

Consultation on Exemptions to the Video Recordings Act and on Advertising in Cinemas

Government Response

May 2013

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1. Executive Summary
2. On 9th May 2012, DCMS launched a consultation on :

* in relation to DVDs and other physical video recordings, whether to make changes to the current exemptions from statutory classification set out in section 2 of the Video Recordings Act 1984 and
* whether to remove any requirement for the British Board of Film Classification (BBFC) to have a role in age rating advertisements shown in cinemas

1. These are separate issues but have a number of stakeholders in common and are linked also through the themes of child and consumer protection. The consultation looked at the best way to support consumers, and particularly parents, by ensuring they have clear information about content they are buying or viewing whilst also ensuring we have in place a regulatory environment that supports our entertainment industries and allows them to fully exploit their potential for helping to grow the UK economy.
2. The consultation closed on 1 August 2012. It drew more than 30 formal submissions and these came from third sector organisations, trading standards bodies, trade associations, the UK’s two designated classification authorities (the BBFC and the Video Standards Council), one separate business and three individuals. In some cases several organisations made joint submissions.

**Video Recordings Act Exemptions**

1. The Video Recordings Act 1984 (VRA) applies to hard copy video works (eg DVDs, VHS tapes) supplied in the UK. Certain video material intended for sale or rent to the public as physical product must be submitted to the designated authority – the BBFC – for an age-related classification certificate. Products and their packaging must be labelled with the appropriate BBFC ‘U’, PG’, 12’, ‘15’, ‘18’ or ‘R18’ age rating and it is an offence to sell or rent a classified work in breach of the age rating on its classification certificate. Supplying an unclassified video work is also an offence unless the work in question is exempt from classification. Currently, provided they do not contain scenes such as gross violence, human sexual activity or certain criminal activities, products that are primarily about music, sport, religion or education are exempt from statutory age rating and can be supplied to people of any age. These exemptions have been in place since the VRA first came into force and our consultation looked at whether they remained appropriate.
2. Four policy options were offered for consideration :

* Leaving the existing exemptions in place and untouched
* Removing the existing exemptions so that all music, sport, religious and educational videos are subject to statutory age rating by the BBFC
* Lowering the existing statutory threshold for exemption of music, sport, religious and educational videos so that products likely to be unsuitable for younger children are age rated (effectively anything that would be rated 12 or above); but those likely to be suitable for viewing by wider audiences remain exempt
* Asking other parts of the video industry to introduce a self-regulatory ‘parental advisory’ labelling scheme and allowing the industry to self-regulate the currently exempt products without the need for any legislative changes

1. Twenty seven interested parties sent in views and evidence on the options for the exemptions from age rating. The majority of these - eighteen representative organisations and one individual - supported the Government’s preferred option of lowering the exemption threshold so that more music, sports, religious and educational products must be age rated in future but those likely to be suitable for younger children[[1]](#footnote-1) remained exempt. This was seen most effectively to meet our aims of protecting children from exposure to inappropriate content whilst ensuring that impacts on business were proportionate.
2. The responses included content definitions that it was proposed could form the new threshold, developed jointly by the ratings bodies (BBFC and the Video Standards Council) and organisations representing the main industries that would be affected by any changes (the British Video Association, the BPI and the Entertainment Retail Association). The definitions also benefited from the input and endorsement of the enforcers of Trading Standards, who are responsible for enforcement of the VRA. The content definitions developed by this coalition of stakeholders are very similar to ones the VRA has in place to ensure video games unsuitable for children are age-rated but with a slight adjustment to reflect the differences in the two media. Under this proposed threshold music, sports, religious and educational videos would in future have to be submitted to the BBFC for age rating if they included any of the following :

* Strong violence
* Explicitly sexualised behaviour, including nudity
* Racist, homophobic or other discriminatory behaviour or language
* Imitable dangerous behaviour, including drug and other substance misuse
* Repeated use of strong language

1. On the basis of the views and evidence gathered during the consultation, Government intends to proceed with changing the exemptions from classification for music, sports, religious and educational video works and specifically to lower the exemptions threshold so that any physical products in these categories that are unsuitable for younger children will in future be required to be submitted to the BBFC for age rating. Such products would then need to carry the appropriate BBFC age rating on their packaging and it will be a criminal offence to sell them to anyone not meeting the age requirement. We can bring these changes into effect via secondary legislation.
2. We are very grateful to the BBFC and the other organisations for the work they have done together to develop content definitions that they propose might be used to form the new threshold for exemption. We will now be working with partners to ensure we create the filter that will most effectively “catch” products unsuitable for younger children with criteria that is fully consistent and workable in legal and enforcement terms. The final version will be written into draft legislation that will be issued for further consultation. Comments will be welcomed from all interested parties. Taking into account the need to notify the new regulations to the European Commission under the Technical Standards Directive and the subsequent UK legislative process, our expectation is that we would bring the new age rating requirements for music, sports, religious and educational products into force on the common commencement date in April 2014.
3. Whilst the Video Recordings Act only covers the age classification of video works supplied as physical copies, our consultation did also invite views on the availability and value of voluntary classification and labelling schemes for online video content. The BBFC for example has now issued 200,000 of their familiar age classification certificates for application, on a voluntarily basis, to video content that is made available online. The BBFC online age ratings are backed by a number of digital platforms including BT Vision and Netflix. Specifically for music content, the music industry, led by the BPI, has its Parental Advisory Service “Explicit Content” labels which music video producers and digital service providers can voluntarily attach to online video content. Some online video content providers meanwhile, appear to use their own versions of age ratings or labels.
4. Responses to our consultation indicated that consumers – and particularly parents - find labels showing the age appropriateness of online videos very helpful and there was a strong call for their more consistent application by digital service providers and online video publishers and for them to be made more prominent. Whilst we are pleased to see increasing use of online age ratings, we agree that far more can be done and that there is an urgent need for a more active industry dialogue on this issue.
5. Industry will develop solutions no later than the end of the year to ensure online videos - particularly those that are likely to be sought out by children and young people - carry advice about their age-suitability and content. Ministers will make their call to action at a roundtable with key businesses and influencers, including representatives from the music industry and digital service providers, this summer. This will look at the benefits of labels for online content, how they can work together with parental controls to limit children’s access to unsuitable content, and also consider any barriers to their use.

**Regulation of cinema advertising**

1. Under the Licensing Act 2003, cinemas are authorised to show feature films under the terms of licences issued by their local authority. These licences include conditions restricting the admission of children to films in accordance with any recommendations made by the BBFC, unless licensing authorities themselves make recommendations regarding the admission of children. This requirement to age rate feature films for cinema exhibition was not part of our consultation.
2. Currently cinema advertisements are also age rated by the BBFC in this way if they are shown together with a main feature film. At the same time, all cinema advertisements are also subject to the Advertising Standard Authority’s non-broadcast Committee of Advertising Practice (CAP) Code and the pre-clearance procedures required under industry self-regulation to ensure compliance with the CAP Code.
3. The rationale for the existing regulation is to ensure that consumers, and particularly children, do not see advertisements containing content that would be inappropriate to the age rating for the film being screened. When reviewing cinema advertisements the BBFC considers issues of harm, offence and legality outside advertising rules. The CAP Code meanwhile requires advertisers to adhere to rules on consumer protection and social responsibility ensuring ads, amongst other things, are not misleading, harmful or offensive and – as with the BBFC’s role – ensuring that children are suitably protected. Advertisements must also be socially responsible. These broad principles apply regardless of the particular product being advertised.
4. Our consultation looked at whether the current regime of subjecting cinema advertisements to both BBFC classification and to the CAP code amounted to “double regulation”. We offered two options for discussion:

* Leaving the current system unchanged
* Removing the requirement for cinema advertisements to be age rated by the BBFC when they are shown with a feature film at the cinema; and relying in future on the self-regulatory regime of the CAP Code, enforced by the Advertising Standards Authority

The Government’s preferred option was to remove the requirement for BBFC age rating.

1. Sixteen different organisations or individuals responded to this part of the consultation and of these twelve favoured removing any requirement for BBFC classification of cinema advertising, believing that the CAP Code offered sufficient protection for consumers, including children. Those supporting the proposal to deregulate in this area included the BBFC themselves.
2. Based on the responses to the consultation and the evidence we have seen, Government is satisfied that deregulation in this area is fully justified. We believe that that the application of the CAP Code to cinema advertising wholly provides the levels of consumer advice and protection – including for children – that we wish to achieve. Whilst we are grateful to the BBFC for their work on reviewing and classifying cinema advertisements over many years, we now intend to discontinue with this practice.
3. Government is currently exploring the most effective ways in which to bring these planned changes to the regulation of cinema advertising into effect and will make further announcements on this in due course.

# Section 2: Exemptions to the Video Recordings Act

**EXEMPTIONS TO THE VIDEO RECORDINGS ACT**

1. The Video Recordings Act 1984 (VRA) governs the supply of hard copy video works (eg DVDs, VHS tapes) in the UK. Certain video material intended for supply to the public as physical product must be submitted to the designated authority – the BBFC – for an age-related classification certificate. Products and their packaging must be labelled with the appropriate BBFC ‘U’, PG’, 12’, ‘15’, ‘18’ or ‘R18 age rating and it an offence to sell or rent a classified work in breach of the age rating on its classification certificate. Supplying an unclassified video work is also an offence unless the work in question is exempt from classification.
2. Provided they do not contain certain types of content set out in section 2(2) of the VRA (such as scenes depicting gross violence, human sexual activity or certain criminal activities) products are currently exempt from the statutory age rating requirement if they are video works that are primarily about music, sport, religion or education (which is usually interpreted to include documentary works).
3. DCMS’ consultation, launched on 9th May 2012, sought views on whether the exemptions remained appropriate following the industry, market and cultural changes we have seen since the exemptions were put in place when the VRA was passed almost 30 years ago. The consultation was responding to concerns raised in the Bailey Review (<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM%208078>), for example, which found that some parents had concerns about music videos and specifically sexual and violent references in some song lyrics and sexualised dance routines and the portrayal of stereotyped gender roles.

**The consultation offered four policy options for consideration:**

* Leaving the existing exemptions in place and untouched
* Removing the existing exemptions – making music, sport, religious and educational videos subject to statutory age rating by the BBFC. This requires primary legislation
* Lowering the existing statutory thresholds for exemption of music, sport, religious and educational videos so that products likely to be unsuitable for younger children are age rated (effectively anything that would be rated 12 or above); but those likely to be suitable for viewing by wider audiences remain exempt. This requires secondary legislation
* Asking other parts of the video industry to introduce a self-regulatory ‘parental advisory’ labelling scheme similar to the Parental Advisory Service developed by the music industry and allow the industry to self-regulate the currently exempt products without the need for any legislative changes

1. Government’s preference, as set out in the consultation paper, was to lower the threshold for exemption by amending the VRA via secondary legislation. This would effectively introduce statutory age rating for all products likely to cause concern whilst avoiding new regulatory burdens for a large proportion of the market.

**Summary of the responses**

1. Twenty three organisations, one business and three individuals responding to the consultation gave views on the exemptions to the VRA. In several cases organisations made joint submissions. The submissions covered a spectrum of interests including industry, consumers, parents, regulators and enforcement agencies. Of the views received:

* one respondent (an individual) said the current system should be left unchanged
* four respondents (one individual and three organisations) preferred removing the exemptions entirely though one of these organisations said that they would also accept the option of lowering the threshold
* nineteen respondents (eighteen organisations and one individual) said that lowering the threshold for exemption was their preferred option
* three respondents (one business and two organisations) discussed the exemptions without explicitly confirming a preferred option

1. Additionally in response to the consultation five representatives from Parliament – including the Shadow Minister for media - wrote to DCMS ministers to support the lower threshold option.
2. In their responses the BBFC, Video Standards Council (VSC), Entertainment Retail Association (ERA), British Video Association (BVA) and the BPI presented content definitions which they jointly proposed could be used to form the lower threshold. The Music Publishers Association and the Trading Standards Institute indicated that they had seen these proposed content definitions and supported them.

**Views on the options**

1. This section summarises the views we received, in general and as they apply to the four policy options. We have included selected quotes from responses to illustrate the summaries but the full submissions are published for information alongside this Government response. One submission has been withheld from publication at the request of the respondent for reasons of commercial confidentiality.

**Option 0: Leaving the exemptions in place and untouched**

1. One response (from an individual) gave this as a preferred option though gave no supporting explanation or evidence. Other responses were universal in their view that the current exemptions create an unacceptable level of risk of exposing children to inappropriate content and should be amended to ensure that some products are not supplied directly to children and carry age ratings to help parents make informed decisions.

*“The current rules allow potentially harmful material - including material that the BBFC would restrict to adults only or even refuse to classify – without any restrictions or advice to consumers………………………leaving the VRA unchanged would leave British children less safe than those in comparable countries. Finland and New Zealand for example have some exemptions in place but also have a failsafe button which can be triggered by the classifications body to prevent harmful content being freely supplied to minors” -* ***BBFC***

1. Responses to the consultation appeared to favour changing the exemptions for all four currently affected genres. Only one proposed that a specific genre – religious works – should remain exempt from age rating but gave no particular reasons for this.
2. Several submissions discussed concerns that some promotional music videos feature overtly sexual performances or adult lyrics unsuitable for younger children though it was also acknowledged that such music videos were most likely to be seen via broadcast television (which is regulated by the Ofcom code for broadcasters), or online, rather than on DVD. However, several responses did also refer to DVDs of musical artists tours which included sexually explicit lyrics or references to violence, suicide or drugs and could potentially be harmful to children.
3. Whilst music products were clearly a particular issue for some, others suggested that material unsuitable for children was equally or indeed more likely to be found in the other exempt genres.

*“Although music videos have been the subject of most media discussion, the majority of exempt works causing concern are other types of exempt work, including combat sport and documentaries” – joint response from* ***BBFC, Video Standards Council, British Video Association, Entertainment Retail Association and BPI***

1. Most responses argued that music, sports, religious and the educational hard copy video works had all moved on considerably since 1984, were increasingly pushing boundaries and the VRA must be adapted accordingly. The BBFC provided a list of currently exempt products which had prompted complaints to them from members of the public or where from their own research the BBFC believed they included content that could potentially be harmful to children under 12 (see Appendix C). These titles covered a broad range of topics. Examples included “Pussycat Dolls Workout” (an exercise video which contains poses and movements that might be considered sexually provocative), “Ultimate Fighting Championship” (a sports title containing strong, bloody violence) and “The World at War” (a documentary title containing scenes of suffering and death).
2. Currently some products do in fact lose their exemption from age rating if they contain material defined in section 2(2) of the VRA and our consultation asked whether there was evidence that producers are failing to comply with this existing threshold. Video producers are able to look at the BBFC’s published Guidelines and recent decisions to help them determine whether or not their products contain material that matches these definitions and should therefore be referred to the BBFC. In addition the British Video Association and Video Standards Council can give guidance. One response suggested that a lack of prosecutions under the VRA may indicate that distributors fully understand the current threshold. However in their submission, the BBFC listed a number of products they found available for sale in June 2012 which they contend, arguably, should have been submitted for classification either because they contained Section 2 (2) material or because, whilst themed around one of the exempt topics, they were in fact dramatic works.
3. Several submissions suggested that many parents were likely to be unaware that most music, sports, religious and educational products do not require BBFC age rating. They argued it was reasonable to assume that the absence of an age rating or any content advice on products was being interpreted by consumers as an indication that the product had been reviewed and judged as suitable for all ages.
4. Responses also raised concerns about the “E” label that some publishers choose to put on the packaging of exempt products. The “E” is not an official symbol of any designated ratings body and has no legal standing but it was suggesting that it may be interpreted by consumers as a statutory-backed classification and, again, potentially create a misplaced confidence in the product’s suitability for younger children.

**Option 1: Removing the exemptions from age rating for music, sports, religious and educational works**

1. A small number of responses cited this as a preferred option arguing that it would give the best possible protection for consumers and would remove any ambiguity about whether specific products would have to be referred to the BBFC for age classification.

*“Given how much content has developed since the VRA was passed in 1984, option 1 would seem to offer the best future proofing” –* ***MediaWatch UK***

*“We are concerned that the cases relating to the inappropriate portrayal of suicide would necessarily be easily picked up by a system involving lower thresholds due to the often complex nature of such cases and therefore may not always be referred to the BBFC –* ***the Samaritans***

1. However, most said this option would not be a proportionate response to the problems that the consultation seeks to resolve. It was felt that the vast majority of works in the exempt categories did not contain content that was unsuitable for children and it would be an unnecessary new financial and administrative burden on businesses to require them to send products to the BBFC, effectively simply to obtain confirmation that their products could be safely made available to anyone.
2. It was also suggested that a consequence of Option 1 would be that the administrative effort and time needed to obtain a BBFC classification would encourage some DVD producers to release products only online (where content is out of scope of the VRA), thus reducing consumer choice and negatively impacting on retail outlets. This issue would likely impact primarily on SMEs and micro-businesses which focus on small releases of specialist titles where the additional burden of obtaining a BBFC classification could jeopardise the commercial viability of the release.

**Option 2: Lowering the existing content thresholds for exemption so that more products are brought within the scope of the age rating requirement**

1. Most of the consultation responses gave this as a preferred option, regarding it as vastly improving the protection of children from inappropriate content but avoiding the introduction of new regulation that would create a disproportionate impact on businesses.

*“The first key advantage of this option is a greatly improved level of child protection. The current threshold at which music, sport, documentaries and religious works lose their exemption is far higher than is safe for the protection of children….(it) would inform and empower parents about content they would consider harmful to their children …..make child protection easier for law enforcement ……retailers will have the advantage of a classification system that is more in line with their customer’s expectations” –* ***BBFC***

*“Lowering the threshold would empower parents to make more informed choices about the type of material they allow their children to view and would therefore help protect children from unsuitable and potentially harmful material. The BVA agrees that the current threshold at which works currently lose their exemption is too high. Ensuring that works which contain strong violence, explicitly sexualised behaviour, including nudity, racist, homophobic or other discriminatory behaviour or language, imitable dangerous behaviour, including drug and other substance misuse and repeated use of strong language lose their exemption will address the concerns raised in Reg Bailey’s report” –* ***British Video Association***

1. Our consultation document had explained how the VRA has created a lower threshold for video games age rating by defining a number of types of content that would require a product to be age rated. We suggested that the same descriptive definitions could be used for music, sports, religious and educational DVDs or alternative definitions could be devised to address the key underlying concerns about products in these genres.
2. In response to the consultation, the designated ratings authorities (the BBFC and VSC) and industry bodies the BVA, ERA and BPI jointly presented a set of content definitions that they proposed could form the new threshold for the currently exempt works. As they explained, these were very similar to the definitions used for video games but were adjusted to reflect the differences between the two media. They proposed that in future, should Option 2 be adopted, music, sports, religious or educational video works should be required to submitted to the BBFC for age classification if they included any of the following:

* Strong violence
* Explicitly sexualised behaviour, including nudity
* Racist, homophobic or other discriminatory behaviour or language
* Imitable dangerous behaviour, including drug and other substance misuse
* Repeated use of strong language

1. The BBFC and other signatories to the proposal advised that Local Government Regulation and individual Trading Standards Officers had also contributed to the development of these criteria and in their own submissions the Trading Standards Institute and Music Publishers’ Association confirmed that it had their support. More detail on their proposed definitions is at Appendix B.
2. Several responses called for very careful wording of definitions used to form the lower threshold and for further consultation on these before legislation is taken forward. Some organisations for example were particularly anxious that the definitions were designed to “catch” products which might incite harmful behaviours in children - for example sexual activity, violence, racism or suicide - including where there might be a cumulative effect and where the context in which the content was presented could be highly relevant. One response for example argued passionately that it would be important for certain products to be age rated in future because, whilst dealing with political and religious discussions and real events from world history, they were unsuitable for children who would be watching them without the benefit of the contextual knowledge an older person would have.
3. Another response was concerned about possible problems if the definitions in the threshold were to focus on the potential for images to “cause offence whether on the grounds of race, gender, disability, religion or belief or sexual orientation” and whether this could emerge as a matter of indirect censorship, a threat to free expression and also a potential barrier to children gaining a good knowledge of diversity issues.
4. Several responses commented specifically on how the VRA applies to Personal, Social and Health Education (PSHE) DVD resources. Two products for schools - “Living and Growing” and a BBC Active publication, “Sex Relationship Education Whiteboard Active Pack” - were particularly used to illustrate views. There had been some media attention focussed on these particular DVDs.
5. Those commenting on this issue via our consultation had quite different viewpoints - some were concerned that such products were not currently carrying BBFC age ratings, whilst others were worried that the application of BBFC age ratings to PSHE resources might prevent their use in schools and deprive teachers of powerful teaching aids specifically designed for their lessons. One submission argued that critics of products like “Living and Growing” were judging them without fully understanding their content and the way in which they were actually used by professional educators. It was also pointed out that there are existing requirements for schools and governing bodies to consult parents when producing their Sex and Relationship education policy and that includes consulting them on the learning resources they use.

*“Resources such as the Channel 4 Living and Growing series and Sex and Relationship Education Whiteboard Active pack, both of which include sexually explicit material do not carry an age-rating and yet are in widespread use in primary schools” -* ***The Family Education Trust***

*“We have no wish to see educational films used as teaching aids, particularly in PHSE, given classifications that would prevent them being used in schools although of course these DVDs should be used appropriately for different age groups” -* ***NSPCC***

*“These products are not about promoting or glamorising sex; they are about teaching children and young people about their bodies, differences between individuals and different relationships” –* ***Family Planning Association and Brook***

1. Some responses suggested that Option 2 would be further enhanced by issuing clear guidelines indicating the types of material that would remain exempt, for the benefit of both producers and consumers. In relation to business impacts, it was also noted that there was likely to be a settling-in period whilst businesses came to grips with the new threshold and saw what the definitions for exemption meant in practice. This might result in a sharper burden on microbusinesses in the short term.

**Option 3: Asking the video industry to introduce a self-regulatory “parental advisory” system**

1. None of the responses to the consultation gave this as a preferred option. It was seen as offering insufficient protection or guidance to parents about the nature of content in products, presenting a number of practical problems and concerns. For example, it would require time to test, implement and promote; it would take some effort to build public understanding and trust in a new self-regulatory system; it would potentially cause confusion for consumers and retailers as some DVDs would carry BBFC age ratings and some would carry the parental advisory labels; and consumers would wish to see consistency in the system which would require universal support from the industry and the development of effective sanctions for anyone who did not fulfil their obligations. Furthermore, it was felt that the industry would not necessarily welcome the administrative burden and liabilities associated with running such a scheme.

*“BVA distributors do not wish to be liable for producing consumer advice descriptions that may not live up to the public’s expectations, preferring the designated body to undertake this responsibility as it does for all other works” –* ***British Video Association***

*“BPI is confident that a self-regulatory system can be successful, but acknowledges that there are some circumstances where consistency of the BBFC scheme across types of content would be useful to mark where content is clearly only appropriate for adult viewing. The Parental Advisory system is a lower bar, and so can include content that teenagers might watch based on parental judgement rather than content that is not appropriate at all for a non-adult audience” -* ***BPI***

1. Whilst this option in itself was not seen by anyone to be the best solution, some responses proposed that self-regulatory parental advisory schemes for products run alongside Option 2 would help parents as long as implemented in a way that avoided consumer confusion.

*“Whilst the practice of labelling certain products as ‘Explicit” or with the warning “May Cause Offence” is helpful and should undoubtedly continue, age ratings provide a greater safeguard against young people being exposed to unsuitable material. Parental advisory warnings should be used in conjunction with rating rather than as a substitute for them”-* ***Family Education Trust***

**Online classifications**

1. Responses to the consultation welcomed the Government’s review of the effectiveness of the VRA in relation to music, sports, religious and educational video works supplied on recordable media. However, most also took the opportunity to express concerns about video works made available online and recognised that increasingly this is the platform on which children and young people access content, rather than via packaged media.
2. The difficulties of bringing about change in the online space were recognised. For example, regulatory action can only readily apply to legitimate businesses and a significant amount of online content does not fall into this category. Nonetheless several responses argued that producers and digital service providers have a responsibility to adopt and use age rating and labelling schemes where they can. The voluntary labelling and content classifications available for online content - such as the BBFC Online age ratings and the BPI’s Parental Advisory Service (PAS) - were welcomed and it was felt that the more platforms used them then the more confident parents would feel about making online content choices for their children. It was also suggested that as increasing numbers of platforms were seen to sign up to the BBFC Online service then more distributors, as a matter of course, would be encouraged to obtain BBFC ratings when planning exclusively online releases. There were some calls for greater public promotion of these online classification and labelling schemes.

*“Parents have the right and responsibility to protect their children from material they consider inappropriate but are only able to do so if they have clear and consistent guidelines………. we accept that regulating online is very difficult but more can be done to make parental controls prominent and accessible so that they can make informed decisions for their children****“– NSPCC***

1. Some responses welcomed greater use of age ratings online but called for robust age verification systems to act as a direct barrier to children accessing the content.

*“More should be done to ensure that adult content which would receive an 18 or R18 rating from the BBFC is put behind robust age verification processes so that online video as or images that are not suitable for children cannot be accessed by children. While granularity of content for differing ages might prevent such filtering at different ages there is a clear demarcation of 18 and R18 type content which no underage person would have access to. ISP level filtering would be one way to empower parents in that direction. CARE supports a blanket filter on adult content unless an adult subscriber - whose age is verified by the ISP or mobile phone operator “opts –in” to access adult content” -* ***CARE***

1. In their response to the consultation the BBFC confirmed that to date they have age classified over 200,000 individual items of content for online distribution. Online platforms carrying the BBFC age ratings include Talk Talk, BT Vision, Netflix, Blink box, Microsoft for Xbox and Sony PlayStation. The BBFC reports that research it commissioned in 2011 found 85% of those surveyed considered it important to have consistent BBFC age ratings available for Video On Demand content, rising to 90% of parents of children under sixteen. 89% of parents check BBFC classifications on films that they and their children download and 82% of parents with children under sixteen prefer to download films which carry a BBFC online age ratings over those films which do not. 92% of those who regularly download films find BBFC ratings and content advice useful.
2. The BBFC has recently changed its online age rating rules to make the system easier for content producers and distributers to use. From 1 June 2012, all works which receive a BBFC classification in the physical world also automatically receive an online certificate at no cost. This change should ensure that greater numbers of products being offered online carry a BBFC rating and content advice.

*“A greater take-up of the BBFC’s online services by platforms such as LoveFilm and iTunes would empower parents and offer caregivers and help them decide whether content is suitable for their children. Adoption by the music industry of trusted well understood BBFC symbols and content advice for music videos distributed online would also help. A number of platforms which use BBFC symbols have indicated to us that they would carry music videos if they were age rated by the BBFC” –* ***BBFC***

1. Meanwhile, the BPI has created a bespoke website and consumer campaign to raise awareness of the PAS [http://parental-advisory.co.uk/]. The PAS scheme, established in 1995, enables content distributors to voluntarily apply “Parental Advisory-Explicit Content” labels designed to warn parents that products contain lyrics or images that might be considered unsuitable for children. The scheme is free to use and available to both BPI members and non-members.
2. The BPI is engaged in conversation with a number of other digital service providers seeking their adoption of the scheme and is encouraging all services marketing to UK consumers to use the PAS Logo. They advised that they would welcome Government’s involvement in encouraging take-up of the scheme.

*“BPI believes that the most effective way of ensuring children do not access inappropriate music content is to enhance the PAS and make it fit for the digital age and to encourage online services to use the scheme to aid parents in controlling access by children to inappropriate content” –* ***BPI***

1. It was suggested that frequently promotional music videos released online will have been designed with exposure via broadcast television in mind and that standards applied to broadcast content therefore have some bearing on the product. Broadcast media is regulated via the Ofcom Code which, for example, applies restrictions on the screening of certain material before the watershed.

*“Music videos are already regulated for broadcast, which of course has an effect on the content. In the production process the artist and the record label will have strong incentives to secure the maximum possible audience for a video. This means ensuring that the video is appropriate for viewing on broadcast services which have a high level of content regulation” -* ***BPI***

1. One response recognised that social media can negate the effectiveness of standard age verification arrangements but proposed there were opportunities for more use of online communities to give feedback on the age appropriateness of online content. They suggested this could be rather more sophisticated than flagging content as inappropriate or in breach of the website’s guidelines and involve a user-led rating system for content not suitable for children.

**Government conclusions and next steps**

1. Based on the evidence available and on the views presented in the process of the consultation, Government intends to proceed with its preferred Option 2 and lower the exemption threshold in the VRA so that sports, music, religious and educational video works distributed for sale in the UK that contain material unsuitable for younger children will have to carry BBFC age ratings in future. Those products suitable for all audiences will remain exempt. Once the new system is implemented, failure to comply with the classification and labelling requirement for these products will be an offence. It will also be illegal to sell or rent the products carrying the BBFC age rating labels to anyone not meeting the age requirement. Anyone convicted of such offences, as with other offences under the VRA, could face a possible prison term and/or fine.
2. We believe this option offers the much greater level of protection for children that we are seeking to achieve whilst ensuring any impacts on business are proportionate. It has the advantage of carrying the support of the majority of those responding to the consultation including representations from the industries that will have to comply with the new statutory requirements it will introduce. Amending the VRA to apply the lower threshold for the exempt genres can be taken forward via secondary legislation.
3. We were very grateful to the BBFC, VSC, BPI, ERA and BVA for the work they undertook together (and with the input of Trading Standards and others) to consider new criteria that could be used for the new lower threshold. We will now be working with partners to refine these to ensure we create the filter that will most effectively “catch” products unsuitable for younger children with criteria that is fully consistent and workable in legal and enforcement terms. The final version of the content definitions will be written into draft legislation which we will issue for further consultation. Comments on the draft legislation will be welcomed from all interested parties.
4. Some responses to the consultation suggested that the existing threshold in the VRA - which requires music, sports, religious and educational products to be age rated if they contain material such as gross violence – has not been fully observed. Ultimately it would be for the courts to determine whether any products were non-compliant but, at the very least, examples cited by the BBFC and others suggest there is some variety in the understanding and interpretation of the existing rules. We agree that producers and consumers will benefit from detailed examples of the type of material that would or would not be exempt when we implement the new age rating requirements.
5. The BBFC’s submission to the consultation detailed the type of material they believe would have to be submitted for age rating under their proposed new lower threshold (see Appendix B). We anticipate that when Government brings the new requirements for music, sport, religious and educational DVDs into force, the BBFC will update their published Guidelines accordingly and will include detailed advice on how the content definitions will apply in practice. We will also as a matter of course consider whether additional help or information about age ratings will be needed for those making, selling or buying these products in future.
6. During the consultation some strong views were expressed about how the VRA should apply in relation to products produced specifically to support PSHE learning, though in fact some of the questions raised may also be relevant to other educational and documentary products used by teachers. Clearly it is possible that DVDs currently used to inform and educate children and young people could contain material which will require them to be submitted to the BBFC for classification in future. Our hope is that BBFC age classifications and content advice on products are helpful to those caring for children - whether in professional teaching or other roles - by providing additional information about the content and a useful reference point for any consultations they may need to hold with parents.
7. The BBFC will, as always, take context into account when making decisions about the appropriate classification of material and this includes considering what the material was created for and how it will be used. This may be particularly relevant in respect of resources specifically designed and distributed for use in a supportive, teacher-led environment, for example products which help primary school children learn about the human body or explore themes such as peer pressure to pursue harmful behaviours.
8. In fulfilling its obligations as the designated ratings authority, the BBFC regularly consults the general public to ensure that it fully reflects British sensibilities and expectations in carrying out its classifications role. As part of this, and in response to an additional responsibility for classifying more educational products in future, the BBFC will specifically consult those involved in educating children. As part of its consultation on its Classification Guidelines, due in 2013, the BBFC has been running focus groups for teachers to look at the classification of educational products. The BBFC will, on a continuing basis, ensure that it is well sighted on how educators use DVD resources and envisages inviting a serving teaching professional who is well-versed in the use of such materials onto its Consultative Council, the forum which advises the BBFC and whose members come primarily from local government, the screen entertainment industry, parents' groups, other media regulators and other expert bodies. The on-going dialogue between the BBFC and education professionals will offer valuable insights and contextual knowledge and will feed into BBFC policy though educational professionals will not be directly involved in any individual classification decisions made by the BBFC
9. The changes we plan to make to the legislation will undoubtedly impact on businesses – producers, distributors and retailers of these products will all be affected. Our impact assessment is published alongside this Government response and this shows that the direct costs to business – in the form of classification fees to the BBFC - would equal around £0.4m per annum.
10. However, we note that the responses we received from industry representatives accepted that the impacts were proportionate to the problem and necessary for better child protection. For retailers, it was in fact argued that more age ratings on products could help them in their dealing with consumers who would be better informed about products they were buying and less likely to bring back unclassified DVDs to complain that they were not suitable.
11. Several responses confirmed our assumption that micro-businesses would be impacted by these new measures, for example in the music industry (the BPI estimates that two thirds of its 350 members are microbusinesses) and possibly, it was suggested, churches or charities which make DVD recordings of sermons or events to sell (though in the case of the latter we assume that few products would be likely to contain material unsuitable for younger children as defined by the proposed lower threshold). We believe that in order to maintain integrity of the system, it must be universally applied to all content that is unsuitable for children, regardless of the size or nature of the distributer involved.
12. Whilst the consultation set out to determine whether changes needed to be made to the age rating of content distributed on recordable media, many of those responding took the opportunity also to call for more consistent adoption of classifications and labelling for online content so that consumers are better informed about products and to empower parents to make more confident decisions about what is or is not suitable for their children.
13. Responses to the consultation indicated that increasing numbers of digital distributers and content producers are signing up to voluntary systems such as BBFC Online or are offering their own content labels, such as the Parental Advisory Scheme that the UK music industry, under the leadership of its trade association the BPI, has introduced. We welcome this but believe that far more can be done and recognise that there is an urgent need for greater dialogue with industry on the issue.
14. Industry will develop solutions no later than the end of the year to ensure online videos - particularly those that are likely to be sought out by children and young people - carry advice about their age-suitability and content. Ministers will make their call to action at a roundtable with key businesses and influencers, including representatives from the music industry and digital service providers, this summer. This will look at the benefits of labels for online content, particularly how they can work together with parental controls to limit children’s access to unsuitable content, and also consider any barriers to their use.
15. In particular, we want to make sure content labels are clear and easily understandable to British families who are already familiar with the long-established ratings systems of the BBFC and, for video games, PEGI. We also want to ensure that ratings can be tagged and incorporated into the meta data of the content file so that parental (internet) content control software can recognise the ratings.
16. We were interested in the suggestion that there could be more involvement of the community in developing advice about the age suitability of online content that is currently not age rated. The BBFC and the Netherlands Institute for Classification of Audio Visual Media (NICAM) for example have been working together on a simple to use tool – using a free to complete questionnaire - which instantaneously produces age ratings for online user generated content though it could potentially work for other types of online product. The age ratings and content advice that are created by this tool are able to reflect the standards and societal concerns of the population of the country from which the content is viewed. The tool is being designed to be used by those uploading content or those viewing it. We will be interested to see how it works in practice in giving viewers of the content a voice and if this approach could provide the BBFC with additional intelligence on public opinion.
17. Some responses discussed the various technical solutions potentially available to act as a barrier to children’s access to inappropriate content such as network level filters. DCMS works with the Department for Education, the Home Office, industry and children’s charities through the UK Council for Child Internet Safety (UKCCIS) on how best to keep children safe online. The four major ISPs have signed a Code of Practice which ensures that all new customers are offered parental controls and they are beginning to make the same offer to existing customers as well. UKCCIS Ministers consulted last summer on what more could be done to ensure parents have the tools and information they need to make the choices that are right for them and their families in relation to accessing content online. The Government’s response to the consultation was published in December 2012 and can be found here: <http://www.education.gov.uk/a00218633/parental-internet-controls-consultation>
18. Government’s planned changes to the VRA exemptions for music, sports, religious and educational products can be made via secondary legislation that will set out the new content definitions which require products to be age classified. Draft legislation will be published for consultation as soon as possible. Once finalised the legislation will require notification to the European Commission under the Technical Standards Directive. Subject to subsequent clearance under the Technical Standards Directive, the legislation is likely to be introduced into Parliament in early 2014 and our expectation is that we will be able to bring the new classification requirements into force on the common commencement date in April 2014.
19. We will plan from the outset to liaise closely with DVD producers/distributors, retailers, the BBFC and enforcement agencies to ensure that the legislation is drafted to support a smooth transition to the new classification regime for products in the currently exempt genres and that any necessary practical arrangements are put in place.

# Section 3: Advertising in Cinemas

1. In granting licenses to show feature films in cinemas under the terms of the Licensing Act 2003, local authorities impose conditions that – amongst other things – restrict access to the cinema in accordance with the age ratings awarded to the film. Usually that rating is made by the British Board of Film Classification (BBFC) but occasionally it can be made by the local authority itself.
2. Advertisements shown alongside feature films in a cinema are also age rated by the BBFC. However, cinema advertisements are at the same time subject to the Advertising Standard Authority (ASA)’s Committee of Advertising Practice (CAP) Code so, in effect, advertisements shown in cinemas are regulated twice. Although each of these regulatory stages takes different approaches, the advertising industry believes this dual system of clearance can be confusing for consumers, advertisers and cinemas alike, and that it results in duplication of effort and additional costs for industry without any additional benefits to consumers.
3. For these reasons, Government decided to consult on two options:

* Leaving the current system unchanged
* Removing the requirement for cinema advertisements to be age rated by the BBFC when they are shown with a feature film at the cinema; and rely in future on the self-regulatory regime of the CAP Code, enforced by the ASA

Government believed there was a strong case for simplifying the regulatory regime but launched the consultation with an open mind on the outcome.

**Summary of responses**

1. Sixteen different organisations or individuals responded to this part of the consultation. Of those, four supported leaving the current system unchanged. Two of these were individuals: one did not expand on reasons for wishing to maintain the status quo while the second valued the independence that the BBFC added to the regulation of advertising. The two organisations who supported leaving the current regime unchanged were the Mothers Union and Mediawatch-UK. The Mothers’ Union believed that the system means that the two Codes of regulation work together to create ‘double protection’ and viewed this as of particular importance in protecting children.

*“Mothers’ Union members believe that the current system of two codes offers ‘double protection’ against unsuitable advertising, so that if any unsuitable content missed under the CAP Code will be picked up under BBFC guidelines and vice versa. “-* ***Mothers’ Union***

1. Similarly, Mediawatch-UK could understand that the current system might be seen to duplicate in some areas but they believed it works well and affords strong protection to consumers, particularly to children.
2. Twelve individuals and organisations supported removing the requirement for BBFC classification, including the BBFC itself in a joint submission with the Cinema Advertising Association (CAA) and Cinema Exhibitors’ Association (CEA).

*“We believe that the pre-release scrutiny of cinema advertisements under the CAP Code alone would be an effective and proportionate means of regulation. This change would not damage child protection or consumer protection more generally and would remove an extra regulatory burden, albeit one which enjoys public recognition and trust” –* ***BBFC, CAA and CEA***

1. These responses pointed out that all the Acts of Parliament that apply to films shown in the cinema apply equally to cinema advertising so there would continue to be an element of statutory protection. They added that the CAP Code itself requires attention to further legal and trading matters that are not encompassed by the BBFC Guidelines, so it could indeed be said to offer additional protection.

*“For instance, the terms, conditions and warnings required in financial advertising. Or the definition of a ‘free’ offer. The concept of ‘legality’ as conceived in the CAP Code is therefore broader than that contained in the BBFC Guidelines. Crucially, the CAP Code requires that no marketing communication should incite anyone to break the law and this requirement has been broadly interpreted by ASA Council.”-* ***BBFC***

1. The BBFC confirmed that in making their classification decisions they focus largely on the prevention of harm and considering “whether the material, either on its own, or in combination with other content of a similar nature, may cause any harm at the category concerned. This includes not just any harm that may result from the behaviour of potential viewers, but also any ‘moral harm’ that may be caused by, for example, desensitising a potential viewer to the effects of violence, degrading a potential viewer’s sense of empathy, encouraging a dehumanised view of others, suppressing pro-social attitudes, encouraging anti-social attitudes, reinforcing unhealthy fantasies, or eroding a sense of moral responsibility.”
2. But they also confirmed that these matters are, at the same time, a feature of the CAP Code “through Sections 5 (Children) and 4 (Harm and offence), which follow closely the protection of children encompassed in the BBFC guidelines. They are designed to prevent children from being enticed into moral, physical or psychological harm, and reflect the norms of society with regard to what is appropriate for children to see and hear”.
3. Additionally, the BBFC, CAA and CEA together agreed that if the requirement for BBFC classification were removed they would continue to collaborate to ensure that required levels of protection are maintained.

*“The industry will continue to restrict the exhibition of commercials by way of relating them to BBFC certificates. Therefore a degree of on-going liaison will continue between the BBFC and the Copy Panel. This would ensure the integrity of the BBFC Guidelines are coherent with public expectations regarding advertising.”-* ***BBFC, CAA, CEA***

1. Adverting professionals, through the ISBA (the representative membership body of British advertisers), the Advertising Association (AA), and the Institute of Practitioners in Advertising (IPA) all strongly supported the removal of the current requirement for BBFC classification. The ISBA concluded that the current need for two sets of clearances is a duplicated and completely disproportionate regulatory burden for advertisers. They suggested that the UK’s self-regulation for advertising is highly regarded and extremely effective in practice.

*“The UK is widely recognised to have a (perhaps the) world-class system of advertisement content self-regulation through the Advertising Standards Authority which handles all consumer and trade complaints about advertisement content. So effective is the system that the ASA hardly ever has to call on the powers of its statutory backstop regulators OFT and Ofcom.” -* ***ISBA***

1. The AA contended that the current regime is anti-competitive and damages SMEs, with many smaller brands and agencies not having sufficient revenue or time to meet the current requirements with the result that we have a less plural market in cinema advertising.
2. The IPA supported this view and added that “while the current setup offers the public, a level of protection, it does so in a very inefficient, costly and unnecessarily complicated fashion.” They were of the view that similar protection could be obtained by using the CAP system only, and put advertising with regulation of other parts of the media.
3. The ASA stated aim is to ensure that advertising in all media is legal, decent, honest and truthful, for the benefit of consumers, business and society. They also supported removal of the requirement for BBFC classification. A key point for them was the fact that they consider advertising across all platforms. They argued that the Code has been designed to be specifically appropriate for advertising and is therefore better able to cover the particular issues raised by that particular type of content. They reiterated that protection of children is at the heart of their work.

*“Consumers’ expectations of film and advertising content are not the same, and so different standards are, and should be, applied to each.”* -***ASA***

1. Other respondents supporting the removal of the current dual arrangements were the Video Standards Council (whose remit includes responsibility for the statutory classification of video games), the West of Scotland Age Restricted Sales Forum (a consortium representing the views of Trading Standards Officers in 13 West of Scotland local authorities); the Trading Standards Institute, UKIE (The Association for UK Interactive Entertainment), the Film Distributors Association, and the Family and Parenting Institute.

**Government conclusions on Advertising in Cinemas**

1. From the views put forward in the course of our consultation and evidence available, Government believes that the CAP Code applied to advertising in cinemas alone offers sufficient protection for audiences, including children. We are very grateful for the work the BBFC has carried out in this area, and the way in which for many years it has helped to protect consumers. However we accept that requiring their involvement creates an unnecessary level of bureaucracy. We are particularly mindful of the fact that the BBFC themselves agree that their withdrawal from the process will not have any detrimental effect on child or consumer protection and note that the ASA and BBFC have committed to continue to collaborate in future to ensure that children remain properly safeguarded. We are therefore intending to bring to an end any requirement for BBFC classification of advertisements shown in the cinema.

**Next steps**

Government is currently exploring the most effective ways in which to bring the planned changes to cinema advertising regulation into effect. We will make an announcement on this in due course.

# Appendix A: Organisations responding to the consultation

Institute of Practitioners in Advertising

Voice of the Listener and Viewer

British Board of Film Classification

Cinema Advertising Association

British Video Association

BPI

Video Standards Council

Entertainment Retail Association

Cinema Exhibitors Association

ISBA

Advertising Association

Family Planning Association

Brook Advisory Services

Music Publishers’ Association

Holocaust Educational Trust

Mothers’ Union

Mediawatch-UK

UK Music

West of Scotland Age Restricted Sales Forum

CARE

Advertising Standards Authority

Trading Standards Institute

UK Interactive Entertainment

National Society for the Prevention of Cruelty to Children

Film Distributors Association

The Samaritans

Family Education Trust

Parliamentary Committee against Anti-Semitism Foundation

Community Security Trust

Family and Parenting Institute

# Appendix B: Lower threshold – BBFC and industry proposal for material that would require exempt products to be classified in future

In response to the consultation, the BBFC, British Video Association, Entertainment Retail Association, BPI and Video Standards Council proposed the following new criteria under which music, sports, religious or educational video work would lose exemption from classification:

• **Strong violence**

**• Explicitly sexualised behaviour, including nudity**

**• Racist, homophobic or other discriminatory behaviour or language**

**• Imitable dangerous behaviour, including drug and other substance misuse**

**• Repeated use of strong language**

Examples of the types of content the BBFC would envisage falling under these definitions:

**Strong violence**

Strong violence means a focus on the depiction of realistic violence, whether real or simulated, including an emphasis on injury or blood. Of particular concern are depictions of strong violence which feature an enhanced focus on violence through for example slo-mo replays of violent moves and any potentially dangerous combat techniques which may be copied. It includes depiction of the aftermath of violence, including self-mutilation, scarification, DIY surgery and self-harm. It includes depictions of violent acts in which the "victim" is consenting to those acts. It also includes material which may stimulate or encourage strong violence, including verbal references which may promote or glamorise violence or present violence as a normal solution to problems. It includes depictions of strong violence involving animals where a human agent is involved (eg arranged animal fights). It includes any portrayal of sexualised or sexual violence.

**Explicitly sexualised behaviour, including nudity**

This includes images which involve genital, buttock or breast nudity which are designed to titillate and arouse. It includes topless dancing, including lap and pole dancing. It includes strong images of simulated human sexual activity.

It includes strong, explicit verbal descriptions of human sexual activity.

It does not include natural breast or buttock nudity in a non sexual context.

**Racist, homophobic or other discriminatory behaviour or language**

Racist language includes derogatory terms and dialogue relating to race which criticise an individual or a group of individuals on the grounds of, or by making reference to, race. Homophobic language includes derogatory terms and dialogue relating to sexual orientation which criticise an individual or a group of individuals on the grounds of, or by making reference to, sexual orientation. Other discriminatory language includes derogatory terms and dialogue relating to issues such as gender or disability which criticise an individual or a group of individuals on the grounds of, or by making reference to, these matters.

**Imitable dangerous behaviour, including drug and other substance misuse**

This includes content featuring drug and alcohol misuse. Of particular concern are verbal or visual depictions which glamorise, normalise or otherwise promote such misuse, especially if the misuse is carried out by a figure with significant appeal to children or young people. Depictions of drug misuse which offer instructive detail are also of particular concern.

It also includes verbal or visual depictions of tobacco use which glamorise or otherwise promote tobacco use, particularly where tobacco is being used by a character or characters with significant appeal to children or young people. Also of concern are depictions of tobacco use which suggest its use is normal for children or young people.

This content also includes potentially dangerous behaviour which is presented as safe or fun or attractive and can be relatively easily imitated by children or young people.

**Repeated use of strong language**

This means, for example, f\*\*k and its variants

It does not include infrequent (ie fewer than five uses in a feature length work) use of strong language.

# Appendix C: Selection of currently exempt works attracting complaints to the BBFC

(Extract from BBFC’s submission to the consultation)

|  |  |
| --- | --- |
| **Title** | **Detail of Complaint** |
|  |  |
| Ultimate Fighting Championship DVDs | DVD series contains images of strong, bloody sporting violence |
| His Name is Jason | Documentary about horror film series. Contains scenes from the films, including strong language, violence, explicit sexual references and breast nudity |
| Flaming Lips – Christmas on Mars | Strong language, close-ups of female genitalia, sight of a baby being crushed underfoot |
| Lady Gaga – Born this Way | Music video. Nudity, demeaning portrayal of women |
| Living and Growing | Channel 4 sex education work, contains animated clips of sexual activity |
| The Prisoner TV series box set | Box set rated ‘PG’ but contains exempt documentary with strong language |
| The World at War | World War II documentary contains scenes of suffering and death |
| The Wrecker | Footage of real train crashes with sight of casualties and corpses |
| Pussycat Dolls Workout | Exercise video. Contains sexually provocative poses and movements |
| Russell Brand on the Record | Stand-up comedy. Contains explicit sexual references and strong language. |
| Mondo Cane / Mondo Cane 2 | ‘Reality’ nature documentaries. Features real footage of animals being killed |
| Beyonce – Live at Roseland | Concert recording. Beyonce dances suggestively in underwear |
| Girls Aloud music videos | Content is sexually provocative |
| Professor Green - Jungle | Music video. Accused of ‘normalising’ violence. |
| River Academy – Early Season Trout Fishing | Angling documentary. Contains strong language. |
| Lady Gaga - Paparazzi | Music video included on a POP PRINCESSES video compilation with CD. Contains sexually provocative material and revenge / murder theme. |
| The Persuaders TV series box set | Box set rated ‘PG’ but contains exempt documentary with very strong language. |
| Summer Holiday Dance Craze | Music video compilation. Bikini-clad female models dance in sexually provocative manner. |
| Liberty X – Everybody Cries | Music video. Pop group seen walking along railway tracks. Dangerous imitable behaviour. |
| Pop Junior DVD | Music video compilation accompanying CD. Contains inappropriate content for children. |

1. For the purposes of the consultation and its response, references to “children” generally mean persons under the age of 18. By “younger children” we generally mean children age 12 or younger [↑](#footnote-ref-1)