

**FPI Response:  
Consultation on Exemptions to the Video Recordings Act and on Advertising  
in Cinemas**

July 2012

1. The Family and Parenting Institute is an independent charity that exists to make the UK a better place for families and children. We work with charities, businesses and public services to offer practical help to families. We run campaigns to build a family friendly society. Our research offers insights into family life now and in the future. We work to inform policymakers and public debate and we develop practical resources for people working with families.
2. The purpose of this DCMS consultation is to seek views and evidence on 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 amend the Licensing Act 2003 to remove any requirement for the British Board of Film Classification (BBFC) to have a role in age rating advertisements shown in cinemas.
3. FPI is in support of the government's preferred options on both of these – namely that
  - a. the threshold for videos and DVDs should be amended so that recordings currently exempt for classification (for example works that are primarily about music, sport, religion or education) are brought into scope of the statutory age rating regime (Part B: Option 2)
  - b. it would make more sense to parents and consumers to have a single responsible agency for classification on the assurance that this simplification would not result in any gaps in relation to consumer and child protection and that suitable safeguards would be maintained for a proportionate system of regulation (Part A: Option 1)

The remainder of this consultation explains why we take this position.

**Because parents worry about what their children access**

4. In a recently held FPI focus group with parents (July 25 2012), parents of 11-17 year-olds confirmed to us that they held deep concerns about the suitability of the content

that their children were able to access. This reflects previous research by Ofcom<sup>1</sup> that parents of 5-15 year-olds were more likely to be concerned about television content (31%) than internet (23%), mobile phone (16%), games (19%) and radio (5%) content.

5. Ofcom research found that the top unprompted concerns among all parents surveyed were violence (20%), sexually explicit content (17%), offensive language (17%), content unsuitable for younger people/children (9%), and generally unsuitable content of a sexual nature (9%). When all mentions of anything sexual were aggregated, the total figure for all parents concerned about any sexual content was 21%.

### **Because many parents feel content is getting worse**

6. Professor Tanya Byron in her review *Safer Children in a Digital World*<sup>2</sup>, published in March 2008 first raised awareness of the need for updated legislation on new forms of media. The Bailey Review in 2011 reflected the fact that contributors to the review had expressed concern about music videos, regardless of the medium in which they appear. Concerns focused on the sexual and violent nature of some song lyrics, and what respondents saw as highly sexualised dance routines and the portrayal of stereotyped gender roles in some videos.
7. The Bailey Review<sup>3</sup> referenced BBC audience research that highlighted
  - a. 46 per cent of the viewing audience surveyed thought that morality, values or standards of behaviour in TV programmes have been getting worse in recent years.
  - b. Issues of top concern were strong language, violence and sexual content on TV.
  - c. 50 per cent said they 'personally see or hear things on television which you find offensive'.
  - d. 40 per cent of the audience reported they had seen or heard something on TV in the last 12 months that they felt should not have been broadcast.

### **Because parents are confused and unclear about current guidelines**

8. Mumsnet research<sup>4</sup> for BBFC indicated in this consultation document showed that the majority of parents (74%) have not heard of the "E" symbol indicating exemption on DVDs for age advertising. In the same survey, over two thirds of responders (68%)

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<sup>1</sup>[http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children\\_and\\_parents.pdf](http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/oct2011/Children_and_parents.pdf)

<sup>2</sup><http://www.education.gov.uk/ukccis/about/a0076277/the-byron-reviews>

<sup>3</sup><https://www.education.gov.uk/publications/eOrderingDownload/Bailey%20Review.pdf>

<sup>4</sup><http://www.bbfc.co.uk/download/policy-and-research/Mumsnet%202011.pdf>

supported the idea that DVDs/videos that are currently exempt should have an age classification.

9. Age ratings provide vital information to parents and others who are buying products for children or young adults and alerts them to the nature of the product's content. The Mumsnet/BBFC research suggests that there is little understanding that some video works are exempt from age rating. 8 out of 10 of those who replied to the Mumsnet survey thought that videos which contain unsuitable content should be subject to statutory age rating.

### **Because parents expect their children to be protected**

10. Many parents believe mistakenly that music DVDs are subject to the same classification or restrictions as other TV and film products. We believe that the music industry should take a precautionary approach to film and ensure that children are protected before being exposed to harmful material.

### **In conclusion**

11. We believe that the exemptions in place were appropriate when they were made in the 1980s but have ceased to be workable in an age where the content of music, sport, religion or education videos has moved on and increasingly pushing boundaries of taste and graphic content.
12. We understand that the VRA applies only to hard copy video recordings (the physical product) and not the content screened on television which is regulated under the Communications Act (implementing the Audio Visual Media Services Directive) or content made available via the internet. We would urge the DCMS to consider addressing this particular issue.
13. Nonetheless, we feel that changing the exemptions under the VRA would send an appropriate signal to those dealing with other media to reflect on their own positions. Ideally we would like to see the content of music videos more tightly regulated.
14. Our position on the cinema advertising classification is based simply on practical grounds. We know of no evidence that would suggest that the option being proposed would or would not be more effective – and for that reason we favour a more streamlined approach with one sole agency. We would urge that because this essentially a self-regulated route, that safeguards and checks remain in place to protect from future issues and complaints.

This consultation response has been coordinated by the FPI Research and Policy team. For more information please contact [info@familyandparenting.org](mailto:info@familyandparenting.org).