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## Entertainment Industry Ratings Disclosures and the Clear and Conspicuous Standard

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# Entertainment Industry Ratings Disclosures and the Clear and Conspicuous Standard

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## Abstract

This study examined entertainment ratings disclosures against the Federal Trade Commission's (FTC's) Clear and Conspicuous Standard (CCS). In their investigation of marketing of violent entertainment to youth, the FTC advocated that the motion picture, music recording, and electronic games industries focus on "ensuring that the rating ... and the reasons for the rating ... are effectively and clearly communicated to parents" (p. 31). An investigation of a week of prime-time television commercials across six networks revealed that with the exception of dual modality presentation of the letter rating, ratings disclosure information is often incomplete and falls far short of meeting the FTC's CCS. We offer recommendations to the entertainment industry to address these shortcomings.

In November 2002, nineteen-year-old Micah Zoerner was charged with theft, burglary and auto theft. Zoerner claimed he was “inspired” by the video game “Grand Theft Auto” ([cnn.com](http://www.cnn.com), November 14, 2002).

At the request of President Clinton and Congress in 1999, the Federal Trade Commission (FTC) and the Department of Justice began an investigation of the marketing practices of the motion picture, music recording, and electronic games industries (**FTC 2000**). Their concern, prompted by school tragedies such as Columbine, was that violent entertainment was being advertised prominently and being made easily accessible to children and teens (**Grier 2001**). In its initial report (**FTC 2000**), the Commission concluded that these entertainment industries routinely promoted products to children under 17 years old that were intended for adults (i.e., “restricted audiences”). Four subsequent reports (**FTC 2001a, 2001b, 2002, 2004**) and an October 2003 FTC Workshop entitled “Marketing Violent Entertainment to Children” underscore the Commission's continued concern (**FTC 2003**).

One area of industry self-regulatory effort, strongly supported by the FTC's initial report, is to provide ratings information so that parents can make informed choices regarding their child's entertainment exposure and to increase parental awareness of the ratings (**FTC 2000**). Indeed, the Motion Picture Association of America (MPAA) states that the primary role of entertainment ratings is to provide information to *parents* regarding content and its appropriateness for children (**Valenti 2000**). Furthermore, most parents want this information to guide their family's media choices (**Kaiser Family Foundation [KFF] 2004**).

Although the focus of the **FTC reports (2000, 2001a, 2001b, 2002, 2004)** is the marketing of *violent* entertainment to children, entertainment media may contain other content that parents may find objectionable for their children such as sexual themes, profanity, and substance use (drugs, alcohol, tobacco). Additionally, the FTC studies concentrate on ad placement in television programming that has a sizable teen audience. However, out of \$3.14 billion spent on movie advertising in 2002 (**Endicott 2003**), \$870.6 million was spent on prime-time network (**Brandweek 2003**). Ratings for the four major broadcast networks (NBC, ABC, CBS, and FOX) and ad-supported cable for teens during prime time are nearly identical (**Downey 2001**). Therefore, entertainment ad placement in prime time not only informs parents, but may help to increase the dialogue between parents and teens regarding the appropriateness of a given entertainment choice.

An important, initial step in increasing parental awareness of the rating, rating definition, and rating reasons (i.e., content warning disclosures) is the clear and conspicuous presentation of that information. Prior work on disclosures indicates that often they are not presented in a format designed to attract attention, thereby not fulfilling their stated purpose and falling quite short of the FTC's Clear and Conspicuous Standard (CCS) (**Hoy and Andrews 2004; Hoy and Stankey 1993; Kolbe and Muehling 1992, 1995; Muehling and Kolbe 1998**).

Thus, the purpose of the research reported here is to determine if entertainment ratings disclosures (i.e., for movies, electronic games, and music recordings) in prime-time television advertising meet the FTC's CCS for advertising disclosures. Specifically, this study extends the prior FTC research (**FTC 2000, 2001a, 2001b, 2002, 2004**) regarding entertainment media rating disclosures in television advertising by (1) assessing clear and conspicuous presentation against objective operationalization of the **FTC's**

(1970) CCS and Clear and Prominent Language (CPL) guidelines (cf. **Hoy and Andrews 2004; Hoy and Stankey 1993**), (2) evaluating *all* entertainment media, not just those with violent content or explicit lyrics, and (3) examining the media that reaches the *ratings disclosures'* primary target audience: parents. We present the results for the voluntary rating and warning disclosures in a week's worth of prime-time movie, electronic game, and recorded music advertising for the major broadcast networks (NBC, CBS, ABC, and FOX) and two cable networks (USA and TBS). In light of our findings, we offer self-regulatory recommendations for the entertainment industry.

## Background

### Public policy concerns regarding entertainment media and minors

#### *Marketing violent entertainment to minors: the FTC reports*

The **FTC's (2000)** initial findings were a major indictment against the entertainment industry. Analysis of marketing plans found that companies in this industry routinely targeted minors and placed advertisements for restricted products in popular teen media (i.e., media outlets whose advertising reached an audience of 35% or more under age 17; **FTC 2000**). Among its recommendations, the Commission encouraged the entertainment industry to make efforts that would increase parental understanding of the ratings and labels (**FTC 2000**). The Commission further noted that, in addition to the ratings, the individual industries should include the meanings of the ratings and their content descriptors in their advertising and that they could do a better job of “providing clear and conspicuous notification of violent content” (**FTC 2000**, p. vi).

The following year, the FTC noted many positive changes for the motion picture industry including limited placement in teen magazines and inclusion of ratings reasons in commercials. However, they also pointed out that R-rated movies were still being advertised in popular teen television shows and that the rating reasons in commercials were “usually small, fleeting or inconspicuously placed” (**FTC 2001a**, p. i). Additionally, the FTC found that electronic games' ratings were usually disclosed in both audio and video formats (dual modality). However, they also found that these commercials did not include the content warnings. The Commission's harshest criticism came regarding the music industry, which it said had not “visibly responded” to the prior recommendations (**FTC 2001a**). However, by the December 2001 report, the Commission had found some progress in the disclosure of parental advisory information in its advertising for explicit lyrics content (**FTC 2001b**).

In 2002, the Commission continued to find progress in limiting R-rated movies in teen media. Furthermore, the letter ratings were nearly always included and readable in their advertising. However, the rating *reasons* were frequently “difficult or impossible to read” (**FTC 2002**, p. 9). Similarly, the electronic games industry limited its placement of M-rated games in teen media. Although the Commission offered praise for the electronic games industry regarding prominent display of rating information, it also noted that improvement was still needed regarding inclusion of content warnings in television advertising. The music industry's continued placement of explicit-content music ads in teen media generated concern. However, the FTC also observed some improvement in the disclosure of the labeling information in its advertising. In October 2003, the FTC hosted a workshop to provide a forum for discussing the issue and means of enhancing self-regulation.

In its most recent follow-up, the Commission examined movie commercials provided by the studios (**FTC 2004**, p. 6). It found that although most R-rated films included a legible letter rating, often the content warnings were not readable. Similarly, it examined sample music commercials provided by the recording studios and found that the Parental Advisory Label was “prominent and legible” (**FTC 2004**, p. 14). While the Entertainment Software Rating Board (ESRB), the industry's self-regulatory board, continues to require rating information in its members’ television commercials, provision of content descriptors is not consistent across game publishers despite the **FTC's original (2000)** report recommendation that they be included (**FTC 2004**). The Commission also noted that it will take steps to educate parents about content in T- and M-rated video games. In sum, each successive follow-up FTC investigation has shown improvement in ratings disclosure presentation. However, the 2004 report encouraged all three industries to continue to strengthen their ratings disclosure practices (**FTC 2004**, p. 28).

#### *Other potential negative content influences on minors*

Although the focus of the FTC's inquiries into marketing of entertainment to minors has been violent content, parents and researchers are also concerned about children's exposure to sexual content, profanity, alcohol, drugs, and tobacco in entertainment media (**Bozell 2004; Bushman and Cantor 2003; Dalton et al. 2002; Walsh and Gentile 2001**). For example, **Bozell (2004)** questions whether parents are aware of the graphic nature of certain game content (e.g., “The Sims 2”) or “just take comfort in the T-rating, thinking there's nothing ‘adult’ in the content” (2). Additionally, **Dalton et al. (2002)** found a significant correlation between the percent of students in grades 5–8 (ages 10–14 years) who had tried smoking (35%) and alcohol (46%) and absence of parental restrictions on viewing R-rated movies. Conversely, of the children whose parents never allowed them to view R-rated movies, only 2% had smoked and 4% had tried alcohol. The authors note that this effect is found regardless of grade level and other parenting measures. **Dalton et al. (2002)** conclude that their results identify movie restrictions as an important proactive means of influencing children against engaging in risky behavior and as a form of parental supervision.

Another concern is the idea of “ratings creep” or the “decreased stringency in ratings over time” (**Thompson and Yokota 2004**, p. 2). In their profile of movie content descriptors and ratings representing 1,269 movies from 1992 to 2003, **Thompson and Yokota (2004)** found significant increases in the amount of violence in PG- and PG-13-rated movies; sex in PG-, PG-13-, and R-rated movies; and profanity in PG-13- and R-rated movies. They comment that their data suggest that “the MPAA applied increasingly more lenient criteria for its age-based ratings as a function of time over the last decade” (**Thompson and Yokota 2004**, p. 4). In their analysis of the content descriptors, they found that the MPAA listed alcohol or drugs in the rating reason for 18% of the films and that smoking was not listed as a content descriptor in the films they reviewed. This omission could be of special concern to parents in that smoking depiction in movies can produce positive arousal, enhanced perception of the smoker's status, and an increased intention to smoke among teens (**Pechmann and Shih 1999**).

#### *Parents’ use of and attitudes toward entertainment ratings*

Several sources have profiled parents’ high use of media rating systems (e.g., Annenberg Public Policy Center and the Kaiser Family Foundation). In its most recent survey, **KFF (2004)** reports that 78% of

parents use movie ratings, 54% use music advisories, and 52% use video game ratings to guide family media choices. Although the vast majority of parents find entertainment ratings useful (**KFF 2004**), a panel at the October 2003 FTC Workshop notes “the tension between keeping systems easy for parents to understand and providing the more detailed reasons for the ratings that many parents find helpful” (**FTC 2004**, A-3). In their meta-analysis involving seven surveys and nearly 4,800 parents, **Bushman and Cantor (2003)** find a strong preference for content-based ratings (64.7%) versus age-based ratings (25.4%).

## Self-regulatory efforts and media clearance

Motion pictures, electronic games, and recorded music participate in a voluntary system of rating and labeling their products that is designed to inform parents of the content and enhance a dialogue with their children. **Appendix 1** provides an overview of these rating systems and their advertising guidelines.

### *Self-regulation: Motion pictures*

The MPAA established the forerunner of today's voluntary movie rating system in November 1968 with the following four categories: G for General Audiences, all ages admitted; M for mature audiences, parental guidance suggested, but all ages admitted; R for restricted, children under 16 would not be admitted without an accompanying parent or adult guardian; and X for no one under 17 admitted. The system underwent refinement as the “M” rating was changed to GP for general audiences, with parental guidance suggested. Later, this rating was modified to PG for Parental Guidance Suggested. In 1984, the PG category was split into two groups, PG and PG-13, with the latter rating intended to communicate greater intensity than the PG rating. In September 1990, the MPAA began including brief content explanation for R-rated films. This practice was expanded to the PG, PG-13, and NC-17 ratings (which replaced the X rating and signified no children under 17 admitted). While motion picture studios are not required to submit their films to the MPAA board for rating, most studios do so (**Valenti 2000**). As MPAA President Jack **Valenti (2000)** stated, “The entire rostrum of the rating program rests on the assumption of responsibility by parents. If parents don’t care, or if they are languid in guiding their children's moviegoing, the rating system becomes useless. Indeed, if you are 18 or over, or if you have no children, the rating system has no meaning for you. *Ratings are meant for parents, no one else*” (emphasis added, p. 3).

### *Self-regulation: Electronic games*

In 1994, the Entertainment Software Association established the Entertainment Software Rating Board (ESRB) to act as a self-regulatory body for enforcement of industry ratings and advertising guidelines (**[www.esrb.org](http://www.esrb.org)**). The ESRB rating system has two components: the rating symbol and the content descriptors. Electronic game packaging includes both components with the ratings information found on the front of the box and the content descriptors on the back. The ESRB notes that it has thus far rated more than 8,000 titles submitted by 350 publishers.

Since the initial **FTC (2000)** report, the ESRB has instituted its Advertising Review Council, which is designed to “ensure that software publishers follow standardized requirements for the display of rating information and guarantee that advertising is appropriate, responsible, truthful, and accurate” (**[www.esrb.org/arc.asp](http://www.esrb.org/arc.asp)**). Although their advertising principles encourage accurate representation of

the product and rating issued, no specification is made regarding disclosure of the content descriptors or ratings presentation criteria (i.e., clear and conspicuous standards).

#### *Self-regulation: Recorded music*

The Recording Industry Association of America (RIAA) reached an agreement in 1985 with the National Parent Teacher Association and the Parents Music Resource Center regarding disclosure of explicit lyrics in recorded music resulting in the Parental Advisory Label. Individual record labels, working in conjunction with the recording artists, decide whether their albums should be labeled. When this occurs, the RIAA's Parental Advisory Label is "applied prominently to the outside of the permanent package" ([www.riaa.com](http://www.riaa.com)). Placing responsibility of this disclosure on the individual artist contrasts with the ratings boards for both the motion picture and electronic gaming industries.

The RIAA's Parental Advisory program offers advertising guidelines, which went into effect April 2002. The organization states that the goal of the guidelines is to "ensure that consumers are informed when a recording being advertised contains a Parental Advisory Label, and informed in consumer advertising when a recording that contains the Parental Advisory Label is also available in an edited version" ([www.riaa.com](http://www.riaa.com)). The RIAA further states that communication of this information may occur by including the advisory label or by "prominently displaying the exact wording of the label in the consumer advertisement" ([www.riaa.com](http://www.riaa.com)).

#### *Network clearance*

In addition to the industry self-regulation efforts, the networks also provide standards for ratings disclosures. For example, **ABC (2001)** requires that "all advertising for domestic motion pictures and videocassettes must carry either a MPAA rating or a disclosure that such rating has not yet been assigned" (p. 60). With respect to clear and conspicuous presentation, ABC requires that the MPAA rating, or the fact that the film has not yet been rated, be presented in dual modality. Ratings for videos/DVDs may be presented in video format only; however, ABC requires that the rating be "large enough to be easily read by the viewer" (p. 60). Likewise, **CBS (2002)** requires that if a motion picture has been rated by the MPAA, it must include that rating. Unrated movies are evaluated on a case-by-case basis. **NBC (2003)** guidelines do not expressly address entertainment rating disclosures.

#### Warnings and disclosures: The clear and conspicuous standard

Entertainment ratings disclosures are part of an important and broader literature on warnings and disclosures that has increased in importance in consumer protection missions (cf. **Andrews, forthcoming; Stewart and Martin 1994**). In general, warning messages and disclosures can serve to "interrupt consumer's actions or plans for action with information about potential negative outcomes arising from those courses of action" (**Stewart, Folkes, and Martin 2001**, p. 336). As a consumer protection remedy, the objectives of a given warning or disclosure can range on a continuum from the simple provision of information to a more ambitious focus on actual behaviors, or some combination of actions (**Wilkie 1985**, p. 92). However, warning information presented in advertising usually focuses on the prepurchase stage (**Bettman, Payne, and Staelin 1986**), when acquisition can aid in developing schemas regarding product safety and influence further warning information acquisition (**Mazis and Morris 1999**). Delivering warning information via television commercials can offer the advantage of gaining consumer attention through an intrusive medium, yet it is one that is constrained by commercial brevity (**Mazis and Morris 1999**).

For advertising disclosures to have an impact, the FTC has a long-standing legal precedent that they should be clearly and conspicuously displayed so that consumers can readily notice and acquire the information (**FTC and NAD 2001**). Based on message context research, the FTC specified eight guidelines for effectively presenting disclosure statements in their 1970 Enforcement Policy Statement (the “Clear and Conspicuous” Standard—CCS). These guidelines were further addressed as part of the *Eggland's Best, Inc.* (1994) consent agreement for “Clear and Prominent” Language (CPL). In sum, the FTC guidelines for presenting televised advertising disclosures are as follows:

- CCS1: Use dual modality (simultaneous presentation in audio and video formats)
- CCS2: Have sufficient type size for video
- CCS3: Video portion should readily contrast with background
- CCS4: Use a single background color for video disclosures
- CCS5: Have sufficient duration for video (“presentation rate”)
- CCS6: No other sounds should air during the audio disclosure
- CCS7: Audio and video portions should immediately follow related claims
- CCS8: Consider the audience (e.g., children)
- CPL: Have sufficient duration for audio disclosures

#### *Research and theoretical basis for the CCS*

The CCS guidelines address structural characteristics that are likely to affect the consumer's opportunity to process information (cf. **Batra and Ray 1986; Petty and Cacioppo 1986**). While the FTC does not specify the exact format for compliance with each guideline, prior research and FTC documentation provide insight regarding how these guidelines should be implemented. A further examination and application of CCS information can be found in **Hoy and Stankey (1993) and Hoy and Andrews (2004)**.

Several studies support the idea that presenting the same disclosure information in both audio and video modalities (dual modality) is superior to audio or video only format (i.e., single modality) (**Barlow and Wogalter 1993; Mazis and Morris 1999; Morris, Mazis, and Brinberg 1989; Murray, Manrai, and Manrai 1998; Paivio 1983; Smith 1990**). Additionally, when comparing the two forms of single modality, audio is superior to video presentation for recall of information (**Penney 1989; Smith 1990**). Although the FTC does not expressly define “sufficient size” for video disclosures, “fine print” disclosures reduce message comprehension (**Foxman, Muehling, and Moore 1988**), while larger type enhances recognition and cued recall of warning content in print ads (**Barlow and Wogalter 1993**). **Moriarty and Duncan's (1989)** recommendation of a minimum of 1/25th of screen height for projected images provides a benchmark for disclosure text size (**Hoy and Stankey 1993**). Not only should the text be large enough to be seen, but selection of optimum color contrast between the lettering and background and limiting the background to a single color can maximize legibility. White or yellow lettering against a dark background reduces glare for projected images and provides maximum contrast (**Moriarty and Duncan 1989**).



The typical silent, self-paced reading rate ranges from 250 to 400 words per minute (wpm) (**Rayner and McConkie 1976**). However, the externally paced presentation of televised text disclosures, in the presence of the commercial's other information, would likely require a slower presentation rate. Prior examples of recommended FTC warranty disclosures suggest that reading rates of 132 wpm (optimum) to 180 wpm would be considered sufficient (**Federal Register 1987**). Furthermore, commercial elements such as moving imagery or other unrelated visual information, music, and sound effects can serve as distraction from the disclosure message. Such distraction can hinder the processing of the target information (**Baddeley 1986; Murray, Manrai, and Manrai 1993; Penney 1989; Tavassoli and Lee 2003**) and the development of counterarguments (**Batra and Ray 1986**). The **FCC/FTC (2000)** also note that the consumer's ability to link the qualifying disclosure to the relevant claim is enhanced when the two are in close proximity. To date, limited research has addressed this guideline.

The **Egglund's Best, Inc. (1994)** consent agreement, as part of addressing "Clear and Prominent Language" for disclosures, recommends that audio disclosures be presented at a volume and cadence of sufficient duration. Although never implemented, as part of a complaint counsel reply, the FTC suggested an audio disclosure that would result in a 240 wpm presentation rate (**FTC v. Novartis 1998; Mazis 2001**). Normal conversation speech, however, typically ranges between 140 and 180 wpm (**Wingfield, Lindfield, and Goodglass 2000**).

Finally, the FTC exhorts advertisers to "consider the audience" when applying these guidelines. Certain population segments, such as children and the elderly, have unique information processing needs that would require special consideration in making disclosures clear and conspicuous (cf. **Cole and Balasubramanian 1993; John 1999; Kolbe and Muehling 1995**).

## Research questions

Thus, to extend prior FTC research (**FTC 2000, 2001a, 2001b, 2002, 2004**) by evaluating entertainment advertising that reaches the ratings disclosures' primary target audience of parents, we ask the following research question:

RQ1: To what extent do movie, video game and music commercials disclose the ratings, rating definitions and content warnings/descriptors in prime time advertising?

The **FTC (2001a, 2002)** noted that while the letter rating for movies and video games is usually readable and presented in dual modality, the rating *reasons* (content descriptors/warnings) are small, often unreadable, presented fleetingly or otherwise not clearly and conspicuously displayed. However, a comprehensive assessment of adherence to the CCS guidelines and specifics on the operationalization of "unreadable" and "fleeting" are needed as extensions to the FTC reports.

RQ2: To what extent do movie, video game and music ratings disclosures in prime time advertising meet the FTC's Clear and Conspicuous Standard?

## Method

### Sampling frame and coding scheme

To examine adherence of entertainment ratings disclosures to the CCS, prime-time viewing (8–11 p.m. EDT) was taped for the major broadcast networks (NBC, CBS, ABC, and FOX) and two cable networks

(USA and TBS) from February 1–7, 2002. Selection of these networks was made with an effort to represent a predominantly adult audience with a sizable parental segment. However, several programs on FOX would have also reached a substantial teen audience. All six networks were comparable to the U.S. population with respect to gender, age (specifically 18–49 years), and presence of children in the household (*Marketer's Guide to the Media 2002*).

Our coding scheme (**Appendix 2**) included the measures and operational definitions reported by **Hoy and Stankey (1993)** to assess the adherence of the disclosures' structural characteristics to the CCS guidelines 1 through 6. For the purposes of this study, we also assessed distraction during presentation of audio or video disclosure, proximity of the disclosure to the companion claim, and sufficiency of audio presentation rate.

### Pretesting and intercoder reliability

Two rounds of pretesting were used to refine the coding instrument and establish intercoder reliability for the study. Each of an initial set of two coders used a 27-inch television, a hand-held stopwatch, and a measuring tape. Pretest one included one hour of prime time outside the data collection period and contained 31 commercials and 40 unique disclosures. Agreement on presence of disclosure within the commercial was 97%. Index of reliability measures ranged from .71 to 1.0 (**Perreault and Leigh 1989**, p. 141). A second round of pretesting for a second hour containing 28 commercials and 46 unique disclosures was conducted with 100% agreement on presence of disclosure within the commercial and index of reliability scores ranging from .904 to 1.0 (**Table 1**). To provide independent verification of the reliability of the coding scheme, two additional coders were trained and they independently evaluated the two hours of the pretest tape, resulting in index of reliability measures ranging from .78 to 1.0, with only two measures below .956 (resulting from one coder's omission). Given the coding scheme's objective measures and the high level of intercoder reliability for both sets of coders, the initial pair of coders divided the videotape and completed the coding separately (cf. **Hoy and Stankey 1993**). If questions arose concerning any of the measures, both coders viewed the commercial and reached agreement.

**Table 1. Intercoder Reliability**

	Ir <sup>a</sup>
<b>Disclosure profile</b>	
Modality	.984
Proximity of disclosure to claim (copy or visual)	1.000
<b>Ratings profile</b>	
Includes rating?	1.000
Rating	1.000
Rating line height (±1/4 inch)	1.000
Includes definition?	1.000
Definition line height (±1/4 inch)	1.000
Includes applicable content warning?	1.000
Warning line height (±1/4 inch)	1.000
<b>Video disclosure profile</b>	
Is disclosure legible?	1.000

Number of words in the disclosure	.977
Multiple font sizes	1.000
Duration of disclosure ( $\pm 1/10$ sec)	.988
Line height ( $\pm 1/4$ inch)	1.000
Typeface color	1.000
Primary background color	.904
Overall background color	.933
Distraction	
Are there other sounds, including music, playing during the video disclosure?	1.000
Does scene change while disclosure is on screen?	.955
Is it the same scene but with moving visuals?	1.000
Audio disclosure profile	
Number of words in disclosure	1.000
Duration of disclosure	1.000
Distraction	
Are there other sounds, including music, playing during the audio disclosure?	1.000
Does scene change while disclosure is on screen?	1.000
Is it the same scene but with moving visuals?	1.000

<sup>a</sup> Ir is the intercoder reliability index as found in Perreault and Leigh (1989, p. 141, formula [7]).

## Results

### Sample profile

During the week of data collection, 36 *unique* movies (five rated G, four rated PG, eight rated PG-13, eleven rated R, and eight “not rated”), 5 electronic games (four rated E and one rated M), and 1 recorded music CD (Barbra Streisand) were advertised across the six networks. In total, 239 movie, 13 electronic game, and 1 recorded music commercials aired. Of the 239 movie commercials, 9.2% were for movies rated G, 20.9% were for movies rated PG, 28.9% were for movies rated PG-13, 35.6% were for movies rated R, and 5.4% of the commercials were for movies that had not been rated yet. Of the 13 electronic game commercials, 11 were for games rated E and 2 were for an M-rated game.

Similar to **Hoy and Stankey (1993)**, we discounted multiple airings of the same commercial. Different versions for the same movie or game were considered unique commercials. Given the limited representation of electronic games and music in the sample, the analysis focuses on the 51 unique movie commercials only. All of these commercials contained one movie rating disclosure. A two-tail binomial test was used to examine each comparison of the observed presentation format with the FTC CCS guidelines (**Siegel 1956**). However, for completeness, we now provide a descriptive profile of the 11 unique electronic game disclosures representing the five games.

### Electronic game disclosure profile

All of the game commercials contained the rating and rating definition (e.g., “Rated E for Everyone” and “Rated M for Mature”) in dual modality. None of the game commercials included the content warning/description. Also, all of the ratings disclosures were of sufficient size (CCS2). Approximately

half were in high contrast (CCS3), and nearly two-thirds used a single background (CCS4). Nearly all of the video disclosures and all of the audio ratings disclosures were of sufficient duration (CCS5, CPL). Finally, all of the ratings disclosures had some form of distraction (CCS6).

RQ1: Presence of rating, definition, and content warning

All of the 51 unique movie or video/DVD commercials contained rating information (e.g., G, PG, PG-13, R) or a statement to the effect that the movie had not yet been rated. Almost 75% of the commercials contained the rating definition. Finally, for 79% of the commercials, either a content warning was included or else a content warning wasn't applicable (e.g., G-rated movies).

RQ2: CCS adherence

**Table 2** depicts the evaluation of the movie ratings disclosures against the CCS. For CCS1 (modality) and CCS2 (sufficient type size), we were able to evaluate adherence for the rating, rating definition, and content warnings separately. However, because these three pieces of information are presented as a visual block of information, adherence to the remaining guidelines (contrast, background, presentation rate, distraction, proximity, and sufficient audio duration) was evaluated for the disclosure in its entirety.

**Table 2.** *Evaluation of Movie Ratings and Content Warning Disclosures vis-à-vis the Clear and Conspicuous Standard*

	Percentages		
	Rating	Rating Definition	Content Warning
CCS1: modality			
Single	27.5		
Video only	(27.5)	100.0**	100.0**
Audio only	(0.0)		
Dual	72.5**	0.0	0.0
CCS2: sufficient type size			
Less than 1/25th of screen size	45.1	100.0**	100.0**
Greater than 1/25th of screen size	54.9	0.0	0.0
Overall disclosure			
CCS3: High contrast between type and background			
Low contrast	64.7*		
High contrast	35.3		
CCS4: Background			
Multiple	60.8		
Single	39.2		
CCS5: "sufficient" presentation rate			
132 wpm rate			
Greater than 132 wpm	82.4**		
132 wpm or slower	17.6		
180 wpm rate			
Greater than 180 wpm	78.4**		

180 wpm or slower	21.6		
	Percentages		
CCS6: distraction			
Distraction during video disclosure	98.0**		
Other sounds including music	98.0		
Scene change	29.4		
Moving visuals	74.5		
No distraction during video disclosure	2.0		
Distraction during audio disclosure	100.0**		
Other sounds including music	100.0		
Scene change	25.0		
Moving visuals	83.3		
No distraction during audio disclosure	0.0		
CCS7: proximity to claim			
Not proximal	0.0**		
Proximal	100.0		
CPL (1994): sufficient audio duration			
240 wpm or slower	91.7**		
Greater than 240 wpm	8.3		

\*  $p < .05$ , two tailed;

\*\*  $p < .01$ , two tailed.

#### CCS1: Modality

We found that more ratings (72.5%) were presented in the recommended dual modality (i.e., the rating appeared on screen with a voice-over stating the rating) than in a single modality format ( $p < .01$ ). The single modality ratings were in video format only. All of the rating *definitions* and the *content warnings* were in a single modality rather than in a dual modality ( $p < .01$ ).

#### CCS2: Type Size

Overall, 55% of the ratings adhered to the “sufficient type size” guideline as operationalized by 1/25th of screen size. However, this was not significantly greater than the number of ratings below 1/25th of screen size ( $p = .575$ ). Examination of the commercials for movies that were not rated G found that none of the PG and only 36% of the PG-13 movies met the sufficient type size criteria. However, *all* of the R movies presented their ratings at 1/25th of screen height or larger.

Furthermore, presentation of the definitions and content warnings was abysmally below CCS2 standard, with none of them meeting the minimal requirement for sufficient size ( $p < .01$ ). In fact, about half of content warning disclosures were presented at 1/64th of screen height or smaller; thus, the text was basically illegible.

#### CCS3 and CCS4: Contrast and background

The purpose of the high contrast and single background is to maximize visual distinction of the text and thus legibility. Again, movie disclosures fell far short of the mark, with only 35.3% exhibiting high contrast compared to most (64.7%) being presented in low contrast ( $p < .05$ ). Although there were no

significant differences in disclosures presented against a single background versus a multiple background ( $p = .161$ , n.s.), the majority (60.8%) had a multiple background.

#### *CCS5 and CCS6: Presentation rate and distraction*

Presentation rate assessment required the total number of print disclosure words and disclosure duration. In 27.5% of the movie disclosures, the rating definition and/or content warning was illegible (primarily resulting from insufficient type size, but also from poor contrast). Given that adherence to type size (CCS2) and contrast (CCS3) made the ability to independently assess adherence to presentation rate (CCS5) difficult, the information from the MPAA Web site with respect to rating definition and content warning was used to determine word count for data entry and analysis purposes.

Prior Federal Register guidance related to warranty disclosures suggests that presentation rates of 132 or 180 wpm would be adequate (**Federal Register 1987**). Only 17.6% of the disclosures were presented at the slower rate of 132 wpm compared to the majority (82.4%) at the faster rate ( $p < .01$ ). Also, only 21.6% of the disclosures were at a rate of 180 wpm or slower compared to the majority (78.4%) at the faster rate ( $p < .01$ ). Additionally, all of the disclosures had audio distractions present ( $p < .01$ ) and all but one had video distraction ( $p < .01$ ). The most common form of distraction included both moving visuals and background sound (usually movie action playing concurrent with the ratings disclosure).

#### *CCS7: Proximity to claim*

All of the disclosures were shown such that it was clear that the information pertained to the movie rating ( $p < .01$ ).

#### *CPL: Sufficient audio duration*

When the commercial included an audio disclosure, in all instances it was just the rating (e.g., "Rated PG-13"). Also, 91.7% of the audio disclosures were presented at 240 wpm or slower compared to only a few (8.3%) at a rate greater than 240 wpm ( $p < .01$ ). Additionally, we assessed the audio presentation rate for successful comprehension (180 wpm). Eighty-six percent of the audio disclosures were presented at this rate or slower compared to far fewer (14%) at a rate greater than 180 wpm ( $p < .01$ ).

## Discussion and recommendations

One important suggestion for the entertainment industry from a recent FTC Workshop is to continue encouraging parental involvement and awareness of the ratings (**FTC 2003**). Certainly, parents want and use movie ratings to guide their children's viewing (**Annenberg Public Policy Center 2000; KFF 2004**). As noted by MPAA President Jack Valenti (2000, [www.mpa.org](http://www.mpa.org)), "...the basic mission of the rating system is a simple one: to offer to parents some advance information about movies so that parents can decide what movies they want their children to see or not." How well is the rating system accomplishing its mission? Our study provides several observations on the message context side.

First, we found that every movie commercial during prime time for both broadcast and cable networks included the letter rating and usually presented it in dual modality. However, as previously discussed, network clearance is requiring the rating in most cases. Additionally, ABC requires dual modality rating presentation (**ABC 2001**).

Second, the **FTC (2002)** made the observation that the letter ratings were readable. However, one needs to assess adherence to CCS 2, sufficient size, against an objective standard such as the 1/25th of screen height used in this study. The adherence of all R-rated movies to this standard is an encouraging finding and should facilitate parents' awareness that a particular movie is restricted. However, the failure of nearly all of the PG and PG-13 ratings to meet this criterion may be problematic. The bimodal nature of the data based on rating undoubtedly contributed to the absence of a statistically significant difference for this guideline. However, from a practical standpoint, the insufficient size for PG and PG-13 ratings is an important concern. Parents of children younger than 13 may still be trying to exercise significant control over their child's movie exposure, and thus clear and conspicuous disclosure of the age-related rating would be an important piece of information.

Third, although the presentation of the letter ratings shows some degree of adherence to the modality and sufficient type size guidelines, the rating definition and content warning disclosures do not. All of the definitions and content warnings were of single modality (video) and presented at insufficient size. Moreover, the **FTC (2002)** criticized the movie disclosures' "fleeting" presentation. We found that the vast majority was presented faster than the **Federal Register (1987)** precedent of 132 wpm (82.4%) or 180 wpm (78.4%) presentation rate. This deficiency, coupled with insufficient type size, a significant lack of contrast, pervasive use of multiple background colors, and both audio and video distraction, virtually guarantees that parents will glean little more than the letter rating at best from the movie disclosure.

As noted by **Bushman and Cantor (2003, p. 130)**, "Ratings are designed to provide quick information that parents can depend on so that they do not have to research or preview every program, movie, video game, or music CD their child might consume." Given that the movie rating system has been in place in some form for 35 years, the potential inability of the parent to apprehend the rating definition may not pose serious concern. However, **Thompson and Yokota (2004)** find that letter ratings alone are an ineffective means of informing parents. Parents want and need to know the reasons for the ratings (**Bushman and Cantor 2003; KFF 2004**). This is especially important due to "ratings creep" where parents' expectations for content in films of a given (letter) rating may reflect the experience from earlier points in time (**Thompson and Yokota 2004**).

Because of First Amendment considerations, the FTC strongly encourages aggressive self-regulation within the entertainment industry (**FTC 2000, 2001a, 2001b, 2002, 2004**). It is in the entertainment industry's long-run interest to make a good faith effort to present content warnings in a clear and conspicuous fashion as measured by the objective criteria employed in this study. Such actions would contribute toward the MPAA rating system accomplishing its stated mission of providing parents with important advance information and demonstrate the movie industry's social responsibility. We offer the following self-regulatory recommendations based on two key points: (1) to strongly encourage the industry to ensure that advertised content warnings adhere to the CCS guidelines and (2) to make more aggressive efforts to educate parents.

### Enhanced CCS adherence

Enhancement of CCS adherence for content warnings (ratings reasons) focuses on modifications to existing creative strategy. Inclusion of an audio disclosure of such warnings in conjunction with a conspicuous video presentation provides the dual modality needed to maximize likelihood of parents

noticing and acquiring the information. Furthermore, when examining the single modalities separately, audio presentation has been found to be superior in terms of both gaining attention and recalling information (**Penney 1989; Smith 1990**). Thus, the inclusion of a video-only content warning disclosure is the format least likely to result in adequate communication, assuming that the print is clear and conspicuous and presented at a sufficient pace.

Although the FTC has commended the motion picture industry for its steady improvements in response to their recommendations, our results show that current efforts in prime-time broadcast and cable network advertising are not sufficient to clearly and prominently display content warning information to parents. If, as the MPAA states, it is ultimately the parents' responsibility to monitor their child's entertainment choices, then the industry might try to make a stronger effort to deliver the necessary information. Specifically, in addition to presenting the content warnings via dual modality, we suggest that content warning information could be better presented with:

the video component of the disclosure equivalent to at least 1/25th of screen height or larger; with lettering and a single color background combination to maximize contrast; presented at a rate of no faster than 180 words per minute with no other video or audio distraction.

According to the **FTC (2002)**, the Interactive Digital Software Design Association was concerned about requiring content descriptors in television advertising because of the difficulty of presenting them in a 30-second commercial such that viewers could "absorb" the information. However, the Food and Drug Administration (FDA) requires at least as much information in its direct-to-consumer drug advertising. The FDA also allows the advertiser to refer the consumer to the company Web site for further information (**FDA 1999**). If a movie had a lengthy content warning disclosure, perhaps an abbreviated form could be presented according to the above requirements and a prominent directive to visit the MPAA, studio, or movie Web site could be included.

### Educating parents

Viewing parents as an important partner in the self-regulatory process could enhance the movie industry's success in encouraging a better parent-child dialogue for evaluating certain movies' appropriateness as well as helping the industry's stance as a good corporate citizen. More aggressive efforts to educate parents and develop that partnership could involve expanding the industry's public service efforts and media strategy to include parents as an important target audience.

### *Public service efforts*

The **FTC (2002)** commended the ESRB for making "substantial efforts" to educate the public about the electronic games rating system through public service announcements (PSAs) and print advertisements in major newsweekly magazines for parents. Current PSAs use Tiger Woods and Derek Jeter as spokespersons for the rating system ([www.esrb.com](http://www.esrb.com)). Likewise, the motion picture industry could proactively use television to inform parents in the form of sponsored PSAs (e.g., via the Ad Council or through industry ads). The PSAs could encourage parents to learn more about the movies their children may want to see, depict parents and children co-viewing the commercial and discussing a movie's appropriateness, and even offer other activities parents and children could do if they deem the content isn't suitable for their child. Both the MPAA Web site and the Classification and Rating Administration offer a searchable database to view the ratings and content warnings for nearly every



movie including those currently running and those on DVD/video. By making parents aware of these Web sites and features, perhaps through dual modality presentation during movie commercials and PSAs, parents may be empowered to make better decisions with their children on entertainment choices.

The movie industry's public relations efforts could be expanded beyond television PSAs to include banner ads on Web sites frequently used by parents that link to ratings Web sites. Information packets could be developed that inform parents of the ratings Web sites, suggest types of movies that are age appropriate, and provide ideas on how to begin the dialogue with their children at various developmental/age stages in making good entertainment choices. These information packets could be sent home through the school system, offered through direct mail via multiple avenues of request, or distributed at local parenting fairs.

#### *View parents as an important target audience*

Given that parents want and use content-based disclosures to help them guide their children's media choices (**Annenberg Public Policy Center 2000; Bushman and Cantor 2003; KFF 2004**), the industry could demonstrate its socially responsible behavior by extending its media strategy beyond its primary audience of children and teens for many movies. Thus, another self-regulatory effort could be to view parents as an additional target market and place movie ads in appropriate vehicles so that they can be informed. Although it would be a balancing act to provide this information to the parents while not simultaneously "advertising" objectionable content to minors, self-regulatory efforts are in place to curtail exposure to minors. For example, the **FTC (2002)** commended industry policy of not placing R-rated movies in television programming with a 35% or greater youth audience. However, the **FTC (2002)** recommended that a better strategy would be to focus on the *number* of youth viewers for a particular program since media fragmentation results in few programs yielding a youth audience of 35% or greater. Perhaps the greater self-regulatory hedge against excessively reaching minors is network clearance. Both **ABC (2001)** and **CBS (2002)** clearance practices have strict limitations regarding when R-rated motion pictures can air. As the **ABC (2001) Advertising Standards and Guidelines** notes, "...scheduling of advertising for motion pictures and videocassettes will take into consideration the composition of the audience and compatibility of programming" (p. 61).

In conclusion, the **FTC (2002)** stated that the entertainment industry could strengthen the disclosure of rating information in its advertisements. In particular, the FTC advocated that these industries focus on "ensuring that the rating ... and the reasons for the rating ... are effectively and clearly communicated to parents" (p. 31). Our study found that, with the exception of dual modality presentation of the letter rating (which may be an outcome of network clearance practices rather than individual advertiser compliance), movie ratings disclosures are often incomplete and woefully fail to meet the FTC's CCS guidelines for disclosures. In light of these results, we hope that the movie industry will consider our specific recommendations to help address these shortcomings in enhancing the usefulness of entertainment disclosure ratings for parents.

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