



9 July 2012

The Hon Ed Vaizey MP
Minister for Culture, Communications and Creative Industries
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Dear Ed,

The BBFC, BVA, BPI, VSC and ERA welcome the opportunity to respond to the Government's consultation on the Video Recordings Act and wish to submit a common position in support of Part B Option 2 and propose criteria under which a video work would lose its current exemption.

We recognise that content in exempt categories has changed significantly since 1984. Although the majority of presently exempt works do not cause harm or offence, there is material in a small number of works claiming exemption from classification which is unsuitable and even potentially harmful to children, but which may be supplied without restriction to them. We know that most parents rely on age classifications and consumer advice on packaging to decide whether a video work is appropriate for their children's viewing. We acknowledge the genuine concern about the availability to children of unsuitable content and confusion about the exempt categories which risks undermining their confidence in the UK's statutory classification system. 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 sports and documentaries.

We agree, therefore, that it is right to update the Video Recordings Act to lower the threshold at which videos lose their exemption (your Option 2). This would be a sensible and proportionate measure to ensure that the small number of video works which are problematic are subject to trusted, independent regulation. We do not favour any of the other three options.

In line with the principles set out in Option 2, we propose that any works being distributed in future in exempt genres which contain the content set down below should be submitted to the BBFC under the Video Recordings Act for age-appropriate classification to be given along with bespoke consumer advice to empower consumers and protect children from potentially harmful material. This would strengthen the existing grounds for a video work losing exemption. They are slightly different criteria than those which apply to video games and reflect the differences between the two media.

BBFC/BVA/BPI/VSC/ERA Proposed new criteria for threshold under which a 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**

We attach draft guidance for each of these areas which the BBFC and VSC would apply to advise distributors as to whether or not a work is likely to have lost its exemption.

Local Government Regulation and individual Trading Standards officers with responsibility for VRA compliance contributed to the drafting of the proposal and guidance. The proposal and guidance therefore reflect their views. However, because Local Government Regulation no longer exists, they are unable formally to put their name to it.

The proposal also enjoys cross party support across Parliament. We understand that Lord Clement Jones and Baroness Howe, who put forward an amendment to the Digital Economy Bill along the lines of the attached proposal, have written to you expressing their support for it.

We believe that such an amendment to the Video Recordings Act would be an effective and proportionate means of protecting children from inappropriate content and of empowering consumers to make appropriate viewing choices.

We are ready and willing to discuss the detail and how our proposal may be implemented in an amendment to the VRA with your officials.

Yours sincerely,

David Cooke

David Cooke, BBFC



Laurie Hall, VSC

Lavinia Carey

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Kim Bayley

Kim Bayley, ERA

G. Taylor

Geoff Taylor, BPI

ATTACHMENT: GUIDANCE FOR DISTRIBUTORS ON WHAT CONTENT IS LIKELY TO LOSE A VIDEO WORK ITS EXEMPTION

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

Strong language means: fuck and its variants, motherfucker, cocksucker and cunt.

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

BBFC/BVA/BPI/VSC/ERA
July 2012