

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

Mothers' Union's response

Mothers' Union is a worldwide Christian membership organisation committed to supporting family life through its four million members in over 80 countries. Mothers' Union consulted its members across the United Kingdom by sending out a briefing on the Government's proposals with a few of the specific questions from the DCMS consultation. Our response is informed by the replies from 365 members, along with the principle in our *Bye Buy Childhood* campaign, that children should not be exposed to sexualised media, marketing and products.

We found that most answers could be incorporated under the questions asking for the advantages and disadvantages of each proposal and so have answered only selected questions. In general we felt that the number of questions was rather excessive given what the consultation was actually asking. We have also included a number of direct quotes from Mothers' Union members.

CONSULTATION QUESTIONS FOR PART A

General Questions

Q A.1 What is your view on the current system of regulating cinema advertising?

Mothers' Union believes that the current system of regulating cinema advertising works very well and does not need to be changed. In the last five years, between July 2007 and July 2012, the Advertising Standards Authority received complaints about 13 adverts played in cinemas, out of which only two were upheld. This compares with 187 poster adverts and 916 television adverts being investigated following complaints during the same period. This suggests that regulating adverts through both the ASA and BBFC ensures that cinema advertising is appropriate to its audience.

For Part A Option 0 (No change):

Mothers' Union is in favour of this option.

Q A.7 What are the key disadvantages of this option in your view? Could this option be adapted to overcome any problems?

By maintaining the current system, cinema advertising will remain the only medium that has two different bodies scrutinising it. This may amount to a duplication of work and additional time and money costs to advertisers and brands. However Mothers' Union members feel that these disadvantages are necessary and justified if they ensure that cinema advertising is age appropriate and that children are protected from unsuitable content.

"Presumably inconvenience and cost for film producers – rather less important than the effect unsuitable adverts would have."

Q A.8 What are the key advantages to this option in your view?

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. This ultimately benefits cinema goers and in particular offers

protection to children and vulnerable audience members. Many also believe that the statutory nature of the BBFC adds extra protection and sends an important message that advertising needs to be responsible, otherwise there will be penalties. Mothers' Union members have confidence in the current system and believe that as it seems to work well there is no need to change it.

"It is already in operation so there will be no cost to government to put it into effect. The two bodies are dealing with different issues. By removing the rating system you could still have something which is legally 'honest truthful and decent' but not appropriate to be shown to children of a certain age."

"I have noticed (I am a weekly cinema goer) that a caption is shown that the adverts are suitable for the age rating of the film."

For Part A Option 1 (remove the requirement for the BBFC to have a role in age rating cinema adverts):

Mothers' Union is not in favour of this option.

Q A.15 What are the key disadvantages of this option in your view? Could this option be adapted to overcome any problems?

Removing the requirement for the BBFC to have a role would remove the body with statutory powers from regulating cinema advertising. Mothers' Union members believe this would remove a certain amount of pressure to adhere to regulations and ensure advertising is age appropriate to a film. There could also be a loss of specialist expertise in what is considered appropriate for children if the BBFC no longer played a role.

Q A.16 What are the key advantages to this option in your view?

Removing the BBFC from a regulatory role would cut costs for advertisers and businesses and reduce the responsibilities of the BBFC. The process for clearing adverts would be quicker and simpler and could lead to further investment in cinema advertising, which could benefit businesses.

Q A.20 Is there any other information you think that Government should take into account when considering this option?

It would be beneficial for Government to analyse why cinema advertising has so few complaints made against it, compared with other forms of advertising; and to establish whether the same 'cautious approach to all commercials in relation to the certificates of films they are allowed to accompany' would be retained if the BBFC no longer played a role in clearing adverts.

Q.A.21 Are there any other observations or representations you wish to make? Please provide details here

Our members said:

"There must be clear, enforced guidelines that everyone understands and which are standard across the board in all media types – films, videos, adverts, trailers etc. Only this way can we ensure that children coming to watch family films are not subjected to inappropriate content. Even if the cost is an issue, the regulatory body should be required to enforce the standards rigorously and consistently."

"I'm not convinced that the government is serious about protecting children from inappropriate content in adverts or the inappropriate pressure they are put under by advertising in general. I think they are more concerned with 'the economy'. It seems, at times, we will do anything for money."

"I am the Mother of one 15 year old and one 9 year old. Regarding cinema ratings I have not encountered a problem with the rating stated and the film we have watched together. I rely [on] and use the age rating to protect my children and guide me."

CONSULTATION QUESTIONS ON PART B

General questions

Q B.6 For videos offered online, how frequently do individual products carry advice about their age-suitability or the nature of their content? How helpful are classifications and labels applied online?

Taking a look at music videos online, none seen had any form of age rating or viewer guidance. We would welcome the provision of age ratings on online music videos but we believe it would be more important to have an age verification system for online music videos which would prevent children from being able to download any that were unsuitable for their age.

Questions on Options

Part B Option 0 (no change):

Mothers' Union would not be in favour this option.

Q B.9 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

Mothers' Union members feel strongly that action must be taken to address the sexualised content that has crept into music videos and the media in general over the past ten to 15 years. Option 0 would compel no one to address this issue or provide any guidance as to the suitability of some video recordings for children and young people.

"Recently I took my then 8 year old to a local sports hall to a children's birthday party. Usually there is sport on the TV in the foyer. However on this particular day there were music videos playing on the TV and the content was highly sexual in nature. With the foyer full of really young children I complained and felt really angry that my child who is being taught about the meaning of relationships was exposed to inappropriate images in a public place."

"The current situation is not acceptable. Sexualised content is like wallpaper in people's lives giving subliminal messages about how girls should be viewed and treated by boys."

"We are at the mercy of the current 1984 Act which was drawn up 28 years ago, when music videos and their content were a lot less daring."

Q B.10 What are the key advantages to this option in your view?

This option would be most beneficial to industry and Government who would need to take no further action or acquire costs. However, it might encourage parents and carers to remain vigilant about what their children are watching if they know music videos are not age rated.

Option 1 (remove exemptions for music, sports, religious and education video works):

Mothers' Union favours this option.

Q B.17 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

Introducing age classification to previously unclassified material would require standards and judgement to be introduced to these genres. This could involve some extra costs and would throw up new challenges. Mothers' Union members are concerned that it could take a long time to remove the exemption or that it could be defeated in Parliament if primary legislation is needed for this option. Given that Reg Bailey made recommendations only on music videos (whilst noting the sexualised content of some sports videos), we

would query why this option also includes religious and educational video recordings. Including all of these genres in this consultation allows for wider disagreement on taking action, which could slow the process of protecting children from sexualised content in music videos. Additionally, would there need to be time spent on a new framework for setting age ratings on the new genres or could the current standards be easily applied?

On its own, this option does not address videos viewed online, although age rating could be useful in guiding companies and other organisations in putting videos on their websites. Communicating this change to the public would also need to be clear, in particular that 'removing the exemption' would mean **more** video recordings would have to receive an age rating.

Q B.18 What are the key advantages to this option in your view?

In terms of law, option 1 would require only the removal of an exemption in existing legislation and would provide a proportionate way to approach age rating. It would provide a consistent and trusted standard across video, DVD and Blu-ray discs and Mothers' Union members believe that parents and other consumers would feel more confident that their purchases were appropriate for children. The consistent standard would also be of benefit to industry and enforcement agencies. Members feel that this would be a fairer system, as all producers would have to take responsibility for the age-appropriateness of their video recordings. Members also believe that it is essential for this regulation to be statutory, in order to afford children the greatest possible protection.

"It would bring video recordings into the same category of classification as films and make it easier for parents to see at a glance whether or not an item was suitable for their children to watch. Presumably the legislation would also make it an offence for videos etc to be sold to under-age consumers."

"The fact that all film material will have to be classified before going on sale in the UK will reassure consumers, especially parents who are concerned about their children viewing undesirable material."

Q B.23 This option could remove the potential for some video games that are primarily concerned with music, sports, religion and education to claim exemption. What evidence is there that there are significant numbers of such products? What might be the impact on them of this option?

Mothers' Union members are concerned about the impact of violent and sexualised video games on children and young people and would not want the proposals in option 1 to reduce the chances of children being protected from such games. Therefore, we would welcome the removal of this exemption if it brought video games with any form of violent or sexualised content under the age rating system.

Option 2 (lower the existing statutory thresholds for exemption so that more products are subject to classification):

Mothers' Union would find this option acceptable.

Q B.26 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

Mothers' Union members are concerned about how the threshold would be decided and whether it would go far enough, or offer the same consistency that compulsory age rating would. This option would not address online videos either.

Q B.27 What are the key advantages to this option in your view?

This option would provide greater protection for children buying hardcopy recordings without putting the 'burden' of automatic age rating on more harmless content. It would potentially be quicker to implement than option 1, as it would require secondary rather than primary legislation. It would also have force of law.

"Provides a level of protection, which would force the more worrisome content to be age-rated whilst still exempting the vast majority of harmless content."

Option 3 (a voluntary, self-regulatory 'parental advisory' scheme):

Mothers' Union would not be in favour of this option.

Q B.35 Are there any key disadvantages to this option in your view? Could this option be adapted to overcome any problems?

Many Mothers' Union members are concerned that this option would not offer the same quality assurance to parents and carers or protection to children. It would rely on the goodwill of the industry to devise, implement and monitor such a scheme and many members do not have faith that the scheme would achieve regulatory control, in terms of decent standards and adherence. Members are also keen to know what the penalty for non-compliance would be. The scheme would not 'grade' content either but instead provide a blanket alert – parents and carers would then not necessarily know what age group in particular the video would be unsuitable for, in advance of watching it.

"Self regulatory bodies never go far enough and only responsible producers would adhere to the guidelines and it provides no guarantee to parents."

Q B.36 What are the key advantages to this option in your view?

Such a scheme would provide some information for parents and carers to make a decision about the appropriateness of a video recording, and that the 'parental advisory' concept is widely recognised. The costs would be passed on to industry, rather than Government or regulatory bodies.

Q B.41 Are there any other observations or representations you wish to make? Please provide details here.

Whilst we welcome this consultation and the opportunity to respond, we believe it should have also addressed the issue of online videos. Music videos in particular are seen more on television and the internet than they are purchased as hard copy and it is vital to ensure that children are not exposed to unsuitable content through these forms. We welcome Ofcom's Guidance *Protecting the Under-Eighteens: Observing the watershed on television and music videos*; however, we would also like to see action taken on internet age-verification for videos online, based on the Bailey Review recommendation that *"those providing content which is age-restricted, whether by law or company policy, should seek robust means of age verification as well as making it easy for parents to block underage access"* (recommendation 5: Making it easier for parents to block adult and age-restricted material from the internet). We urge the Government to keep pressure on the internet and music industries to develop and implement such age-verification.

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