

106TH CONGRESS
1ST SESSION

S. 1228

To provide for the development, use, and enforcement of a system for labeling violent content in audio and visual media products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 1999

Mr. MCCAIN (for himself, Mr. LIEBERMAN, Mr. LOTT, and Mr. CONRAD) 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 a system for labeling violent content in audio and visual media products, 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 1999”.

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

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

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

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

10 “(b) POLICY REGARDING VIOLENCE IN AUDIO AND
11 VISUAL MEDIA PRODUCTS.—It is also the policy of Con-
12 gress, and the purpose of this Act, to provide for the es-
13 tablishment, use, and enforcement of a consistent and
14 comprehensive system for labeling violent content in audio
15 and visual media products (including labeling of such
16 products in the advertisements for such products),
17 whereby—

18 “(1) the public may be adequately informed
19 of—

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

23 “(B) matters needed to judge the appro-
24 priateness of the purchase, viewing, listening to,
25 use, or other consumption of audio and visual

1 media products containing violent content by
2 minors of various ages; and

3 “(2) the public may be assured of—

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

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

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

18 “LABELING OF AUDIO AND VISUAL MEDIA PRODUCTS

19 “SEC. 4A. (a) VOLUNTARY LABELING SYSTEM.—(1)
20 Manufacturers and producers of interactive video game
21 products and services, video program products, motion
22 picture products, and sound recording products may sub-
23 mit to the Federal Trade Commission a joint proposal for
24 a system for labeling the violent content in interactive
25 video game products and services, video program products,
26 motion picture products, and sound recording products.

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

4 “(3)(A) The antitrust laws shall not apply to any
 5 joint discussion, consideration, review, action, or agree-
 6 ment between or among manufacturers and producers re-
 7 ferred to in paragraph (1) for purposes of developing a
 8 joint proposal for a system for labeling referred to in that
 9 paragraph.

10 “(B) For purposes of this paragraph, the term ‘anti-
 11 trust laws’ has the meaning given such term in the first
 12 section of the Clayton Act (15 U.S.C. 12) and includes
 13 section 5 of the Federal Trade Commission Act (15 U.S.C.
 14 45).

15 “(b) REQUIREMENTS FOR LABELING SYSTEM.—A
 16 system for labeling the violent content in interactive video
 17 game products and services, video program products, mo-
 18 tion picture products, and sound recording products under
 19 this section shall meet the following requirements:

20 “(1) The label of a product or service shall con-
 21 sist of a single label which—

22 “(A) takes into account the nature, con-
 23 text, and intensity of the depictions of violence
 24 in the product or service; and

1 “(B) assesses the totality of all depictions
2 of violence in the product or service.

3 “(2) The label of a product or service shall
4 specify a minimum age in years for the purchase,
5 viewing, listening to, use, or consumption of the
6 product or service in light of the totality of all depic-
7 tions of violence in the product or service.

8 “(3) The format of the label for products and
9 services shall—

10 “(A) incorporate each label provided for
11 under paragraphs (1) and (2);

12 “(B) include a symbol or icon, and written
13 text; and

14 “(C) be identical for each given label pro-
15 vided under paragraphs (1) and (2), regardless
16 of the type of product or service involved.

17 “(4) In the case of a product or service sold in
18 a box, carton, sleeve, or other container, the label
19 shall appear on the box, carton, sleeve, or container
20 in a conspicuous manner.

21 “(5) In the case of a product or service that is
22 intended to be viewed, the label shall—

23 “(A) appear before the commencement of
24 the product or service;

1 “(B) appear in both visual and audio form;
2 and

3 “(C) appear in visual form for at least five
4 seconds.

5 “(6) Any advertisement for a product or service
6 shall include a label of the product or service in ac-
7 cordance with the applicable provisions of this sub-
8 section.

9 “(c) FEDERAL TRADE COMMISSION RESPONSIBIL-
10 ITIES.—(1)(A) If the manufacturers and producers re-
11 ferred to in subsection (a) submit to the Federal Trade
12 Commission a proposal for a labeling system referred to
13 in that subsection not later than 180 days after the date
14 of the enactment of the Media Violence Labeling Act of
15 1999, the Commission shall review the labeling system
16 contained in the proposal to determine whether the label-
17 ing system meets the requirements set forth in subsection
18 (b) in a manner that addresses fully the purposes set forth
19 in section 2(b).

20 “(B) Not later than 180 days after commencing a
21 review of the proposal for a labeling system under sub-
22 paragraph (A), the Commission shall issue a labeling sys-
23 tem for purposes of this section. The labeling system
24 issued under this subparagraph may include such modi-
25 fications of the proposal as the Commission considers ap-

1 appropriate in order to assure that the labeling system meets
2 the requirements set forth in subsection (b) in a manner
3 that addresses fully the purposes set forth in section 2(b).

4 “(2)(A) If the manufacturers and producers referred
5 to in subsection (a) do not submit to the Commission a
6 proposal for a labeling system referred to in that sub-
7 section within the time provided under paragraph (1)(A),
8 the Commission shall prescribe regulations to establish a
9 labeling system for purposes of this section that meets the
10 requirements set forth in subsection (b).

11 “(B) Any regulations under subparagraph (A) shall
12 be prescribed not later than one year after the date of
13 the enactment of the Media Violence Labeling Act of
14 1999.

15 “(e) PROHIBITION ON SALE OR DISTRIBUTION
16 WITHOUT LABEL.—Commencing one year after the date
17 of the enactment of the Media Violence Labeling Act of
18 1999, a person may not manufacture or produce for sale
19 or distribution in commerce, package for sale or distribu-
20 tion in commerce, or sell or distribute in commerce any
21 interactive video game product or service, video program
22 product, motion picture product, or sound recording prod-
23 uct unless the product or service bears a label in accord-
24 ance with the labeling system issued or prescribed by the
25 Federal Trade Commission under subsection (d) which—

1 “(1) is appropriate for the nature, context, and
2 intensity of the depictions of violence in the product
3 or service; and

4 “(2) specifies an appropriate minimum age in
5 years for purchasers and consumers of the product
6 or service.

7 “(f) PROHIBITION ON SALE IN VIOLATION OF AGE
8 RESTRICTION.—Commencing one year after the date of
9 the enactment of the Media Violence Labeling Act of
10 1999, a person may not sell in commerce an interactive
11 video game product or service, video program product, mo-
12 tion picture product, or sound recording product to an in-
13 dividual whose age in years is less than the age specified
14 as the minimum age in years for a purchaser and con-
15 sumer of the product or service, as the case may be, under
16 the labeling system issued or prescribed by the Federal
17 Trade Commission under subsection (d).

18 “(g) INVESTIGATIONS OF IMPROPER LABELING.—
19 The Federal Trade Commission shall have the authority
20 to receive and investigate allegations that an interactive
21 video game product or service, video program product, mo-
22 tion picture product, or sound recording product does not
23 bear a label under the labeling system issued or prescribed
24 by the Commission under subsection (d) that is appro-
25 priate for the product or service, as the case may be, given

1 the nature, context, and intensity of the depictions of vio-
2 lence in the product or service.”.

3 (c) CIVIL PENALTY.—That Act is further amended
4 by inserting after section 10 (15 U.S.C. 1338) the fol-
5 lowing new section:

6 “CIVIL PENALTY

7 “SEC. 10A. (a) IN GENERAL.—Any person who vio-
8 lates subsection (e) or (f) of section 4A shall be subject
9 to a civil penalty in an amount not to exceed \$10,000 for
10 each such violation.

11 “(b) DURATION OF VIOLATION.—In the case of an
12 interactive video game product or service, video program
13 product, motion picture product, or sound recording prod-
14 uct determined to violate section 4A(e), each day from the
15 date of the commencement of sale or distribution of the
16 product or service, as the case may be, to the date of the
17 determination of the violation shall constitute a separate
18 violation of subsection (a), and all such violations shall be
19 aggregated together for purposes of determining the total
20 liability of the manufacturer or producer of the product
21 or service, as the case may be, for such violations under
22 that subsection.”.

23 (d) SHORT TITLE OF ACT.—The first section of that
24 Act (15 U.S.C. 1331 note) is amended to read as follows:

- 1 “That this Act may be cited as the ‘Federal Cigarette and
- 2 Media Violence Labeling and Advertising Act’ ”.

