



ENTERTAINMENT SOFTWARE RATING BOARD

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Comments on MediaWise® Video Game Report Card 2005

NIMF Claim: ESRB Ratings are inaccurate.

ESRB Response: NIMF's own ratings agree with those of the ESRB over 80% of the time.

- NIMF failed to disclose that its own age recommendations for the 36 video games they have reviewed and posted on their website are virtually identical to ESRB age recommendations (see attached list). In fact, in most of the cases where there are differences, it is only by a single year, e.g. 17 year old vs. 18 year old, 13 year old vs. 14 year old. In several other cases, ESRB ratings are stricter than those issued by NIMF.
- The examples NIMF provides of inaccurate ESRB ratings focus on games rated M (Mature for 17+), which they believe should have received an AO (Adults Only for 18+). However, there is no scientific or medical justification from a developmental standpoint to distinguish games that are more suitable for 17 year olds vs. 18 year olds, so this seems an extremely shaky basis on which to declare that ESRB ratings are inaccurate. In truth, this has nothing to do with accuracy of ratings. Knowing that retailers generally will not carry AO games, NIMF's attack on ESRB ratings has nothing to do with whether a rating is accurate and everything to do with the real agenda of NIMF, which is to ban the sale of games it does not like.

NIMF Claim: The National PTA supports and will participate in NIMF's conference to overhaul ESRB ratings.

ESRB Response: The National PTA has revoked its agreement to participate in the conference due to their lack of support of NIMF's previously undisclosed agenda.

- Since NIMF's announcement on November 29th, the PTA has since confirmed that it was deceived about the true objective of the summit, and has rescinded its agreement to participate. In a recent letter to Dr. Walsh, National PTA President Anna Weselak reiterates her organization's support of and partnership with the ESRB to "better assist parents and children in understanding the ratings and in making smart choices in purchase and game play."

NIMF Claim: Parents don't agree with ESRB ratings.

ESRB Response: Research on parental agreement with ESRB ratings (NIMF has conducted no such research) indicates overwhelming agreement with ESRB ratings.

- NIMF is free to disagree with ESRB ratings, but its own opinions about how certain games should be rated do not serve as a substitute for scientifically valid and well-documented research of how parents really feel about ESRB ratings.

- Each year the ESRB commissions a leading public opinion research firm, Peter D. Hart Research Associates, to measure parental agreement with the ratings. Its most recent study conducted this past October (with a sample size of 400 parents with children between the ages of 3 and 17 who play video games) found that **parents agree with the ESRB ratings 82% of the time**, and find them to be “too strict” an additional 5% of the time.
- The only other recent independent study on ratings accuracy that ESRB is aware of is one conducted by the Henry J. Kaiser Family Foundation in 2004, in which parents were asked how “useful” each of the entertainment rating systems were in helping them guide their purchase or viewing decisions. **91% of parents stated that the video game ratings were either “very useful” (53%, the highest of any rating system) or somewhat “useful” (38%)**. If parents thought ESRB ratings were inaccurate, it is reasonable to assume that they would find the system to be *not* useful. 1,001 parents of children aged 2-17 were included in the Kaiser study.

NIMF Claim: The low number of Adults Only (AO)–rated games proves that ESRB has a conflict of interest and is protecting publishers from the risk of diminished retail distribution.

ESRB Response: The fact is that ESRB has assigned AO ratings on many occasions, and publishers quite reasonably choose to edit titles to obtain a Mature rating due to the limited market acceptance of AO games.

- Game creators and publishers have no influence whatsoever over the assignment of ESRB ratings. The fact is that each ESRB rating is based on the majority consensus of independent raters who have no ties to the game industry whatsoever. ESRB manages a pool of part-time adult raters from diverse backgrounds, all of whom have some type of experience with children. Raters spend 2-3 hours a week viewing content and, using their own personal judgment, assign age ratings and content descriptors that they believe would be most helpful to parents, regardless of the game publisher’s marketing objectives or commercial consequences.
- If a game publisher is not satisfied with the rating assignment it receives from the ESRB, it may modify the game and resubmit it, at which point the process starts anew. In other words, if independent raters saw content that they believed should be rated AO, the rating assignment would reflect their views.

NIMF Claim: ESRB ratings don’t reflect increasing levels of violence, sex and language.

ESRB Response: NIMF relied on a for-profit company with a vested financial interest in undermining the ESRB (PSVratings, Inc.) to prove this theory. Beyond the obvious conflict of interest, the methodology employed barely passes the laugh test.

- NIMF sought to “quantify” the degree to which games have become more violent, sexual, or crude by hand-selecting a mere 6 M-rated games from the late 1990’s and comparing them to 6 completely different M-rated games rated in 2004. This is nonsensical. What does it prove by comparing completely different games from different eras? Such a selection process is without any scientific basis.
- Furthermore, the entire PSV approach is flawed. It derives ratings by counting, for example, how many times particular acts of violence occurs, but the essence of interactive games is that each individual player controls what happens in the game, and thus there could be wide

variations in the level of violence, sex or profanity from player to player. This makes quantifying game content impractical, and even PSVratings' Disclaimer acknowledges this fact.

- The fact is that the percentage of Mature rating assignments overall has continued to increase each year. In 2004, 12% of the games rated by the ESRB were rated M for Mature, and 33% were rated T for Teen, both representing increases from prior years. Furthermore, the assignment of ESRB content descriptors for violence, sexual content and language has also increased significantly in recent years.

NIMF Claim: The "Hot Coffee" mod for *Grand Theft Auto: San Andreas* shows "deep flaws" in the self-regulatory system.

ESRB Response: In fact, the actions taken by the ESRB this summer in response to a hacker's unlocking of previously unrated content prove just how effective the self-regulatory system is, as supported in the public statements of Senator Hillary Clinton, Senator Joe Lieberman, and other governmental officials.

- "I applaud the ESRB for its quick and thorough investigation," stated Senator Hillary Clinton in a press release issued following the ESRB's announcement. "I am pleased that the ESRB moved promptly with their investigation, and demanded immediate corrective action," stated Senator Joe Lieberman. These are just two examples of statements made by governmental officials praising the swiftness and effectiveness of ESRB actions to address the problem.
- Despite Dr. Walsh's publicly taking credit for discovering the game's previously undisclosed content, not to mention the removal of the game from store shelves – acts over which he had no influence whatsoever – NIMF is well aware that ESRB had begun investigating the alleged undisclosed content before he inquired about it. Moreover, product was removed from retail shelves immediately following ESRB's public announcement of the outcome of its investigation and the actions that Take 2 would be taking to address the situation.
- It's easy to criticize, but given the reality that some games take more than 100 hours to play, requiring great skill to reach every level and access every bit of code, any rating system would naturally have to rely to a large extent on disclosure of content by the creator. And considering the "Hot Coffee" scene had been "locked out" by the game's programmers, no rating entity, even if NIMF was the rating czar it seeks to be, would have found it without the use of sophisticated hacking tools and expert programmers on staff to modify the underlying source code of the game.

NIMF Claim: Efforts to improve the system have not worked and the system is "beyond repair."

ESRB Response: Only 16 months earlier, NIMF issued a press release "applauding the ESRB for its reforms to its rating system," and encouraging parents to use them. Since that time, NIMF has not expressed any issues with the rating system directly to the ESRB.

- In fact, NIMF has never contacted the ESRB to check facts in advance of releasing its Report Card, and yet each edition contains factual errors, hyperbole and highly misleading statements that ignore relevant data points. To make matters worse, ESRB's regular attempts to correct errors and set the record straight for future reports have been repeatedly ignored by NIMF.

RATINGS COMPARISON FOR ESRB AND NIMF

TITLE	ESRB RATING CATEGORY	NIMF MEDIAWISE AGE RECOMMENDATION
Tony Hawk's American Wasteland	T 13+	13+
Harvest Moon: More Friends of Mineral Town	E 6+	8+
X-Men Legends II: Rise of Apocalypse	T 13+	11+
Pirates!	E 6+	6+
Conker: Live and Reloaded	M 17+	17+
Empire Earth 2	T 13+	12+
Pariah	M 17+	17+
Psychonauts	T 13+	13+
Unreal Championship: The Liandri Conflict	M 17+	17+
Star Wars: Republic Commando	T 13+	14+
Kingdom Hearts: Chain of Memories	E 6+	6+
World of Warcraft	T 13+	15+
StarFox Assault	T 13+	12+
MechAssault 2: Lone Wolf	T 13+	13+
Star Wars: Knights of the Old Republic 2: The Sith Lords	T 13+	13+
Mortal Kombat: Deception	M 17+	18+
PSI OPS: The Mindgate Conspiracy	M 17+	18+
Halo 2	M 17+	18+
Doom 3	M 17+	17+
Drive3r	M 17+	17+
Grand Theft Auto: San Andreas	M 17+	18+
Halo: Combat Evolved	M 17+	17+
Star Wars: Knights of the Old Republic	T 13+	14+
Resident Evil: Outbreak	M 17+	17+
Battlefield Vietnam	T 13+	13+
Max Payne 2: The Fall of Max Payne	M 17+	17+
Manhunt	M 17+	17+
Viewtiful Joe	T 13+	13+
Prince of Persia - Sands of Time	T 13+	13+
Diablo II / Diablo II Expansion	M 17+	17+
SimCity 4	E 6+	8+
NBA Street Vol 2	E 6+	6+
Enter The Matrix	T 13+	16+
Zelda: The Windwaker	E 6+	10+
Rise of Nations	T 13+	13+
SSX 3	E 6+	8+

Note: ESRB introduced its new E10+ category in March 2005.