

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

August 2012

NSPCC Recommendations

The NSPCC recommends that the Government adopts Part B, Option 2.

Questions

Part A

We appreciate the industry's view about unnecessary duplication of regulation of cinema advertising and their desire to streamline the system. We have no strong view regarding which body regulates cinema advertising, as long as age ratings continue to be age appropriate for cinema advertisements and carried out by an independent agency in a transparent and robust way.

Part B

Q B.1 Material that might be unsuitable for children is available in unclassified hard copy videos. DVDs of music artists' tours are available to be bought in supermarkets, music shops and online. They can contain lyrics that are sexually explicit or implicit, or contain references to violence, suicide and drugs. We echo the findings and concerns of the Bailey Review and those in the earlier Papadopoulos report; we are concerned about the sexual and violent nature of song lyrics and dance routines that are highly sexualised¹ and the impact that these can have on children and young people's lives.

Research² demonstrates that young people, particularly boys, who are exposed to sexualised media, are more likely to view women as sex objects. There is also evidence³ that suggests a correlation between listening to sexualised lyrics and early sexual activity, which puts children and young people at risk of teenage pregnancy and sexually transmitted diseases,⁴ and which impacts on children's capacity to live full and safe lives.

In adolescence children and young people do not yet have the critical thinking capabilities of adults because their brains are not yet fully developed, and so they are less likely than adults to understand any irony, fantasy or other subtle messages that an artist or producer may have intended. "Research suggests that adolescence is a key time for the development of regions of the brain involved in social cognition and self-awareness. If early childhood is seen as a major

¹ Bailey, R, *Letting Children be Children*, (London: Department for Education, 2011), 32

² Peter J, Valkenburg, PM, "Adolescents' Exposure to a Sexualised Media environment and their Notions of Women as Sex Objects" *Sex Roles* 56 (2007), 318–395

³ Martino SC, Collins RL, Elliott MN, Strachman A, Kanouse DE, Berry SH, "Exposure to Degrading versus nondegrading Music Lyrics and Sexual Behaviour among Youth" *Pediatrics* 118:2 (2006), 430–441

⁴ Coy, M, "Milkshakes, Lady Lumps and Growing Up to Want Boobies: How the Sexualisation of Popular Culture Limits Girls' Horizons" *Child Abuse Review*, 18, (2009), 372–383

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opportunity - or a 'sensitive period', for teaching - so too should the teenage years. During both periods, particularly dramatic brain reorganisation is taking place."⁵

"The main problem is the media, I think more restrictions on what children and young people are shown and how they are portrayed in the media would help by changing how young people think they should be seen and therefore how they would act. We are constantly being shown in music videos aimed at young children famous people that many see as idols wearing very little and singing graphic lyrics. [...]" Ale, 17⁶

"Music videos to be age rated - definitely agree. If only to make the people who create them think twice about what they put in them. I bought a pink glittery music DVD for my 8 year old and it was all women gyrating in bikinis, yet the packaging showed it was aimed at her age group. A Katy Perry CD I bought for her was bubblegum scented yet the lyrics were not exactly what you'd want her singing along to in some cases. They know the main market for this type of music is kids this age (i.e. 8 to 12 I'd guess) and the packaging reflects this, yet the content doesn't." nightingale452⁷

Q B. 2 As illustrated in our response to Q B. 1, it is our view that there are some DVDs available for purchase online or in hard copy which contain images and lyrics of a highly sexualised nature which have not been subject to classification by the BBFC. We do not believe that these necessarily should have been classified by the BBFC under the current regulations; however we consider that the current threshold is too high. The list of acts which a work would have to contain in order for it to require classification by the BBFC has significant gaps; it does not specify explicit lyrics, or lyrics that might incite sexual activity, torture, suicide, or violence. It does not take into account the cumulative effect that lyrics, in combination with a video with sexually provocative images may have on children. The current list sets a threshold which is too high, and as such we recommend that this list is reviewed. We suggest that "or are likely to any significant extent to stimulate or encourage such sexual activities" is reworded to: "or are likely to stimulate or encourage sexual activities."

Q B. 3 - 5 No comment.

Q B. 6 We accept that regulating online video content is very difficult, particularly on sites which host user-generated or uploaded content; however more could be done to make parental controls and guidance more prominent and accessible so that parents can make informed decisions about controlling their children's online video access. Government and industry should work together to ensure that all content providers offer clear programme content information and visible and effective parental control options.

YouTube

Children and young people are prevented from accessing inappropriate material by requiring the viewer to log in and thereby through registration 'prove' that they are over 18 years of age. Content that requires this rating is selected by the user uploading the material, and as such relies on the subjectivity of YouTube's users. The threshold of 18 for explicit content is very high and does not

⁵ Blakemore, S.J. "The Developing Social Brain: Implications for Education" *Neuron* 65, (March 2010)

⁶ Quotation gathered as part of the NSPCC evidence gathering in preparation for responding to the Bailey Review on the Commercialisation and Sexualisation of Childhood in March 2011.

⁷ http://www.mumsnet.com/Talk/in_the_news/a1468829-New-clearer-videogame-classifications-labelling-and-warnings-on-explicit-online-videos-your-thoughts accessed: 18th July 2012, 11.52

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take into account other videos that parents may deem to be inappropriate for their children to watch. We would welcome greater dialogue between users, industry, Government and the voluntary sector to look for innovative and workable solutions.

Pay TV services

LOVEFiLM provides BBFC ratings of its films that are available online, offers parental controls based on these certificates and explains the rating system on its website, which enables parents to make informed decisions about online content. This includes DVDs that are music related, showing the exempt symbol when the content has been classed as exempt by the distributors or suppliers. In contrast, Netflix does not provide recognisable information regarding suitability of content, and therefore parents' ability to make informed choices and decisions is limited.

Free TV on Demand services

We welcome the fact that BBC, ITV, Channel 4 and Channel 5 have parental controls in place, operated via a PIN system. We would like to see a lower age threshold than 16 for Channel 4 and 5's programming to enable parents of younger children to limit their access to more material if they choose. Both BBC and ITV have parental controls that allow parents to restrict access to programmes that have been given a guidance warning, but we would like to see finer restriction criteria which would allow parents more control over the amount of content they are screening. We would also like parental control options to be much more visible on these sites, following the example of Channel 4.

Q B. 7 Children are spending more and more time using and viewing online digital media and it is important that parents are equipped to keep their children safe. Parents want and need more online material to be classified with recognisable and consistent classification marks. 91% of parents want to see BBFC classification on downloadable or streamed films and other digital audio-visual content.⁸ Parents have the right and responsibility to protect their children from material that they consider inappropriate, but they are only able to do so if they have clear and consistent guidelines. Parents need to be made more publicly aware of these classifications, in order to be able to use them effectively and know where to go for further information. It is also becoming increasingly important to be able to prevent children from viewing inappropriate material on devices other than the family computer, for example games consoles, tablets and smart phones. We would like to see more information for parents about the importance of overseeing their child's access to content and how to do it.

Option 0

Q B. 8-15 We strongly oppose this option; as we have shown in our answers to questions Q B. 1-7, children are currently able to view unsuitable material, both online and offline. Therefore, we do not see that maintaining the current regulatory system is a viable option. Parents do not want this option: only 4% of parents oppose the idea that DVDs/videos containing material that could be considered unsuitable for children should have an age certification.⁹

Option 1

Q B. 16 This option would eliminate any ambiguity as to the age appropriateness of video content and would prevent children directly being able to access hard copies of unsuitable video material.

⁸ <http://www.pbbfc.co.uk/downloads.asp> accessed: 23rd July 2012, 12.28

⁹ DVD/Video Classification Survey for the BBFC Summary Report (2011) available: <http://www.bbfc.co.uk/download/policy-and-research/Mumsnet%202011.pdf> accessed: 20th June 2012, 11.36

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We have strong sympathy with this option; however, we do not support this option because it is not proportionate to the child protection benefits it would achieve. We have no wish to see the regulation of videos/DVDs which contain content that is uncontroversially and obviously suitable for all and do not need to be classified. We have no wish to see educational films used as teaching aids, particularly in PSHE, given classifications that would prevent them being used in schools, although of course these DVDs should be used appropriately for different age groups.

Q B. 17 Children will still be able to purchase content directly from the internet if they have access, authorised or otherwise, to an adult's credit card. In some cases they may be given access to such material by others. It is not possible to eliminate the possibility of children purchasing content by using an adult's credit card. Children will also be able to view inappropriate content via online providers such as YouTube and on television. Children's ability to view material online may be restricted by extending classification to online content; however we recognise that this is not realistic due to the volume of self-generated material which it would be necessary to categorise: every second, one hour of video is uploaded to YouTube.¹⁰

Q B. 18 The main advantage of this option would be clear, consistent guidelines that would be available to parents and children being unable to purchase age-inappropriate material in shops.

Q B. 19 See response to Q B. 16 & 18.

Children will be better protected from viewing unsuitable content that may affect children's behaviour, including content that affects young boys' perceptions and behaviour towards women and girls.¹¹ They will also be less likely to be exposed to the pressures of emerging sexuality, which can be enhanced by over-exposure to sexualised content.¹²

Q B. 20 No comment.

Q B. 21 There would be additional costs to industry. We do not consider that an additional cost of £1.36million a year to be a significant cost to an industry which is worth £2,308.5million.¹³ Nevertheless, we do not consider the cost to be proportionate to the increase in regulatory control and child protection benefits gained.

Q B. 22 No comment.

Q B. 23 In the top ten bestselling games for 2011, three of the ten were concerned with sport (FIFA 12, Zumba Fitness, Just Dance 3). In contrast, four of the top five games for the Nintendo Wii were concerned with sport.¹⁴ We do not consider that the impact on these video games will be any different to the impact on DVDs and other video content covered by the Video Recordings Act.

Q B. 24 No comment.

Option 2

Q B. 25 This option would significantly benefit parents; it would provide parents with clear guidance as to the age appropriateness of video content and will bring video material subject to the same

¹⁰ YouTube, <http://www.onehourpersecond.com/> accessed: 17th July 2012, 21.12

¹¹ Bailey, R, *Letting Children be Children*, (London: Department for Education, 2011), 32

¹² Papadopoulos, L, *Sexualisation of children*, (London: Home Office, 2010)

¹³ Video Recordings Act exemptions Impact Assessment, (London: Department for Culture, Media and Sport, 2012) 2, 6

¹⁴ ukie.info/content/ukie-reveals-best-selling-video-games-2011 accessed: 20th June 2012, 14.55

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regulatory age framework as video games. It may also make producers of content more aware of the suitability for children of content in their videos.

Q B. 26 See response to Q B. 17.

Q B. 27 The key advantage of this option is that it would provide clear guidance for parents which is in line with the new regulatory regime for video games, and so which would result in an improved level of child protection. The costs to industry would be limited.¹⁵ Parents support having clearer guidelines about the age appropriateness of video content: 79% of parents say they support the idea that DVDs/videos containing material that could be considered unsuitable for children should have an age certification awarded by the BBFC.

By rating all material as suitable for children from 12 years old upwards, the Classification Board will be, by extension, determining all remaining content that is exempt from classification to be suitable for most audiences, while still allowing, and expecting, parents to exercise their judgement and control over the suitability of material for their children.

Children will still be able to access inappropriate content online via channels such as YouTube.

Q B. 28 See response to Q B. 19, 25 & 27.

Q B. 29 No comment.

Q B. 30 Yes, the financial investment required by industry would be proportionate to the child protection benefits incurred. An annual additional cost of £0.34million is unreasonable for an industry worth £2,308.5million,¹⁶ and is proportionate to the protection being offered to children against exposure to inappropriate material and the pressures of emerging sexuality.

Q B. 31 No comment.

Q B. 33 Clear guidelines should be issued to all relevant stakeholders as to what remains exempt under this option and what would need to be submitted to the BBFC for classification in order to ensure that material that should be classified does not slip through the net. There should be clear and robust sanctions for those failing to submit material for classification, and a well-publicised clear referral process for such material.

Reg Bailey's report *Letting Children be Children* identified a number of core concerns of parents and society with regard to inappropriate video content. The exemptions threshold that would be created by this option would bring 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 into the BBFC's regulatory scope, which we believe would address these concerns.

"Influential Music artists show boys how really women are there as objects and it isn't exploitation to expect them to do what you want, when you want or to be seeing several simultaneously, lyrics often overtly and sometimes covertly appear to be advertising domestic violence while rap music is often predominately blamed for this type of image I would argue that these messages are often pervasive across the board in terms of musical genres . And obviously music isn't the only media form perpetrating these destructive ideas popular tv shows are praised for being so realistic making children and young people think the things

¹⁵ Video Recordings Act exemptions Impact Assessment, (London: Department for Culture, Media and Sport, 2012), 3

¹⁶ Video Recordings Act exemptions Impact Assessment, (London: Department for Culture, Media and Sport, 2012), 3, 6

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that happen are these shows are not only acceptable but everyone's doing it. Again I believe the issue isn't just about having sex; it's about the way it makes the boys who aren't having sex feel about themselves, it's about the lack of confidence, the sense of entitlement they could feel to girls bodies and how they react if a girl doesn't immediately have sex with them." Young person¹⁷

"[...] those awful music videos. It's soft porn and something young children should not be watching, unless you want to see 4 year olds bumping and grinding with each other at in the playground. I put a block on those channels when we got cable TV. Only allowed them when my DC were old enough (about 12) to understand my humourless, feminist, embittered objectification-of-women rant. Those videos make girls hate their bodies and boys think all girls are up for it 24/7" olderandwider¹⁸

Option 3

Q B. 34 – 41 We oppose this option. Parents want to be given official, consistent guidance about the suitability of video content for their children: 82% of parents say they prefer to download content with BBFC classification symbols.¹⁹ Parents have a role in protecting their children from unsuitable material; however limiting children's viewing of inappropriate material also requires responsible action from industry.

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About the NSPCC

The National Society for the Prevention of Cruelty to Children (NSPCC) aims to end cruelty to children in the UK by fighting for their rights, listening to them, helping them and making them safe.

We share our experience with governments and organisations working with children so together we improve the protection of children and we challenge those who will not learn and change. We campaign for better laws and we educate and inform the public to improve understanding about child abuse.

Our services include the NSPCC Helpline, for adults worried about a child, and ChildLine, the UK's free, confidential helpline for children and young people.

ChildLine is a service provided by the NSPCC. Registered charity numbers 216401 and SC037717.

¹⁷ Quotation gathered as part of the NSPCC evidence gathering in preparation for responding to the Bailey Review on the Commercialisation and Sexualisation of Childhood in March 2011.

¹⁸ http://www.mumsnet.com/Talk/am_i_being_unreasonable/919631-disagreeing-with-dh-re-dd-3-5-watching-music-videos/AllOnOnePage accessed: 12th June 2012, 13.45

¹⁹ <http://www.bbfc.co.uk/newsreleases/> accessed: 7th June 2012, 15.32