

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1145

To require the Federal Trade Commission to study the rating system of the video game industry and assess their labeling practices to determine if such practices are unfair or deceptive.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2005

Mr. BACA (for himself, Mr. WOLF, Mr. DEFazio, Mrs. NAPOLITANO, Mr. SPRATT, Mr. FORD, Mr. MORAN of Virginia, Mr. CARDOZA, Mr. PAYNE, Mr. BERRY, and Mr. HINOJOSA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require the Federal Trade Commission to study the rating system of the video game industry and assess their labeling practices to determine if such practices are unfair or deceptive.

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 “Software Accuracy and  
5       Fraud Evaluation Rating Act” or the “SAFE Rating  
6       Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Entertainment Software Rating Board  
4 is a self-regulatory body for the interactive enter-  
5 tainment software industry established in 1994 by  
6 the Entertainment Software Association.

7 (2) The Entertainment Software Rating Board  
8 independently applies and enforces ratings, adver-  
9 tising guidelines, and online privacy principles  
10 adopted by the computer and video game industry.

11 (3) Questions and concerns have arisen regard-  
12 ing the accuracy of video game ratings via the En-  
13 tertainment Software Rating Board's rating system.

14 (4) Parents have the right to accurate informa-  
15 tion in making purchasing decisions for their chil-  
16 dren.

17 (5) The Entertainment Software Association  
18 has previously released surveys indicating a high de-  
19 gree of accuracy of the Entertainment Software Rat-  
20 ing Board's ratings, but, in light of continued paren-  
21 tal concerns, it is appropriate to have a thorough  
22 and impartial government evaluation of the rating  
23 system.

24 (6) The Federal Trade Commission's Bureau of  
25 Consumer Protection is charged with protecting con-

1 consumers against unfair or deceptive acts or practices  
2 in or affecting commerce.

3 (7) The Federal Trade Commission's Bureau of  
4 Consumer Protection corrective actions include in-  
5 dustry-wide investigations, possible litigation, and  
6 consumer education.

7 **SEC. 3. FTC REVIEW OF VIDEO GAME RATING SYSTEM.**

8 (a) STUDY.—Not later than 180 days after the enact-  
9 ment of this Act, the Federal Trade Commission shall  
10 study the video and computer game rating system of the  
11 Entertainment Software Rating Board that was adopted  
12 by the video game industry to determine if the rating sys-  
13 tem used by such industry accurately characterizes video  
14 game content or if such ratings constitute an unfair or  
15 deceptive act or practice affecting parents and other con-  
16 sumers in making purchasing decisions.

17 (b) FURTHER FTC ACTION.—If, pursuant to the  
18 study required by subsection (a), the Federal Trade Com-  
19 mission finds such rating system to be an unfair or decep-  
20 tive act or practice within the meaning of section 5 of the  
21 Federal Trade Commission Act (15 U.S.C. 45), the Com-  
22 mission shall, pursuant to subsection (b) of such section,  
23 conduct a hearing and issue and serve a complaint (includ-  
24 ing notice of such a hearing) upon any person, partner-  
25 ship, or corporation that the Commission shall have reason

1 to believe has been or is using such an unfair or deceptive  
2 act or practice.

3 (c) REPORT TO CONGRESS.—Not later than 1 year  
4 after commencing the study required by subsection (a),  
5 the Federal Trade Commission shall transmit to Congress  
6 a report of the findings of such study, including any rec-  
7 ommendations for legislation.

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