

DECEMBER 2004

PARENTAL ADVISORY:

Violent Video Games Are Not Child's Play



A STAFF REPORT TO

**THE COUNCIL OF
THE CITY OF NEW YORK**

Hon. Gifford Miller • Speaker



**THE COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS**
Hon. Eric Gioia • Chair

THE COMMITTEE ON CONSUMER AFFAIRS
Hon. Philip Reed • Chair

**THE COUNCIL OF
THE CITY OF NEW YORK**

HON. GIFFORD MILLER
SPEAKER

**The Committee on
Oversight And Investigations**

Hon. Eric Gioia, Chair

Hon. Tracy Boyland
Hon. John Liu
Hon. Peter Vallone, Jr.

Hon. Alan Gerson
Hon. Miguel Martinez

The Committee on Consumer Affairs

Hon. Philip Reed, Chair

Hon. Joseph Addabbo, Jr.
Hon. Vincent Gentile
Hon. John Liu

Hon. Charles Barron
Hon. G. Oliver Koppell
Hon. James Sanders, Jr.

COUNCIL STAFF

Marcel Van Ooyen
Deputy Chief of Staff

COUNCIL INVESTIGATION DIVISION

Triada Stampas
Director

PREPARED BY:

H. Torrence Allen, *Legislative Investigator*

COVER DESIGN BY:

Agnes Jedrezyk
Member Services Division

TABLE OF CONTENTS

Executive Summary.....	p. i
Background.....	p. 1
Methodology.....	p. 15
Findings.....	p. 17
Conclusions.....	p. 23
Recommendations.....	p. 25
Appendix A: ESRB Game Rating and Descriptor Guide.....	p. A1
Appendix B: Detailed Findings.....	p. B1

This report can be found at the Council's website at
www.council.nyc.ny.us

EXECUTIVE SUMMARY

A December 2003 New York City Council investigation showed a young person could walk into almost any store selling video games in New York City and purchase games that encourage and reward them for performing acts of brutality including beating women, shooting cops and committing racially motivated acts of violence. One year later, a new investigation shows little has changed, despite the video game industry's statements before the City Council that it would enforce its own standards regarding the sale of M (Mature)-rated video games, considered too violent or sexually explicit for anyone under the age of 17.

- Minors under the age of 17 were able to purchase M-rated video games at 59 of 67 stores investigated (88%).
- 55 of 67 stores (82%) failed to ask minors attempting to purchase an M-rated video game for proof of age.
 - Four of the 12 stores that did card minors (33%) sold the M-rated games anyway.
- Only 13 stores (19%) posted store policies against the sale of M-rated games to minors.
 - Nine of these 13 stores (69%) sold an M-rated game to minors despite store policy.
- 51 stores (76%) failed to display the Entertainment Software Ratings Board (ESRB) video game ratings symbols.
 - Ten of the 16 stores that did (63%) sold M-rated games to minors under the age of 17, and only eight (50%) asked for identification.
- None of these findings show statistically significant improvements from last year's investigation.

Widespread noncompliance with the voluntary ESRB ratings system persists, despite the implementation of an industry-wide public awareness campaign. The video game industry must make a real commitment to keeping video games with graphic violence or strong sexual content out of the hands of children. Because no one entity is

solely responsible for restricting minors' purchases of inappropriate video games—video game and software publishers, the ESRB, retailers, government entities and parents all have a role to play—the Council makes the following recommendations:

- **Pass legislation to protect children and inform consumers about video game ratings.**
- **The entertainment industry and retailers must enforce ESRB ratings.**
- **Create a task force on violent video games that includes the video game industry, retailers, advocates and parents.**
- **Pass legislation requiring that the Department of Consumer Affairs (DCA) produce and distribute an informational pamphlet for video game consumers.**
- **ESRB must substantially increase outreach to small independent retailers, and should be more proactive in its campaign to educate parents and retailers about the rating system.**
- **Parents need to be proactive and exercise supervision over what their children purchase and play.**

Video games have emerged as a popular form of entertainment, with approximately 70% of children living in a home with at least one video game player, and 33% with one in their bedrooms.¹ The ESRB rates video games in a system that consists of two components: a rating symbol that indicates age-appropriateness, and content descriptors meant to notify consumers of potentially objectionable material such as blood, use of drugs, alcohol and tobacco, and varying degrees of violence and sexual content.

Computer and video game software generated \$7 billion in sales in 2003.² And while only 10% percent receive an M rating, they are

¹ Donald F. Roberts et al., *Kids & Media @ the New Millennium* (The Henry J. Kaiser Family Foundation, 1999), Tables 1 & 4.

² The Entertainment Software Association (ESA). "Top Ten Industry Facts." http://www.theesa.com/pressroom_main.html. Last accessed 6 Dec 2004.

disproportionately popular: M-rated games represented six out of the top 20 (30%) best-selling video game titles.³

Concerns over exposing children to exceedingly violent or sexual content in video games stem in part from research that shows consumption of violent media content contributes to actual acts of aggression, hostility and violence. Reports that the perpetrators of the 1999 shootings at Columbine High School were regular players of the video game “Doom,” and that convicted D.C.-area sniper Lee Malvo had been trained to kill by playing violent sniper-style shooting games have lent these concerns greater currency.⁴ In addition, many objectionable video games present women only as sexual objects or targets of violence.

Statistics indicate that parents may be unwittingly permitting their children to be exposed to the violent and sexually explicit content in video games. While video game ratings are similar in concept to movie ratings, a survey found that only 55% of households with children professed to understand them and only seven percent of eighth and ninth graders said their parents had ever stopped them from purchasing a video game because of its rating.⁵ Meanwhile, 91% of seventh through 12th graders report playing video games mainly alone or with siblings and peers—that is, outside the presence of parents or other adults.⁶

Following the Council’s December 2003 investigation, the Committee on Consumer Affairs held a hearing on enforcement of the video game rating

³ Entertainment Software Ratings Board (ESRB). “About ESRB: Newsletters.” http://www.esrb.org/about_newsletters.asp. Last accessed 2 Dec 2003.ESA. “2004 Sales, Demographics and Usage Data.” <http://www.theesa.com/EFBrochure.pdf>. Last accessed 7 Dec 2004.

⁴ The NewsHour with Jim Lehrer. “Violent Video Games.” [Transcript #7705] 7 Jul 2003.

⁵ National Institute on Media and the Family. “6th Annual Video and Computer Game Report Card.” 2001.

⁶ Roberts *et al.*

system. Representatives from the video game industry testified they were committed to increasing awareness of its ratings system and retailers had launched a new initiative, to be implemented by the 2004 holiday season, through which they would ask for proof of age from anyone buying M-rated games.⁷ The current investigation was designed to assess whether these efforts have resulted in better enforcement of the ESRB rating system. For the field survey, conducted between November 10th and December 8th, 2004, investigators accompanied a minor under the age of 17 to 67 stores where the minor attempted to purchase M-rated video games.

The overall findings of this investigation show statistically insignificant differences from those of the 2003 investigation, with the exception that, as a group, the stores from the six retail chains Best Buy, Circuit City, J&R Music World, K.B. Toys, Target and Toys "R" Us did a significantly better job of refusing to sell M-rated games to minors. Still, the 71% buying success rate at those stores remains unacceptably high.

Numerous attempts by state and local jurisdictions restrict minors' access to video games with strongly sexual or violent content have been struck down in court; video game content is protected speech under the First Amendment. Although the U.S. Supreme Court upheld a New York statute prohibiting the sale of obscene materials to those under the age of 17 years, federal courts have ruled that the content of video games does not meet the legal criteria of "obscenity," and consequently cannot receive the same treatment as pornography.⁸

⁷ Gail Markels on behalf of the ESA, in testimony before the New York City Council Committee for Consumer Affairs, 30 March 2004.

⁸ *Ginsberg v. State of New York*, 390 U.S. 629, 88 S.Ct. 1274 (1968). U.S. case law agrees that obscenity: 1) appeals to the prurient interests of the average person, using contemporary community standards, 2) depicts or describes in a patently offensive way sexual conduct proscribed by statute, and 3) lacks serious literary, artistic political or scientific value.

BACKGROUND

This year, the video game industry celebrated its 32nd anniversary. Major advances in technology over these years have brought video games into millions of American homes. Electronic interactive games have emerged as one of the most popular forms of entertainment, with video game consoles in nearly 40% of American households,¹ and an estimated 145 million Americans—roughly 60% of Americans age six or older—routinely playing computer or video games.² According to the Entertainment Software Association (ESA), the trade association representing computer and video game software publishers in the United States, computer and video game software generated \$7 billion in sales in 2003.³

A comprehensive study by the Kaiser Family Foundation on children's media consumption found that the typical American child between the ages of two and 18 spends an average of more than 38 hours per week—nearly five and a half hours per day (5:29)—consuming media outside of school.⁴ Video games are a medium readily available to a significant proportion of American children. Seventy percent live in a home with at least one video game player,⁵ and 33% have one in their bedrooms.⁶ When asked, children who had played video games the

¹ "Major Trends Affecting the InfoTech Industry." Chap. 1 in *Plunkett's InfoTech Industry Almanac January 2001*. Plunkett Research Ltd., 2001.

² Peter D. Hart Research Associates, 2000. Cited in "Essential Facts About the Computer and Video Game Industry." Interactive Digital Software Association (IDSA), 2002. IDSA is now known as the Entertainment Software Association.

³ The Entertainment Software Association (ESA). "Top Ten Industry Facts." http://www.theesa.com/pressroom_main.html. Last accessed 6 Dec 2004.

⁴ Donald F. Roberts *et al.*, *Kids & Media @ the New Millennium* (The Henry J. Kaiser Family Foundation, 1999), Table 7.

⁵ *Ibid.*, Table 1.

⁶ *Ibid.*, Table 4.

previous day had an average “gaming session” of a little over one hour (1:04).⁷

As with other mass media, the surge of products featuring graphic violence or sexually explicit content into the video game market has prompted concern among parents and policymakers nationwide. One such product is one of 2003’s top-selling video games, “Grand Theft Auto: Vice City.” This game puts players in the role of Tommy Vercetti, a member of a crime organization searching for the money and drugs stolen from him during a failed drug deal. During the course of the game, players are rewarded for performing different missions, as well as activities that include murdering a pizza delivery boy, soliciting and beating prostitutes, and shooting police officers. While the Entertainment Software Ratings Board (ESRB) provides video game ratings similar in concept to movie ratings, a survey by the National Institute on Media and the Family found that only 52% of parents used ratings to guide game purchases.⁸ Meanwhile, 91% of seventh through 12th graders report playing video games mainly alone or with siblings and peers—that is, outside the presence of parents or other adults.⁹ These statistics indicate that parents may be unwittingly permitting their children to be exposed to violent and sexually explicit materials.

Concerns over exposing children to exceedingly violent or sexual content in video games stem in part from research showing consumption of violent media content as a contributing factor to actual acts of aggression, hostility and violence. These concerns have gained greater currency over time, particularly after reports that the perpetrators of the April 20, 1999 shootings at Columbine High School

⁷ *Ibid.*, Table 24.

⁸ National Institute on Media and the Family. “9th Annual Video and Computer Game Report Card.” 2004.

⁹ Roberts *et al.*

were regular players of the video game “Doom,” and that 17-year-old convicted D.C. area sniper, Lee Malvo, had been trained to kill by playing violent sniper-style shooting games.¹⁰ In addition, many of the more objectionable video games present women only as sexual objects or targets of violence.

Research Linking Youth Violence and Media Exposure

The content of American media is among the most violent in the world. According to the American Psychiatric Association, the typical American child watches 28 hours of television a week, and by the age of 18 has seen 16,000 simulated murders and 200,000 acts of violence.¹¹

Research dating back at least three decades has pointed to exposure to violence in the mass media as a contributor to the aggressive behavior and attitudes of children, adolescents and adults. In July 2000, the American Medical Association, American Academy of Pediatrics, American Psychological Association, American Psychiatric Association, American Academy of Family Physicians, and the American Academy of Child and Adolescent Psychiatry released a joint statement to Congress to convey the consensus of the public health community with respect to the impact of entertainment violence on children. The authors identified the following measurable negative effects of children’s exposure to violent entertainment:

- Children who see a lot of violence are more likely to view violence as an effective way of settling conflicts. Children exposed to violence are more likely to assume that acts of violence are acceptable behavior.

¹⁰ The NewsHour with Jim Lehrer. “Violent Video Games.” [Transcript #7705] 7 Jul 2003.

¹¹ Cited in J. Osofsky, “The Impact of Violence on Children,” *The Future of Children* 9, no. 3 (1999):33.

- Viewing violence can lead to emotional desensitization towards violence in real life. It can decrease the likelihood that one will take action on behalf of a victim when violence occurs.
- Entertainment violence feeds a perception that the world is a violent and mean place. Viewing violence increases fear of becoming a victim of violence, with a resultant increase in self-protective behaviors and a mistrust of others.
- Viewing violence may lead to real life violence. Children exposed to violent programming at a young age have a higher tendency for violent and aggressive behavior later in life than children who are not so exposed.¹²

The authors acknowledged that there had been less research on the impact of violence in interactive media, such as video games, but found that “preliminary studies indicate that the negative impact may be significantly more severe than that wrought by television, movies or music.”¹³

A 2001 analysis of the extant scientific research on the various effects of violent video games found that “high video-game violence was definitely associated with heightened aggression” regardless of age or gender.¹⁴ The analysis also found short-term links between video game violence and aggressive thoughts and feelings, diminished prosocial behavior and heightened physiological arousal (the so-called “fight or flight” reaction).¹⁵

Due to the absence of longitudinal studies on these effects, however, researchers can only postulate as to what the long-term impacts of exposure to violent video games might be.

¹² American Medical Association *et al.*, “Joint Statement on the Impact of Entertainment Violence on Children” (statement presented at Congressional Public Health Summit in Washington, D.C., 26 Jul 2000).

¹³ *Ibid.*

¹⁴ Craig A. Anderson and Brad J. Bushman, “Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A meta-analytic review of the scientific literature,” *Psychological Science* 12, no. 5 (2001): 353-359.

¹⁵ *Ibid.*, p.358.

Recognizing the need for more definitive data, Senator Joseph I. Lieberman (D-Connecticut) recently introduced the “Children and Media Research Advancement (CAMRA) Act.” If passed, the law would provide funding for the National Institute of Child Health and Human Development (NICHD) to study the role and impact of electronic media, including video games, in the cognitive, physical and socio-behavioral development of children. The bill, which is pending before the Committee on Health, Education, Labor and Pensions, also requires the NICHD to report its findings to its director and to Congress by the end of 2010.¹⁶

The ESRB Ratings System

In December 1993, Senators Lieberman and Herb Kohl (D-Wisconsin) held hearings to examine the issue of video game violence and to explore the idea of creating an independent federal rating board for video games. They gave the entertainment software industry one year to devise a ratings system of its own before advancing their proposal for federal regulation.¹⁷ The Interactive Digital Software Association (now the ESA) established the Entertainment Software Rating Board in 1994 as a self-regulated not-for-profit organization. It independently applies and enforces content ratings, advertising guidelines, and online privacy principles adopted by the industry.

The ESRB ratings system consists of two components: a rating symbol that indicates age-appropriateness, and content descriptors that describe elements in a game’s content that influenced its rating. Content descriptors are designed mainly to notify the consumer of potentially objectionable material like blood, use of drugs, alcohol and tobacco, and

¹⁶ Children and Media Research Advancement Act of 2004, 108th Congress, 2nd Session, S. 2447.

¹⁷ E. Michael Myers, “Video Game Industry Urged to Police Itself,” *United Press International*, 1 Dec 1993.

varying degrees of violence and sexual content. The rating symbols are listed below:¹⁸

ESRB Rating	Intended Audience
EC	Early Childhood (ages 3+)
E	Everyone (ages 6+)
T	Teen (ages 13+)
M	Mature (ages 17+)
AO	Adults Only (ages 18+)
RP	Rating Pending (this game has been submitted, but not yet rated)

By convention, video game and software publishers place the ESRB rating symbol on the front of the product's packaging, with content descriptors on the back. Since the creation of the ESRB, more than 350 companies have submitted products for rating, and it has rated over 10,000 games.¹⁹

ESRB ratings are determined by a consensus of at least three trained raters picked from its pool; in the event that consensus is not forthcoming, additional raters may be asked to provide their recommendations.²⁰ For a game to receive an ESRB rating, its software publishers must answer a detailed questionnaire explaining the exact game content and are instructed to provide "actual videotaped footage of the game, showing the most extreme content and an accurate representation of the context and product as a

¹⁸ Entertainment Software Rating Board (ESRB). "ESRB Game Ratings: Game rating & descriptor guide." http://www.esrb.org/esrbratings_guide.asp. Last accessed 7 Dec 2004. For a full listing of ratings and content descriptors, see Appendix A.

¹⁹ ESRB. "About ESRB: Fast facts." http://www.esrb.org/about_facts.asp Last accessed 7 Dec 2004.

²⁰ ESRB. "ESRB Game Ratings: Frequently asked questions." http://www.esrb.org/esrbratings_faqs.asp. Last accessed 7 Dec 2004.

whole.”²¹ When the game is ready to be released to the public, the ESRB’s “in-house game experts randomly play the final games to verify that all the information provided during the rating process was accurate and complete.”²² To ensure their objectivity, raters are not permitted to have any ties to the computer or video game industries. The ESRB rates over 1,000 games per year.²³ Software publishers are charged a fee of \$1,500 for each game submitted for rating, and can pay \$3,000 to have the game rated within 24-48 hours of receipt.²⁴

Of the games rated in 2003, 57% received an E (everyone) rating, while 10% percent received an M (mature) rating, and less than one percent received the rating AO (adults only).²⁵ By contrast, M-rated games represented six out of the top 20 (30%) best-selling video game titles.²⁶

Attempts at Legislation and Court Rulings

Numerous state and local jurisdictions wishing to further restrict minors’ access to video games with strongly sexual and/or violent content have seen those efforts struck down in court, as video game content has been considered protected speech under the First Amendment. Although the United States Supreme Court upheld a New York statute prohibiting the sale of obscene materials to those under the age of 17 years,²⁷ some federal courts have ruled that the content of video games does not meet the legal criteria of “obscenity,” and consequently cannot receive the

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ ESRB. “Rating Fee Schedule.” http://www.esrb.org/downloads/fee_schedule.pdf. Last accessed 7 Dec 2004.

²⁵ ESRB. “About ESRB: Newsletters.” http://www.esrb.org/about_newsletters.asp. Last accessed 2 Dec 2003.

²⁶ ESA. “2004 Sales, Demographics and Usage Data.” <http://www.theesa.com/EFBrochure.pdf>. Last accessed 7 Dec 2004.

²⁷ *Ginsberg v. State of New York*, 390 U.S. 629, 88 S.Ct. 1274 (1968).

same treatment as pornography.²⁸ In *American Amusement Machine Association, et al. v. Kendrick, et al.*, the Seventh Circuit Court of Appeals made explicit its opinion of the differences between obscenity and concerns regarding violent video games:

A work is classified as obscene not upon proof that it is likely to affect anyone's conduct, but upon proof that it violates community norms regarding the permissible scope of depictions of sexual or sex-related activity.²⁹

In Washington State, a federal district court struck down Washington State law prohibiting the sale to anyone under the age of 17 of video or computer games depicting violence to law enforcement officials.³⁰ In that decision, the court held that the video game content in question is “expressive,” and therefore, qualifies as protected speech under the First Amendment. The court allowed that speech content could be regulated if the State could show that the regulation was “narrowly tailored” to serve a “compelling state interest.”³¹ While the court found that a “reasonable inference” might be drawn from scientific studies showing that violence in video games can have an “enhanced effect” on young people, it deemed it unlikely that the State could prove that its legislation would alleviate the problem; further, the court considered the isolation of harm to law enforcement officials to be an “arbitrary choice.”³²

Similarly, on June 3, 2003, the U.S. Court of Appeals for the Eighth Circuit struck down a St. Louis County ordinance that barred minors from access to video games containing “graphic violence.” In its decision,

²⁸ U.S. case law agrees that obscenity: 1) appeals to the prurient interests of the average person, using contemporary community standards, 2) depicts or describes in a patently offensive way sexual conduct proscribed by statute, and 3) lacks serious literary, artistic political or scientific value.

²⁹ *American Amusement Machine Association, et al. v. Kendrick, et al.* 244 F.3d 572 (7th Cir. 2001).

³⁰ *Video Software Dealers Association, et al. v. Norm Maleng, et al.*, 325 F. Supp. 2d 80 (W.D. Wash. July 15, 2003).

³¹ *Ibid.*

³² *Ibid.*

the Eighth Circuit ruled that the ordinance that banned selling or renting violent video games to minors without parental consent did not survive strict constitutional scrutiny; video games, even violent ones, are a protected form of speech under the First Amendment according to the ruling.³³

The Second Circuit has also weighed in on the issue of First Amendment protections for video game content. In dismissing a suit brought against Midway Games, the maker of the video game “Mortal Kombat,” by the mother of a young boy whose friend, allegedly “addicted” to the game, stabbed him to death, the court found that the “expressive elements” of video games (alleged in this case to be violent) constitute protected speech.³⁴ The court further assessed the scientific literature regarding the effects of violent video games on children and young adults as “somewhat equivocal”; it stated that unless a video game’s images or messages are “directed to inciting or producing imminent lawless action and [are] likely to incite such action,” its content falls under First Amendment protection.³⁵

A simple prohibition against the sale or rental of video games depicting violence goes beyond any applicable decisions by the U.S. Supreme Court, which in 2001 denied *certiorari* in a case finding First Amendment protection for video games.³⁶

³³ *Interactive Digital Software Association v. St. Louis County*, 329 F.3d 954 (8th Cir. 2003).

³⁴ *Wilson v. Midway Games*, 198 F.Supp.2d 167 (D. Conn. Mar. 27, 2002).

³⁵ *Ibid.*

³⁶ *Kendrick v. Am. Amusement Mach. Ass’n*, 534 U.S. 944, 122 S. Ct. 462 151 L. Ed 2d 379 (2001).

Pending Legislation and Other Actions

Because of the various court decisions curtailing government regulation of M-rated video game sales or rentals, numerous local, state, and federal legislative proposals have never made it beyond the discussion or hearing stage. At the federal level, Congressman Joseph Baca of California introduced a bill in 2003 (H.R. 669, the “Protect Children from Video Game Sex and Violence Act of 2003”) that would prohibit the sale or rental of video games that contain graphic depictions of nudity, sexual conduct and/or violence to minors aged 17 and under. The legislation would subject retailers to fines for violations of the law.³⁷ The bill was referred to the Judiciary Committee’s Subcommittee on Crime, Terrorism, and Homeland Security on March 3, 2003; no major action has been taken on it since.³⁸

The California State Legislature this year passed a law that requires every video game retailer to either display the video game rating system, or to notify customers that information about the ESRB ratings system is available upon request. The law, introduced by Representative Leyland Yee (D-San Francisco), was signed into law by Governor Arnold Schwarzenegger on Sept. 21, 2004, and goes into effect Jan. 1, 2005.³⁹

There is also pending legislation to limit minors’ access to violent video games in states like New York, Florida, Arkansas and Illinois. In the meantime, the state of Washington has been undertaking non-legislative efforts to educate the public on video game content and ratings. The Washington State Department of Health distributes a booklet entitled

³⁷ *Protect Children from Video Game Sex and Violence Act of 2003*, 108th Congress, 1st Session, H.R. 669.

³⁸ Status last checked on Thomas legislative database (www.thomas.loc.gov) 7 Dec 2004.

³⁹ California Business and Professions Code, Division 8, Chapter 6.7

“What Games Do Your Children Play? Becoming a Video Smart Parent.” The pamphlet explains ESRB ratings and content descriptors, offers advice on restricting access to inappropriately violent or sexual content, and provides a list of other resources on video game violence.⁴⁰ In addition, Washington State Representative Mary Lou Dickerson and the organization Mothers Against Violence in America have launched a Game Smart Community campaign that calls on retailers to voluntarily post bright yellow tags that read: “We I.D.: No I.D. No game. No kidding.”⁴¹

The ESRB has undertaken its own efforts to increase public awareness of its rating system through its “OK to play?” campaign, which consists of Public Service Announcements (PSAs) on television, in print, on the radio and online.

On November 23, 2004, the Interfaith Center on Corporate Responsibility, the National Committee on Women’s Organizations, Mothers Against Violence in America, the Justice and Witness Ministries of the United Church of Christ and Council Member Eric Gioia issued a joint statement calling on corporations in the video game industry, as good corporate citizens, to assume greater responsibility for ensuring that violent video games are not accessible to children. They called on stores to separate M- and AO-rated video games, and to undertake more responsible marketing toward children. In addition, they called on consumers to be aware of the video game ratings system and the

⁴⁰ “What Games Do Your Children Play? Become a video smart parent.” Washington State Department of Health. Publication no. 345-158, Feb 2001. Also available at <http://www.mavia.org/pdfs/videosmart.pdf>.

⁴¹ “Get Game Smart Before Game Shopping” [editorial]. *The Seattle Times*. 30 Nov 2003, E2.

standards by which games are rated, particularly when buying games for children and teenagers.⁴²

New York City Council Investigation and Legislative Action

In late 2003, the New York City Council conducted an investigation into retailers' participation in and enforcement of the ESRB rating system. Council investigators sent minors under the age of 17 to 24 small stores and 11 large retailers (*i.e.*, major retail chains) that sell video games in New York City and found that:

- Minors were able to buy video games in 97% of the stores surveyed.
- Clerks asked minors to show ID in only three of the 34 stores (9%).
 - In all three stores, the underage buyers showed authentic ID, indicating their real ages.
 - In two of those stores, staff still allowed minors to purchase M-rated games, despite having seen proof they were under age.
- Only six stores (17%) had signs explaining a store policy governing the sale of M-rated video games to minors.
 - All but one of those stores were large retail stores.
- Ten stores overall (29%) displayed ESRB ratings and content descriptions.
 - Eight of the 11 large stores (73%) displayed the industry-sanctioned rating system.
 - Only two of the 24 small retailers (9%) posted the ratings key.

The results of the 2003 investigation spawned legislation aimed at helping parents protect their children from violent and sexually explicit

⁴² Joint Statement on Violent Video Games, Interfaith Council on Corporate Responsibility, 23 Nov. 2004. Available online at http://www.iccr.org/news/press_release/pr_jstatement112304.htm

video games. Introduction No. 60, introduced by Council Member Eric Gioia, would require stores to (a) post the ESRB ratings key near the video games and (b) physically segregate the M- and AO-rated games, so that consumers may easily identify them. Failing to comply with either provision would result in a fine of between \$50 and \$100 for the first violation and \$100 and \$250 for subsequent violations.

On March 30, 2004, the City Council Committee on Consumer Affairs held a hearing on this bill, as well as Introduction No. 18, introduced by Council Member Gale Brewer, a bill that would ban the sale of M- or AO-rated games to anyone under the age of 18, and Resolution 10 of 2004, calling on retailers and the entertainment industry to step up enforcement of ESRB ratings. The Committee heard testimony from advocates for concerned parents and the video game industry alike on the proposed laws.

While parents and children's advocates expressed concern that children may be exposed to inappropriately graphic and violent materials and support for the legislation, various industry groups said that the bills would present an undue burden on software publishers and video game retailers. The Entertainment Software Association assured the Committee that the ESRB was committed to increasing awareness of its ratings system, and did not need legislation to spur its progress. ESA representatives said that retailers had launched a new initiative in 2003 through which a group reportedly responsible for 85% of national computer and video game sales—including Best Buy, Blockbuster Entertainment, Circuit City, Game Stop, Toys "R" Us and several others—would ask for proof of age from anyone attempting to buy an M-

rated game. The program would be in place in time for the 2004 holiday season.⁴³

This investigation was designed to assess whether video game retailers were fulfilling this commitment and enforcing the ESRB ratings system.

⁴³ Gail Markels on behalf of the ESA, in testimony before the New York City Council Committee for Consumer Affairs, 30 March 2004.

METHODOLOGY

This investigation replicates the methodology employed in the Council's 2003 survey of video game retailers, with two deviations of note. First, this survey's sample size is greater (67 stores as opposed to 35 in the previous investigation). Second, the sample of 67 stores is non-random in that it includes 27 of the 35 stores surveyed in the Council's 2003 investigation (the remaining 40 stores were randomly selected).

The 67 stores in this survey comprise 28% of the City's video game retailers, and include 22% of the City's small video game stores and 57% of the large retail chain stores that sell video games in New York City. The six large retailers identified (Best Buy, Circuit City, J&R Music World, K*B Toy Stores, Target and Toys "R" Us) have a total of 42 locations in the five boroughs. Twenty-four were surveyed. Of these 24 stores, 10 (42%) had been surveyed as part of the 2003 survey; the other 14 (58%) were randomly chosen.

The Verizon Super Pages lists 199 small retail stores in New York City. Of these smaller stores, 43 (22%) were chosen for inclusion in this investigation. Twenty-five of these 43 stores (58%) were visited as part of the Council's investigation in 2003, and the remaining 18 (42%) were randomly selected.

Of the 43 smaller retailers, 11 (26%) were in Manhattan, 15 (35%) in Brooklyn, 10 (23%) in Queens, four (9%) in the Bronx and three (7%) in Staten Island. The large retail chains had a greater presence in Manhattan and Queens, where investigators surveyed seven stores (32%) in each borough. The investigation included three large retail stores

(14%) in Brooklyn, two (9%) in Staten Island and three (14%) in the Bronx.⁴⁴

The field survey took place between November 10th and December 8th, 2004. A survey team consisting of one minor under the age of 17 and one investigator visited each store.⁴⁵ Minors were instructed to carry identification indicating their true age and to produce it when asked by store employees. Minors were to select an M-rated game and attempt to purchase it. The investigator observed all transactions but did not interact with the minor while in the establishment being surveyed.

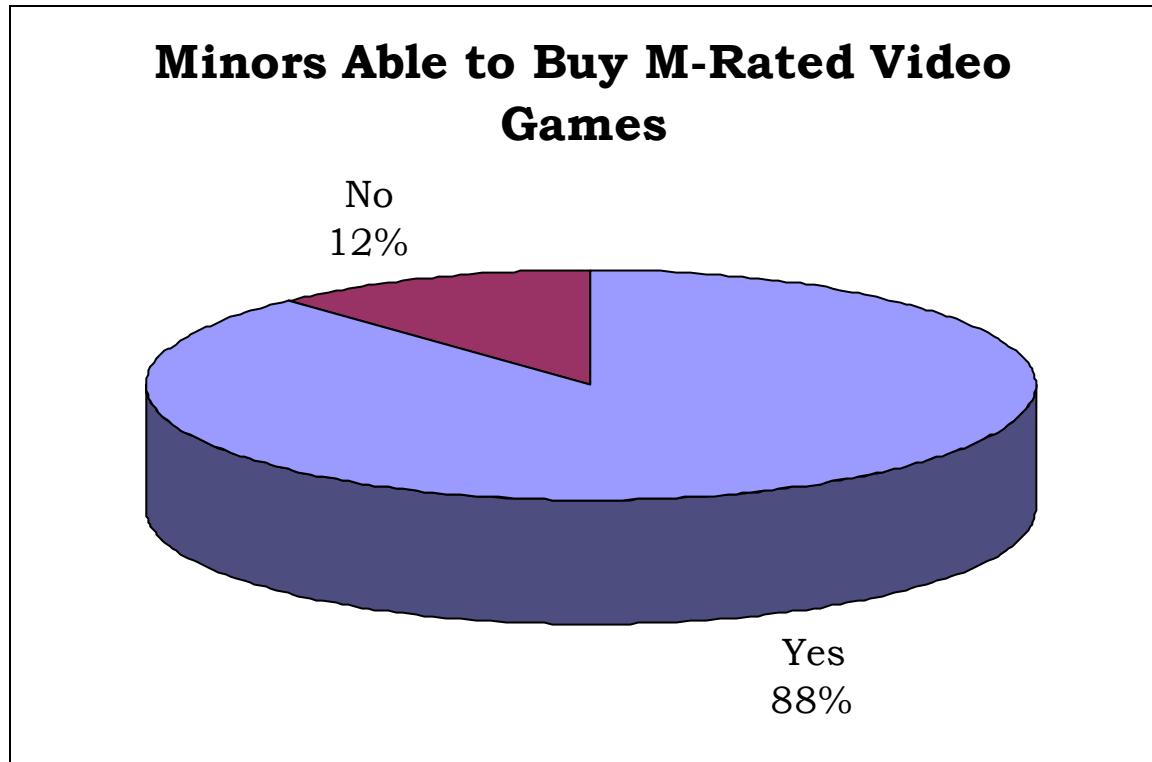
In addition, survey teams noted whether stores posted an explanation of the ESRB rating system and whether they displayed a written policy regarding the sale of M-rated video games to minors.

⁴⁴ Adds to 101% due to rounding.

⁴⁵ All minors who participated in this investigation did so with permission from their parent/guardian.

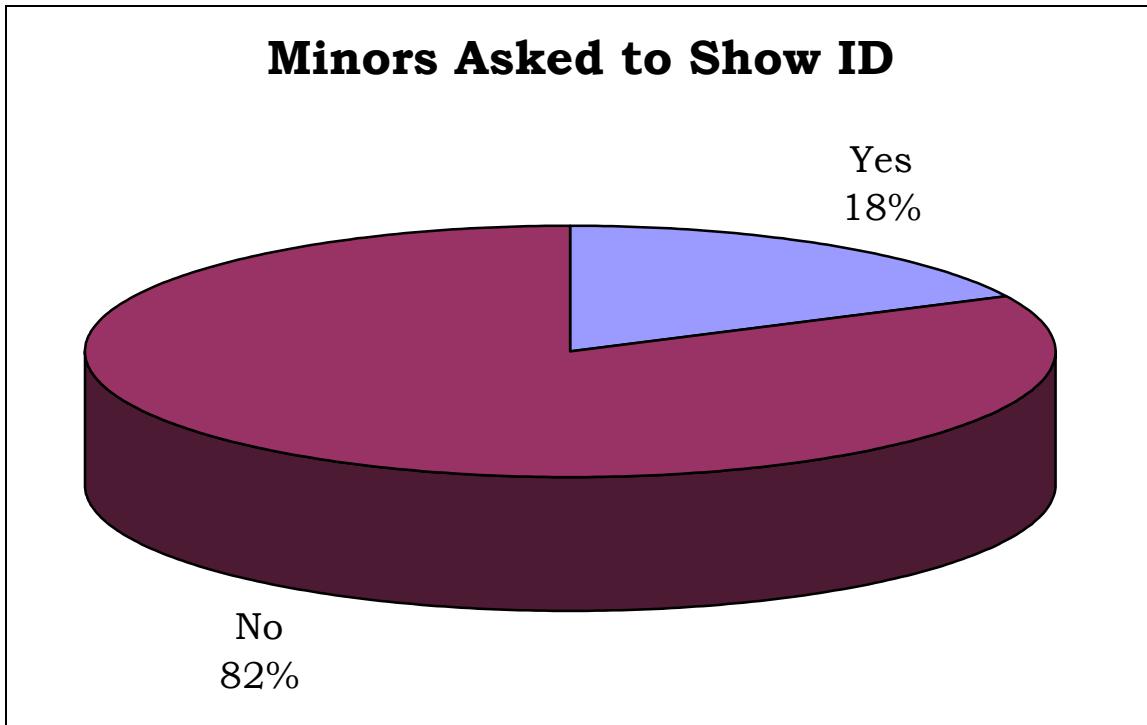
FINDINGS

Of the 67 stores visited, minors were able to purchase M-rated video games at 59 stores (88%).



Seven of the eight stores that refused to sell an M-rated video game to a minor (88%) were large chain stores.

Minors attempting to purchase an M-rated video game were asked for identification in only 12 of the 67 stores surveyed (18%).

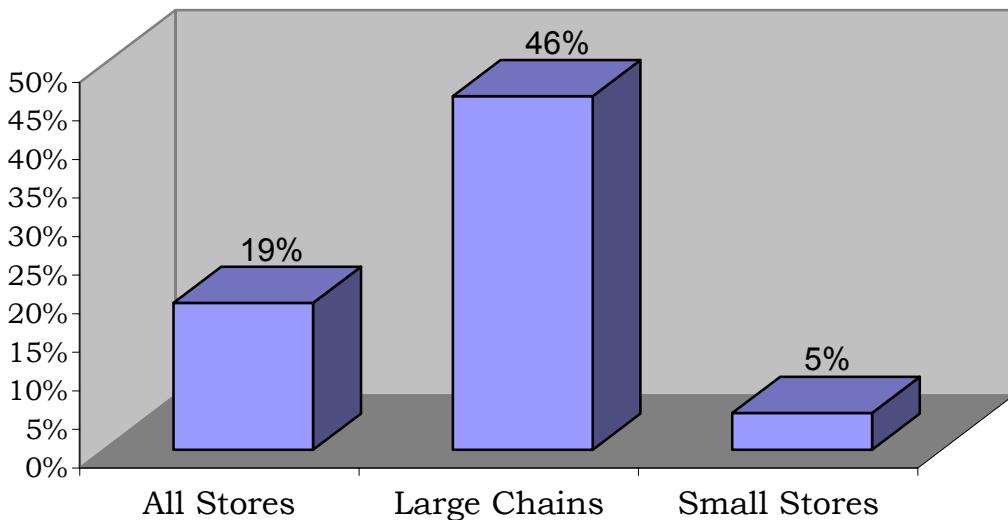


Four of these stores (33%; two Toys “R” Us and two Game Stop locations) sold the minor an M-rated video game anyway, even after identification showed the minor to be under the age of 17.

Displaying and Enforcing Store Policies

Thirteen stores (19%) had a sign that explained the store's policy governing the sale of M-rated video games to minors. Eleven of the 24 large retail stores surveyed (46%)—including all ten Toys “R” Us locations—displayed the store's policy governing the sale of M-rated video games to minors. Only two of the 43 small retail locations (5%) posted a store policy.

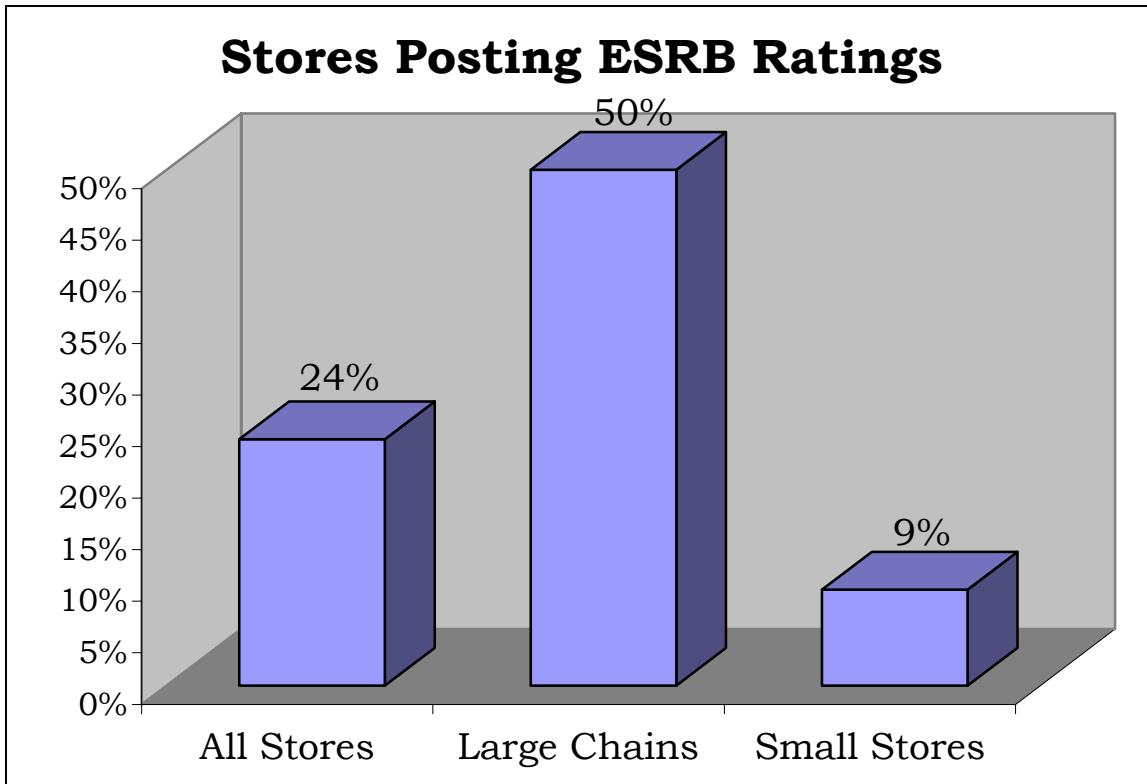
Stores Posting Policy About M-Rated Game Sales



Of these 13 stores, nine (69%) sold an M-rated game to minors despite store policy. Employees at seven stores (54%) did ask to see identification, but three of these stores (23% of stores posting a store policy regarding the sale of M-rated video games to minors) sold the game anyway. The four stores that refused to sell an M-rated game to a minor were all Toys "R" Us locations.

Displaying and Enforcing ESRB Ratings

Sixteen stores (24%) displayed ESRB ratings and content descriptors. Twelve of the 24 large stores surveyed (50%) posted ESRB ratings and content descriptors, whereas only four of the 43 small retailers (9%) did.



Of these 16 stores, 10 (63%) sold an M-rated game to minors. Employees at eight stores (50%) asked to see identification, but two of these stores (25%) still sold an M-rated game to a minor.

Comparison to Last Year's Findings

While the findings below compare the findings of this investigation to those of the Council's 2003 investigation. Except where noted, none of this investigation's findings reveal statistically significant differences from those of last year's.⁴⁶

⁴⁶We postulated the null hypothesis that there was no change between the 2003 and 2004 samples, and we tested this hypothesis by comparing both sets of findings using the chi-squared goodness of fit method, using the standard 95% confidence interval.

Minors were able to purchase M-rated video games at 97% of stores visited in 2003. Minors purchased M-rated videos at 88% of the stores surveyed in this investigation, a 9% drop.

Minors attempting to purchase M-rated video games were asked for identification in 9% of stores visited in 2003. This year, 18% of the stores required minors to show identification, a 9% increase.

In 2003, only 17% of stores posted signs regarding their policy on the sale of M-rated games to minors. This year, 19% had a policy visible to consumers, a 2% increase.

- Of the large stores surveyed in 2003, 100% sold video games to minors; in 2004, 71% sold M-rated video games to a minor, a *statistically significant* decrease of 29%.⁴⁷
- In 2003, 18% of the large retail stores asked minors to show an ID to purchase M-rated video games, whereas this year, 38% asked for an ID, an increase of 20%.
- Forty-five percent of large retailers in 2003 displayed a sign that stated the store policy governing the sale of M-rated video games to a minor, while this year, 46% of large store chains displayed a sign, an increase of 1%.
- In 2003, 64% of large stores surveyed posted ESRB ratings and content descriptors, whereas in 2004, 50% of large retailers had a visible sign posting ESRB ratings and content descriptors, a decrease of 14%.

⁴⁷ Chi-squared goodness of fit produced a value of $\chi^2=3.90$. At one degree of freedom, $p\approx 0.045$, less than the standard bound of 0.05 (*i.e.*, outside the 95% confidence interval), establishing statistical significance.

- In 2003, 96% of the small retailers sold an M-rated video game to a minor, whereas this year, 98% did, an increase of 2%.
- Last year, only 4% of smaller retailers asked minors to show proof of age to purchase M-rated video games. This year, 7% of smaller retailers asked for an ID, an increase of 3%.
- Four percent of smaller retailers surveyed in 2003 displayed a sign that stated store policy governing the sale of M-rated video games to minors, compared to 5% this year.
- In 2003, 8% of the small retailers posted ESRB ratings and content descriptors, compared to 9% this year.

Of the 27 stores surveyed that were also part of the 2003 investigation, 22, or 81%, sold M-rated video games to minors. This represents a 15% decrease, as 26 of these 27 stores sold M-rated video games to minors in 2003. Six of the 27 stores (22%) asked for proof of age, an increase of 3 (11%) from last year. Five of the 27 stores (19%) posted a store policy governing the sale of M-rated video games to minors, an increase of one (4%) from last year. Eight of the 27 stores (30%) posted ESRB ratings and content descriptors, a decrease of one (4%) from last year.

CONCLUSIONS

Despite last year's promises by the industry to enforce its own standards without government oversight, this year's investigation shows little has changed. A disturbing number of stores continue to sell M-rated video games to minors despite an industry policy that advises retailers not to sell these games to individuals under the age of 17. This investigation finds that even those stores that post their store policy not to sell M-rated video games to minors often do so anyway. Indeed, some stores knowingly sold M-rated games to buyers under the age of 17 after having received proof of age.

This report draws the same conclusion reached in last year's report: **the video game industry must make a real commitment to keeping video games with graphic violence or strong sexual content out of the hands of children.** To do this, the video game industry will need to take several steps, including, at minimum:

- Consistently enforcing ESRB ratings by demanding proof of age at the point of sale and refusing to sell M-rated games to customers under the age of 17;
- Displaying explanations of the ESRB ratings system and content descriptors at all stores where video games are sold so that consumers have this information at the moment they are making their purchasing decisions; and
- Posting store policies regarding the sale of M-rated video games to minors to deter youthful consumers.

Great room for improvement remains both in educating consumers and in enforcing the ratings system. While large chain stores did make a measurable improvement in keeping minors from purchasing M-rated

games, the 71% buying success rate found at large stores in this investigation remains unacceptably high. Retailers did a poor job overall in enforcing the decade-old ESRB rating system at the point of sale—notwithstanding the ESRB’s recent public awareness initiatives or their own store policies.

Large retailers continued to do a better job than their smaller counterparts of educating consumers about video game ratings and content. It is likely that the corporate structure of these large retail chains allows them to receive and disseminate information regarding industry policy much more effectively than an independently owned small business. Given that enforcement of the ESRB ratings system is voluntary, and that retailers do an egregiously poor job of it, it is incumbent on parents to educate themselves about this rating system and the video games their children play. In this, local government entities can be of assistance.

RECOMMENDATIONS

No one entity is solely responsible for restricting minors' purchases of inappropriate video games. Video game and software publishers, the ESRB, retailers, government entities and parents can each play a part in making appropriate media available to appropriate age groups. The following Council recommendations seek to encourage each group to take responsibility to create a positive system for consumers to enjoy age-appropriate video games.

- **Pass legislation to protect children and inform consumers about video game ratings.**

While legislation restricting minors' access to violent and/or sexually suggestive video game content would have to overcome First Amendment issues, initiatives to increase public awareness could also achieve some success in enabling consumers to make informed choices for themselves and their children. It is not uncommon, for example, for video games rated "E" (Everyone) to be displayed right next to those rated "M" (Mature). This makes it easy for young people to be enticed to purchase inappropriate video games, and for adults not to recognize the distinction. Separating these games by rating will make it more clear to consumers that the rating system is important and must be followed. In addition, many consumers do not know that the ESRB rating system exists, let alone what the various ratings symbols denote. At each movie theater, a sign is posted that informs the consumer about the rating system and how each rating letter is defined. Retail and rental outlets for video games should be required to follow this example.

- **The entertainment industry and retailers must enforce ESRB ratings.**

As the findings of this investigation show, the video game industry and retailers must improve enforcement of ESRB ratings. While one could blame store clerks for carelessly selling violent video games to underage consumers, the entertainment industry and retail stores must ensure that store employees know, understand and enforce ESRB ratings at the point of sale.

- **Create a City Council Task Force on Violent Video Games that includes the video game industry, retailers, advocates and parents.**

Bringing together the various entities that hold a stake in this issue can generate creative strategies for educating consumers and keeping M-rated games out of the hands of minors.

- **Pass legislation requiring that the Department of Consumer Affairs (DCA) produce and distribute an informational pamphlet for video game consumers.**

To aid in educational outreach, the City of New York should produce an informational pamphlet to inform consumers of the issues surrounding video game content. These pamphlets should be available in all retail locations where video games are sold, and should be given to anyone purchasing a video game.

- **ESRB must substantially increase outreach to small independent retailers.**

While large chain stores have shown some signs of improvement, small retailers do an especially poor job of educating consumers about the ESRB rating system, and of making sure underage people don't purchase M-rated video games. Insofar as many small retailers exist in

neighborhoods where there are no major chains, they are accessible to local children and thus represent important local outlets for video game software. Lacking centralized corporate structures like major retail chains, small independent retailers can pose challenges for effective outreach; nevertheless, the ESRB cannot evade its responsibility to spread awareness of video game ratings and content to these locations.

- **ESRB and the video game industry should be more proactive in its campaign to educate parents and retailers about the rating system.**

We applaud the ESRB's willingness to undertake an educational campaign this holiday season to inform consumers about the video game ratings system, and to partner with retailers and other organizations to get the message out. The ESRB charges \$1,500 per game to video game publishers who collectively realize \$7 billion dollars in revenue every year. In addition to relying on the goodwill of media networks to run PSAs when time and space become available, the ESRB should make greater use of more effective paid advertising and marketing, even if it means requesting a larger fee from video game publishers to have their games rated.

- **Parents need to be proactive and exercise supervision over what their children purchase and play.**

The Council believes that we need to give the parents as many tools as possible to be in control of what their children are exposed to in the games they play. National surveys find that parents exercise little supervision over their children's video game usage. Parents must keep in mind that the ultimate responsibility for controlling what their children watch and play lies with them. We encourage parents to familiarize themselves with the ESRB ratings system, preview the games their children play, and play along with them whenever possible.

APPENDIX A
ESRB Game Rating and Descriptor Guide
(from www.esrb.org/esrbratings_guide.asp)

Game Rating & Descriptor Guide

ESRB ratings have two parts. The **RATING SYMBOL** suggests what age group the game is appropriate for and provides general information about a game's content. If a game contains content elements that aren't suggested by the rating symbol, **CONTENT DESCRIPTORS** are added that tell you what to expect.

To take full advantage of the ESRB rating system, it's important to check both the **RATING SYMBOL** (found on the front of the game box) and the **CONTENT DESCRIPTORS** (found on the back of the game box).



Look for the **rating/icon symbols** in the lower right and the lower left hand corner on the front of the box.



Descriptors are found on the lower left or right hand corner on the back of the box

ESRB Rating Symbols



EARLY CHILDHOOD

Content may be suitable for ages 3 and older. Contains no material that parents would find inappropriate.



EVERYONE

Content may be suitable for persons ages 6 and older. May contain minimal violence and some comic mischief or crude language.



TEEN

Content may be suitable for persons ages 13 and older. May contain violent content, mild or strong language, and/or suggestive themes.



MATURE

Content may be suitable for persons ages 17 and older. May contain mature sexual themes or more intense violence or language.



ADULTS ONLY

Content suitable only for adults. May include graphic depictions of sex and/or violence. Not intended for persons under the age of 18.



RATING PENDING

Product has been submitted to the ESRB and is awaiting final rating.

ESRB Content Descriptors

- **Alcohol Reference** - Reference to and/or images of alcoholic beverages
- **Animated Blood** - Cartoon or pixelated depictions of blood.
- **Blood** - Depictions of blood.
- **Blood and Gore** - Depictions of blood or the mutilation of body parts.
- **Comic Mischief** - Scenes depicting slapstick or gross vulgar humor.
- **Drug Reference** - Reference to and/or images of illegal drugs
- **Edutainment** - Content of product provides user with specific skills development or reinforcement learning within an entertainment setting. Skill development is an integral part of product.
- **Gambling** - Betting like behavior.
- **Informational** - Overall content of product contains data, facts, resource information, reference materials or instructional text.
- **Mature Humor** - Vulgar and/or crude jokes and antics including "bathroom" humor

- **Mature Sexual Themes** - Provocative material, possibly including partial nudity.
- **Mild Language** - Mild references to profanity, sexuality, violence, alcohol, or drug use.
- **Mild Lyrics** - Mild references to profanity, sexuality, violence, alcohol, or drug use in music.
- **Mild Violence** - Mild scenes depicting characters in unsafe and/or violent situations.
- **Nudity** - Graphic or prolonged depictions of nudity.
- **Partial Nudity** - Brief and mild depictions of nudity.
- **Some Adult Assistance May Be Needed** - Early Childhood Descriptor only.
- **Strong Language** - Profanity and explicit references to sexuality, violence, alcohol, or drug use.
- **Strong Lyrics** - Profanity and explicit references to sex, violence, alcohol, or drug use in music.
- **Strong Sexual Content** - Graphic depiction of sexual behavior, possibly including nudity.
- **Suggestive Themes** - Mild provocative references or materials.
- **Tobacco Reference** - Reference to and/or images of tobacco products
- **Use of Drugs** - The consumption or use of illegal drugs
- **Use of Alcohol** - The consumption of alcoholic beverages
- **Use of Tobacco** - The consumption of tobacco products
- **Violence** - Scenes involving aggressive conflict.

The following ratings and content descriptors have been updated and are no longer used, but they may appear on games published previously.



Kids to Adult

Titles rated "Kids to Adult (K-A)" have content that may be suitable for persons ages six and older. These titles will appeal to people of many ages and tastes. They may contain minimal violence, some comic mischief (for example, slapstick comedy), or some crude language.

- **Gaming** - Betting-like behavior.
- **Mild Animated Violence** - Mild cartoon or pixilated scenes depicting animated characters in unsafe and/or violent situations.
- **Mild Realistic Violence** - Mild photographic-like detailed depictions of characters in unsafe and/or violent situations.
- **Animated Violence** - Cartoon or pixilated scenes depicting animated characters in unsafe and/or violent situations.
- **Realistic Violence** - Photographic-like detailed depictions of characters in unsafe and/or violent situations.
- **Animated Blood and Gore** - Cartoon or pixilated images of blood or the mutilation of body parts.
- **Realistic Blood and Gore** - Photographic-like detailed depictions of blood or the mutilation of body parts.
- **Realistic Blood** - Photographic-like detailed depictions of blood.
- **Reading Skills, Fine Motor Skills, Higher-Level Thinking Skills** - These phrases are found only on products rated Early Childhood and indicate whether children's reading, computer, or other skills are used in these titles.

APPENDIX B
Detailed Findings

Detailed Findings

	Stores	Address	Borough	Visited last year?	Store policy posted?	ESRB ratings posted?	Asked for ID?	Able to buy?
1	32nd Game	148 West 32nd St	Manhattan	No	No	No	No	Yes
2	All Star Video	278 Broadway	Brooklyn	No	No	No	No	Yes
3	Best Buy	60 W 23rd St.	Manhattan	Yes	No	Yes	Yes	No
4	Best Buy	88-01 Queens Blvd	Queens	No	No	No	No	Yes
5	Best Buy	2795 Richmond Ave	Staten Island	No	No	No	No	Yes
6	Best Buy	1280 Lexington Avenue	Manhattan	No	No	No	No	Yes
7	Circuit City	86th St.	Manhattan	Yes	No	No	Yes	No
8	Circuit City	96-05 Queens Boulevard	Queens	Yes	No	Yes	Yes	No
9	Circuit City	136-03 20th Ave	Queens	No	No	No	No	Yes
10	Circuit City	2505 Richmond Ave	Staten Island	Yes	No	Yes	No	Yes
11	Decatur Video	98 Saratoga Ave	Brooklyn	No	No	No	No	Yes
12	Disc-o-Rama	186 W 4th St	Manhattan	Yes	No	No	No	Yes
13	EB Games	Kings Plaza	Brooklyn	No	No	Yes	No	Yes
14	EB Games	Manhattan Mall	Manhattan	No	No	No	No	Yes
15	EB Games	30-15 Steinway Ave	Queens	No	No	No	Yes	No
16	Forbidden Planet	840 Broadway	Manhattan	Yes	No	No	No	Yes
17	Fulton Game World, Inc	1249 Fulton Street	Brooklyn	No	No	No	No	Yes
18	Fulton Games	400 Fulton St	Brooklyn	Yes	No	No	No	Yes
19	FYE New York	2097 Ralph Ave	Brooklyn	Yes	No	No	No	Yes
20	FYE New York	716 Lexington Ave	Manhattan	No	No	No	No	Yes
21	FYE New York	405-407 6th Ave	Manhattan	Yes	No	No	No	Yes
22	Game Champ	519 East 138 street	Bronx	No	No	No	No	Yes
23	Game Champ	6 Nevins Street	Brooklyn	Yes	No	No	No	Yes
24	Game Champ	534 86th St.	Brooklyn	No	No	No	No	Yes
25	Game Champ	32-57 Steinway St	Queens	No	No	No	No	Yes
26	Game Champ	3263 Richmond Ave	Staten Island	Yes	Yes	No	No	Yes
27	Game City	59 Graham Ave	Brooklyn	No	No	No	No	Yes
28	Game Depot	5191 Broadway	Bronx	No	No	No	No	Yes
29	Game Depot	591 Southern Blvd.	Bronx	Yes	No	No	No	Yes
30	Game Depot	29-15 Francis Lewis Blvd.	Queens	No	No	No	No	Yes
31	Game Express	2454 Creston Ave	Bronx	Yes	No	No	No	Yes
32	Game Express	163-18 Jamaica Avenue	Queens	Yes	No	No	No	Yes
33	Game Fan	36-09 Main Street	Queens	Yes	No	No	No	Yes
34	Game Land	81-19 37th	Queens	No	No	No	No	Yes
35	Game Place	542 Nostrand Ave	Brooklyn	No	No	No	No	Yes
36	Game Stop	5368 Kings Plaza	Brooklyn	No	No	Yes	No	Yes
37	Game Stop	2142 Ralph Ave	Brooklyn	Yes	No	No	No	Yes
38	Game Stop	166 Court Street	Brooklyn	Yes	No	No	No	Yes
39	Game Stop	153 7th Ave	Brooklyn	No	No	Yes	No	Yes
40	Game Stop	1120 6th Ave	Manhattan	Yes	No	No	No	Yes
41	Game Stop	2764 Broadway	Manhattan	Yes	No	No	No	Yes
42	Game Stop	743 Broadway	Manhattan	No	Yes	Yes	Yes	Yes
43	Game Stop	128 East 86th Street	Manhattan	No	No	No	Yes	Yes

New York City Council Investigation Division

	Stores	Address	Borough	Visited last year?	Store policy posted?	ESRB ratings posted?	Asked for ID?	Able to buy?
44	Game Stop	91-41 Queens Boulevard	Queens	No	No	No	No	Yes
45	Game Stop	Staten Island Mall	Staten Island	No	No	No	No	Yes
46	Game Stop	Kmart Shopping Plaza	Staten Island	No	No	No	No	Yes
47	Hollywood Video	95-07 63rd Drive	Queens	No	No	No	No	Yes
48	J & R Computer World	15 Park Row	Manhattan	Yes	No	Yes	No	Yes
49	Joyce Land	87-87 Francis Lewis Blvd	Queens	Yes	No	No	No	Yes
50	K B Toys	901 Ave of the Americas	Manhattan	No	Yes	Yes	No	Yes
51	Multimedia 10	18 Saint Marks Place	Manhattan	No	No	No	No	Yes
52	Music Factory	162-00 Jamaica Ave	Queens	Yes	No	No	No	Yes
53	Target	40 W 225th St #50	Bronx	No	No	No	No	Yes
54	Target	139 Flatbush Ave	Brooklyn	No	No	Yes	No	Yes
55	Target	88-01 Queens Boulevard	Queens	Yes	No	No	No	Yes
56	Target	135-05 20th Ave	Queens	No	No	No	No	Yes
57	The Zone	2490 Flatbush	Brooklyn	No	No	No	No	Yes
58	Toys R Us	350 Baychester Ave	Bronx	No	Yes	No	No	Yes
59	Toys R Us	Bruckner Plaza	Bronx	Yes	Yes	Yes	No	Yes
60	Toys R Us	Fulton Mall	Brooklyn	Yes	Yes	Yes	Yes	No
61	Toys R Us	8973 Bay Parkway	Brooklyn	No	Yes	No	No	Yes
62	Toys R Us	2875 Flatbush Ave	Brooklyn	Yes	Yes	Yes	Yes	No
63	Toys R Us	Union Square	Manhattan	No	Yes	Yes	Yes	No
64	Toys R Us	1514 Broadway	Manhattan	Yes	Yes	Yes	Yes	Yes
65	Toys R Us	35-00 48th Street	Queens	No	Yes	No	No	Yes
66	Toys R Us	Whitestone Boulevard	Queens	No	Yes	No	Yes	Yes
67	Toys R Us	105 Mill Road	Staten Island	No	Yes	Yes	Yes	No