How the ESRB Works

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The ratings system for video games is relatively new compared to the ratings systems used by other entertainment industries -- and so far, it's been a rocky road. The **Entertainment Software Rating Board** (ESRB) comes under fire on a regular basis, most recently with the hidden "Hot Coffee" mini-game in "Grand Theft Auto: San Andreas." With video game sales topping $7 billion in 2004, the focus on game ratings will only intensify [ref].

In this article, we'll learn how the ESRB rates games and how they enforce their ratings. We'll also examine the effects of ratings on game sales and discuss how the "Grand Theft Auto: San Andreas" controversy has affecting the video game industry.

The Entertainment Software Rating Board is a voluntary group that rates the content of video games, including console (Xbox, PlayStation, et cetera) games and personal computer games. The **Entertainment Software Association** (ESA) -- the leading trade association of the video game industry -- created the ESRB in 1994.

The ESRB does not rate the quality of games, but tries to objectively describe their content and identify anything that is potentially offensive. Each game is issued a rating and specific content descriptors such as "Strong Language" or "Edutainment."

A minimum of three game raters are responsible for rating each game. These raters receive special training, and their identities are kept hidden to preserve the integrity of the rating process. The ESRB also requires that the raters have no connections to the game industry.

When a publisher plans to release a game, they submit an application to the ESRB. Then they send a video of footage from the actual game, including the most extreme examples of potentially offensive content and overall game play. The raters view this footage -- they never actually play the game -- and assign it an ESRB rating (for example, **E (Everyone)** for a game that is suitable for ages 6 and over).

If the raters all agree, the rating becomes official. If they disagree, additional raters view the game footage and try to reach a consensus on the rating. The ESRB also reviews game packaging to make sure it displays the ratings correctly and conforms to ESRB standards.

This page on the ESRB Web site explains the different ratings and content descriptors. Additionally, online games that include user-generated content (such as chat, maps, and skins) carry the notice "**Game Experience May Change During Online Play**" to warn consumers that content created by players of the game has not been rated by the ESRB.

Next, we'll see how voluntary ratings systems like the ESRB differ from legal controls on media content.

Advertising Review Council

The (ARC) is also a part of the ESRB. The ARC monitors advertising for video games to make sure that all ads "follow standardized requirements for the display of ratings information and that advertising content is responsible, appropriate, truthful, and accurate. It also implements marketing guidelines that prohibit game publishers from targeting audiences for whom products are not appropriate" [ref].

Legal Restrictions

In recent years the video game industry has come under fire from parents and legislators, largely because of the possible connection between game violence and real violence committed by children. This controversy has sparked a lot of discussion around placing legal restrictions on video game content.

The creation of the ESRB was in part an attempt to avoid these legal restrictions by adopting voluntary, industry-sanctioned controls. This follows several precedents in other media industries.

The Motion Picture Association of America followed the same course when it adopted its own ratings system in 1968 (administered by the Classification and Ratings System, or CARA). In the 1980s, the music industry began voluntarily placing "Parental Advisory: Explicit Lyrics" stickers on CDs containing strong or violent language. In 1954 the publication "Seduction of the Innocent" proclaimed that comic books were twisting the minds of America's youth. A Congressional committee investigated, threatened legal control, and the comic book industry quickly formed the Comics Code Authority. The CCA had a long list of elements that could not be included in comic books, such as drug use, nudity, negative portrayals of authority figures, and poor grammar. Since the 1990s, CCA guidelines have been generally abandoned by major comic publishers. Marvel Comics adopted its own ratings system in 2001.

Have ESRB ratings actually helped shield the video game industry from laws that restrict game sales? Not entirely. At the state and county levels, legislators have proposed and even passed laws that require parental warning labels on certain games and result in fines or jail time for retailers who sell games to children. These laws have been repeatedly overturned by the court system, however. The rules defining which games can't be sold to minors are so hard to decipher that retailers have a difficult time determining if they're breaking the law. Courts have also concluded that the laws violate the First Amendment of the United States Constitution. In 2003,

the Eighth Circuit Court of Appeals ruled that video games are on par with other forms of literature, including music, books, and television shows, and are therefore protected by the First Amendment [ref].

Next, we'll see if ratings have any effect on sales.

Freedom of Speech and Let the Courts Decide

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

-- The First Amendment to the United States Constitution

Laws banning the sale or rental of violent video games to children under the age of 18 have been passed in California, Illinois and Michigan, but federal judges found that these laws violated First Amendment rights to free speech. Louisiana is the latest state to have its law struck down. District Judge James Brady wrote that "depictions of violence are entitled to full constitutional protection" [ref]. .

The Effect of Ratings

The most effective regulator of video game content has been the ESRB itself. According to its Web site, "The ESRB is empowered to compel corrective actions and impose a wide range of sanctions, including monetary fines. Corrective actions can include pulling advertising until ratings information can be corrected, re-stickering packaging with correct ratings information, recalling the product, and other steps the publisher must take" [ref].

A game publisher could circumvent the ESRB system entirely by releasing a game without submitting it to the rating process. They could not place a false rating on the game, since the ESRB's rating symbols are trademarked. The game box would simply have no rating symbol, unless the publisher decided to place their own rating on it. However, most major retailers refuse to carry games that don't have official ESRB ratings.

Games that receive an Adults Only rating face a similar problem. But these games are not usually marketed to the general public, and are rarely distributed through major retailers. If some stores stop carrying games with M ratings, more publishers would take notice, and there could be a noticeable effect on the content of future games. When Congress pressured the film industry to stop marketing R-rated movies to teens and children, studios went to great lengths to get a PG-13 rating for films they would otherwise have released with an R because they feared losing an entire segment of their audience.

In the absence of such drastic measures, it seems that a game's rating has little effect on overall sales. In 2004, the ESRB rated 1,036 games. Most of them were rated E or T:

- 54 percent received an **E (Everyone)** rating
- 33 percent received a **T (Teen)** rating
- 12 percent received an **M (Mature**) rating

- Less than 1 percent received an **AO (Adults Only)** rating [ref]

2004 sales figures for video games are very similar -- in fact, games rated M seem to sell slightly better than other games, when compared to the percentage of games released:

- 53 percent of games sold were rated **E**
- 30 percent were rated **T**
- 18 percent were rated **M**

The ESA reports that the average game buyer was 39 years old, which indicates that parents are usually purchasing games for their children. They also state: "Game players under the age of 18 report that they get their parent's permission 83 percent of the time before purchasing a computer or video game" [ref].

Next, we'll discuss a recent video game controversy.

Federal Laws?

Florida Congressman Cliff Stearns has introduced HR 5912, the "Truth in Video Game Rating Act," which would "require any person or entity (i.e., the ESRB) to review a game in its entirety before issuing a final rating. In other words, all games would have to be played and finished prior to rating." [ref].

The "Hot Coffee" Controversy

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In early 2005 it was revealed that the game "Grand Theft Auto: San Andreas" contained a graphic sexual mini-game (dubbed "hot coffee") not considered in the game's M rating. The mini-game was apparently part of some preliminary work done for the game, but was not intended to be viewable by consumers. Such work is often partially completed and then left out of the game's final release, much like deleted scenes in a movie. For some reason this content was left on the game disk, although normally players couldn't access it.

Originally Rockstar Games, developer of "Grand Theft Auto," claimed that the scenes were created by a third-party. But some fans of the game soon discovered that the explicit content could be unlocked by downloading a special modification from the Internet. With this modification, the main character could engage in sex with a girlfriend. The "hot coffee" nickname comes from her opening line, in which she asks if he'd like to come in for coffee. Rockstar Games had to admit that they'd created the content.

When the news of this hidden mini-game became public knowledge, publisher Take-Two Software was taken to task. The ESRB re-evaluated the game and changed the rating to AO, the most high-profile game ever to receive that rating. Take-Two also released patches so that players with older versions of the game could no longer access "hot coffee." Although the details were not made public, the ESRB probably sanctioned the company for violating the terms of the rating system.

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In June 2006, Take-Two Software and "Grand Theft Auto" developer Rockstar Games settled with the Federal Trade Commission over the scenes. The FTC ordered the companies to notify consumers of sexual content in future games and not to misrepresent rating or content descriptions. If the companies violate this order, they face fines of up to $11,000 per violation.Civil cases are still pending.

The ESRB also received criticism. California state assembly member Leland Yee said in a press release, "Clearly the ESRB has a conflict of interest in rating these games, plain and simple, parents cannot trust the ESRB to rate games appropriately or the industry to look out for our children's best interests" [ref]. Since the ESRB depends on video footage of the game sent to them by Rockstar, and Rockstar obviously did not include the hidden footage, the raters could only assign a rating based on the information they had.

For more information on the ESRB and related topics, check out the links on the next page.

Lots More Information

Related HowStuffWorks Articles

- How Video Game Systems Work
- How Xbox Works
- How Xbox 360 Works
- How PlayStation Works
- How PlayStation 2 Works
- How PlayStation 3 Works
- How Nintendo DS Works
- How the PlayStation Portable Works

More Great Links

- Entertainment Software Ratings Board
- Entertainment Software Association
- The Classification and Ratings Administration
- Recording Industry Association of America: Parental Advisory
- No More Hot Coffee -- Rockstar Games' official Web site on the mini-game

Sources

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