



Retail Council of Canada
1255 Bay Street, Suite 800, Toronto, Ontario M5R 2A9
Telephone (416) 922-6678 Fax (416) 922-8011
www.retailcouncil.org

“Commitment to Parents” National Retailer Code

Statement of Intent

Canadian retailers are committed to assisting parents in making informed entertainment choices for their families regarding the purchase or rental of interactive video and computer games through parental empowerment programs that combine ratings education with voluntary ratings enforcement.

The “Commitment to Parents” program evolved out of the collaborative efforts of the Retail Council of Canada (RCC), the Entertainment Software Association of Canada (ESA Canada) (formerly the Canadian Interactive Digital Software Association - CIDsA), the Entertainment Software Rating Board (ESRB), and the Government of British Columbia. The “Commitment To Parents” program consists of the “Commitment To Parents” National Retailer Code (Code) and the Entertainment Software Rating Board video/computer game classification system.

Purpose

The purpose of the Code is to:

1. Visibly demonstrate retailers’ commitment to parental empowerment through ratings education and voluntary ratings enforcement;
2. Provide a uniform and consistent framework for industry self-regulation; and
3. Provide the retail industry with a mechanism for consumer redress where issues of Code non-compliance arise, to be managed by industry and overseen by a committee representing consumers and industry.

Scope

The Code applies to retailers in Canada who have registered with RCC as participants in the “Commitment to Parents” program (registration form attached as Appendix 1), and covers video and computer games that have been rated by the Entertainment Software Rating Board (ESRB).

A retailer volunteering to adopt the Code must abide by the policies outlined below.

1) Retailers’ Commitment to Parents

Retailers participating in the “Commitment to Parents” program agree:

- 1.1 To apply the Code;
- 1.2 Not to sell or rent M-rated (Mature) video/computer games to customers under the age of 17;
- 1.3 Not to sell or rent AO-rated (Adults Only) video/computer games to customers under the age of 18;
- 1.4 To display, in a conspicuous location near where the product is purchased signage advising customers of their participation in the “Commitment To Parents” program and the store’s policies with respect to age-

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restricted sale of “Mature” and “Adults Only” rated computer/video games. At the outset of the “Commitment To Parents” program, those retailer Code participants that have not exhausted their current supplies of similar although not identical signage may defer displaying the new “Commitment To Parents” signage until their existing stock is exhausted;

- 1.5 To display in a conspicuous location where the product is displayed, signage describing the ESRB rating system;
- 1.6 To train appropriate staff members so that they are aware of the “Commitment to Parents” program and the ESRB rating system;
- 1.7 To establish appropriate internal policies and procedures necessary to maintain a high level of compliance with the undertakings covered by this Code;
- 1.8 To conduct “mystery shopping” verification of compliance with this Code;
- 1.9 To respond to consumer complaints and where these are validated by the retailer to take whatever steps the retailer deems appropriate to achieve future compliance with the Code;
- 1.10 To provide information as specified in 2.3.9 of the Code to provincial Video Games Advisory Committees where they have been established; and
- 1.11 To consider the recommendations of provincial Video Games Advisory Committees in connection with consumer compliance complaints that the Committee has determined are legitimate.

2) Code Administration

- 2.1 Provincial Video Games Advisory Committees (“the Committee”) may be established where desired by a province to oversee the implementation and operation of the Code.
- 2.2 Composition: Where a Committee is established it will be composed of three members – a public representative appointed by the provincial Minister responsible for video games, a representative of the video game manufacturing industry designated by the ESA Canada, and a representative of the retail sector designated by RCC. The representative for RCC will not be a “Commitment To Parents” participant. The committee will be ad hoc and no members will be remunerated for their services.
- 2.3 Mandate: The Committee will:
 - 2.3.1 Monitor the operation of the Code;
 - 2.3.2 Bring issues of non-compliance to the attention of individual retailers that are the subject of such non compliance review when required;
 - 2.3.3 Monitor the effectiveness of the consumer complaint and redress protocols outlined in this Code and recommend amendments where warranted;
 - 2.3.4 Receive and recommend ways to resolve complaints that have been brought to the Committee’s attention through the consumer complaint process as provided for in the Code;

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- 2.3.5 Consult with participating retailers on proposed amendments to the Code;
- 2.3.6 Raise public awareness of the ESRB rating system and the Code;
- 2.3.7 Promote dialogue between manufacturers, retailers, and consumers of video/computer games;
- 2.3.8 Liaise with the ESRB, ESA Canada and RCC in the furtherance of the objectives outlined herein;
- 2.3.9 Prepare Annual Reports on the Code and its administration containing the following aggregate information:
 - o Volume of complaints received from members of the public with respect to alleged non-compliance of the Code and the manner of their disposition;
 - o Issues of concern related to video game content brought to the Committee's attention by members of the general public;
 - o The results of any surveys, which may be conducted from, time to time to monitor public awareness of the Commitment to Parents program and the ESRB rating system; and
- 2.3.10 Meet quarterly or more frequently as required.

3) Consumer Complaint Process

3.0 In the event a participating retailer has sold or rented an M-rated video game to a person under the age of 17, or an AO-rated video game to a person under the age of 18, the retailer agrees at a minimum to:

- o Provide a full refund on the cost of the purchase/rental, or an exchange for or rental of an age-appropriate game;

In the event a participating retailer has failed to post signage-educating customers on the ESRB rating system, or to post signage-advising customers of their participation in the Commitment to Parents Program, or to make appropriate staff members aware of the program, the retailer agrees at a minimum to:

- o Respond to the consumer and take whatever steps the retailer deems appropriate to achieve future compliance.

- 3.1 Where a consumer has reason to believe that a retailer participating in the "Commitment to Parents" program has not complied with the Code and wishes to proceed with a complaint, that consumer shall in the first instance bring the complaint to the attention of the store manager or supervisor.
- 3.2 A consumer dissatisfied with the store manager or supervisor's decision shall be directed to a designated company representative.
- 3.3 The time period for considering a particular complaint should be left to the discretion of the retailer. However, generally complaints should be resolved as quickly as is reasonable.

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- 3.4 In the event that the dispute between a consumer and a retailer cannot be resolved either party may refer the matter to the Video Games Advisory Committee by contacting the ESRB's website (www.esrb.org) for referral to the Committee.
- 3.5 The Video Games Advisory Committee will review the facts of the complaint and determine whether or not it is legitimate; if the complaint is deemed legitimate, the Committee will recommend ways to resolve the complaint.
- 3.6 The Video Games Advisory Committee may, if it deems the retailer has consistently and wilfully failed to fulfill the letter and spirit of the Code, refer the matter to Retail Council of Canada for a determination on whether the retailer shall remain registered as a Commitment to Parents retailer.

4. Termination

Any retailer that has registered with RCC as a participant in the "Commitment To Parents" program shall be entitled to terminate its participation in such program in its sole discretion by providing written notice of such termination to RCC, following which such retailer shall cease to be registered in the "Commitment To Parents" program.

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