

Franck David
 Asst. Clerk to the Public Petitions Committee
 TG.01 Edinburgh
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27/01/09

Dear Mr David,

Petition PE1169 - Final Response

Further to your letter of 24th April, enclosing government response Annex G, these are my final comments for your consideration. Annex G, along with the other government responses, does not answer my petition sufficiently to close it. I have never intentionally requested it to be closed and I wish it to remain open until satisfactory action is taken. Outstanding Issues:

NFRN/Voluntary Guidelines

The government has no evidence that the code is being adhered to. Their response to the question is evasive. The Front Page Campaign has provided evidence that the code is routinely not being adhered to in some stores, and this is unacceptable.

The guidelines themselves are vague, inadequate and subjective, in that they do not specify the height of a child and what specifically is meant by being out of reach and sight of children. They do not address the issue of age-ratings, and they are focussed on maximising sales while minimising complaints, rather than being concerned with the protection of children or any kind of social responsibility.

The government offers to raise individual cases with the NFRN. What powers does the NFRN have to enforce the guidelines, given that they are voluntary? What would they do?

Experience of Customers

The government has not answered the question "What is the experience of customers?" Again, The Front Page Campaign has shed a certain amount of light on the issue. Their campaign and mine were started by us as members of the public because of our negative experience as consumers, and the fact that we have felt strongly enough to volunteer so much time should speak volumes.

They have also provided me with the following information from a recent public opinion survey conducted by them in three separate high street locations. The survey included 338 participants of which 33.1% were male. 73.1% said that they had noticed sexually provocative pictures on the front pages of newspapers and magazines in the shops. Of the total participants, the following percentages had noticed these specific titles:

The Daily Sport	38.5%
Nuts	39.6%
Zoo	32.8%
Loaded	33.4%

56.8% of participants found recent front page samples of Loaded, Diva, The Daily Sport, and Zoo personally offensive, while 96.7% found it unacceptable that they were all found at low levels in the shops.

Availability of Material to Children

97.9% of survey participants found it unacceptable that under 18s could purchase publications containing adverts for adult services such as phone sex lines (rated 18+).

My original petition did not address the issue of age-ratings but this is an important point and should surely be considered as part of any system of regulation.

The British Board of Film Classification (BBFC) has at least some kind of system in place, one which is endorsed by this government. In the guidelines for a film rated 12, nudity in a sexual context must be brief and discreet,

while the use of strong language, such as f***, must be infrequent.

By contrast there is absolutely no regulation of the content of newspapers and magazines unless they are classed as "top shelf" or "adult" titles. For example, this month's edition of Front magazine contains the word f*** 5 times, and the word c*** 3 times over only 2 pages (words printed in full, no asterisks included). Another page contains the f word 5 times. This along with the other magazines and newspapers mentioned is legally saleable to children and teenagers of any age.

I do not make this point to suggest that the BBFC guidelines are adequate, but simply to point out the hypocrisy of the government in allowing the publishing industry to include harmful material in terms of sex, violence and language without restriction, while regulating film and to an extent television and music.

"Lesser Material"?

In Annex G the government refers to obscene or indecent material and states that "lesser material does not clearly justify government intervention". This month's lesser material typically includes references to bondage, domination, group sex (getting "three-wayed"), oral sex, ejaculating on women including in their faces, lesbian activity ("girl-on-girl action"), plastic surgery, and sex tapes. The Daily Sport is no exception, and if anything, contains more of these references than the lad's mags.

Nuts magazine includes a column called "Ladies Confess" in which a winner is awarded £50 each week for coming up with the "raunchiest" confession. Recent examples are headed "I took him in my mouth in the zoo" and "I tied him up and dominated him"¹. The latter example ends with the following: "It went everywhere and I let him watch as I licked it all up!"

The agony aunt from Front magazine assures a concerned reader that it is fine for a vegan to swallow "a gentleman's seed"². The same page includes a letter from a man who ran away from a one night stand on discovering that the woman had a child. He asks the agony aunt if he did the right thing. She assures him that he definitely did the right thing, and states: "I think that kids are all scum...I often think about putting kids on a large boat, sending it out to sea and then watching it sink from a distance".

All of the publications mentioned contain numerous pictures of nude or nearly nude women in sexual poses or positions, and the models almost always look 18 or 19. This deliberately blurs the distinction between women and children, creating a dangerous breeding ground for rapists and paedophiles.

In whose world is this "lesser material" that does not "clearly justify" a response? Why is the burden of proof in favour of profit-motivated adults?

If cost is to be used as an argument against regulation, will the government assess the cost of teenage pregnancy, sexually transmitted diseases, broken families and mental illness caused by giving credence to the ideas promoted by these publications?

The Daily Sport and Other Tabloids

Neither the government nor the industry has ever acknowledged the sexually explicit nature of The Daily Sport, and in part other tabloids such as The Sun and The Star. They seem content to ignore the existence of the problem.

The Daily Sport is on sale in most smaller newsagents, and some chain stores and even supermarkets. It is often found at the lowest height. A recent Saturday Sport contains reviews of surveillance equipment³, and on the next page an advert encouraging men to send in private sex pictures and videos of their ex-girlfriends for distribution. It says "What better way to get your own back on your ex than plastering video and pix of her plastered with your man muck all over the nation's mobile phones." Again, this is legally saleable to children. Other tabloids include small amounts of similar material.

1 Nuts Magazine, 17-23 April 2009, p81

2 Front Magazine, May 2009, issue 129, page 124

3 Saturday Sport, April 18, 2009

Screen Sleeving

Screen sleeving in brown paper bags is a sensible solution. The names of the magazines could be printed on the covers, so that readers would be able to find what they wanted with ease, whilst maintaining public decency. The fact that magazines are regularly moved by customers is an important reason why covers are necessary to protect children. The only satisfactory alternative is for the magazines to be sold from behind the counter. The cost is not likely to be much in relation to the overall profits, and is a necessary step in the protection of children. What figures has the government obtained to ascertain that the cost would be prohibitive?

The government response in Annex G on this issue is strange. Why is the answer no? Why does the government want to leave the decision to the industry which is clearly biased in favour of that answer? Why not ask the Children's Commissioner or the public whether screen sleeving is necessary to protect children from harmful material?

Alternatives to Regulation

The government states that alternatives to regulation should always be considered first. Self-regulation has been tried, and clear evidence has been provided that it is not effective. It never will be effective unless enforced. This is because the industry is profit-motivated with no other considerations. The cost of regulation is surely a small price to pay in order to protect children from harm?

Suggested Action Points

I therefore request that the Public Petitions Committee take the following action:

- Keep the petition open until satisfactory action has been taken.
- Make the government aware of the evidence provided by The Front Page Campaign that the NFRN guidelines are in regular breach, and their willingness to provide further evidence at no cost.
- Challenge the government in relation to the above points on lesser material, The Daily Sport and screen sleeving.
- Follow up with the government their intention to offer a meeting to the Children's Commissioner, and obtain details of the response received and any outcome.
- Ask the government what the NFRN could/would do about any specific breach of the voluntary guidelines, and whether any such action had ever been taken. If yes, what are the details and outcomes?
- Put in motion plans to create a new, independent, non-partisan regulator for the sale and display of all published material, with binding codes and transparent, explicit guidelines; a regulator that is socially responsible and not motivated by profit. I would suggest a public consultation about how this is to be done and what the guidelines should be. Crucially, the regulations must be enforceable with serious consequences for breaching them. Clear and appropriate age-ratings are needed, with guidelines in relation to sex, violence and language.

Yours sincerely,

Margaret Forbes
Petitioner