



**US Supreme Court on the Sale of Violent Video Games...
or...What's "Mortal Combat"?**

November 10, 2010 by Paul Chodirker

On Tuesday, November 2, the US Supreme Court heard oral arguments of an appeal regarding a California law which prohibits the rental or sale of violent video games to minors (being under 18 years of age). Last year, the Ninth Circuit appeals court struck down the law for violating First Amendment rights. Bob Tarantino introduced this case in a blog entry on April 27, which can be read here.

During the hearing, the Supreme Court appeared to be split between arguments in support of the California law and arguments that First Amendment rights should not be applicable to violent forms of media. In one of the more animated exchanges that took place during the hearing, Justice Sotomayor challenges the logic of banning the sale of video games to minors, as opposed to banning violent forms of film, television, or music lyrics:

One of the studies, the Anderson study, says that the effect of violence is the same for a Bugs Bunny episode as it is for a violent video. So, can the legislature now, because it has that study, say we can outlaw Bugs Bunny?

Justice Sotomayor goes on to say the following about rap lyrics:

Could you get rid of rap music? Have you heard some of the lyrics of some of the rap music, some of the original violent songs that have been sung about killing people and about other violence directed to them?

At one point during the hearing, Justice Kagan asks if "Mortal Combat" should be prohibited by this statute. In a humorous retort, Justice Scalia replies, "I don't know what she's talking about."

It is interesting to note that while a case on the restriction of video game sales to minors has made it to the United States Supreme Court, domestic laws relating to the same issue has received little attention from the courts. As pointed out in Bob Tarantino's blog, in Canada, Ontario has had content-based restrictions on the sale or rental of video games to minors in place for a number of years now, which are administered by the Ontario Film Review Board. Under the Film Classification Act, 2005, and Ontario Regulation 452/05, "video games that are classified as *"Mature"* may not be sold, rented or exhibited to a person under the age of 17 and video games that are classified as *"Adults Only"* may not be sold, rented or exhibited to a person under the age of 18."

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