

106TH CONGRESS
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S. 2497

To provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2, 2000

Mr. MCCAIN (for himself and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Media Violence Label-
5 ing Act of 2000”.

1 **SEC. 2. SYSTEM FOR LABELING VIOLENT CONTENT IN**
2 **AUDIO AND VISUAL MEDIA PRODUCTS AND**
3 **SERVICES.**

4 (a) DECLARATION OF POLICY.—Section 2 of the Fed-
5 eral Cigarette Labeling and Advertising Act (15 U.S.C.
6 1331) is amended—

7 (1) by inserting “(a) POLICY REGARDING CIGA-
8 RETTES.—” before “It is the policy of the Con-
9 gress”; and

10 (2) by adding at the end the following:

11 “(b) POLICY REGARDING VIOLENCE IN AUDIO AND
12 VISUAL MEDIA PRODUCTS AND SERVICES.—It is also the
13 policy of Congress, and the purpose of this Act, to provide
14 for the establishment, use, and enforcement of a consistent
15 and comprehensive system in plain English for labeling
16 violent content in audio and visual media products and
17 services (including labeling of such products and services
18 in the advertisements for such products and services),
19 whereby—

20 “(1) the public may be adequately informed
21 of—

22 “(A) the nature, context, and intensity of
23 depictions of violence in audio and visual media
24 products and services; and

25 “(B) matters needed to judge the appro-
26 priateness of the purchase, viewing, listening to,

1 use, or other consumption of audio and visual
 2 media products and services containing violent
 3 content by minors of various ages; and

4 “(2) the public may be assured of—

5 “(A) the accuracy and consistency of the
 6 system in labeling the nature, context, and in-
 7 tensity of depictions of violence in audio and
 8 visual media products and services; and

9 “(B) the accuracy and consistency of the
 10 system in providing information on matters
 11 needed to judge the appropriateness of the pur-
 12 chase, viewing, listening to, use, or other con-
 13 sumption of audio and visual media products
 14 and services containing violent content by mi-
 15 nors of various ages.”.

16 (b) DEFINITION.—Section 3 of that Act (15 U.S.C.
 17 1332) is amended by adding at the end the following:

18 “(10)(A) The term ‘audio and visual media
 19 products and services’ means interactive video game
 20 products and services, video program products, mo-
 21 tion picture products, and sound recording products.

22 “(B) The term does not include television pro-
 23 gramming, including any motion picture broadcast
 24 on television.”.

1 (c) LABELING OF AUDIO AND VISUAL MEDIA PROD-
 2 UCTS AND SERVICES.—That Act is further amended by
 3 inserting after section 4 (15 U.S.C. 1333) the following
 4 new section:

5 “LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS
 6 AND SERVICES

7 “SEC. 4A. (a) VOLUNTARY LABELING SYSTEM.—(1)
 8 Manufacturers and producers of audio and visual media
 9 products and services may submit to the Federal Trade
 10 Commission a joint proposal for a system for labeling the
 11 violent content in audio and visual media products and
 12 services.

13 “(2) The proposal under this subsection should, to
 14 the maximum extent practicable, meet the requirements
 15 set forth in subsection (b).

16 “(3)(A) The antitrust laws shall not apply to any
 17 joint discussion, consideration, review, action, or agree-
 18 ment between or among manufacturers and producers re-
 19 ferred to in paragraph (1) for purposes of developing a
 20 joint proposal for a system for labeling referred to in that
 21 paragraph.

22 “(B) For purposes of this paragraph, the term ‘anti-
 23 trust laws’ has the meaning given such term in the first
 24 section of the Clayton Act (15 U.S.C. 12) and includes
 25 section 5 of the Federal Trade Commission Act (15 U.S.C.
 26 45).

1 “(b) REQUIREMENTS FOR LABELING SYSTEM.—A
2 system for labeling the violent content in audio and visual
3 media products and services under this section shall meet
4 the following requirements:

5 “(1) The label of a product or service shall con-
6 sist of a single format which provides a product-spe-
7 cific or service-specific description in plain English
8 of the nature, context, and intensity of the depic-
9 tions of violence in the product or service.

10 “(2) The content description of a product or
11 service under paragraph (1) shall specify a minimum
12 age in years for the purchase, viewing, listening to,
13 use, or other consumption of the product or service
14 in light of the totality of all depictions of violence in
15 the product or service.

16 “(3) The format of the label for products and
17 services shall—

18 “(A) incorporate each label provided for
19 under paragraphs (1) and (2);

20 “(B) include product-specific or service-
21 specific written text in plain English; and

22 “(C) be identical in visual format for each
23 given label provided under paragraphs (1) and
24 (2), regardless of the type of product or service
25 involved.

1 “(4) In the case of a product or service sold in
2 a box, carton, sleeve, or other container, the label
3 shall appear on the box, carton, sleeve, or container
4 in a conspicuous manner.

5 “(5) In the case of a time-sequenced product or
6 service that is intended to be viewed, the label
7 shall—

8 “(A) appear before the commencement of
9 the product or service;

10 “(B) appear in both visual and audio form;
11 and

12 “(C) appear in visual form for at least five
13 seconds.

14 “(6) Any advertisement for a product or service
15 shall include a label of the product or service in ac-
16 cordance with the applicable provisions of this sub-
17 section.

18 “(c) FEDERAL TRADE COMMISSION RESPONSIBIL-
19 ITIES.—(1)(A) If the manufacturers and producers re-
20 ferred to in subsection (a) submit to the Federal Trade
21 Commission a proposal for a labeling system referred to
22 in that subsection not later than 180 days after the date
23 of the enactment of the Media Violence Labeling Act of
24 2000, the Commission shall review the labeling system
25 contained in the proposal to determine whether the label-

1 ing system meets the requirements set forth in subsection
2 (b) in a manner that addresses fully the purposes set forth
3 in section 2(b).

4 “(B) Not later than 180 days after commencing a
5 review of the proposal for a labeling system under sub-
6 paragraph (A), the Commission shall issue a labeling sys-
7 tem for purposes of this section. The labeling system
8 issued under this subparagraph may include such modi-
9 fications of the proposal as the Commission considers ap-
10 propriate in order to assure that the labeling system meets
11 the requirements set forth in subsection (b) in a manner
12 that addresses fully the purposes set forth in section 2(b).

13 “(2)(A) If the manufacturers and producers referred
14 to in subsection (a) do not submit to the Commission a
15 proposal for a labeling system referred to in that sub-
16 section within the time provided under paragraph (1)(A),
17 the Commission shall prescribe regulations to establish a
18 labeling system for purposes of this section that meets the
19 requirements set forth in subsection (b).

20 “(B) Any regulations under subparagraph (A) shall
21 be prescribed not later than one year after the date of
22 the enactment of the Media Violence Labeling Act of
23 2000.

24 “(d) PROHIBITION ON SALE OR DISTRIBUTION
25 WITHOUT LABEL.—Except as provided in subsection (f),

1 commencing one year after the date of the enactment of
 2 the Media Violence Labeling Act of 2000, a person may
 3 not manufacture or produce for sale or distribution in
 4 commerce, package for sale or distribution in commerce,
 5 or sell or distribute in commerce any audio or visual media
 6 product or service unless the product or service bears a
 7 label in accordance with the labeling system issued or pre-
 8 scribed by the Federal Trade Commission under sub-
 9 section (c).

10 “(e) PROHIBITION ON SALE IN VIOLATION OF AGE
 11 RESTRICTION.—Except as provided in subsection (f), com-
 12 mencing one year after the date of the enactment of the
 13 Media Violence Labeling Act of 2000, a person may not
 14 sell in commerce any audio or visual media product or
 15 service to an individual whose age in years is less than
 16 the age specified as the minimum age in years for a pur-
 17 chaser and consumer of the product or service, as the case
 18 may be, under the labeling system issued or prescribed by
 19 the Federal Trade Commission under subsection (c).

20 “(f) DEFENSES.—(1) It shall be a defense to a viola-
 21 tion of subsection (d) or (e) that the person made a good
 22 faith effort to comply with subsection (d) or (e), as the
 23 case may be.

1 “(2) In the case of a person who is an employer, it
 2 shall be a defense to a violation of subsection (e) by an
 3 employee of such person that such person—

4 “(A) carried out a program designed to train
 5 employees of such person in techniques and proce-
 6 dures necessary to ensure compliance with sub-
 7 section (e); and

8 “(B) enforced the compliance of such employees
 9 with such techniques and procedures.

10 “(g) INVESTIGATIONS OF IMPROPER LABELING.—(1)
 11 The attorney general of a State shall have the authority
 12 to receive and investigate allegations that an audio or vis-
 13 ual media product or service within such State does not
 14 bear a label under the labeling system issued or prescribed
 15 by the Commission under subsection (c) that is appro-
 16 priate for the product or service, as the case may be, given
 17 the nature, context, and intensity of the depictions of vio-
 18 lence in the product or service.

19 “(2) For purposes of this subsection, the term ‘attor-
 20 ney general’, in the case of a State, means the chief legal
 21 officer of the State.”.

22 (d) CIVIL PENALTY.—That Act is further amended
 23 by inserting after section 10 (15 U.S.C. 1338) the fol-
 24 lowing new section:

1 “CIVIL PENALTY

2 “SEC. 10A. (a) IN GENERAL.—Except as provided in
3 subsection (f) of section 4A, any person who violates sub-
4 section (d) or (e) of section 4A shall be subject to a civil
5 penalty in an amount not to exceed \$10,000 for each such
6 violation.

7 “(b) DURATION OF VIOLATION.—In the case of an
8 audio or visual media product or service determined to vio-
9 late section 4A(d), each day from the date of the com-
10 mencement of sale or distribution of the product or serv-
11 ice, as the case may be, to the date of the determination
12 of the violation shall constitute a separate violation of sub-
13 section (a), and all such violations shall be aggregated to-
14 gether for purposes of determining the total liability of
15 the manufacturer or producer of the product or service,
16 as the case may be, for such violations under that sub-
17 section.”.

18 (e) SHORT TITLE OF ACT.—The first section of that
19 Act (15 U.S.C. 1331 note) is amended to read as follows:
20 “That this Act may be cited as the ‘Federal Cigarette and
21 Media Violence Labeling and Advertising Act’ ”.

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