

Parental Control, Done Manually

Written by Luke Hamilton
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With more graphic violence and adult situations in video games today, many politicians and parents are increasingly concerned about games' influence on children. Several tragedies have been blamed on games, such as the Beltway Sniper in Washington, D.C., who supposedly practiced using *Halo*, and Devin Moore killing cops in Alabama because he was "trained" to do so by *Grand Theft Auto*. With this, there's growing pressure to have game ratings regulated by our government.

In 2005, California passed Civil Code 1746-1746.5 to label certain violent video games and prohibit the sale or rental of such games to minors, only to have it overturned as unconstitutional; last month the state appealed to the U.S. Supreme Court. In 2006, Minnesota passed a law that fined consumers under the age of 17 for purchasing "Mature"-rated video games; this was also deemed unconstitutional within a month. In 2008, Massachusetts proposed a measure to criminalize the sale or rental of violent video games, but the effort was reconsidered because of the legal failures of similar acts. In March of this year, the Utah legislature voted to fine retailers selling "Mature" titles to underage buyers, but the bill was vetoed on constitutional grounds.

To date, almost \$2 million in legal fees have been paid to the video-game industry because of these overturned laws. Courts have consistently ruled that video games are a form of expression (similar to books, movies, music, and television program) protected by the First Amendment - even for minors.

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Beyond that, some attempts at regulation have been laughably wrongheaded. Some have mislabeled games as violent - such as *Guitar Hero* or *Karaoke Revolution* - because of suggestive lyrics.

And these efforts look even more ridiculous and wasteful when you consider that similar but effective safeguards have been in place for years with the Entertainment Software Rating Board (ESRB).

The ESRB is a not-for-profit organization that assigns ratings to games and enforces advertising guidelines that developers use to promote them. ("Mature" games cannot be advertised toward children and must be accurately depicted in their advertisements; for example, happy elves can't be used to sell a game about cannibalism.) The organization's main goal, according to its Web site (ESRB.org), is "to empower consumers, especially parents, with the ability to make informed decisions about the computer and video games they choose for their families through the assignment of age and content ratings, and to hold the computer and video-game industry accountable for responsible marketing practices."

While rating is technically voluntary, it's effectively mandatory for gaming systems. Home-console developers (Nintendo, Microsoft, Sony) won't license unrated games, and many retailers won't carry them. Developers also won't license "adults only" games for their consoles, and many retailers won't stock them.

Games for PCs are harder to manage because there are so many hardware manufacturers and no gatekeeper for licensing. (In 2007, titles for PCs represented 44 percent, or \$11.3 billion, of worldwide video-game sales, according to DFC Intelligence.)

Still, nearly all video games sold have been reviewed by the ESRB and given a rating based on their content. This information is easily found, with a black border around it, on the back of a game's case.

Some examples: "*Viva Piñata: Party Animals*; Rating - 'E' for Everyone; Contains Cartoon Violence and Comic Mischief." "*Mario Strikers*

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Charged ; Rating - 'E10' for ages 10 and up; Contains Crude Humor and Mild Cartoon Violence." "
Prince of Persia
; Rating - 'T' for Teen; Contains Alcohol Reverences, Mild Language, Mild Suggestive Themes, and Violence." "
Left 4 Dead;
Rating - 'M' for Mature; Contains Blood and Gore, Language, and Intense Violence."

If objectionable content is later discovered beyond what was presented to the ESRB, the game can be re-rated or removed from store shelves. That happened in 2005 with the *Grand Theft Auto: San Andreas* "Hot Coffee" content. While a part of the original design, it was cut out of the game before being submitted for rating, but the coding was still available for advanced users to find.

Furthermore, most retailers require customers to be at least 17 years old to purchase M-rated games. The Entertainment Merchant Association has set voluntary guidelines for R-rated movies and M-rated games (EntMerch.org/ratings_enforcement_guidelines.html), and major retailers such as Walmart and Target have adopted them.

A Federal Trade Commission investigation (FTC.gov/opa/2008/05/secretshop.shtm) with 13- to 16-year-old undercover shoppers at more than 240 major retailer locations showed that in 2008 M-rated games were sold to unaccompanied children less than half as frequently - 20 percent of the time - as R-rated (47 percent) and unrated (50 percent) movies on DVD.

It's obviously not foolproof, in that kids still manage to get these games. But every major game system on the market today offers more protection with parental controls. These controls can be set up to ensure that only games with ratings equal to or less than a certain level can be played without an override code. (For instance, a system set for T-rated games would allow anybody to play T, E10, or E titles.)

Yet even with all these safeguards, it's common sense that parents should take a few seconds to at least look at the game case, or maybe even watch their kids play the games and judge for themselves whether they're appropriate. I'm not saying that games are not at fault - with excessive gore and blatant sexual conduct, some titles are asking for the criticism they get - but parents have a responsibility as well.

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I remember my parents getting upset when they saw me playing *Mortal Kombat*, one of the earliest mainstream fighting games known for its extreme violence. Today, I hear parents talking about how they let their kids sit with them while they're playing

Grand Theft Auto IV

. Personally, I wouldn't want kids even watching a game that involves running over hookers and shooting police, let alone playing it.

But that is where the line is drawn; parents should have the right to determine what their kids are exposed to. Dad can go out and buy *Grand Theft Auto* for his 15-year-old son if he wants to. Some parents are stricter, some are more lenient, and the current system provides protections while still respecting those decisions.

The warnings are out there, the advertising is controlled, the sales are restricted, and parental controls are available; I honestly cannot see what more any legislation could do that would actually be useful and constitutional.

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