
Uniform
Rating
System

File: Uniform Tinting
Supplies

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**THE V-CHIP
EDUCATION
PROJECT**

A Parent's Guide to the TV Ratings and V-Chip

THE CENTER FOR MEDIA EDUCATION

THE HENRY J. KAISER FAMILY FOUNDATION

Am

from

Bill Marshall

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Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
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	Doc Contents	

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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'.

THIS SEARCH	THIS DOCUMENT	GO TO
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dina.borzekowski@mountsinai.org

03/29/2000 11:38:08 AM

Record Type: Record

To: Ann O'Leary/OPD/EOP

cc: heather__howard%opd.eop.gov_at_smtip-for-mssm@mssm.edu

Subject: Re: White House Conference on Teenagers

Ann, Heather-

It was a pleasure coming to the White House last Saturday. This upcoming conference will be of interest to many families and practitioners. Hopefully, by employing a positive approach, the American public will be made more aware of what teens have and can do and the valuable tools and services available for youth.

As I mentioned a few times at the brainstorming session, I feel you ought to spend some time considering traditional and new media for adolescents. Similar to how teens are depicted, not all media is bad. In fact, there are some exceptional programs and Web pages being developed by and for teens. Certainly, the media is a viable and important tool.

If you wish to pursue this angle, I will be happy to speak further with you about media, adolescents, and health. I've also attached the abstract of a pilot project on how urban adolescents are using the Internet. This Spring, I'll be collecting current data from 4000 teenagers from urban, suburban, and rural sites on access and attitudes regarding traditional and new media.

Best of luck as you pull the conference together.

Dina

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- teensa~2.doc



- teensa~1.doc

Background

During Fall 1999, we conducted a study, funded internally and approved by the Mount Sinai School of Medicine Institutional Review Board, to examine adolescent use of the Internet. We surveyed adolescent high school students from the Dalton School, an independent and elite high school on Manhattan's Upper East Side. In addition, we used a convenience sample of urban adolescents coming into the Mount Sinai Adolescent Health Center (AHC) clinic. This clinic serves an ethnically diverse and disadvantaged population of youth predominantly from East and Central Harlem. Instructions printed on the booklet's cover described the survey's purpose, the absence of potential risks or benefits associated and stated that the survey was anonymous and completely voluntary. It took adolescents around 5-10 minutes to do the survey.

We compiled the responses, using univariate and bivariate (t-test, ² test, Fischer's Exact test, etc.) statistics, in order to provide preliminary information on how adolescents are (or are not) using the Internet. These data provide descriptive information on adolescents' access and attitudes regarding the potential of online health information.

Results

Through the independent school and the health clinic, 173 and 146 adolescents completed the survey, respectively (total N=319). Of the school sample, 48% was male and by purposely oversampling, the clinic sample was 41.1% male. The independent school students and the clinic adolescents differed in several respects. Independent school students were, on average, younger (Mean= 15.7 years, SD= 1.2) than clinic adolescents (Mean= 17.3 years, SD= 1.9) ($p < 0.001$). There was less ethnic diversity among the independent school students, where 82.4% were white, 5.3% were African American, 2.9% were Latino American, 4.7% Asian American, and 4.7% were self-described as Other. Among clinic adolescents, 1% were white, 37.2% were African American, 44.1% were Latino American, 5.5% were Asian American, and 12.4% were Other. While all the independent school students were currently in a high school grade, 24% of the clinic adolescents were pursuing education beyond high school and 16.4% were not in school.

The majority of surveyed youth used computers; all the independent school students and 93.2% of the clinic adolescents ($p < 0.001$) used computers. Independent school students used computers more often ($p < 0.001$) and for a greater amount of time per week ($p < 0.001$). In response to the question "how often do you use a computer?", 75.1% of the independent school students in comparison to 26.4% of the clinic adolescents used a computer 6-7 days a week ($p < 0.001$). Almost half (47.9%) of the independent school students reported using a computer 5 or more hours a week, whereas 17.6% of the clinic adolescents reported 5 or more hours of use per week ($p < 0.001$). Also, independent school students indicated higher comfort levels using computers ($p < 0.001$), with 38% indicating that they were "extremely" comfortable with computers. Only 18.3% of clinic adolescents reported such comfort levels.

Internet use was widespread among these urban adolescents. Practically all (98.8%) of the independent school students and 82.9% of the clinic adolescents said that they used this medium ($p < 0.001$). On frequency of Internet use, 39.0% of independent school students in comparison to 20.4% of clinic adolescents said that they used the Internet 6-7 days a week ($p < 0.001$). Among the independent school students, a quarter of the sample (25.6%) indicated that they used the Internet for a half hour or less per week and another 17.4% reported using the Internet 5 or more hours a week. For the clinic adolescents, around half (50.7%) used the Internet for a half hour or less per week while 12.1% reported 5 or more hours of use per week. The two groups differed in their comfort with the Internet ($p < 0.001$). Of the independent school students, 33.9% said they were "extremely" comfortable with the Internet compared to 16.8% of the clinic adolescents who reported such comfort levels.

When offered a choice of locations (including "other") and instructed to "check all that apply," adolescent Internet users indicated that they accessed the Web from multiple locales. Among all adolescent Internet users (N=292), 20.2% accessed the Internet from one place, 32.9% from two, 24.3% from three, 13.7% from four and 8.9% from five or more places. Independent school students differed significantly from clinic adolescents in the number of places they access the Internet ($p < 0.001$). While twice the percentage of independent school students (70.2%) accessed from two or three places compared to the percentage of clinic adolescents (38.9%), similar

percentages of independent school students (24.0%) and clinic adolescents (20.7%) accessed from four or more locales. Only 5.8% of independent school students accessed from just one locale in contrast to 40.5% of clinic adolescents.

Almost all (97.1%) the independent school students reported that they used the Internet from home. This was significantly different than the 52.1% of clinic adolescents who said that they used the Internet from home ($p < 0.001$). Most independent school students (89.5%) reported Internet use at school compared to 65.7% of the clinic adolescents who were currently in school ($p < 0.001$). Compared to the independent school students, more clinic adolescents used the Internet at a family member's house (32.2% vs. 14.0%, $p < 0.001$) or a community center (5.8% vs. 1.2%, $p < 0.05$). Similar percentages of independent school students and clinic adolescents used the Internet at the library (overall 35.6%) or at a friend's house (overall 39.7%).

While many reported that the Internet served as a health information source, a significantly higher proportion of independent school students compared to clinic adolescents reported that they had tried to get health information from the Internet (43.3% vs. 35.9%, $p < 0.05$). Among those who had tried to get health information from the Internet ($N=126$), 50% said that they had tried to get information on different diseases (i.e., cancer, heart disease, STDs, etc.), 36.5% on diet and nutrition, 33.3% on fitness and exercise, 27% on sex (i.e., sexual activity, contraception, pregnancy, etc.), 25.4% on alcohol and drug abuse, 18.3% on mental health issues, 19% on medicines and pharmaceuticals, 12.7% on violence among peers/gangs, 7.9% on tobacco and smoking, 7.1% on parenting and children's health, 5.6% on emotional or physical abuse, 4.8% on sexual abuse, and 3.2% on illness support groups. Significantly higher percentages of clinic Internet users compared to independent school Internet users reported that they had tried to get information on fitness and exercise, sex, violence among peers/gangs, parenting and children's health, emotional or physical abuse, and sexual abuse.

Lastly, the surveyed youth responded to how worthwhile they thought it was to have different types of health information on the Internet. With no significant differences between independent school students and clinic adolescents, less than 4% thought it "not at all" and 55.4% thought it "very" or "extremely" worthwhile to have general health information on the Internet. Considering the value of presenting anti-smoking information on the Internet, 18.2% thought it "not at all worthwhile," 13.5% "somewhat worthwhile," 22.6% "a little worthwhile," 19.9% "very worthwhile," and 25.7% "extremely worthwhile."

Discussion

We were not at all surprised to find the independent school students to be technologically savvy, having great access and high comfort levels with computers and the Internet. We were, however, caught off-guard with the access and comfort levels reported by the clinic adolescents. Significant differences do exist indicating that the independent school students are more on-line than clinic adolescents, but clinic adolescents are using the Web more so than what we expected. During the introduction of the Internet, many raised concern over whether and how underserved populations might be a part of the Information Revolution. Although derived from a convenience sample, this data offers promising statistics suggesting that less privileged minority youth are accessing the Internet.

A sizeable proportion of youth use the Internet to find health information. Perhaps youth come to the Web because it is a convenient way to get information for school or personal use or perhaps youth use this medium because it is a more confidential and less threatening way to get information that might otherwise be difficult or compromising to obtain. Regardless, the Internet, according to urban youth, is a viable and perceivably worthwhile source for information on topics from contraception to drug abuse to mental health issues.

This study is somewhat compromised by the convenience of the sample. Furthermore, we relied on self-report and it is possible that the surveyed youth may have under- or over-estimated their Internet use. Future studies should use a range of methodologies to provide an accurate illustration of how adolescents use and perceive the Internet for health information.

Urban teens, the Internet, and health information: Are there have-nots? Dina L.G. Borzekowski, EdD. Mount Sinai School of Medicine, New York, NY.

With the burgeoning growth of the Internet, many have raised concerns over whether underserved populations might join the Information Revolution. This study examines how urban adolescents access the Internet and whether it is a viable source for health information. During Fall 1999, we surveyed 319 NYC adolescents, half were from an elite private high school (N=173) and the other half were patients at a health clinic serving ethnically diverse and disadvantaged youth (N=146). Internet use was widespread; 99% of the students and 83% of the patients used this medium ($p < .001$). Frequency and comfort levels were higher for students (both $p < .001$). Urban adolescents accessed the Web from multiple locales, with 47% using from 3+ places. Practically all (98%) students and 52% of the patients had home access ($p < .001$). Of Internet users, 43% had tried to get health information from the Web, with no significant differences between students and patients. Of those who had tried to get health information, half wanted information on different diseases, 43% on diet, 34% on exercise, 26% on sex, 24% on substance abuse, 20% on mental health, 14% on medicines, 12% on peer violence, 10% on parenting, 8% on dating violence, 7% on smoking, 7% on emotional/physical abuse, 3% on sexual abuse, and 1% on support groups. As anticipated, students were technologically savvy. Somewhat surprising, however, were the patients' high levels of Internet use and access. This study offers promising statistics on how urban adolescents use the Internet, especially for health information.

DRAFT

*May 2, 2000
Washington, D.C.*

*Contact: Rich Taylor
202-293-1966*

Statement of Jack Valenti
President and CEO, Motion Picture Association of America

On the New Task Force of Tools for Parents and Teens in the Media Age

"I am in full agreement with the goals of the White House conference. Anything that gives parents more information and more guidance to help them monitor the values of their children is something we want to be a part of."

-###-

JIM KOFLENBERGER@OVP

03/13/2000 03:44:16 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP

cc:

Subject:

Family Group leaders that the VP met with.

Joanne Dykstra and Arnold Fege (pr. "Faygie")

National Parent-Teacher Association

Concerns: Ms. Dykstra will tell you that she wants the ratings system to have clearer definitions of what "violence" means. She feels that the categories "Y" and "Y-7" are the most problematic for parents because they contain violence. Rather than simply adding "V, S, L" to the age-based ratings, the PTA feels strongly that "Y" and "Y-7" will require sub-categories of "V" to indicate the level of violence involved. The PTA also wants larger icons to be shown on television screens and to be shown for a longer period of time. In addition, the PTA wants to ensure that parents are represented on any oversight board that is created.

Kathryn Montgomery

Center for Media Education

Concerns: Kathryn was among the group that met with you last December. The Center for Media Education strongly believes that the age-based system has failed. They are heartened that Industry has listened to the criticism and is willing to make changes. However, they are not satisfied with Industry's proposal to add the letters, "V, S, L." They would like to add sub-categories to indicate the level of intensity of content. They are also very concerned about ensuring that "Y-7" includes levels and indicators of violence.

Dr. John C. Nelson and Mike Chapman

American Medical Association

Concerns: The American Medical Association is primarily concerned about violence on TV, more than sex or language. The AMA is currently pushing for a content-based system because the age-based system alone does not provide enough information. Unlike some of the parents' groups, the AMA is interested in seeing the Industry's proposed compromise and remains "open to talking about how that would look."

Dr. Robert Phillips and Julie Schroyer

American Psychiatric Association

Carolyn Breedlove

National Education Association

Sally McConnell

National Association of Elementary School Principals

Concerns: Sally was among the group that met with you last December. The National Association of Elementary School Principals would prefer a strictly content-based system, rather than a combined age-and content-based system because they believe that a combined system would be too confusing. Their second concern is to have the icons aired longer and larger on the screen. They also would like ratings to be published in the TV guides and newspaper listings.

Jeff McIntyre

American Psychological Association

Concerns: Jeff was among the group that met with you last December. The American Psychological Association does not support a combined age and content based system. It is their belief that the proposed compromise --to add the letters, "V, S, L" to the age-based system --would not address the levels of violence in the PG and Y-7 shows. The APA feels adamant that industry pay attention to the large body of research which shows that an age-based system entices children to watch shows that are categorized for older children --what psychologists call the "forbidden fruit effect." The APA wants to be represented on any oversight board created.

Meeghan Prunty

Children Now

Concerns: Children Now would support the addition of content-based letters to the age-based system in order to give parents more information about what their children watch. But, they want sub-categories within the content, for instance "mild violence" instead of "violence." Children Now also wants parents to have a voice on an oversight board.

Dr. Joel Alpert

American Academy of Pediatricians

Concerns: The American Academy of Pediatricians feels the current system has failed because parents need content to know how to judge what their children should watch. They believe most programs are being rated TV-PG --regardless of content --and that TV-PG can indicate anything from mild language to very graphic violence. Pediatricians want to hear how industry plans to add content. Pediatricians have not had direct contact with the industry.

Kim Wade

Children's Defense Fund

JOHN KOHLBERGER@CMP
03/13/2000 03:44:16 PM

Record Type: Record

To: Ann O'Leary/OPD/EOP@EOP

cc:

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Concerns: The American Academy of Pediatricians feels the current system has failed because parents need content to know how to judge what their children should watch. They believe most programs are being rated TV-PG --regardless of content --and that TV-PG can indicate anything from mild language to very graphic violence. Pediatricians want to hear how industry plans to add content. Pediatricians have not had direct contact with the industry.

Kim Wade

Children's Defense Fund

Concerns: Kim was among the group that met with you last December. The Children's Defense Fund feels that their concerns have not changed since December: They still want a content-based system, with the letters "V, S, L" on the screen. CDF is eager to resolve the issue through a compromise with industry.

White House Summit Participants where industry announced that they would rate
Decker Anstrom, National Cable Television Association
Robert A. Daly, Warner Bros. and Warner Music Group
Jonathan L. Dolgen, Viacom Entertainment Group
Ervin S. Duggan, PBS
Barry Diller, Silver King Communications, Inc.
Richard Frank, C3
Edward O. Fritts, National Association of Broadcasters
Robert A. Iger, Capital Cities/ABC, Inc.
Michael H. Jordan, Westinghouse Electric Corporation
Jeffrey Katzenberg, DreamWorks SKG
Kay Koplovitz, USA Networks
Alan J. Levine, Sony Pictures Entertainment
Peter A. Lund, CBS Inc.
Frank G. Mancuso, MGM
Richard Masur, Screen Actor's Guild
Judith A. McHale, The Discovery Channel
Ron Meyer, MCA, Inc.
Rupert Murdoch, News Corporation Limited
Michael Ovitz, The Walt Disney Company
Brad Radnitz, Writer's Guild of America, West
Gene Reynolds, Director's Guild of America
Brian L. Roberts, Comcast Corporation
Rainaldo Rodriguez, Univision Television Network
Haim Saban, Saban Entertainment
Lucille S. Salhany-Polcari, United Paramount Network
Terry Semel, Warner Bros. and Warner Music Group
R.E. "Ted" Turner, Turner Broadcasting System, Inc.
Jack Valenti, Motion Picture Association of America
Robert C. Wright, NBC

file: unph
Ruth
Sybil

United States Senate

WASHINGTON, DC 20510

FOR IMMEDIATE RELEASE
TUESDAY, MAY 2, 2000

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McCain, Lieberman Take Next Step In Effort To Require Media Violence Labeling

WASHINGTON, D.C. -- Senator John McCain (R-AZ), Chairman of the Committee on Commerce, Science, and Transportation, and Senator Joe Lieberman (D-CT) today introduced a bill to create a uniform labeling system on all movies, video games, video programs and music products. The "Media Violence Labeling Act" amends the Cigarette Labeling and Advertising Act to apply warning label requirements to violent media products. The bill does not include TV programs.

"There is a consensus in the scientific community that exposure to violent images through the media is harmful to kids. This is common sense to the rest of us," McCain said. "The producers of these products have a moral obligation to inform consumers of violent content. What this legislation does is impose a legal requirement to do so."

"This is a forward-looking response to the growing culture of violence surrounding America's children," Lieberman said. "It won't singlehandedly stop media standards from falling, or substitute for industry self-restraint. But it will help make ratings a more useful tool for parents who want to shield their kids from potentially harmful entertainment products -- particularly in the years ahead, as technologies converge and the bulk of our entertainment will be delivered through a single wire into the home. We're about to enter a radically different media universe, and it only makes sense to modernize the ratings concept to fit the new contours of the Information Age."

The McCain-Lieberman bill gives the various entertainment media industries six months to work together to establish a universal labeling system for interactive video games, video programs, motion pictures, and music. These labels must contain clear defining language describing the nature, context, intensity of violent content, and age appropriateness of the particular media product. Retail distributors would be responsible for enforcing age restrictions in accordance with the new system.

The Federal Trade Commission (FTC) would be given the authority to accept, reject, or modify the proposed industry labeling system to reflect the intent of the law. To gain approval, the universal labeling system would have to include written text, and accurately reflect the violent content, and age appropriateness of the product. Label formatting would have to be identical, regardless of product or service, and be conspicuously displayed. Responsibility for labeling is placed on the manufacturer of the media product and enforced by the FTC, and the state attorneys general.

Last year McCain and Lieberman introduced the "21st Century Media Responsibility Act of 1999." They also introduced legislation creating a National Youth Violence Commission to study the broad range of social and cultural forces influencing the lives of children.

(bill summary attached)

Media Violence Labeling Act of 2000
Introduced by Senators John McCain (R-AZ), Joe Lieberman (D-CT)
Tuesday, May 2, 2000

Bill Summary:

- Establishes clear defining language label descriptions of violent content for interactive video games, video programs, motion pictures, and music.
- Amends the Federal Cigarette Labeling and Advertising Act to require that the manufacturers and producers of interactive video games, video programs, motion pictures, and sound recording products contain clear defining language describing the nature, context, intensity of violent content, and age appropriateness of the particular media product. The Act's new title – Federal Cigarette and Media Violence Labeling and Advertising Act – reflects these additions, and does not change the tobacco advertising provisions or requirements in any way.
- Waives anti-trust laws, and the industries are given six months to work together in developing a standardized product labeling system. The proposal is subject to modification, and final approval of the Federal Trade Commission (FTC).
- Bans domestic sale or commercial distribution of unlabeled products after one year. Further, retailers are required to enforce the age restrictions on such products, subject to a fine of up to \$10,000 for failure to do so. Manufacturers and producers who violate the labeling system are subject to fines up to \$10,000 a-day for every day the product is in the marketplace.
- Does not include TV programs.

The logo for podesta.com, featuring the text "podesta.com" in a white, lowercase, sans-serif font on a black rectangular background.

FAX COVER SHEET

DATE: May 2, 2000

TO: Bruce Reed
Ann O'Leary
Tom Friedman
Jim Kollenberger

FROM: Tony Podesta

TEL: (202) 393-1010
FAX: (202) 393-5510

Number of pages, including fax sheet: 3

MESSAGE:

I trust that you guys are going to distance yourselves from this involuntary legislative mandate.

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file: Underway
Syller

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106TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

(for himself and Senator Lieberman)

Mr. McCain introduced the following bill; which was read twice and referred
to the Committee on _____**A BILL**

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Media Violence Label-
5 ing Act of 2000".

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

4 (a) DECLARATION OF POLICY.—Section 2 of the Fed-
5 eral Cigarette Labeling and Advertising Act (15 U.S.C.
6 1331) is amended—

7 (1) by inserting “(a) POLICY REGARDING CIGA-
8 RETTES.—” before “It is the policy of the Con-
9 gress”; and

10 (2) by adding at the end the following:

11 “(b) POLICY REGARDING VIOLENCE IN AUDIO AND
12 VISUAL MEDIA PRODUCTS AND SERVICES.—It is also the
13 policy of Congress, and the purpose of this Act, to provide
14 for the establishment, use, and enforcement of a consistent
15 and comprehensive system in plain English for labeling
16 violent content in audio and visual media products and
17 services (including labeling of such products and services
18 in the advertisements for such products and services),
19 whereby—

20 “(1) the public may be adequately informed
21 of—

22 “(A) the nature, context, and intensity of
23 depictions of violence in audio and visual media
24 products and services; and

25 “(B) matters needed to judge the appro-
26 priateness of the purchase, viewing, listening to,

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1 use, or other consumption of audio and visual
2 media products and services containing violent
3 content by minors of various ages; and

4 "(2) the public may be assured of—

5 "(A) the accuracy and consistency of the
6 system in labeling the nature, context, and in-
7 tensity of depictions of violence in audio and
8 visual media products and services; and

9 "(B) the accuracy and consistency of the
10 system in providing information on matters
11 needed to judge the appropriateness of the pur-
12 chase, viewing, listening to, use, or other con-
13 sumption of audio and visual media products
14 and services containing violent content by mi-
15 nors of various ages."

16 (b) DEFINITION.—Section 3 of that Act (15 U.S.C.
17 1332) is amended by adding at the end the following:

18 "(10)(A) The term 'audio and visual media
19 products and services' means interactive video game
20 products and services, video program products, mo-
21 tion picture products, and sound recording products.

22 "(B) The term does not include television pro-
23 gramming, including any motion picture broadcast
24 on television."

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

5 "LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS
6 AND SERVICES

7 "SEC. 4A. (a) VOLUNTARY LABELING SYSTEM.—(1)
8 Manufacturers and producers of audio and visual media
9 products and services may submit to the Federal Trade
10 Commission a joint proposal for a system for labeling the
11 violent content in audio and visual media products and
12 services.

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

16 "(3)(A) The antitrust laws shall not apply to any
17 joint discussion, consideration, review, action, or agree-
18 ment between or among manufacturers and producers re-
19 ferred to in paragraph (1) for purposes of developing a
20 joint proposal for a system for labeling referred to in that
21 paragraph.

22 "(B) For purposes of this paragraph, the term 'anti-
23 trust laws' has the meaning given such term in the first
24 section of the Clayton Act (15 U.S.C. 12) and includes
25 section 5 of the Federal Trade Commission Act (15 U.S.C.
26 45).

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1 “(b) REQUIREMENTS FOR LABELING SYSTEM.—A
2 system for labeling the violent content in audio and visual
3 media products and services under this section shall meet
4 the following requirements:

5 “(1) The label of a product or service shall con-
6 sist of a single format which provides a product-spe-
7 cific or service-specific description in plain English
8 of the nature, context, and intensity of the depic-
9 tions of violence in the product or service.

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

16 “(3) The format of the label for products and
17 services shall—

18 “(A) incorporate each label provided for
19 under paragraphs (1) and (2);

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

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

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

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

8 “(A) appear before the commencement of
9 the product or service;

10 “(B) appear in both visual and audio form;
11 and

12 “(C) appear in visual form for at least five
13 seconds.

14 “(6) Any advertisement for a product or service
15 shall include a label of the product or service in ac-
16 cordance with the applicable provisions of this sub-
17 section.

18 “(c) FEDERAL TRADE COMMISSION RESPONSIBIL-
19 ITIES.—(1)(A) If the manufacturers and producers re-
20 ferred to in subsection (a) submit to the Federal Trade
21 Commission a proposal for a labeling system referred to
22 in that subsection not later than 180 days after the date
23 of the enactment of the Media Violence Labeling Act of
24 2000, the Commission shall review the labeling system
25 contained in the proposal to determine whether the label-

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1 ing system meets the requirements set forth in subsection
2 (b) in a manner that addresses fully the purposes set forth
3 in section 2(b).

4 “(B) Not later than 180 days after commencing a
5 review of the proposal for a labeling system under sub-
6 paragraph (A), the Commission shall issue a labeling sys-
7 tem for purposes of this section. The labeling system
8 issued under this subparagraph may include such modi-
9 fications of the proposal as the Commission considers ap-
10 propriate in order to assure that the labeling system meets
11 the requirements set forth in subsection (b) in a manner
12 that addresses fully the purposes set forth in section 2(b).

13 “(2)(A) If the manufacturers and producers referred
14 to in subsection (a) do not submit to the Commission a
15 proposal for a labeling system referred to in that sub-
16 section within the time provided under paragraph (1)(A),
17 the Commission shall prescribe regulations to establish a
18 labeling system for purposes of this section that meets the
19 requirements set forth in subsection (b).

20 “(B) Any regulations under subparagraph (A) shall
21 be prescribed not later than one year after the date of
22 the enactment of the Media Violence Labeling Act of
23 2000.

24 “(d) PROHIBITION ON SALE OR DISTRIBUTION
25 WITHOUT LABEL.—Except as provided in subsection (f),

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1 commencing one year after the date of the enactment of
2 the Media Violence Labeling Act of 2000, a person may
3 not manufacture or produce for sale or distribution in
4 commerce, package for sale or distribution in commerce,
5 or sell or distribute in commerce any audio or visual media
6 product or service unless the product or service bears a
7 label in accordance with the labeling system issued or pre-
8 scribed by the Federal Trade Commission under sub-
9 section (c).

10 “(e) PROHIBITION ON SALE IN VIOLATION OF AGE
11 RESTRICTION.—Except as provided in subsection (f), com-
12 mencing one year after the date of the enactment of the
13 Media Violence Labeling Act of 2000, a person may not
14 sell in commerce any audio or visual media product or
15 service to an individual whose age in years is less than
16 the age specified as the minimum age in years for a pur-
17 chaser and consumer of the product or service, as the case
18 may be, under the labeling system issued or proscribed by
19 the Federal Trade Commission under subsection (c).

20 “(f) DEFENSES.—(1) It shall be a defense to a viola-
21 tion of subsection (d) or (e) that the person made a good
22 faith effort to comply with subsection (d) or (e), as the
23 case may be.

April 27, 2000

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

4 “(A) carried out a program designed to train
5 employees of such person in techniques and proce-
6 dures necessary to ensure compliance with sub-
7 section (e); and

8 “(B) enforced the compliance of such employees
9 with such techniques and procedures.

10 “(g) INVESTIGATIONS OF IMPROPER LABELING.—(1)
11 The attorney general of a State shall have the authority
12 to receive and investigate allegations that an audio or vis-
13 ual media product or service within such State does not
14 bear a label under the labeling system issued or prescribed
15 by the Commission under subsection (c) that is appro-
16 priate for the product or service, as the case may be, given
17 the nature, context, and intensity of the depictions of vio-
18 lence in the product or service.

19 “(2) For purposes of this subsection, the term ‘attor-
20 ney general’, in the case of a State, means the chief legal
21 officer of the State.”.

22 “(d) CIVIL PENALTY.—That Act is further amended
23 by inserting after section 10 (15 U.S.C. 1336) the fol-
24 lowing new section:

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1 "CIVIL PENALTY

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

7 "(b) DURATION OF VIOLATION.—In the case of an
8 audio or visual media product or service determined to vio-
9 late section 4A(d), each day from the date of the com-
10 mencement of sale or distribution of the product or serv-
11 ice, as the case may be, to the date of the determination
12 of the violation shall constitute a separate violation of sub-
13 section (a), and all such violations shall be aggregated to-
14 gether for purposes of determining the total liability of
15 the manufacturer or producer of the product or service,
16 as the case may be, for such violation; under that sub-
17 section."

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