

110TH CONGRESS  
1ST SESSION

# S. 568

To prohibit deceptive conduct in the rating of video and computer games,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Mr. BROWNBACK introduced the following bill; which was read twice and  
referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To prohibit deceptive conduct in the rating of video and  
computer games, 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 “Truth in Video Game  
5 Rating Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **CONTENT RATING.**—The term “content rat-  
9 ing” means any rating of the content of a video or  
10 computer game provided to notify an individual of

1 content in such video or computer game that may be  
2 offensive to an individual or may not be suitable for  
3 an individual of a certain age, including such con-  
4 tent as violence, graphic sex, nudity, or strong lan-  
5 guage.

6 (2) HIDDEN CONTENT.—The term “hidden con-  
7 tent” means any playable content of a video or com-  
8 puter game that may be disabled or blocked from a  
9 user of such game so that it can be accessed only  
10 by inputting a code or command or by altering the  
11 software of such game with a modification, patch, or  
12 similar tool, utility, or method.

13 (3) PLAYABLE CONTENT.—The term “playable  
14 content”, with respect to a video or computer game,  
15 means any scene, visual image, sound, or word that  
16 a user of such game can access after installing the  
17 game on a computer, console, telecommunication de-  
18 vice, or similar technology.

19 (4) RATING ORGANIZATION.—The term “rating  
20 organization” means the Entertainment Software  
21 Ratings Board or any other independent organiza-  
22 tion that assigns a content rating to a video or com-  
23 puter game.

24 (5) VIDEO OR COMPUTER GAME.—The term  
25 “video or computer game” means any product,

1       whether distributed electronically or through a tan-  
2       gible device, consisting of data, programs, routines,  
3       instructions, applications, symbolic languages, or  
4       similar electronic information that enables a user of  
5       such product to interact with a computer-controlled  
6       virtual environment for entertainment purposes.

7       **SEC. 3. PROHIBITION ON DECEPTIVE RATINGS OF VIDEO**  
8                                   **GAMES.**

9       (a) **RATING GAME ONLY ON PARTIAL CONTENT.**—

10       Notwithstanding any other provision of law, effective 1  
11       year after the date of the enactment of this Act, a rating  
12       organization may not assign a content rating to any video  
13       or computer game that is to bear a label containing such  
14       content rating when sold or distributed in interstate com-  
15       merce unless such rating organization has reviewed the  
16       playable content of the video or computer game in its en-  
17       tirety.

18       (b) **WITHHOLDING CONTENT FOR RATING.**—

19               (1) **IN GENERAL.**—Notwithstanding any other  
20       provision of law, effective 1 year after the date of  
21       the enactment of this Act, a person who produces,  
22       sells, or otherwise distributes a video or computer  
23       game in interstate commerce, may not withhold or  
24       hide any playable content of such video or computer  
25       game from, or in any other manner fail to disclose

1 any playable content of such video or computer game  
2 to, a rating organization.

3 (2) HIDDEN CONTENT.—Notwithstanding any  
4 other provision of law, effective 1 year after the date  
5 of the enactment of this Act, a person who, in the  
6 course of obtaining a content rating, submits to a  
7 rating organization a video or computer game that  
8 contains hidden content shall provide such rating or-  
9 ganization with the necessary codes or methods of  
10 accessing such hidden content.

11 (c) GROSS MISCHARACTERIZATION OF CONTENT.—

12 (1) IN GENERAL.—Notwithstanding any other  
13 provision of law, effective 1 year after the date of  
14 the enactment of this Act, a rating organization may  
15 not provide a content rating that grossly  
16 mischaracterizes the content of a video or computer  
17 game.

18 (2) GROSSLY MISCHARACTERIZE.—Not later  
19 than 1 year after the date of the enactment of this  
20 Act, the Federal Trade Commission shall promulgate  
21 regulations that define the term “grossly  
22 mischaracterizes”, as such term is used in para-  
23 graph (1).

1 **SEC. 4. ENFORCEMENT.**

2 (a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A  
3 violation of a prohibition described in section 3 shall be  
4 treated as a violation of a rule defining an unfair or decep-  
5 tive act or practice described under section 18(a)(1)(B)  
6 of the Federal Trade Commission Act (15 U.S.C.  
7 57a(a)(1)(B)).

8 (b) ACTIONS BY THE FEDERAL TRADE COMMIS-  
9 SION.—The Federal Trade Commission shall enforce the  
10 provisions of this Act in the same manner, by the same  
11 means, and with the same jurisdiction, powers, and duties  
12 as though all applicable terms and provisions of the Fed-  
13 eral Trade Commission Act (15 U.S.C. 41 et seq.) were  
14 incorporated into and made part of this Act.

15 **SEC. 5. STUDY BY THE GOVERNMENT ACCOUNTABILITY OF-**  
16 **FICE.**

17 (a) STUDY.—Not later than 180 days after the date  
18 of the enactment of this Act, the Comptroller General of  
19 the United States shall conduct a study to determine the  
20 following:

21 (1) The efficacy of the Entertainment Software  
22 Ratings Board ratings system in assigning appro-  
23 priate content ratings to video and computer games,  
24 including ratings for online or Internet-based games.

1           (2) Whether content ratings systems, like that  
2           used by the Entertainment Software Ratings Board,  
3           should be peer-reviewed.

4           (3) Whether an independent content ratings  
5           system, developed and administered by persons with  
6           no financial interest in the video or computer game  
7           industry, would result in more accurate and effective  
8           content ratings for video or computer games than  
9           the content rating system used by the Entertain-  
10          ment Software Ratings Board.

11          (4) The efficacy of a universal ratings system  
12          for visual content, including films, broadcast and  
13          cable television and video, and video or computer  
14          games.

15          (b) REPORT.—Not later than 180 days after the date  
16          of the enactment of this Act, the Comptroller General shall  
17          submit to Congress a report on the findings of the study  
18          conducted pursuant to subsection (a). The report shall  
19          contain recommendations regarding effective approaches  
20          to content ratings that address the unique ratings chal-  
21          lenges of online and Internet-based video games.

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