



# Mediawatch-UK

■ ■ ■ Campaigning for family values in the media

## **Mediawatch-UK Submission to DCMS Consultation on Exemptions to the Video Recordings Act and on Advertising in Cinemas.**

### **Who we represent:**

Mediawatch-UK is a voluntary organisation, formerly known as the National Viewers' and Listeners' Association with members throughout the UK. Our membership consists of people of all ages, occupations and backgrounds who are concerned about the influence of the media on the individual, the family and wider society.

**Mediawatch-UK welcomes this opportunity to contribute to the DCMS Consultation on Exemptions to the Video Recordings Act and on Advertising in Cinemas.**

### **Our Position**

#### Regulation of Advertising in Cinemas

In principle we agree that the significant element of double regulation for cinema advertisements could be seen as unnecessary and represent a duplication of effort.

However, the system currently in place appears to work well and we are concerned that a change to the current form of regulation would remove the statutory backing presently enjoyed. We are not convinced that the sanctions available to the ASA for breaches of the CAP code are as strong as those enjoyed under the current system.

We feel that the current system offers the best protection for consumers, particularly children. We are particularly mindful of the fact that cinema audiences attend screenings to see films and not the accompanying advertising so a cautious approach is particularly important.

We appreciate that the present system places an additional financial obligation on advertisers but we do not consider £111 (average cost for BBFC classification) to be particularly burdensome in relation to the harm that ill judged advertising can cause<sup>1 2 3</sup>. We consider it unlikely that any serious potential advertisers will be deterred by this fee. If advertisers are deterred from cinema advertising because of the speed a dual clearance takes than the administrative process needs to be revised rather than the regulatory system.

We appreciate that the industry feels it may be losing revenue as a result of this extra regulation and that removing the second tier may result in an increase in revenue. However we are of the opinion that an extra spend in this area is likely to come from other areas of the marketing spend and reduce revenues in other areas.

#### Exemptions to Classification in the Video Recordings Act 1984

We welcome this consultation as we are concerned that potentially harmful material is available to children through video works which are not classified because as primarily music, sports, education or religious titles they are exempt from classification.

When the Video Recordings Act was enacted it is unlikely that the kind of material now available in some works in these categories was envisaged and, similarly, we cannot now foresee the direction in which some of these genres will move so we are delighted that measures to protect consumers, particularly children, are being consulted upon.

We believe that is vital that consumers have as much information as possible in any purchasing decision. Canvassing amongst our members (a demographic particularly concerned with these issues) suggests that few people are aware that some video works are exempt from classification.

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[http://issuu.com/bodyimage/docs/reflections\\_on\\_body\\_image?mode=window&printButtonEnabled=false&backgroundColor=%23222222](http://issuu.com/bodyimage/docs/reflections_on_body_image?mode=window&printButtonEnabled=false&backgroundColor=%23222222)

<sup>2</sup> <http://pediatrics.aappublications.org/content/118/6/2563.full>

<sup>3</sup> British Medical Association. Eating Disorders, Body Image & the Media. London, England: British Medical Association; 2000

We think clarity for the consumer is important and in any media format it is important the consumer knows that they are likely to get and can avoid unpleasant surprises.

We are aware that many video works in the sports, music, religious and educational categories are not aimed at children but this does not mean that children will not find them of interest as so they still need protection. **For this reason we are of the opinion that the current category exemptions should be removed.**

We would like to see regulatory option 1 adopted. In our view this offers the best protection to consumers. It appears that many consumers already believe that all works are classified and, in terms of clarity, this option meets expectations and removes all ambiguity. Given how much content has developed since the VRA was passed in 1984 and how much it continues to change, option 1 would seem to offer the best 'future proofing'.

We appreciate that this system would place an additional financial obligation on advertisers but we do not consider £473.40 to be especially burdensome, particularly in relation to the potential harm and distress that can be caused by viewing age inappropriate material.<sup>4 5 6</sup>

This option would involve retailers imposing age ratings at the point of sale but this offers an additional level of protection which think is much needed.

We are aware that material which is likely to merit a classification of 12 or above, should option 2 be adopted, is available online and occasionally on pre-watershed mainstream media broadcasts. However this is a separate issue and not a valid reason to avoid putting protection in place for video works.

Regulatory option 2 would be our second choice and preferable to the status quo. However we are concerned that new definitions may still allow some material at the margins to escape classification. For example, a depiction of whether or not violence looks realistic is subjective and we are concerned that producers may claim exemption status for some material which could usefully be classified. Much more subtle material which may have negative effects, such as reinforcing negative gender stereotypes for example, may also slip through the regulatory filter.

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<sup>4</sup> <http://www.sciencedaily.com/releases/2009/05/090504105555.htm>

<sup>5</sup> Sargent JD, Tanski S, **Stoolmiller M**. Influence of Motion Picture Rating on Adolescent Response to Movie Smoking. *Pediatrics*. 2012 Jul 9.

<sup>6</sup> de Leeuw RN, Sargent JD, Stoolmiller M, Scholte RH, Engels RC, Tanski SE. Association of smoking onset with R-rated movie restrictions and adolescent sensation seeking. *Pediatrics*. 2011 Jan; 127(1):e96-e105.

We do not consider regulatory option 3 offers enough protection for consumers, particularly children. A system which is entirely voluntary is always open to potential abuse.

However our principle concern is that such a voluntary scheme would lack real sanctions in terms of statutory backing or enforcement and there would be no legal bar to retailers selling potentially unsuitable material to children. We are aware that different retailers operate different policies in terms of selling material in the music industry's PAS scheme to children which creates confusion and does not offer the best level of protection.

**In conclusion, Mediawatch-UK's preferred option would be to leave things as they are (Part A option 0) in relation to the regulation of advertising in cinemas. Our preferred option for exemptions to classification in the Video Recordings Act 1984 would be to remove the exemptions from age rating for music, sports, religious and educational video works (Part B option 1).**