



Marketing Violent Entertainment to Children:

A Sixth Follow-up Review of
Industry Practices in the Motion Picture,
Music Recording & Electronic Game Industries

A Report to Congress

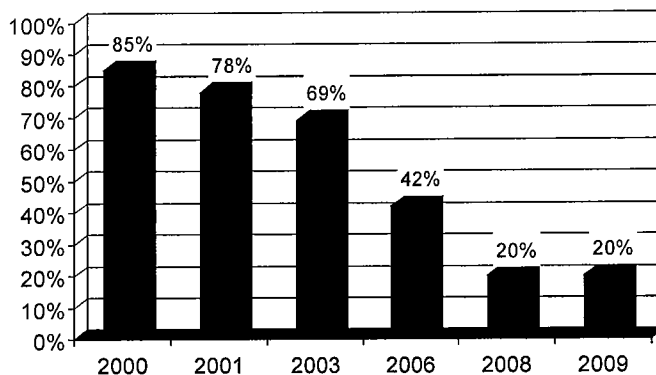
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purchase. In addition, most of these retailers are part of the ESRB Retail Council (“ERC”),¹⁸¹ which subjects its member companies to bi-annual mystery shopper audits.¹⁸²

The Commission’s most recent undercover shop found that video game retailers enforced their age-restrictive policies 80% of the time, the same rate as the previous shop.¹⁸³ Game Stop and Target each denied sales of M-rated games to about nine of ten underage shoppers, while Wal-Mart, Hollywood Video, Best Buy, and Kmart spurned about three quarters of them. Toys “R” Us was the only retailer that substantially underperformed in the most recent shop, permitting 44% of the undercover shoppers to purchase an M-rated game.¹⁸⁴

Percent Able to Purchase M-rated Games
(Simple %)



2. Gift card purchases

For the first time, the Commission examined the use of gift cards to purchase M-rated games online. The Commission surveyed the practices of six retailers that sell M-rated games online – Best Buy, GameStop, f.y.e., Target, Toys “R” Us, and Wal-Mart. All of these retailers’ gift cards could be purchased with cash.

All six websites permitted the gift card user to purchase an M-rated game. During the purchase process, all six websites showed the ESRB M-rating for the game. Three sites provided some type of age-related warning and required an age certification before purchase,¹⁸⁵ although nothing would have prevented a younger consumer from lying about his or her age to order the game. One site required the user to enter credit card information before completing the purchase with the gift card, although apparently not for age verification purposes.¹⁸⁶

3. Mobile phone games

The ESRB has not rated most mobile games.¹⁸⁷ Given the sheer volume of game applications currently available for mobile devices and the dramatic rate at which applications are proliferating,¹⁸⁸