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ESRB Retail Council “Ratings Education and Enforcement Code”

Summary

The ESRB Retail Council (ERC) is a partnership of the Entertainment Software Rating Board (ESRB) and national retailers in the United States committed to assisting parents and other consumers in making informed video game purchase and rental decisions for their children and family through ratings education and voluntary ratings enforcement programs.

The ERC was established to facilitate regular communication and input for consideration on matters of common interest to the ESRB and ERC retail members. Chief among these interests is to ensure that ERC retail members consistently support the following “Ratings Education and Enforcement Code.”

Purpose

The purpose of the Code is to:

- 1.1 Visibly demonstrate ERC members’ commitment to informed parental choice through ratings education and voluntary ratings enforcement;
- 1.2 Provide a uniform and consistent framework for a minimum set of voluntary self-regulatory measures in support of the ESRB ratings;
- 1.3 Maintain a commercially reasonable mechanism for consumer redress where issues of Code non-compliance arise;
- 1.4 Increase awareness and knowledge of ESRB ratings among ERC members’ associates and customers;
- 1.5 Ensure effective implementation of store policies not to sell or rent an M (Mature) or AO (Adults Only) rated video game to a person under the age of 17 or 18 respectively (see Section 2), which may include the use of register prompt messaging when the bar code for M (Mature) or AO (Adults Only) rated games is scanned at the point of purchase or rental and implementation of age verification by cashiers and/or other in-store personnel;
- 1.6 Ensure effective implementation of policies on ERC member websites not to sell or rent an M (Mature) or AO (Adults Only) rated video game to a person under the age of 17 or 18 respectively (see Section 2), which may include the use of an age-certification prompt for M (Mature) or AO (Adults Only) rated games prior to checkout and/or include in a website’s conditions of use that underage users are supervised by a parent;
- 1.7 Promote dialogue among ERC members and the ESRB.

Scope

The Code applies to retailers in the United States who have registered as members of the ERC and covers video games that have been rated by the ESRB. ERC retail members volunteering to adopt the Code must use best efforts to comply with the policies outlined below.

Each ERC member participating in the “Ratings Education and Enforcement Code” agrees to:

- 2.1 Not sell or rent M (Mature) rated video games to customers under the age of 17, unless accompanied by a parent or guardian or otherwise governed by a contractual agreement with the parent or guardian;
- 2.2 Not sell or rent AO (Adults Only) rated video games to customers under the age of 18;
- 2.3 Display in a conspicuous location where the product is displayed in-store signage describing the ESRB rating system;
- 2.4 Display in a conspicuous location in-store where the product is purchased or rented signage advising customers of its store policy with respect to the age-restricted sale or rental of M (Mature) and AO (Adults Only) rated video games;
- 2.5 Include accurate and complete assigned ESRB rating information including an age rating and content descriptors displayed prominently and legibly on video game detail web pages prior to purchase on websites operated by ERC members;
- 2.6 Include in ERC member websites a neutral age gate for trailers of M (Mature) rated video games or post trailers for M (Mature) rated video games that have been edited by the publisher for a general audience;
- 2.7 Include a link to a web page describing the ESRB rating system;
- 2.8 Train all appropriate managers, clerks and/or other employees so that they are aware of the general policies and procedures adopted in this Code;
- 2.9 Assess existing internal policies, practices and procedures on ratings education and policy enforcement and make improvements where necessary to maintain compliance with the Code;
- 2.10 Appoint a management representative responsible for compliance with the Code, and who will participate in ERC meetings;
- 2.11 Enforce the member’s disciplinary policies for managers, clerks and other employees who do not comply with such member’s video game sales related procedures;
- 2.12 Participate in the “mystery shopping” in-store verification program adopted and jointly funded by ERC members and ESA, with the understanding that: (i) ESRB will coordinate the mystery shopper audit, contract with a third party to conduct it, and oversee the performance of such third party; (ii) ESRB will treat the information collected from the mystery shopper audit as “Confidential Information” and will not disclose to any person or entity information that is specifically attributable to any individual ERC retail member (although ESRB shall provide each ERC retail member with its own organization’s results, both overall and store-specific); and (iii) ESRB will share with all ERC members and the public the mystery shopper results on an aggregated and anonymous basis;
- 2.13 Participate in the ERC member website verification program with the understanding that: (i) ESRB will coordinate the website audit and oversee the performance of internal staff and/or independent contractor(s); (ii) ESRB will treat the information collected from the website audit as “Confidential Information” and will not disclose to any person or entity information that is specifically attributable to any individual ERC retail member (although ESRB shall provide each ERC retail member with its own organization’s results, both overall and website specific); and (iii) ESRB will share with all ERC members and the public the website audit results on an aggregated and anonymous basis;

- 2.14 Respond to consumer complaints, as outlined and pursuant to Section 4 “Consumer Complaint Process” below, and take whatever steps the member deems appropriate to achieve future compliance with the Code;
- 2.15 Clearly and conspicuously display rating symbols and, where feasible, content descriptors, in all advertising, marketing and promotion of games.

Code Administration

ERC members will:

- 3.1 Meet on an as needed basis to review overall compliance with the Code as measured by mystery shopper and website audits;
- 3.2 Regularly share information on best practices to improve compliance with the Code;
- 3.3 Promptly respond to customer complaints about non-compliance with Code (see Section 4);
- 3.4 Monitor the effectiveness of all aspects of this Code and collectively amend the Code where warranted;
- 3.5 Following the completion of each mystery shopper and website audit, ESRB will publicly post on the ESRB website the aggregated and anonymous results of the audit, the addition or removal of ERC retail members, and other relevant information.

Consumer Complaint Process

- 4.1 In the event an ERC member has, contrary to this Code, sold or rented an M (Mature) or AO (Adults Only) rated video game to a person under the age of 17 or 18 respectively, the member agrees at a minimum to:
 - Provide a full refund of the cost of the purchase or rental or an exchange for an age-appropriate game to the customer.
 - Provide appropriate training to managers, clerks, and/or other employees, so that they are aware of the member’s policies and procedures relating to the sale and/or rental of M (Mature) and AO (Adults Only) rated games.
- 4.2 In the event an ERC member has failed to post ESRB ratings education or store policy signage or to make appropriate staff members aware of the program, the member agrees at a minimum to:
 - Promptly provide signage and/or training materials and require field management to confirm that the issue is resolved.
- 4.3 In the event an ERC member has failed to post information about the ESRB rating system on websites it operates, the member agrees to posting such a web page using information provided by the ESRB or linking to the ESRB ratings guide web page at esrb.org/ratings/ratings_guide;
- 4.4 Where a consumer has reason to believe that an ERC member has not enforced their store policy restricting the sale or rental of M (Mature) and AO (Adults Only) rated video games and wishes to proceed with a complaint, that consumer shall in the first instance bring the complaint to the attention of appropriate personnel employed by the ERC member;
- 4.5 If a consumer complaint cannot be resolved by appropriate ERC member personnel, the consumer will be able to submit a complaint at the ESRB website at esrb.org/about/contact;
- 4.6 ESRB will forward each consumer complaint received at its website to the responsible ERC member for prompt handling;
- 4.7 Once the complaint has been resolved, the ERC member will advise the ESRB.

Termination

- 5.1 The ERC may, if it deems that a member has failed to fulfill the letter and spirit of the Code, provide notice to the member summarizing the deficiency and provide a period of 30 days to improve, if at which time the ERC determines that the member has not made sufficient improvement, then the ERC may terminate a member's participation in the ERC;
- 5.2 Any ERC member shall be entitled to terminate its participation in its sole discretion by providing written notice of such termination to the ESRB, following which such member shall cease to be registered as an ERC member.