

U.S. House of Representatives  
Committee on Energy and Commerce  
Subcommittee on Commerce, Trade, and Consumer Protection

Hearing On

“Violent and Explicit Video Games: Informing Parents and Protecting Children”

Testimony of

Douglas Lowenstein  
President  
Entertainment Software Association

June 14, 2006

Mr. Chairman, Ranking Member Schakowsky, and Members of the Subcommittee, I appreciate the opportunity to appear before you today. The Entertainment Software Association represents the \$10.3 billion US computer and video game software industry, the fastest growing entertainment industry in the world today.

Let me put this industry in some context. Worldwide, the video game industry produced \$25 billion in revenue in 2004, with Price Waterhouse Coopers forecasting that it will hit \$55 billion in revenue by 2009, far surpassing the global music industry total of \$34 billion. A new study prepared for the ESA by U.S. economists Bob Crandall of The Brookings Institution and J. Gregory Sidak of Criterion Economics reports that the video game industry generated \$18 billion in direct and indirect economic impacts in 2004 alone, concluding:

“The video game industry has grown into a vibrant business that creates thousands of jobs, improves the performance of other industries, and spurs technological advancement. Clearly, this is an industry about a lot more than fun and games. It is a serious business that improves training, efficiency, and productivity in a variety of industries and has led to innovation in other high-technology industries. Video games play an important role in maintaining U.S. leadership in information technology, which is critical to the future success of the U.S. economy.”

Indeed, that scanner used by your doctor to diagnose medical problems may be powered by a chip developed for the PlayStation 3 video game system; the demand for high speed broadband and high speed wireless networks so critical to the next era of technological progress is being driven in part by consumers appetite for online and mobile games; and kids seeking careers in video game

design are being drawn to math and science education, fulfilling a goal of policymakers on both sides of the aisle.

So as this Subcommittee talks about video games, I hope the dialogue can be broader than the stereotypical focus on video game violence; to be sure, it is a fair topic for discussion, but it should occur with an understanding that this industry uniquely fuses together advanced technology and boundless creativity, and is central to building the innovation and knowledge economy elected officials and economists so often talk about. I have attached the Executive Summary of the Crandall-Sidak Report "Video Games: Serious Business for America's Economy" for your information.

I have raised two daughters and I understand the concerns that give rise to these hearings about the content of some video games. As a parent, it was a monumental challenge to, on the one hand protect my kids from things that we felt were not appropriate, either morally, ethically, or developmentally, while on the other hand ensuring that they were exposed to a full range of ideas and expression, including that which we might personally find distasteful. My kids saw movies, read books, watched TV, saw things on the news, heard political speeches and, yes, played video games that caused me more than my share of worry. Some of this I was able to prevent, some of it I could not control. But in the end, I think they are better for it. As Federal Judge Richard Posner said in striking down an effort by the City of Indianapolis to ban violent arcade games, "To shield children right up to the age of 18 from exposure to violent descriptions and images would not only be quixotic, but deforming; it would leave them unequipped to cope with the world as we know it."

As parents, we know that video games are among a wide range of cultural, social, emotional, psychological and political factors that shape our children. And they cannot be viewed in isolation from all these other forces swirling around a child. And if Judge Posner is right that it is neither wise nor possible to shield our kids from everything and anything we might find objectionable, we must find a way to empower parents to make good video game choices for their families.

I don't pretend it is easy. We are well past the days when parents merely had to sort through Mario and Pac Man. You might be surprised to learn that the average age of people playing games is not 12, or 15, or even 20. It is 33 years old. And even when we eliminate people who mainly play solitaire, the average age remains in the late twenties.

So like other forms of entertainment, we serve a mass market audience; the core market for video games is between 18-35 years old. And while there are many video games that provide a stunning and enriching entertainment and educational experience with little objectionable content, there are also some that are clearly not appropriate for younger children. That's another way video games are just like books, movies, music, TV, paintings and other forms of artistic

expression. We make games for all ages and tastes; some are brilliant, others, to put it politely, do not ennoble our culture.

But defining the video game industry based on its most controversial titles would be like showing clips of Kill Bill, Texas Chainsaw Massacre, and Natural Born Killers and calling it representative of the film industry, or playing only the music of Eminem, 50 Cent, and The Dixie Chicks and calling it representative of the music industry, or defining Congress by the behavior of its least ethical member.

In fact, 85% of all games sold in 2005 were rated appropriate for persons under 17, and only 15% were rated Mature. That means there is a vast array of quality entertainment ranging from Nintendogs to Madden Football, from World of Warcraft to Super Mario, from Star Wars Battlefront to Shrek 2, from The Sponge Bob Movie to Tom Clancy's Ghost Recon, from The Sims to Roller Coaster Tycoon, from Call of Duty to Gran Turismo. This expanding variety of offerings explains not only why games are played by people of all ages, but why one-third of game players are female, and one half of all those who play online games are adult women.

This brings me back to the central question: how can parents do their jobs when it comes to video games?

We have tried to create a "cradle-to-crave" self regulatory system, in partnership with retailers, which gives parents both choice and control over the games their kids play. How the tools are used and the controls exercised is ultimately the responsibility of parents.

- First, as you will hear in great detail from Patricia Vance, President of the Entertainment Software Rating Board (ESRB), we have created a superior rating, advertising, and enforcement system to give parents accurate information about the age appropriateness and content of every game sold in the United States. The Chicago Tribune wrote in January, 2007, that "The video game industry's rating system is more detailed than those of the movie and music industries." Considering that the FTC reports parents are involved in game purchases and rentals more than eight out of ten times, the use of ESRB ratings by parents is the first line of defense in regulating the games kids play.
- Second, we have worked with retailers to ensure that they implement voluntary programs to require IDs from any minor seeking to purchase Mature or Adult Only rated games, and to post visible signage at the point of sale about the ESRB rating system (we have even supported laws in several states that require retail signage). You will hear testimony from Wal-Mart about these commitments. The latest FTC study found that national retailers successfully prevent minors from buying Mature or Adult Only games 65% of the time, nearly the same level of success as theater

owners have in keeping kids out of R rated movies, and more than four times better than is the case with sales of R rated DVDs.

- Third, game console manufacturers have stepped up with technological solutions to further help parents regulate the games their kids play. The newest video game consoles -- the X-Box 360 available now, and the Sony PlayStation 3 and the Nintendo Wii, available this November -- will all provide password protected parent control technology to enable parents to prevent games with inappropriate ratings from loading on the systems. Similar software is already available for the PC.

In sum, parents can use ratings to make appropriate game purchases, they can rely increasingly on retailers not to sell inappropriate games directly to minors, and if they own the newest consoles they can program them to prevent kids from playing games with inappropriate ratings.

I am aware that there are critics who say the ratings are not reliable, or that they are incomplete. But as Jack Valenti used to say far more eloquently than I, ratings are not Euclidean geometry. There is no formula that ensures a right answer at the end. We have sought to create a video game rating system parents can trust, and by all evidence we have succeeded. Not only does the Peter Hart survey funded by ESRB each year show broad parental agreement with ESRB rating decisions, the Kaiser Foundation has reported that more parents (53%) find the video game rating system "very useful" than any other rating system, including movies. Overall, 91% of parents say the ratings are "very useful" or "somewhat useful."

Here's the bottom line: no rating system known to man will meet with universal approval. Ratings are, by definition, subjective. We live in a pluralistic culture where people bring their own values and morals to all manner of issues, including the entertainment content they find appropriate for their families. Our industry seeks to provide mainstream information that allows informed choice; we do not seek to tell people what is right or wrong for them, and we welcome alternatives such as revues posted by NIMF, Common Sense, and other groups.

Ratings are important, but so is honest debate. And too often, critics of the industry seek to justify attacks on the industry by selectively citing research they claim establishes a definitive link between violent games and aggressive and criminal behavior. I don't want to dwell on this subject here, but I have attached to my testimony some background information on the research in this field. Suffice it to say that six federal judges in five circuits, judges appointed by Democrats and Republicans alike, have struck down bills seeking to ban video game sales. Apart from issuing clarion statements establishing that video games are a form of artistic expression protected by the First Amendment, every one of these jurists has dismissed the weak and flawed science advanced by video game critics, including some at today's hearing, as a basis for state regulation.

For example, after holding a hearing at which the state's academic experts took their best shot at proving that violent games cause aggression, the District Court in Illinois last December concluded that there is "no solid causal link between violent video game exposure and aggressive thinking and behavior." Further, it said even if one accepts a connection, "there is no evidence that this effect is at all significant." Finally, after analyzing the brain mapping studies cited by so many anti-video game researchers, the court said dismissively, that it found the author of the leading research in the field "unpersuasive" and that there is "no basis to permit a reasonable conclusion that" video games produce changes in the brain that could make players more aggressive.

Regarding crime, Harvard researcher Dr. Cheryl Olson wrote in the journal *Academic Psychiatry* in 2004 that "it's very difficult to document whether and how violent video and computer games contribute to serious violence such as criminal assault and murder...." Similarly, Dr. Joanne Savage, writing in the journal *Aggression and Violent Behavior* on whether viewing violent media really causes criminal violence said: "The question addressed here is not whether or not the effect is plausible, but whether the effect has been demonstrated convincingly in the scientific literature—and the answer is 'not so far.'...At this point it must be said, however, that there is little evidence in favor of focusing on media violence as a means of remedying our violent crime problem."

I want to leave you with this thought: In the year 2010, there will be 75 million Americans between the ages of 10 and 30 – as many in this millennium generation as in the Baby Boom Generation – and everyone of them will have grown up with video games as a central part of their DNA. Even today, ESA data shows that 35% of American parents play video games, and 80% of them play with their kids. Video games are the rock and roll music for the digital generation and Halo and The Sims and Zelda are their Beatles and Rolling Stones. Indeed, a decade from now, many of your colleagues on that dais will be gamers and they will be uniquely comfortable with technology and interactivity. Video games are taking their place alongside other forms of mainstream popular entertainment. As an industry, that means we have a responsibility to inform and empower our consumers; at the same time, I hope it encourages public officials to join in that important effort, and not devote time to demonizing an industry which is at once so central to tens of millions of Americans, and one so important to America's technology future.

Thank you.