

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5912

To direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2006

Mr. STEARNS (for himself, Mr. MATHESON, and Mr. MCINTYRE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games.

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 “Truth in Video Game  
5 Rating Act”.

6 **SEC. 2. DECEPTIVE RATINGS OF VIDEO GAMES.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Federal Trade Commission shall prescribe  
9 rules under section 553 of title 5, United States Code,

1 to prohibit the following as an unfair and deceptive act  
2 or practice prescribed pursuant to section 18(a)(1)(B) of  
3 the Federal Trade Commission Act (15 U.S.C.  
4 57a(a)(1)(B)):

5 (1) RATING GAME ONLY ON PARTIAL CON-  
6 TENT.—Such rules shall prohibit any person or enti-  
7 ty from providing a content rating of any video or  
8 computer game that is to bear a label containing  
9 such content rating when sold or distributed in  
10 interstate commerce unless such person or entity has  
11 reviewed the content of the video or computer game  
12 in its entirety.

13 (2) WITHHOLDING CONTENT FOR RATING.—  
14 Such rules shall prohibit any person who produces,  
15 sells, or otherwise distributes video or computer  
16 games in interstate commerce from withholding or  
17 hiding any content of the video or computer game  
18 from, or in any other manner failing to disclose any  
19 content of the video or computer game to, the person  
20 or entity to whom the video or computer game is  
21 submitted for the purpose of obtaining a content  
22 rating.

23 (3) GROSS MISCHARACTERIZATION OF CON-  
24 TENT.—Such rules shall prohibit any person or enti-  
25 ty that provides a content rating for a video or com-

1       puter game that is to bear a label containing such  
2       content rating when sold or distributed in interstate  
3       commerce from providing a content rating that  
4       grossly mischaracterizes (as defined by the Commis-  
5       sion in such rules) the content of the video or com-  
6       puter game.

7       **SEC. 3. G.A.O. STUDY.**

8       (a) **STUDY.**—The Comptroller General shall conduct  
9       a study to determine—

10           (1) the effectiveness of the ESRB video and  
11           computer game content ratings system, including  
12           content ratings for on-line or Internet-based games;

13           (2) whether content ratings systems, like that  
14           used by the ESRB, should be peered-reviewed;

15           (3) whether an independent ratings system  
16           would offer better accuracy and effectiveness in con-  
17           tent ratings for video and computer games;

18           (4) the prevalence of marketing video and com-  
19           puter games to audiences that fall under the age-  
20           based content ratings of those games; and

21           (5) the efficacy of a universal ratings system  
22           for visual content, including films, broadcast and  
23           cable TV, and video and computer games.

24       (b) **REPORT.**—The Comptroller General shall trans-  
25       mit a report on the findings of the study conducted pursu-

1 ant to subsection (a) to Congress not later than 180 days  
2 after the date of enactment of this Act. The report shall  
3 contain recommendations regarding effective approaches  
4 to video and computer game content ratings that address  
5 the unique ratings challenges of on-line and Internet-  
6 based video games.

7 **SEC. 4. DEFINITIONS.**

8 As used in this Act—

9 (1) the term “content”, with respect to video  
10 and computer games, means all of the visual images  
11 and sounds that are included as part of the recorded  
12 data of the video or computer game;

13 (2) the term “content rating” means any rating  
14 of the content of a video or computer game provided  
15 to notify consumers of any content which may be of-  
16 fensive to consumers or may not be suitable to per-  
17 sons of varying ages, including such content as vio-  
18 lence, graphic sexual content, nudity, or strong lan-  
19 guage;

20 (3) the term “ESRB” means the Entertain-  
21 ment Software Ratings Board; and

22 (4) the term “video or computer game” means  
23 any electronic object or device that creates an inter-  
24 active game capable of being played, viewed, or expe-

- 1 rienced on or through a computer, gaming system,
- 2 console, or other technology.

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