and personality, including criminal behavior;

WHEREAS viewing violence desensitizes the viewer to violence, resulting in calloused attitudes regarding violence toward others and a decreased likelihood to take action on behalf of a victim when violence occurs;

WHEREAS viewing violence increases viewers' tendencies for becoming involved with or exposing themselves to violence;

WHEREAS viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and mistrust of others;

WHEREAS many children's television programs and films contain some form of violence, and children's access to adult-oriented media violence is increasing as a result of new technological advances;

RESOLVED, that the American Psychological Association:

- (1) urges psychologists to inform the television and film industry personnel who are responsible for violent programming, their commercial advertisers, legislators, and the general public that viewing violence in the media produces aggressive and violent behavior in children who are susceptible to such effects;**
- (2) encourages parents and other child care providers to monitor and supervise television, video, and film viewing by children;**

- (3) supports the inclusion of clear and easy-to-use warning labels for violent material in television, video, and film programs to enable viewers to make informed choices;
- (4) supports the development of technologies that empower viewers to prevent the broadcast of violent material in their homes;
- (5) supports the development, implementation, and evaluation of school-based programs to educate children and youth regarding means for critically viewing, processing, and evaluating video and film portrayals of both aggressive and prosocial behaviors;
- (6) requests the television and film industry to reduce direct violence in "real life" fictional children's programming or violent incidents in cartoons and other television or film productions, and to provide more programming designed to mitigate possible effects of television and film violence, consistent with the guarantees of the First Amendment;
- (7) urges the television and film industry to foster programming that models prosocial behaviors and seeks to resolve the problem of violence in society;
- (8) offers to the television and film industry assistance in developing programs that illustrate psychological methods to control aggressive and violent behavior, and alternative strategies for dealing with conflict and anger;
- (9) supports revision of the Film Rating System to take into account violence content that is harmful to children and youth;
- (10) urges industry, government, and private foundations to develop and implement programs to enhance the critical viewing skills of teachers, parents, and children regarding media violence and how to prevent its negative effects;
- (11) recommends that the Federal Communications Commission (FCC) review, as a condition for license renewal, the programming and outreach efforts and accomplishments of television stations in helping to solve the problem of youth violence;
- (12) urges industry, government, and private foundations to support research activities aimed at the amelioration of the effects of high levels of mass media violence on children's attitudes and behavior.

References

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National Institute of Mental Health. (1982). *Television and behavior: Ten years of scientific progress and implications for the eighties (vol I), Summary Report*. Washington, DC: U.S. Government Printing Office.

Surgeon General's Scientific Advisory Committee on Television and Social Behavior. (1972). *Television and growing up: The impact of televised violence*. Washington, DC: U.S. Government Printing Office.

→ Steven Gould
→

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP, Sonia G. Chesson/OPD/EOP@EOP
cc: Deanne E. Benos/OPD/EOP@EOP, Sarah C. Lucas/OPD/EOP@EOP
Subject: AP media violence story -- FYI

WASHINGTON (AP) — Marking what one lawmaker called a turning point in the battle against entertainment violence, four national health associations are directly linking violence in television, music, video games and movies to increasing violence among children.

“Its effects are measurable and long-lasting,” the four groups say in a statement. “Moreover, prolonged viewing of media violence can lead to emotional desensitization toward violence in real life.”

The joint statement by the American Medical Association, the American Academy of Pediatrics, the American Psychological Association and the American Academy of Child and Adolescent Psychiatry will be the centerpiece of a public health summit Wednesday on entertainment violence.

“The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviors, particularly in children,” the organizations’ statement says.

Advocating a code of conduct for the entire entertainment industry, Sen. Sam Brownback, R-Kan., compared the statement to the medical community declaring that cigarettes can cause cancer.

“I think this is an important turning point,” said Brownback. “Among the professional community, there’s no longer any doubt about this. For the first time, you have the four major medical and psychiatric associations coming together and stating flatly that violence in entertainment has a direct effect on violence in our children.”

The Motion Picture Association of America and the National Association of Broadcasters refused to comment Tuesday on the medical associations’ statement. “I’m not going to comment on something we haven’t seen,” said Jeff Bobeck, spokesman for the National Association of Broadcasters.

The four health professional groups left no doubt about their feelings in the statement:

—“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,” it said.

—“Viewing violence can lead to emotional desensitization toward violence in real life. It can decrease the likelihood that one will take action on behalf of a victim when violence occurs.”

—“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.”

Brownback said he hopes the statement will convince lawmakers that something has to be done about media violence. And, he said, “I hope parents will look at this and say that they’re going to have to police their children’s entertainment violence content the same way they police what their children eat and other health issues.”

One entertainment violence monitoring group, The Lion & Lamb Project in nearby Bethesda, Md., cheered the statement. “Right now, the message we’re sending children in the media is that violence is OK ... that it’s part of life and sometimes it’s even funny,” executive director Daphne White said. “We’re

even using violence for humor now."

Bobeck said television now has V-chips and a rating system to help parents take control of what their children watch. "We think more parents need to control their remote control," Bobeck said.

But White said the entertainment industry markets video games and toys to children based on R-rated movies, has increased the violence in movies and shows that are rated for children and even previewed adult-oriented movies during children's G-rated movie. "The industry has been actively marketing adult stuff to children while saying it's the adults' fault," she said.

MEMORANDUM FOR HILLARY RODHAM CLINTON

SUBJECT: Children and Media Violence Event

LOCATION: Kaufmann Hall, Jewish Community Center

DATE: Monday, September 11, 2000
10:30 – 11:30 a.m.

I. PURPOSE

To discuss the importance of the FTC's report on "Marketing Violent Entertainment to Children" and to highlight the need for continued leadership on the issue of curbing violence in the media targeted to young children.

II. BACKGROUND

In June of last year, the President called on the Federal Trade Commission (FTC) and the Justice Department to jointly study the marketing of violence to children and, specifically, to evaluate the effectiveness and enforceability of the various rating systems (movies, video games, and music). The FTC has finalized their report and will be releasing it on Monday September 11 at a 10:00 a.m. press conference in Washington.

The report set out to answer two central questions: Does the media and entertainment industry inappropriately advertise to children younger than the age suggested by the rating, e.g. are "R" movies being advertised to children under 17 years of age? And, if so, does the industry do it intentionally? The answer to both of these questions was a resounding "YES" supported by extensive and explicit documentation where industry leaders have documented advertising strategies to young children.

Regarding movies, the report found that 80 percent of movies are targeted to audiences that are inappropriate given the rating. In addition, the report concludes from a "shopper survey" that 50 percent of movie theaters do not ask for evidence of age when young people buy movie tickets. The video industry trade association (Interactive Digital Software Association), on the other hand, is the only industry that has explicitly set guidelines and standards prohibiting the industry members from advertising violent video games to young children. However, the report found that the industry members largely ignore these guidelines. In addition, 85 percent of retailers will sell mature video games to young children. The report also concludes that parents find these ratings very confusing.

The report does not include any original research on the question of whether there is a causal connection between watching or participating in violence through the media and committing real-life acts of violence, but it does include a section citing all of the recent studies on this topic. [Note: Recently, four national health associations released a statement directly linking violence in television, music, video games and movies to increasing violence among children. The joint statement by the American Medical Association, the American Academy of Pediatrics, the

American Psychological Association and the American Academy of Child and Adolescent Psychiatry stated, "The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behaviors, particularly in children."]

III. PARTICIPANTS

Speaking Program

Westchester County Executive Andrew Spano

Rep. Nita Lowey

HRC

Peggy Charren, Founder of Action for Children's Television

Patty Cathers, parent advocate

The President

IV. PRESS PLAN

Open Press

V. SEQUENCE OF EVENTS

- Off-stage announcement of YOU and the President, accompanied by the program participants
- Andrew Spano welcomes the audience and introduces Rep. Lowey
- Rep. Lowey makes brief remarks and introduces YOU
- YOU make remarks and introduce Peggy Charren
- Patty Chathers*, local parent advocate, makes remarks and introduces the President
- The President makes remarks
- YOU and the President work a ropeline and depart

*Patty Cathers is the Director of the local Child Abuse Prevention Services, mother of a high school student, and vocal parent advocate

VI. ATTACHMENTS

- Executive Summary of the FTC Report
- Internal Q&As on FTC Report
- Administration Accomplishments on Youth Violence
- Peggy Charren's bio and draft remarks

**Press Guidance on FTC Report
September 9, 2000**

Q: What are the conclusions of the FTC Report on *Marketing Violent Entertainment to Children*?

A: The report solidly concluded that the media and entertainment industries are intentionally marketing violent products to children younger than the age suggested by the industries and, in addition, retailers are not enforcing the rating and labeling systems. In fact, the report found that 80 percent of R rated movies are targeted to children under 17; 27 percent of music with explicit content labels are targeted to teenagers; and, 70 percent of games rated "Mature" were targeted to children under 17.

Q: Doesn't this report suggest that while the industry was complying with the Administration's request to develop and implement rating systems, they were at the same time undermining these systems by targeting young children?

A: I think we do need to give the industry credit for moving a long way in developing rating and labeling systems. The report points out that parents are beginning to learn about these rating systems and to use them. But, you are right that marketing to young children undercuts the rating and labeling systems and that is why the President, the Vice President, and the First Lady are calling on the media and industry to immediately stop these practices.

Q: Do you agree with the report's recommendations to develop codes of conduct in marketing, increase compliance at the retail level, and increase parental understanding of ratings and labels?

A: Yes.

Codes of Conduct: Last year, the President issued a challenge to the entire industry to stop showing guns in their advertisements. This is a good first step, but the industry needs to immediately begin working together to develop and implement a comprehensive code of conduct when marketing to children. The trade association for the video industry already prohibits makers of video games from marketing violent video games to young children, but it is clear from this report that much more needs to be done to ensure that the companies comply with this prohibition. The industry, as a whole, would do well to agree on appropriate conduct when marketing to children.

Retailers: The President issued a challenge last year to theater and video store owners to enforce more strictly the ratings systems on the movies they show, rent, and sell – a challenge that the theater owners accepted. The FTC report makes clear that retailers need to take this challenge seriously. I applaud K-Mart and Wal-Mart for announcing this week that they are enacting measures to ensure that they do not sell mature-rated games to anyone under 17. All retailers should begin to implement such policies.

Parental Awareness: The Clinton-Gore Administration has challenged the media and entertainment industry to do more to make parents aware of their ratings and they have responded. The television industry developed PSAs to inform parents about the V-Chip and the television rating system. The video game industry also has developed guides for parents to be able to more effectively use the ratings on video games and has distributed these guides at the counter of video game stores. And, most recently, the industry came together at the challenge of the First Lady to develop and implement a one-stop web site of all the rating and labeling systems – www.parentalguide.org. This industry-developed web sites provides information for parents on all the ratings. It is clear, however, from this report that the industry needs to continue to promote the rating and labeling system so more parents have an understanding of how to better monitor their children's usage of media.

Q: Does the Administration support the McCain-Lieberman, Media Violence Act of 2000?

A: The goal of the McCain-Lieberman bill is in line with the President's call for a voluntary uniform rating system. We both agree that we need to do more to help the industry develop one rating system that is easily understandable to parents and that can be more readily enforced. It is in our interest to help the entertainment and media industry work together to develop such a system. We do not, however, believe that the Federal government should impose such a system on the industry.

Q: The President, Vice President, and First Lady have all just returned from LA where they were raising a substantial amount of money from this industry and now they are shaking their fingers at the industry – isn't there a conflict here?

A: Many in the entertainment and media industry believe in the values of the Democratic party and the issues for which the Clinton-Gore Administration has fought hard. This does not mean that any one of the Clinton-Gore team will give the industry a break in exchange for their support. It is clear that the industry needs to take responsibility to stop the practice of marketing violent material to children.

Summary of the McCain-Lieberman, Media Violence Act of 2000

This bill would required the establishment; use, and enforcement of one comprehensive system in "plain English" for labeling violent content in audio and visual media products. It calls for the industry to voluntarily come together and submit to the FTC a joint proposal for a uniform rating system. In developing such a rating system, the industry would be exempted from the antitrust laws. The bill requires the rating system to include ratings that clearly describe the nature, context and intensity of the violence; a minimum age for purchasing, viewing, listening to, or otherwise using the product; a clear labeling on the product; and, any advertisement for the product must include the rating. If the industry does develop such a system, the FTC must review it and issue a labeling system within 180 days. If the industry fails to develop such a system within 180 days, the FTC must develop such a system within one year.

In addition, the bill would prohibit sales or distribution without a label and prohibit sales to persons below the age restriction. If any person violates these provisions, they would be subject to a civil penalty in an amount not to exceed \$10,000.

Administration Position

We have not yet publicly commented on this bill, but in private meetings and discussions with the entertainment industry we have made clear that we are in favor of a voluntary uniform rating system and not in favor of the Federal government developing such a system.

Talking Points

- The goal of the McCain-Lieberman bill is in line with the President's call for a voluntary uniform rating system. We both agree that we need to do more to help the industry develop one rating system that is easily understandable to parents and that can be more readily enforced.
- It is in our interest to help the entertainment and media industry work together to develop such a system.
- We do not, however, believe that the Federal government should impose such a system on the industry.

**TAKING ACTION AGAINST YOUTH VIOLENCE:
CLINTON-GORE ADMINISTRATION ACCOMPLISHMENTS**

“...we have asked every sector of our society to get involved in the search for solutions to youth violence, to hatred, to the absence of control, to environmental and cultural factors that need to be dealt with. We’ve asked people to help at home and school, in Hollywood and in the heartland, in our State capitals and in the Nation’s Capital.”

- President Clinton October 15, 1999

REDUCING YOUTH VIOLENCE – ENCOURAGING TRENDS

- Serious violence by juveniles dropped by 33% between 1993 and 1997.
- Serious violence against juveniles declined 22% between 1992 and 1996, and simple assaults against juveniles declined 30% in the same period.
- Homicides of juveniles peaked in 1993 at 2,900 and by 1997 had fallen to their lowest level in the decade (2,099). Homicide rates for young males began to decline in 1994 and dropped 34% between 1993 and 1997.
- Violent deaths in school have dropped from 54 in the 1992-93 school year to 13 in the 1999-2000 school year. Deaths by shootings in schools have also declined during this period. (Bill M. thinks these #s are wrong. He needs to check.)
- From 1991 to 1997, the percentage of students carrying a weapon on school property dropped 30% and the percentage of students injured in a physical fight at school decreased 20%.
- Youth suicide rates declined by 13% between 1994 and 1997.

MAKING SCHOOLS SAFER

Supporting a Community-Wide Response to School Safety and Youth Violence. To help communities throughout the country promote a coordinated, comprehensive response to school safety, the President launched the Safe Schools/Healthy Students Initiative in 1999. The SS/HS Initiative is an unprecedented effort to provide students, schools and communities the benefit of enhanced comprehensive educational, mental health, social service, and law enforcement services. It is based on evidence that a comprehensive, integrated community-wide approach is an effective way to promote healthy childhood and youth development and address the problems of school violence and alcohol and other drug abuse. The Initiative has provided \$147 million to 77 local education authorities who have established formal partnerships with local mental health

and law enforcement agencies. The grants support coordinated and comprehensive school safety plans that include anti-truancy initiatives, mentoring, mental health services, conflict resolution programs, school resource officers, and more – helping to promote healthy development and to prevent youth violence before it occurs.

Responding to the Early Warning Signs of Troubled Youth. President Clinton directed the Secretary of Education and the Attorney General to develop a guide to help teachers and principals identify and respond to the early warning signs of troubled youth that can lead to school violence. In August 1998, the Departments of Justice and Education released *Early Warning, Timely Response: A Guide to Safe Schools*. This guide provides schools and communities with information on how to identify the early warning signs and take action steps to prevent and respond to school violence. More than 400,000 copies of the guide have been distributed to every school in the country and to youth organizations throughout, and additional copies may be obtained through the websites of the Departments of Education and Justice. (In April, 1999, ED and DoJ released an update Safeguarding Our Children: An Action Guide – get language.)

Helping to Make All Schools Safe, Disciplined and Drug-Free. In 1994, President Clinton expanded the Drug-Free Schools Act into the Safe and Drug-Free Schools Act, making violence prevention a key part of this program. Safe and Drug-Free Schools currently provides support for violence and drug prevention programs to 97 percent of the nation's school districts.

Promoting Collaborations Between Schools and Law Enforcement. Under the School-Based Partnerships grant program, the Clinton Administration has provided \$30 million to 275 policing agencies to work with schools and community-based organizations to address crime at and around schools. The grants help forge or strengthen partnerships between local law enforcement and schools to focus on school crime, drug use and discipline problems. In addition, the COPS in Schools initiative hires and trains school resource officers using the community policing strategies that have made neighborhoods safer all over America. Under the COPS in Schools initiative, the Clinton-Gore Administration has provided \$252 million for 1,060 communities to hire 2,250 police officers to work in schools, engaging students in problem solving and mediation, collaborating in safe school planning efforts, coaching sports and acting as mentors for kids.

Encouraging Conflict Resolution. The Departments of Education and Justice have developed and distributed 40,000 conflict resolution guides to schools and community organizations, providing guidance on how to develop effective conflict resolution programs. In addition, the departments are training community officials and educators on these conflict resolution measures.

Issuing the First Annual Reports on School Safety. In December 1997, President Clinton called for the first Annual Report on School Safety. Issued every year since, these reports describe the nature and scope of school violence and steps that communities can take to develop a comprehensive school safety plan. The reports highlight what schools, students, parents, police, businesses, and elected officials can do to create safe learning environments and describe schools and communities doing an exemplary job of creating and maintaining safe school

environments. The reports also list resources for information on school safety and crime prevention issues.

Hosting White House Conferences on School Safety. In October 1998, President and Mrs. Clinton hosted the first-ever conference on school safety to provide an opportunity for Americans to learn more about how they can make their own schools and communities safer. Students, parents, teachers, principals, law enforcement, ministers, and other experts from across the country participated in the Conference, and hundreds of communities and schools were linked by satellite. In May 1999, after the Littleton tragedy, President Clinton and the First Lady held another strategy meeting to discuss the problem of youth violence and develop a strategy for a national campaign to address this problem. The meeting included a broad cross section of Americans, including parents and children, teachers and religious leaders, law enforcement and government officials, gun manufacturers and sportsmen, and representatives of the entertainment industry.

FOCUSING ON PREVENTION

Developing Guides for Best Practices to Prevent Youth Violence. Recognizing that youth violence prevention must start at the community level, the Clinton-Gore Administration has researched the most effective and successful approaches to prevention and published them in guides for community leaders, school officials, law enforcement, health professionals and others. The Office of Juvenile Justice and Delinquency Prevention's (OJJDP) *Blueprints* Initiative identifies 10 successful youth violence prevention programs in such areas as mentoring, bullying, family therapy and foster care. OJJDP also released *Promising Strategies To Reduce Gun Violence* with practical information on a range of effective strategies for local officials. Expected in August, 2000, the Centers for Disease Control and Prevention's *Best Practices of Youth Violence Prevention: A Sourcebook for Community Action* will provide step-by-step guidance for implementing proven youth violence prevention initiatives.

Coordinating the Federal Government's Response to Youth Violence: In October, 1999, President Clinton created the White House Council on Youth Violence to coordinate federal programs and research activities on youth violence. In addition, the Council is developing a citizen's information hub to make information on these activities more accessible to the public and will publish a series of pamphlets for parents and others on the normal range of adolescent development and how to identify and address troubling behavior.

Creating Internet Web Sites to Provide Resources to Prevent Youth Violence. This Administration has created numerous web sites, including: <http://www.afterschool.gov/>, which contains a compendium of federal resources that support children and youth during out-of-school hours, and includes information about government guides, reports, and research, as well as information about successful community programs and available funding sources; <http://www.americasteens.gov>, which contains information for teens on college opportunities and funding, community service, jobs, volunteering, and teen health issues, including substance abuse; <http://www.parentingresources.ncjrs.org/>, sponsored through the Coordinating Council on Juvenile Justice and Delinquency Prevention, which strives to help families meet the

formidable challenges of raising a child today by addressing topics such as school violence, child development, home schooling, organized sports, child abuse, and the juvenile justice system; and A new interagency web site due in September, which will provide access to all federal agency resources addressing youth violence, including information on research, reports, specific programs, and funding sources.

Engaging the Private Sector in Youth Violence Prevention: President Clinton launched the National Campaign Against Youth Violence, an independent national to engage the private sector in addressing the problem of youth violence on a national scale. The Campaign has developed anti-violence activities including a major media campaign, concerts, town hall meetings, and in-school and after-school programs. The Campaign also highlights effective youth violence initiatives in cities across the country.

ADDRESSING FACTORS THAT PUT YOUTH AT RISK FOR VIOLENCE

Cracking Down on Truancy. Truancy prevention initiatives have been shown to keep more children in school and dramatically reduce daytime crime. The Education Department issued a guidebook to the 15,000 school districts nationwide which outlines the central characteristics of a comprehensive truancy prevention policy and highlights model initiatives in cities and towns across the country. Since then, the Education Department has provided grants to local school districts to develop innovative truancy prevention programs of the kind described in the guidebook.

Developing a Comprehensive Anti-Gang Strategy. President Clinton has proposed a comprehensive strategy to target gangs and violent youths by hiring new prosecutors and probation officers, and expanding anti-gang task forces and the use of racketeering statutes (i.e., RICO) for gang-related offenses. There is a high correlation between gang membership and violent behavior. (Get stat - 90%?)

Developing a Comprehensive Anti-Drug Strategy Including a \$195 Million National Youth Anti-Drug Media Campaign. The President appointed Barry McCaffrey, a four-star general, to lead the Clinton-Gore Administration's anti-drug strategy as the nation's Drug Czar. In July 1998, President Clinton launched the national expansion of the Anti-Drug Media Campaign first proposed in 1997. The 5-year, \$2 billion campaign (which includes private sector matching contributions) is designed to let teens know -- when they turn on the television, listen to the radio, or surf the Internet -- that drugs are dangerous, wrong and can kill you.

Building and Strengthening 14,000 Community Anti-Drug Coalitions. In 1997, President Clinton signed into law the bipartisan Drug-Free Communities Support Program. Over the next five years this program will provide \$143.5 million to help community coalitions rid their streets of drugs -- the coalitions are made up of young people, parents, media, law enforcement, religious and other civic organizations and school officials. Under this program, the President recently announced new Federal assistance to enhance grassroots efforts in 93 communities in 46 states to prevent youth drug abuse. This assistance will fund the work of broad-based community coalitions to target young people's use of drugs, alcohol and tobacco. (needs update)

Encouraging Schools to Adopt School Uniform Policies. School uniforms have been found to be a promising strategy to reduce violence while promoting discipline and respect in school. Because of this, the Clinton Administration has encouraged schools to consider adopting school uniform policies by sharing with every school district a school uniforms manual prepared by the Department of Education in consultation with local communities and the Department of Justice. Since the President highlighted school uniforms, a growing number of schools have adopted these policies including: New York City, Dade County, San Antonio, Houston, Chicago and Boston.

Supporting Curfews at the Local Level. Community curfews are designed to help keep children out of harm's way and enhance community safety. Because of their success, President Clinton has encouraged communities to adopt curfew policies. A 1997 survey by the U.S. Conference of Mayors has shown that 276 of 347 cities surveyed -- or 80 percent -- had youth curfew laws, up from 70 percent in 1995.

ENCOURAGING POSITIVE YOUTH DEVELOPMENT

Providing Safe After-School Opportunities for 850,000 Students Each Year. The 21st Century Community Learning Centers program will provide enriching after-school and summer school opportunities for 850,000 school-age children in rural and urban communities in FY 2000. Extended learning time has not only been shown to increase achievement in reading and math, but to decrease youth violence and drug use. Funding for this program more than doubled from FY 1999 to FY 2000. The Education Department released a report in June 1998, titled *Safe and Smart: Making the After-School Hours Work for Kids*. This report shows that after-school programs can lower juvenile crime and improve academic performance. *Safe and Smart* was sent to every school district in the country.

Establishing the GEAR-UP Mentoring Program for Middle School Children. President Clinton and Vice President Gore created and expanded GEAR-UP, a nationwide mentoring initiative, to help over 750,000 low-income middle school children finish school and prepare for college. The President's FY 2001 budget would expand services to 1.4 million students.

Supporting Civic, Community and Faith-Based Organizations. Recognizing the important role that civic, community and faith-based organizations can play in reducing crime, the Administration launched a new Values-Based Violence Prevention Initiative to make \$2.2 million in grants available to 16 community-based collaboratives, including religiously-affiliated organizations, that target youth violence, gangs, truancy, and other juvenile problems by promoting common-sense values and responsibility.

Launching the expansion of the "Caring For Every Child" mental health campaign. At least one in ten American children and adolescents may have behavioral, or mental health problems. The Administration will launch a five-year \$5 million dollar campaign in targeted communities to highlight the special mental health needs of children. (date? WH Conference on Mental Health) (Is there a better SAMSHA program?)

Helping Students Take a Stand Against Violence. In October 1998, the President kicked-off a partnership between the Federal government and MTV to engage youth in solutions. The MTV year-long media campaign --"Fight For Your Rights: Take A Stand Against Youth Violence" -- is designed to give young adults a voice in the national debate on school and youth violence. In partnership with the Department of Justice and Education, and the National Endowment for the Arts, MTV created and is distributing a Youth Action Guide and CD-ROM that aim to engage youth in mentoring, conflict resolution, and other positive solutions to violence. The guide is available through a 1-800 number at the Justice Department and through MTV.

RESTRICTING YOUTH ACCESS TO GUNS

Launching the Youth Crime Gun Interdiction Initiative. In 1996, President Clinton launched the Youth Crime Gun Interdiction Initiative (YCGII) in 17 cities to help trace crime guns to their source, as well as identify and arrest the adults who traffic firearms to children. Since then, the President has expanded the YCGII initiative to 37 cities. ATF agents have conducted more than 200,000 crime gun traces for local law enforcement. In 1998 alone, ATF initiated over 300 investigations in these cities, which involved over 3,300 illegally trafficked firearms. The President's FY 2001 budget proposes to increase YCGII to 50 cities with more ATF agents and additional resources to help more cities to trace their firearms.

Enforcing Zero Tolerance for Guns and Other Weapons in Schools. In October 1994, President Clinton signed into law the Gun-Free Schools Act, requiring school districts to expel students who bring guns to school. The President issued a Presidential Directive later that month to enforce the "zero tolerance" policy for guns in schools, consistent with the Gun-Free Schools Act. Over the 1996-98 school years, the U.S. Department of Education estimates that, under zero tolerance policies, nearly 10,000 students were expelled from public schools for bringing a firearm to school.

Issuing Directive on Child Safety Locks for Handguns. Child safety locks and other safety devices can reduce the unauthorized use of handguns, by a child at play or a teen looking to commit a crime. Many youth have to look no further than their own home to get their hands on a gun: an estimated one-third of all privately-owned handguns are left both loaded and unlocked. In March 1997, the President signed a directive to every federal agency, requiring child safety locking devices with all handguns issued to federal law enforcement officers. And, in an historic agreement, eight major gun manufacturers followed the President's lead and have voluntarily agreed to provide child safety locking devices with all their handguns.

Signing into Law the Youth Handgun Safety Act. In 1994, President Clinton signed into law the Youth Handgun Safety Act, which generally banned the possession of handguns or handgun ammunition by juveniles under the age of 18, and made it a federal offense for adults to transfer handguns to juveniles, with limited exceptions. In 1997, the President directed the Treasury Department to require that signs be posted on the premises of Federal firearms licensees and that written notification be issued with each handgun sold to non-licensees to help ensure compliance with the Youth Handgun Safety Act.

LIMITING YOUTH EXPOSURE TO MEDIA VIOLENCE

Giving Families A New Tool -- A Content-Based Television Ratings System. Striving to protect children from violence and adult content on television, the Vice President garnered a breakthrough agreement from the television industry to create a new content-based voluntary ratings system. The new system went into effect October 1, 1997, giving parents the information they need to determine if television shows are appropriate for viewing by their children and to identify which programs they may want to block from their homes through screening technology (the V-chip). The voluntary rating system includes age- and content-based ratings.

Helping Parents Control What Comes Into Their Living Room with the V-Chip. Five years ago, President Clinton and Vice President Gore used the Vice President's Family Policy Conference in Nashville to call for V-chip legislation -- to give parents new tools to help them screen out television programs that are not fit for their kids. Under strong leadership from the White House, the following year saw Congress enact the Telecommunications Act of 1996 which included V-chip legislation. As of January of this year, all new television sets 13 inches or larger contain the V-chip.

Launching an Investigation Into Marketing of Violence to Children. In June of 1999, the President asked the Federal Trade Commission and the Department of Justice to conduct a joint study of the marketing practices of entertainment industries to determine whether these industries are marketing to children violent (and other) material that is rated for adults.

Keeping Children Safe on the Internet with the Parents' Protection Page. In the wake of the Columbine Tragedy last year, the Vice President announced the parents' protection page, an important new commitment by the country's premiere Internet companies to give parents the resources they need to protect their children from inappropriate material on the Internet. The parents' protection page, now known as GetNetWise.com, provides parents with the tools and knowledge to supervise and guide their children's online activities. In addition to giving parents access to more than 100 blocking, filtering and monitoring tools, this page includes information for parents, teachers and children on how to report crime or other troubling activity online. The parents' protection page also can serve as a guide to finding the vast array of high quality educational materials online.

Creating a White House Task Force on Navigating the New Media Age. At the White House Conference on Teenagers in May, 2000, the First Lady announced a public-private effort to provide tools for parents and teens to find resources through the media and to help parents monitor their teens' use of the media. The task force plans to complete its work within six months and will: establish an Internet site that provides a one-stop information site for parents of teenagers, including a newly developed federal effort, "Parenting Resources in the 21st Century" -- www.parentingresources.ncjrs.org; work with the media and entertainment industry to develop one web-site where parents can find comprehensive information on current media ratings systems; establish a portal for teenagers that would include non-commercial, teenager-friendly resources on the Internet; and provide guidance to local communities on how to set up one-stop

information centers that list services, hotlines, and community opportunities to teenagers and their parents through toll-free numbers and local web sites.

PEGGY CHARREN

Peggy Charren is the founder of Action for Children's Television, a national child advocacy organization that encouraged responsible broadcasting practices beginning in 1968. Ms. Charren is also a visiting scholar at the Harvard University Graduate School of Education, where she serves on the Technology Council. Her views on television and society have been solicited by virtually every major educational institution in this country and at symposia from Oxford to Tokyo.

She was awarded the Presidential Medal of Freedom in 1995, a Peabody Award in 1992 and an Emmy in 1988. She has been celebrated for her pioneer work on behalf of the world's children by the American Academy of Pediatrics, Big Sisters, the Commonwealth of Massachusetts, and the National Conference of Christians and Jews. She received the Annenberg Public Policy Center Award from the University of Pennsylvania for Lifetime Contribution to Excellence in Children's Television, and a "Women that Make a Difference" Award from the International Women's Forum, both in 1996.

Ms. Charren holds academic honors from Radcliffe College and Connecticut College and honorary degrees from nine colleges and universities. She is a member of the Board of Trustees of WGBH, and a Director of the New England Foundation for the Arts, National Video Resources, and the Jewish Women's Archive. She was a member of the White House Advisory Committee on Public Interest Obligations of Digital Television Broadcasters, and an advisor to the Library of Congress, the Children's Museum, the 20th Century Fund, The American Repertory Theatre, the Carnegie Commission, the National Science Foundation, the National Women's Political Caucus, and the Massachusetts Civil Liberties Union.

Ms. Charren is author, or co-author, of *The TV-Smart Book for Kids*; *Television, Children and the Constitutional Bicentennial*, and *Changing Channels: Living (Sensibly) with Television*. Her insights and opinions are published regularly and internationally in respected international newspapers, periodicals and journals.

Before she founded ACT, Ms. Charren directed the Newton, Massachusetts Creative Arts Council, developing artistic programs for kids in schools. She once owned and operated Quality Book Fairs, another enterprise focused on children, and earlier observed the business of television from the inside as director of the WPIX-TV film department in New York City.

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Remarks of Peggy Chernen
Hebrew Community Center
New Rochelle, N.Y.
September 11, 2000

I am so happy to be here. As an old New Yorker, getting older all the time, I relish every opportunity to come back all the way from Massachusetts to my very own home town. You are lucky to have the opportunity to vote for Hillary Clinton for Senate, because I know that she will do a terrific job representing the needs of New York state and all its people.

I am especially pleased to be supporting Hillary's run for the Senate because for so many years she supported and participated in efforts to change children's television from Pandora's Box into Aladdin's lamp.

Even before Hillary arrived at the White House, she was involved with groups that cared about how media affected children and families, including the Children's Television Workshop, the organization that gave birth to Big Bird.

I remember that in 1994, when Republicans took over Congress, Newt Gingrich and his political pals tried to do in Public Broadcasting. They even attacked Big Bird. And I remember a meeting in the East room of the White House, organized by Hillary, who spoke about why terrific TV was important for young audiences and how PBS commercial-free alternatives make a difference. She then moved into the Rose Garden to join a

2-

nifty collection of costumed characters and stars who educate and entertain our children and grandchildren on PBS' wonderful shows, including Arthur, Lavar Burton, Snuffleupagus and, of course, Big Bird. I believe the publicity surrounding this event helped save public broadcasting.

Today, the Federal Trade Commission released a report on the marketing of violence to children — in video games, movies, television.

Does all this murder and mayhem have an effect on young audiences?

Of course it does! Hundreds of research studies from the sixties to the present agree that a steady diet of violent entertainment is not healthy for children. They become desensitized to the effects of violence and learn that violence is an accepted solution to problems. No wonder the nation's pediatricians, teachers and parents are concerned.

Media violence attracts audiences, including children and teenagers, which means money in the pockets of the people who produce, ~~and~~ sell and air these manipulative messages.

But in our constitutional democracy, banning violence is not a

- 3 -

legal option. The Broad brush of censorship could eliminate content we need to see and hear, like stories about slavery and the rise of the Civil Rights movement.

If censorship is not the answer, what is?

Certainly the most important solution to young people using and dying from gun fire is gun control, and Hillary's efforts to control gun violence are second to none: mandating child safety locks, closing the gun show loophole, requiring photo IDs per gun buyers.

Hillary has been involved in a number of important initiatives designed to give parents the tools they need to evaluate the movies, video games and TV shows available to children and giving parents more information about the content of these media products so they can help their children handle the media marketplace. The FTC report made clear.

- Hillary supported the V-chip technology, which uses ratings to help parents choose and teach their children to make better choices, and makes it possible for parents to block programs they don't want their kids to watch.
- Hillary supported the 3-hour rule, which requires each TV station to air a minimum of 3 hours a week of programs specifically designed to educate children and to educate parents about these shows.

designed to educate children and to educate parents about these shows

4-

- Hillary supported adequate funding for a strong PBS so it can provide what's missing from children's video shelves; so it can use its web sites for children and families to promote media literacy and to enhance the teaching of reading with materials based on shows like "Between the Lions."

We hope that talking about these issues in hearing rooms, board rooms, school rooms and living rooms will reduce the marketing of violence to children and encourage more delicious alternatives.

An informed electorate is what makes democracy work. That's what we're doing here today - and that's part of what Hillary will do when she gets to the Senate. I can't wait!

File: Children's media

FTC Staff Report On Television Advertising To Children

TO: Federal Trade Commission

FROM: Ellis M. Ratner, Program Advisor
John F. Hellegers
Grace Polk Stern

Randell C. Ogg
Sandra Adair
Lawrence Zacharias

Attorneys

Dennis McNeill
Marketing Consultant

Teri Freundlich
Julie Niemasik
Research Analysts

SUBJECT: Petitions From

Action For Children's Television
and
Center For Science In The Public Interest

Requesting

The Promulgation Of A Trade Rule
Regulating Television Advertising
Of Candy And Other Sugared Products
To Children

RECOMMENDATION: That the Commission Commence Rulemaking under Applicable Provisions of the Magnuson-Moss Federal Trade Commission Improvements Act to Eliminate Harms Arising out of Television Advertising to Children.

APPROVED:

Wallace S. Snyder
Assistant Director for Advertising Practices

CONCUR:

Tracy Westen
Deputy Director, Bureau of Consumer Protection

February, 1978

Albert H. Kramer
Director, Bureau of Consumer Protection

I. INTRODUCTION AND RECOMMENDATIONS

This Report addresses the large volume of current television advertising which is directed to children. 1/ Many young children--including an apparent majority of those under the age of eight--are so naive that, as this Commission 2/ and the Federal Communications Commission (FCC) have previously recognized, they cannot perceive the selling purpose of television advertising or otherwise comprehend or evaluate it and tend, as the FCC has observed, to view commercials simply as a form of "informational programming." 3/ The youngest children tend to be even more naive and thus even less capable of comprehending the influence which television advertising exerts over them. For example, it appears that a large proportion of pre-schoolers think that the persons or animated figures on television are addressing them personally,

1/ As used throughout this Report, the word "children" refers to those under the age of 12, as distinct from adolescents of 12 or above.

2/ See, Federal Trade Commission, Statement of Reasons for Rejecting the Proposed Guide on Television Advertising of Premiums to Children, 42 Fed. Reg. 15069, 15070 (March 18, 1977). The Commission noted, citing pertinent studies, that "young children (1) fail to understand the nature and profit making purpose of the television commercials [and] (2) tend to trust and believe television advertising indiscriminately...."

3/ Federal Communications Commission, Children's Television Programs: Report and Policy Statement, 39 Fed. Reg. 39396, 39401, 50 F.C.C. 2d 1, 11 (1974).

and that the animated figures are "real" and in some sense appropriate objects for emulation. Apparently the youngest pre-schoolers think that there are "real little people" inside the set. 4/

The largest single part of the television advertising addressed specifically to children is for sugared foods, 5/ consumption of which poses a threat to the children's dental health, and possibly to other aspects of their health as well.

The Commission now has pending before it two petitions on this subject, both of which urge that a major portion of the advertising to children for such sugared products is unfair and deceptive within the meaning of the FTC Act. Both petitions request that the Commission promulgate a trade regulation rule (1) banning what they describe as the worst of that advertising during hours when children are an especially large proportion of the audience, and (2) granting certain related relief.

4/ See text accompanying note 106, infra.

5/ In the text accompanying notes 197 and 202, infra, we list the percentages of sugar contained in a sampling of these products. Many of these products, including cereals that are not overtly classified as candy by the manufacturers, are well over 50% added sugar. It is with these high percentages in mind that we use such terms as "sugared," "heavily sugared," and "highly sugared" in this Report. For the definitional problems that may be raised by products on the fringe of such categories, see the discussion in Section VI-A, infra.

The petitioners are Action for Children's Television ("ACT"), a non-profit Massachusetts corporation with 10,000 members which works to eliminate commercial abuses from television advertising addressed to children, and the Center for Science in the Public Interest ("CSPI"), a non-profit District of Columbia corporation with 4,000 members which works to improve domestic food policies. The petitions point out that sugar consumption, especially between meals, is commonly understood by experts to be a principal cause of tooth decay; that tooth decay is a disease that afflicts virtually every person (and more than half of all adult teeth) in the United States; that it is so widespread that at any given moment there are an estimated 1,000,000,000 unfilled cavities in American mouths; and that there is some medical evidence that excessive consumption of sugar probably contributes to obesity, and possibly contributes to heart disease. The petitions also point out that the great volume of televised advertising which urges children to eat sugar is not balanced by any remotely comparable volume of advertising which urges them to consume other foods--or impresses on them the risks they take by eating the advertised products.

The petitions contend that the special naivete, suggestibility and vulnerability of children have long been recognized by the Commission, so that advertising practices which might be neither unfair nor deceptive as to adults can be both unfair and deceptive to children.

ACT's Petition, received on April 16, 1977, seeks a ban on televised "candy" advertising addressed to children. Specifically, ACT asks that such advertising be prohibited (a) before 9:05 p.m.; or (b) where the dominant appeal of the advertising is to children; or (c) during any periods when children make up at least half of the audience. ACT does not define the word "candy," but proposes that the Commission obtain the aid of an expert body such as the American Dental Association in arriving at an appropriate definition for regulatory purposes.

CSPI's Petition, received on April 26, 1977, seeks a ban, during any periods when children make up at least half of the audience, on televised advertising for between-meal snacks which derive more than 10% of their calories from added sugar. CSPI also seeks mandatory affirmative disclosure of the added sugar content of foods permitted to be advertised, as well as of the dental health risks posed by eating sugared products, during periods when children make up at least half of the audience. 6/

6/ CSPI defines between-meal snacks to include products commonly eaten between meals or depicted in advertising as being so eaten. CSPI's 10% test is designed to exclude products with minor amounts of sugar, such as bread. Its added sugar test is designed to exclude foods such as fresh fruit, which naturally contain more than 10% sugar.

Regulation of televised advertising of sugared products to children has obtained broad expert and public support. On December 19, 1977, Dr. Donald Kennedy, Commissioner of Food and Drugs, wrote to Chairman Pertschuk of this Commission that:

"In view of the large amounts of advertising--particularly television advertising--that are directed to children urging them to consume a seemingly endless variety of sugared products and the substantial likelihood that children will be unable to appreciate the long-term risks to dental health that consumption of these products will create, I strongly support action by the Federal Trade Commission to regulate the advertising of these products directed to children." 7/

Likewise, the Council on Dental Health of the American Dental Association has endorsed "the elimination of advertising of sugar-rich products on children's television." 8/ Similarly, the Council of Foods and Nutrition of the American Medical Association has characterized present televised food advertising to children as "most distressing," and as "counter-productive to the encouragement of sound [nutritional] habits." 9/

7/ See Appendix "A".

8/ See Appendix "B".

9/ See Section III-B(2)(c), infra.

On July 20, 1977, representatives of the following organizations met with Chairman Pertschuk to express their endorsement of the petitions: The American Academy of Pediatrics, the American Parents Committee, The Dental Health Section of the American Public Health Association, the Association for Childhood Educational International, the Black Child Welfare League of America, the East Coast Migrant Head-Start Program, the Latino Media Task Force, the National Association for the Education of Young Children, the National Association of Elementary School Principals, the National Council of Negro Women, and the National Women's Political Caucus.

Significantly, too, the U.S. Department of Agriculture (USDA) has been exploring ways to curb the overpromotion to children of heavily sugared and otherwise nutritionally poor foods. USDA has proposed that the use of "formulated grain/fruit products" ^{10/} such as specially formulated doughnuts, cream-filled cakes, coffee cakes, oatmeal bars, and peanut butter cookies be prohibited in school breakfast programs. In explaining this proposal, USDA noted that "questions have been raised over the sugar and fat content of the products...

^{10/} U.S. Dep't. Agr., Formulated Grain Fruit-Products, 42 Fed. Reg. 40911 (Aug. 12, 1977). See also, No More Super Donuts? USDA wants to Ban Kids' 'Breakfast Bars', Washington Post, Feb. 2, 1978, at E-1.

and their value in teaching good eating habits to children." 11/
USDA has also recently issued guidelines for that program "encourag[ing] the service of foods with relatively low sugar content." 12/

Similarly, the Assistant Secretary for Health of the Department of Health, Education and Welfare, Julius Richmond, M.D., recently told the Senate Select Committee on Nutrition and Human Needs that "there is a need to change current [food] advertising directed to children." He commended this Commission for what he described as its present efforts "to bring a reasonable degree of regulatory control to bear on nutrition-related advertising, particularly on television." 13/

These experts and others believe that reform of children's television advertising is needed in part because that advertising induces children to take health risks which they are not equipped to assess. But the potential for health-related risks is not the only reason for such views. Many believe it is unfair to advertise any product on television, specifically to children who are so young (evidently below the age of 8) that

11/ U.S. Dept. Agr., Press Release 2912-88 (Oct. 7, 1977).

12/ U.S. Dept. Agr., National School Lunch Program: Nutritional Requirements, 42 Fed. Reg. 45328, 45329 (Sept. 9, 1977).

13/ Statement by Julius B. Richmond, M.D., before the Senate Select Committee on Nutrition and Human Needs, 95th Cong. 1st Sess. (Oct. 19, 1977).

they cannot understand the selling purpose of, or otherwise comprehend or evaluate, commercials and thus cannot discount them, if they so choose, as adults or older children can. That unfairness is exacerbated when television advertising is directed to the very youngest children who are even more naive. The abuse inherent in advertising directly to such an audience via a medium as powerful and pervasive as television is such that a committee established by the British Parliament has just recommended that "no advertisements should be shown within children's programmes." (Emphasis added.) The committee explained that:

"Children are inclined to believe that what they are told in a television programme is not only true, but the whole truth. How are they to distinguish between what they are told in a children's programme and what they are told in an advertisement? Yet in singing the praises, and the jingles, of a particular product, a child cannot be expected to know that other, less advertised products may be equally good....That is why the majority of us believe that children should not be exposed during their own programmes to the blandishments and subtle persuasiveness of advertisements." Lord Annan, Report of the Committee on the Future of Broadcasting 166 (1977).

That view has widespread support throughout the world. Of the major industrialized nations, the United States and Britain are part of only a handful that have ever allowed

television advertising--for any product--to be directed specifically to pre-school children. 14/ The other members of that handful are Australia, Canada and Japan. And experience in those first two countries has led to authoritative proposals now pending to ban such advertising. 15/

At least one advertiser of sugared products recognizes the need for fundamental change in televised advertising directed to children. On November 22, 1977, Kenneth Mason, President of the Quaker Oats Co., appeared as part of a panel of cereal industry representatives to discuss the televised advertising of that industry's products to children. Mr. Mason vigorously defended his company's products; but he conceded that:

"We do not believe any reasonable person can view a typical eight to twelve noon Saturday morning period on any of the major television networks and fail to recognize

14/ See Fleiss and Ambrosio, An International Comparison of Children's Television Programming (1971); Powell, Protection of Children in Broadcast Advertising: the Regulatory Guidelines of Nine Nations, 26 Fed. Comm. Bar J. 61 (1974).

15/ In Canada, the Province of Quebec is considering a proposal to ban all television advertising addressed to children, even those beyond the pre-school age. The Provincial Minister of Consumer Affairs has explained that:

"We are convinced that it is imperative to ban advertising intended for children, because a child lacks the ability to make valid judgments in the face of persuasive communication." Quoted in Advertising Age, Nov. 14, 1977 at 3.

Likewise, the Australian Broadcasting Tribunal has just recommended that no advertising be permitted during programs designed for pre-school children. Australian Broadcasting Tribunal, Self-Regulation for Broadcasters? 139 (1977).

the need for fundamental change in the way our society is using its most powerful and pervasive medium of communication to entertain and enlighten the very young."

Mr. Mason accordingly urged the Commission to hold thorough hearings on the present petitions.

In view of the breadth and importance of the issues raised in these petitions, staff has conducted its own extensive investigation of those and related issues. This is the report of that investigation.

As we describe in the Summary and as we explore in far greater detail in the ensuing sections, we have concluded that the petitions are generally meritorious, that rulemaking proceedings should be commenced under the Magnuson-Moss FTC Improvements Act and that the Commission should proceed to rulemaking to determine whether it should:

(a) Ban all televised advertising for any product which is directed to, or seen by, audiences composed of a significant proportion of children who are too young to understand the selling purpose of, or otherwise comprehend or evaluate, the advertising 16/;

16/ For purposes of this Report, "young children" refers to below the age of eight. Comments and testimony in the rulemaking proceedings we recommend should address the appropriateness of this age definition.

(b) Ban televised advertising directed to, or seen by, audiences composed of a significant proportion of older children ^{17/} for sugared products, the consumption of which poses the most serious dental health risks;

(c) Require that televised advertising directed to, or seen by, audiences composed of a significant proportion of older children for sugared food products not included in paragraph (b) be balanced by nutritional and/or health disclosures funded by advertisers.

The remedy described in paragraph (a) follows from the conclusion that televised advertising directed to children too young to understand the selling purpose of, or otherwise comprehend or evaluate, commercials is inherently unfair and deceptive. The remedy described in paragraph (b) reflects the conclusion that the most cariogenic sugared products should not be advertised to children on television. The remedy described in (c) reflects the view that those products of lesser cariogenicity should be advertised to children only if balanced by nutritional and/or health disclosures addressed to that group.

^{17/} For purposes of this Report, "older children" refers to a group as old as 11 and as young as eight years of age. Comments and testimony in the rulemaking proceedings should address the appropriateness of this age definition.

The remedy in paragraph (a) must be implemented in a way that protects child audiences without unreasonably foreclosing the right of adults to receive otherwise protected commercial speech. Remedies (b) and (c) must be implemented in a manner which fairly differentiates among sugared products in terms of their relative cariogenicity, capturing the worst for remedy (b) and leaving the rest for remedy (c).

The reasons why these particular remedies have been proposed are set forth in Part VI of this Report, particularly at Sections B, C and F therein.

We further recommend that the Commission adopt for this proceeding a modified form of the procedures used by the Environmental Protection Agency in promulgating rules under certain of the statutes which it administers. The EPA procedure involves a two-stage hearing process--the first legislative, and the second adjudicative. The proposed Rule seems well suited to this procedural course. Disputed legislative issues may be identified and considered at the first stage. The second stage can be limited to consideration of those disputed adjudicative issues which the Commission determines are material to its deliberations.



FTC Will Continue Inquiry On TV Ads Aimed at Children

By Carole Shifrin, Washington Post Staff Writer
Saturday, November 18, 1978 ; Page A3

The Federal Trade Commission decided yesterday to press on with its controversial inquiry into television advertising aimed at children, despite the court-ordered disqualification of Chairman Michael Pertschuk.

After U.S. District Judge Gerhard A. Gesell ruled two weeks ago that Pertschuk could not participate in the proceeding because he had shown bias, a number of groups with a financial stake in children's advertising asked the commission to abandon the proceeding and to start again. The request was made to remove the "taint" resulting from Pertschuk's participation.

The FTC said yesterday that Gesell's ruling did not require it to take such an action and announced its intention to proceed on schedule. The agency also said it found no reason to grant a motion to remove the presiding officer, Morton Needelman.

In a related development, Gesell yesterday upheld the basic rules of the proceeding and rejected a request by the Kellogg Co. that he order the rulemaking started again from the beginning.

The deadline for public comment remains Nov. 24, and hearings are scheduled to begin in January in San Francisco on a variety of FTC staff proposals to regulate children's advertising, the FTC noted. The staff proposals include:

A ban of all TV commercials aimed at children "too young" to understand the selling purposes of advertising.

A ban on the advertising of highly sugared products to children under the age of 12.

A requirement that advertisers of other sugared products aimed at youngsters contribute to a fund that would balance the ads with separate dental and nutrition messages.

The FTC votes yesterday were unanimous, with Pertschuk and Commissioner Robert Pitofsky not participating. Pitofsky, the newest member of the commission, is not participating because, as a professor at Georgetown law school, he served as chairman of the board of directors of a public interest law group representing one of the two parties that petitioned the FTC to initiate the proceeding.

The FTC has not yet taken up the question of whether to appeal Gesell's disqualification of Pertschuk. An appeal would have to be made within 60 days of the ruling.