

# Classification of Video Games



## Introduction

**1** The British Board of Film Classification (BBFC) is an independent, non-governmental body funded through the fees it charges to those who submit films, videos, DVDs and video games for classification.

**2** Although video games are generally exempt from classification under the Video Recordings Act 1984, exemption is forfeited under section 2(2) if they depict human sexual activity, gross violence or other matters of concern. The decision to submit a game for classification rests with the developer or distributor.

**3** The BBFC will not classify material which it believes to be in breach of the criminal law.

**4** Where possible the BBFC will carry out its responsibilities through appropriate use of the classification categories, particularly in order to protect children from actual or potential harm. If necessary, however, the Board may cut or even reject a game. The Board's approach to rejects is set out on page 13 of this document.

**5** In exercising the broad discretion conferred on it, the BBFC takes into account three main considerations:

- is the material in conflict with the law?
- is the material, at the age group concerned, likely to be harmful?
- is the material, at the age group concerned, clearly unacceptable to broad public opinion? (It is on this ground, for example, that the Board intervenes in respect of language. This ground also applies at '18', although here it is balanced against the public expectation that adults should be free to choose their entertainment, within the law.)

**6** All works submitted to the BBFC, including relevant video games, are classified under the Classification Guidelines which are available on the BBFC website at [www.bbfc.co.uk](http://www.bbfc.co.uk). The Guidelines are the product of public consultation, research and the accumulated experience of the BBFC over many years. This Games Guide highlights considerations which are particularly relevant to the submission and classification of video games.

**7** However, neither the Guidelines nor this Guide is a legal document. They should be interpreted in the spirit of what is intended as well as in the letter. They cannot be a comprehensive account of everything that may at any time be of concern. Should issues arise which are not specifically covered, they will be dealt with by the BBFC on their merits and in line with the standards expressed and implied generally.



# The law and video games



**Under Section 4(1) of the Video Recordings Act 1984 (VRA) the President and Vice Presidents of the BBFC have been designated as responsible for classifying video works. Certain video works, including video games, are exempt from the VRA. However, Section 2(2) of the VRA sets out the grounds on which exemption is forfeited:**

*(2) a video work is not an exempted work for those purposes if, to any significant extent, it depicts:*

**a** *human sexual activity or acts of force or restraint associated with such activity*

The BBFC interprets *human sexual activity* to mean all aspects of human sexual intercourse, masturbation and sexual foreplay, whether explicit or not. This includes material that may be sexually provocative, for example, striptease or sexually explicit language. In the view of the BBFC *acts of force or restraint associated with sexual activity* includes depictions featuring a degree or element of lack of consent, and depictions of consensual sexual activity which involve the use of physical restraints.

**b** *mutilation or torture of, or other acts of gross violence towards, humans or animals*

The BBFC interprets this to mean acts of violence perpetrated against victims that the reasonable person is likely to find horrific, brutal or repulsive in the way that death, injury, dismemberment, torture and other methods of causing severe pain or injury are depicted.



This applies to representations of humanoid or animal-like characters even though they may appear unrealistic.

**c** *human genital organs or human urinary or excretory functions*

**d** *techniques likely to be useful in the commission of offences*

(such as vehicle theft, lock-picking, illegal drugs manufacture, bomb-making)

*or is likely to any significant extent to stimulate or encourage anything falling within paragraph a or, in the case of anything falling within paragraph b, is likely to any extent to do so.*

*(3) A video work is not an exempted work for those purposes if, to any significant extent, it depicts criminal activity which is likely to any significant extent to stimulate or encourage the commission of offences.*

The BBFC's legal advice is that the following features in a video game will also result in a loss of exemption from statutory classification:

- live action or animated, non-interactive FMV (full-motion video) clips which are not an integral part of a game's narrative action and development;
- non-interactive FMV material - which may be promotional - such as advertisements, trailers, previews, reviews, featurettes and features;

unless the non-interactive material is itself exempt from classification.

In the absence of other factors, video games such as sports games or flight or driving simulations do not require classification under the VRA. Nevertheless, some distributors prefer the security of formal classification by the BBFC even though a video game might claim statutory exemption. The decision to submit such a work for classification rests with the developer or distributor.

## Other legal considerations



The BBFC is also required to take into account other legislation, including:

### **The Protection of Children Act 1978**

It is illegal to show indecent photographs or pseudo-photographs of a child (under the age of 18).

### **The Obscene Publications Act 1959**

It is illegal to show a work which is obscene. A video game may be found obscene if, taken as a whole, it has a tendency to deprave and corrupt (ie make morally bad) a significant proportion of those likely to see it.

### **The Human Rights Act 1998**

Among the rights established under this Act are the right to respect for private and family life, and the right to freedom of expression.

When classifying works, the BBFC will have regard to the impact of any decision on the rights of any relevant person.

The Act permits such restrictions on freedom of expression as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

### **Other relevant law**

Other legal issues which the BBFC takes into account when classifying video games include - but are not limited to - blasphemy and incitement to racial hatred. Distributors who are concerned that a video game may be in breach of these aspects of the law are advised to seek legal advice and/or consult the BBFC before submitting the game for classification.

## Classification considerations



### **In analysing and classifying a game, the BBFC will assess two overriding aspects of the work:**

- its harmful effects, if any;
- its acceptability to broad public opinion at the age group concerned.

The BBFC acknowledges the difference between watching a film or video and the more interactive experience of playing a game. However, research into whether this interactivity has any significant effect on the potential for harm, which the BBFC is required to consider, is inconclusive. Consequently, in considering harm arguments, the BBFC errs on the side of caution and applies the same standards to games as to video.

However, the interactivity inherent in video games may, in certain contexts, lead to a greater potential for offence. While films and videos may present low levels of violence, sex, drugs or bad language in a manner appropriate for younger audiences, the ability of games to make the player complicit in these activities may cause them to be deemed inappropriate for the same age group, even if the level of detail is the same. These issues are naturally of greatest concern at the lowest age categories, where they form a major component of the game, and where the level of interactivity is high.

In a non-linear context, the frequency with which an issue occurs is often difficult or impossible to quantify, as actions may be repeated at the will of the player. Consequently, material may be prohibited at a particular category if frequency would be key to its acceptability at that category in a video.

The BBFC expects game developers and distributors to highlight the more problematic areas of each submitted game. Failure to do so may result in delays, an increased examination time and a consequent increase in the fee charged by the BBFC.

**The possibility of harm is a specific concern of the VRA and the BBFC, particularly with regard to younger gamers. The VRA requires that special regard is paid to the manner in which the work deals with:**

- criminal behaviour;
- the use of illegal drugs;
- violent behaviour or incidents;
- horrific behaviour or incidents;
- human sexual activity.

The BBFC will consider each of these elements to decide upon the most appropriate classification. Under the VRA two kinds of harm must be considered:

- harm to those likely to play the game;
- harm to society through those gamers' subsequent behaviour.



Because of the non-linear and interactive nature of video games, the BBFC examines them in a different way to the way it examines films and videos (see submission requirements on page 14). Examiners will sample different levels in each game, often with the benefit of cheat codes, saved games, walkthroughs, and/or additional information from the games publisher, with FMV sequences sometimes supplied on a separate video. Sampling games in this way gives the examining team a clear impression of content, tone, and potentially problematic areas, and enables examiners to recommend a classification category.



If the harm in question is the influence a game may have on children and young people, then the BBFC must decide whether to give the game a higher certificate, thus restricting access, or whether the work will need to be cut in order to remove the harmful elements. The BBFC appreciates that cutting games can be difficult, which is why we recommend that producers of potentially problematic works consult us before embarking on final production. The BBFC will only refuse a certificate to a game as a last resort, but where there is felt to be a significant risk of potential harm, rejecting a game may be the only option.

**In assessing the two crucial aspects of harm and public acceptability, the BBFC also takes into account the following:**

- the type of game it is – beat-em-up, shoot-em-up, role playing game, adventure or puzzle game;
- the age group most likely to play it;
- the degree of realism;
- the certificate given to similar video games in the past.

#### **Consumer Advice**

The BBFC provides Consumer Advice for all the games it classifies, and attaches importance to this. Consumer Advice enables the public to make informed choices. It covers those issues which determine the classification of a game and likely to be of concern to the public. The games industry has agreed to carry Consumer Advice on the packaging of all video games rated 'U' to '18'. The BBFC's Consumer Advice is also available on its website, [www.bbfc.co.uk](http://www.bbfc.co.uk).

## Main issues



This section sets out, with particular reference to games, some concerns which apply, to a greater or lesser degree, at all classification levels.

### Theme

The acceptability of a theme depends significantly on its treatment, ie the context and sensitivity of its presentation. The most problematic themes are unlikely to be appropriate at the most junior levels of classification. Correspondingly, there is no reason why most themes could not be satisfactorily handled at the upper categories.

However, given the complicity required of players by video games, themes involving interactive sexual violence, drug misuse or particularly sadistic violence may be restricted to the highest categories and possibly even cut or rejected

### Language

Many people are offended, some of them deeply, by bad language, including the use of expletives with a religious or racial association and language which offends other, sometimes vulnerable, minorities.

The depth of concern about any particular word or expression will depend in part upon the context within which it is used.

At 'U' and 'PG' only mild language is permitted. At '12', moderate language is permitted. Because of the non-linear nature of many games, language may be repeated at the will of the player. For this reason, strong language (eg 'fuck') is permitted only at '15' and above. Use of the strongest terms (eg 'cunt') is permitted at '18' only.



### Nudity

Natural nudity, providing there is no sexual context and nothing problematic in the treatment, is likely to be acceptable at all classification levels except 'Uc'.

### Sex

The portrayal of human sexual activity can range from kissing and references to 'making love' to detail of real sex. This is reflected in the classification system, in which progressively stronger portrayal is allowed as the categories rise. The same standards apply to both homosexual and heterosexual activity.

Given the complicity required of players by video games and the consequent capacity for offence, the BBFC is likely to apply a stricter approach to interactive sexual activity than that which applies to non-interactive works.

### Violence

Violence has always been a feature of entertainment for children and adults. The BBFC addresses the degree and nature of violence through its classification system.

In making decisions, the BBFC's concerns, especially at the lower categories, include:

- portrayal of violence as a normal solution to problems;
- heroes who inflict pain and injury;
- callousness towards victims;
- encouraging aggressive attitudes;
- taking pleasure in pain or humiliation.

Games which involve interactive sexual violence are likely to be restricted to the highest categories and possibly even cut or rejected. Any association of sex with non-consensual restraint, pain or humiliation may be cut.



### Imitable techniques

The BBFC is concerned about detailed portrayal of criminal and violent techniques and the glamorisation of easily accessible weapons. This is especially true where the techniques are interactive. Action which may promote illegal or anti-social behaviour, and portrayals of potentially dangerous behaviour which young children are likely to copy, are of particular concern. Examples of the BBFC's concerns in this area include combat techniques, hanging, suicide and self-harm.

### Horror

The BBFC recognises that gamers play horror games because they like being frightened. The BBFC does not cut games simply because they alarm or shock. Instead, it classifies them to ensure that the young and vulnerable are protected from too intense an experience.

### Drugs

No game taken as a whole may promote or encourage the use of illegal drugs. Any detailed portrayal of drug use likely to promote or glamorise the activity may be cut. A game which invites the gamer to misuse drugs is likely to receive a restrictive classification and may even be cut. Games which promote or glamorise – including through interactivity – smoking, alcohol abuse or substance misuse may also be a concern, particularly at the junior categories.



### Rejects

The BBFC will attempt to deal with games which are unacceptable at any category through intervention such as making cuts or requiring the addition of warning captions. If this is not possible or not acceptable to the distributor, games may be refused classification altogether. 'Taboo' themes are acceptable, but not if their treatment is likely to encourage harm to viewers or, through their behaviour, to society. The following are of particular concern:

- graphic rape or torture;
- sadistic violence or terrorism;
- illegal and glamorised drug use;
- material likely to incite racial hatred or violence;
- portrayals of children in a sexualised or abusive context;
- sex accompanied by pain, injury or humiliation;
- material likely to be found obscene by the courts.

### Appeals

A distributor who disagrees with a classification decision for their game may appeal against it directly to the BBFC. As a further step, a distributor may appeal to the Video Appeals Committee which is independent of the BBFC.

## Submission of video games



**All video games must be submitted with a completed Video Games Submission Form. A video game which contains only a feature length film, or which has a measurable running time in minutes, is to be submitted on a standard Video Submission Form and marked 'linear digital submission' and not on a Video Games Submission Form.**

**Customers may track their games through the BBFC system via the BBFC extranet. The extranet enables the tracking of a submission's progress through the classification process towards a decision. Customers may accept a proposed category on-line and the facilities will continue to be extended.**

**For full details please email** [ithelpdesk@bbfc.co.uk](mailto:ithelpdesk@bbfc.co.uk) or visit [www.bbfc.co.uk](http://www.bbfc.co.uk).



**The BBFC requires the following for each video game submission:**

- 1 A completed Video Games Submission Form and finished work (on disk, cartridge, CD-ROM, DVD etc) to be classified, along with cheat codes (immortality, all weapons, level skipping) and an indication of the more contentious elements in the game. Where cheats are unavailable, the BBFC will require either saved games at various points throughout the game and/or PAL VHS recording (normal not long play) or DVD showing the contentious parts as indicated on the submission form. If available, a flowchart of the game and script are useful supporting material which aid the classification process. If these examining aids are not available for any reason, submitting companies should be aware that this could result in extended examining time and a subsequent increase in the fee charged for classifying the game.

Any recording of video games should demonstrate the look and feel of the game and give a good sample of the game as a whole. The BBFC pays special attention to the areas highlighted in the additional information section of the submission form. The footage must not contain material other than footage to be viewed as part of the game (eg no footage of media player screens used to execute programs).

Submitting companies must also submit packaging in triplicate, unless the distributor has formally opted out of the Video Packaging Review Committee (VPRC) scheme.



- 2 The BBFC's IT department carries out a pre-viewing assessment of each game to ensure that the submitted version of the game is functioning as expected and to estimate the required examining time for scheduling and invoicing purposes. If there are problems at this stage the IT department will contact the submitting company.
- 3 If there are no problems, the BBFC will ensure cleared funds are available to cover the costs of processing the game. Once it has examined or compared the game, the BBFC will communicate in writing to the distributor any modifications required (such as cuts).

Once it has approved the game at a category, the BBFC will issue an Interim Clearance Form (ICF) stating its intention to classify the work at the category indicated. This is the point at which the submitting company (if it is unhappy with the proposed category) may appeal against the decision. The BBFC's website contains details of the appeals procedure. If the category proposed is acceptable, the submitting company's duly authorised signatory should sign the ICF and return it immediately.

- 4 The BBFC will issue the classification certificate once it has received the signed ICF, provided that the VPRC has provided packaging approval. Under the VRA, a distributor may not supply a game for sale or hire until it has received a classification certificate.
- 5 Games must be labelled in accordance with the VRA Labelling Regulations when released for sale or hire. A labelling guidance document is available on the BBFC website ([www.bbfc.co.uk](http://www.bbfc.co.uk)).
- 6 **Releasing a work without completing the classification process is illegal.**

The maximum penalty for breaching the VRA is either two years imprisonment or an unlimited fine. Distributors should be aware that works must be released in the form classified. Any change made to the game subsequent to the BBFC classification may render it unclassified and in breach of the VRA.