

### *Beyond Censorship*

## POLICIES AND TECHNOLOGIES TO ENHANCE PARENTAL CONTROL OVER KIDS' MEDIA

By Naveen Lakshmiopathy and Brian Beutler\*

*On June 7, the New America Foundation hosted a distinguished panel of policymakers, children's advocates and industry representatives for a policy roundtable at the Washington, D.C. offices of the Kaiser Family Foundation that discussed and debated "Policies and Technologies to Give Parents Control Over Children's Media Content." U.S. Senators Hillary Rodham Clinton and Mary Landrieu, along with FCC Commissioners Michael Copps and Deborah Taylor Tate, led off the roundtable, followed by a discussion among an expert panel of 19 industry, academic and child advocacy experts. New America Foundation Vice President Michael Calabrese moderated, along with Drew Clark, Senior Writer for the National Journal Group. This Issue Brief summarizes those proceedings. Video segments for the entire event can be downloaded free from <http://www.newamerica.net/index.cfm?pg=event&EveID=563>.*

### Introduction

As the FCC dramatically increases fines for indecency over broadcast TV—and as Congress and the President raise the fine limits by a factor of ten and threaten to extend decency standards to cable and satellite networks—the debate over how best to protect children from inappropriate media has reached a fever pitch. The problem is real: a plethora of studies show that repeated exposure to violence, inappropriate sexual content and even repeated advertising for junk food can have a negative, long-term impact on children. And while television is today's primary battleground, it won't be long before most children have access to a portable wireless device with 24/7 access to unlimited video content over the Internet.

New America's policy roundtable revolved around the question of *who* is responsible for protecting kids from inappropriate media—the government, industry, or parents armed with new technologies—and what can each do? Although regulatory approaches (such as V-chips, ratings, fines and family hours) have emphasized the censorship of inappropriate content, less known are new technologies that promise to "guide" parents to educational programming and facilitate the filtering of good content from bad. For example, fines and ratings don't do much to guide parents toward the best programming—such as PBS's *Sesame Street* and *Between the Lions*, or Nickelodeon's *Blue's Clues*—which studies have shown can significantly enhance the cognitive development of pre-school-age children.

The discussion progressed along this continuum of challenges and proposed solutions, first addressing regulatory solutions, then technology/marketplace solutions, and ending with a futuristic dive into the challenges posed by the emerging era of wireless and other portable devices delivering on-demand and increasingly user-generated media over high-speed Internet connections.

Kicking off the event were four high-profile federal policymakers who offered their insights into the problems and possible solutions.

**Senator Hillary Rodham Clinton** of New York spoke passionately about the roles of parents, industry, and the government in allowing families to moderate their own exposure to all forms of media that enter the home. She emphasized the need to help parents both overcome the startling deficit in technological expertise they face vis-à-vis young people and loosen the grip that electronic media often hold on their children. "When children spend on average almost 6.5 hours a day with some form of media," she noted, "that is two hours longer each day than the combined time children spend with their parents, participating in physical activity, [or] doing homework. It is clearly filling an enormous space in a child's development." Given the reality of commercial media's pervasive presence in kids' lives, Sen. Clinton reiterated the need for rigorous and empirical clinical study into the health effects of media consumption on kids. The Children and Media Research Advancement (CAMRA) Act, which Sen. Clinton co-sponsored in the Senate, would attempt to do just that by

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setting up a dedicated study on the topic at the Centers for Disease Control.

Sen. Clinton also introduced a key theme that would recur throughout the day's discussions: media literacy. She emphasized the pivotal role of parents in monitoring their kids' media habits, but she also acknowledged the reality, expressed to her by many parents, that they don't believe they have the tools or knowledge to do so. "Obviously, parents are on the front lines of deciding what they want their children to be exposed to or not, but a lot of them need help. They need to understand how ratings work, and what they mean,...and where to call to get more information." Sen. Clinton cited recent innovations—such as TiVo "Kid Zone," which allows parents to choose what their children watch in live and recorded TV shows, using recommendations from content-evaluating organizations—as promising tools to empower parents. The Senator also announced the release of an easy-to-use Parents' Media Guide created by her office. The guide contains basic explanations and links to more information about media ratings and the use of technologies such as the V-chip and TiVo KidZone among other topics, and is available on Clinton's Senate website (<http://clinton.senate.gov>).

**Senator Mary Landrieu** of Louisiana followed, picking up on the theme of media literacy and the importance teaching media literacy not only to parents, but to the kids they are trying to nurture and protect. She urged the expert panel to consider sensible solutions to shield children from the dangers posed by media without being overprotective. "The number of media sources is growing...that's exciting and good...but they lack some controls and some effective tools...How do we make [these] safer activities without locking down the experiences so much that our children don't learn how to make wise media choices for themselves?" Regarding the tools that are already available to parents, such as the V-chip, Sen. Landrieu posed the following question: "How do we make sure parents have the education that they need to understand these tools?"

**FCC Commissioner Michael Copps** followed the senators with a series of ideas about—and a scathing critique of—big media's influence over children. Copps emphasized the problem's systemic dimension: that media consolidation and the erosion of broadcaster public interest obligations have diminished the accountability of local stations to local community values. Big media companies will increasingly do what is most profitable, he said. To fix this, he noted "the V-chip still has potential, but not enough takers." Copps emphasized that parents, broadcasters, and government must all play a role in reaching an ideal balance between innovation and avoiding indecency. "The FCC has a role to play," he said. "We have a mandate to protect children from indecent programming. That's the law, not for the FCC to debate, but for the FCC to implement."

**FCC Commissioner Deborah Taylor Tate** followed, asserting that, "this needs to be a public debate, not just an FCC debate." She then offered a corollary, suggesting that the Washington communications policy vernacular—words

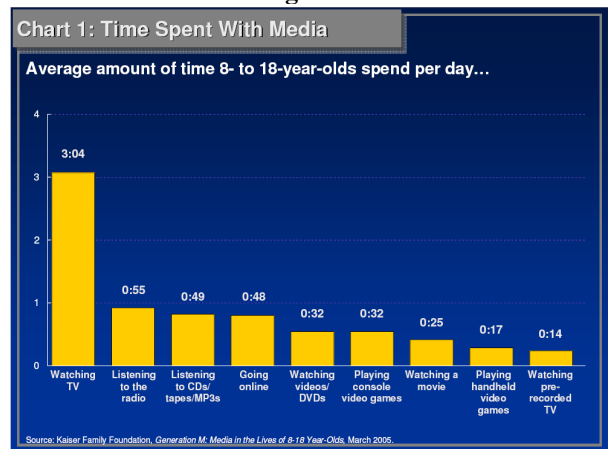
like "net neutrality" and "cable a la carte"—be explained or changed so that people in all parts of the country can be not just observers, but informed participants in the national dialogue on issues of censorship, consumer choice and the future of technologies such as the Internet.

## Background and Motivating Problems: Children, Their Media Use, Health Effects and Parental Control (Or Lack Thereof)

Following these headlines, a series of three 10-minute background presentations set the stage for the policy discussion that followed. Their purpose was to summarize the main empirical realities about children, their media habits, and parents' control (or lack thereof) over those habits.

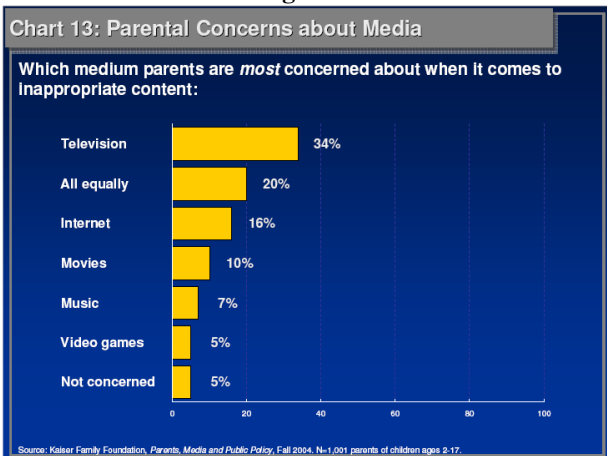
**Vicky Rideout, Vice President of the Kaiser Family Foundation** and Director of its Program for the Study of Entertainment Media and Health, began by introducing survey data derived primarily from Kaiser's seminal March 2005 study, *Generation M: Media in the Lives of 8-18 Year-Olds*, the study Sen. Clinton cited for her startling point that the typical school-aged child spends an average 6.5 hours per day plugged into electronic media. The data revealed some surprising as well as some more predictable phenomena. Rideout reminded the panel that, while addressing the problems of emerging Internet-based and portable media devices is an urgent priority, more traditional electronic media still dominate kids' time and attention. Data shows that even in what many call the "Internet Age," children are still more exposed to television than any other entertainment source by a wide margin, with kids spending an average of approximately three hours per day watching TV, and only 48 minutes going online (see Figure 1).

Figure 1



Relative parental concern over various media platforms perhaps accurately reflects this reality. While the Internet is increasingly spoken of as a source of danger, parents still believe that television is the greatest entertainment risk facing their children, specifically for the sexual content available on a wide variety of channels (see Figure 2).

Figure 2



Unfortunately, the data also indicated that parents are often unaware of, don't understand, or choose not to use the existing tools available to them. Survey data demonstrates that few parents understand content-specific television ratings codes, although those that used ratings at all found the content-specific format more helpful than the age-based kind. Many aren't aware that their televisions have V-Chips, and many that are aware haven't used it (see Figures 3-5).

Figure 3

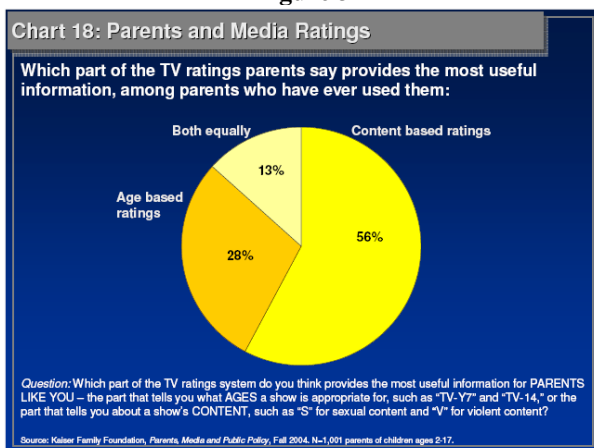


Figure 4

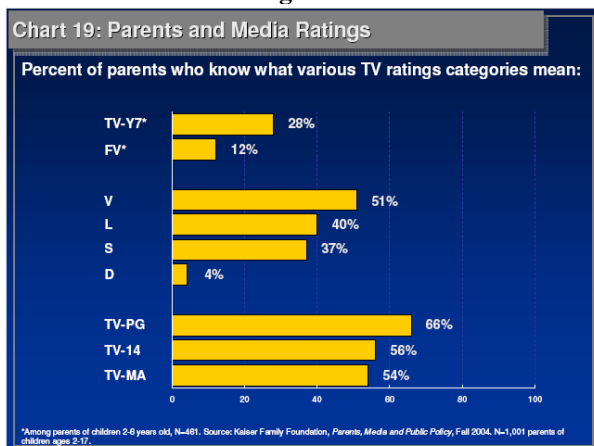
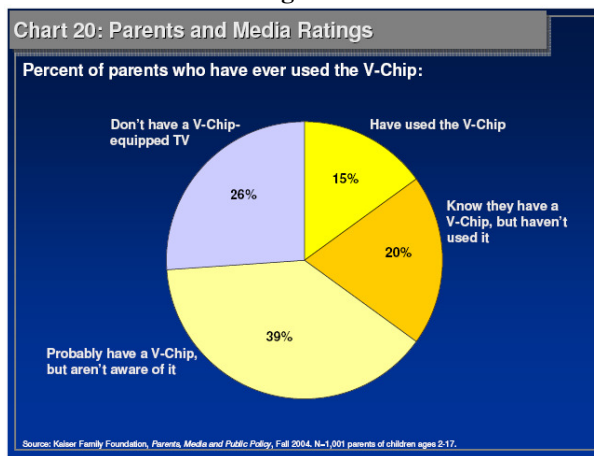


Figure 5



Presenting next, *David Kleeman, President of the Center for Children and Media* and an internationally-known children's media analyst, noted the inevitability of children being faced with new forms of media, and the incompleteness of censorship as the only protective measure. However, he was very clear about what happens when children are exposed or over-exposed to sexual and violent content. According to two recent studies, teens with higher exposure to sex—both sexual activity and sexual dialogue—are likely to begin having sex themselves at a younger age than others. Additionally, Kleeman noted that it is "impossible to deny" the correlation between children's exposure to violence and indicators such as aggressive behavior, sensitivity to violence, and view of how scary the world is. Likewise, he pointed out, there are verifiable benefits to watching even modest amounts of educational programming.

Kleeman then brought up a point that would be echoed throughout the day—that because it is increasingly unrealistic to keep children away from electronic media, there is a critical need to identify, encourage and facilitate access to high-quality content as an alternative to censoring harmful content. He also acknowledged the enormous practical difficulties of doing this. "Spotlighting high-quality content is much tougher than blocking adult content," said Kleeman.

*Elizabeth Perle, Editor-in-Chief of Common Sense Media* spoke next, emphasizing the asymmetry of technological savvy between kids and their parents and the fact that parents' jobs get progressively harder with the rapid pace of innovation: "Parents say that they care, they're deeply concerned and then they do very little." The shift in electronic media from being primarily editorially-controlled to user-generated (examples being MySpace.com and YouTube.com) heightens the sense of the Internet being a tremendous source of both helpful and dangerous content for children. In fact, as Perle pointed out, "a third of all people in this country...have posted user-generated content." Dealing with that requires flexible technology that is widely available and compatible with multiple platforms. At the same time, she noted, it is impossible to tackle all of

these problems with universal solutions, when the values in question vary from individual to individual: “We’re dealing with a global problem with individual values.”

Perle’s words led into the roundtable, moderated by National Journal correspondent Drew Clark. The discussion was divided into three topics, reflecting the increasing sophistication of ways to control child media habits and the increasing sophistication of electronic media itself. The discussion began with traditional regulatory approaches, continued with a look at technological solutions—including those that promise not only to block out bad media, but serve as guides for parents to identify good media—and concluded with an exploration of problems and possible solutions for the emerging wireless, convergent, user-generated media world.

## Topic 1: Regulatory Approaches

### *Educational / Informational Programming Requirements and Labeling*

Beginning the discussion on regulatory issues, **Gloria Tristani, former FCC Commissioner** and President of the Benton Foundation, highlighted both the promise and weaknesses of the government’s current regulatory regime for children’s educational programming. The government’s mandate requiring TV broadcasters to air a minimum three hours per week of educational children’s programming for each digital broadcast channel was a great breakthrough in ensuring that broadcasters serve the public interest in exchange for use of the public’s airwaves.

Tristani also addressed the strengths and weaknesses of the current system in which content producers self-label educational and informational programming for children. While much of what is labeled as “E/I” programming indeed fits that label, the self-labeling regime has produced many cases of purely or mostly entertainment programming being designated as educational. The E/I labeling system must incorporate quality controls, with E/I designations based on factual data rather than producer prerogative, she urged. Tristani concluded by noting that the ultimate success or failure of any solution—regulatory or technological—is the extent to which it encourages the creation of *more* educational and informational media for kids. “How can those [electronic] tools be used to identify the good media...the inspirational media?”

### *Cable a la Carte and Family Tiers*

Yet another regulatory approach, one that promises greater parental control from a consumer empowerment perspective, is to force cable and other video providers to unbundle channels and allow consumers to purchase only channels of their choice—also known as “a la carte” channel selection. Sen. John McCain has proposed legislation that would require this. **Tim Winter, Executive Vice President of the Parents Television Council**, spoke on behalf of a la carte regulation. He argued that if given a choice, many parents would have chosen to unsubscribe from MTV following Janet Jackson’s infamous wardrobe debacle at the

MTV-produced Super Bowl half-time show in 2004. A la carte cable would allow parents to better control their children’s television viewing without interfering with the rights of those who choose to pay for more adult content.

Winter defended the a la carte policy against opponents who claim that it would undermine the economic viability of new and smaller niche channels that might not attract a large enough audience to survive, claiming that practices such as retransmission consent fees charged by broadcast networks to cable companies and the power of big media corporations are already to blame for crowding many such offerings off the cable and satellite lineups. Panelist **Jeannine Kenney, Senior Policy Analyst at Consumers Union**, spoke in favor of cable a la carte and consumer choice, and pointed out that excessive concentration in media production and distribution means that even distributors that *want* to offer family-friendly programming often cannot.

Winter also decried the offering of “family tiers” on cable systems as a “dodge” by the cable industry—a product offering he alleges is intended to fail because it doesn’t allow different families to choose which channels are right for them.

### *V-Chips and Content Ratings*

While Winter argued that regulation is an undesirable but necessary step, **Jim Dyke, Executive Director of TV Watch**, was emphatic that technology that gives control back to parents already exists—and is nearly universally available to any family with a TV in the form of V-chips combined with content ratings. “The bottom line seems to be that parents have the information to make informed decisions and the tools to enforce those decisions, making government as parent not just bad public policy but unnecessary.” Tim Winter later argued that ratings systems such as those that enable the V-chip to work are incomplete, because ratings often do not fully reflect the content of programs or the values of parents.

After these three provocations, the discussion began. Drew Clark asked Commissioner Copps what might happen when, in the near future, the FCC’s authority to levy fines on broadcasters for indecency increased ten-fold—a measure the Senate had adopted that very day (and the President subsequently signed into law). While Copps agreed this statutory change will play a role in the FCC’s ability to combat routine indecency offenses, to him, the bigger issue is the loosening of media ownership rules and the demise of public interest obligations far beyond the avoidance of legal indecency that local and regional broadcasters used to uphold before they were overcome by the consolidation juggernaut. **Patti Miller, Vice President of Children Now**, noted that one of her group’s studies found that in the Los Angeles television market alone, “there was a 50 percent decline in kids’ programming after consolidation, and over 90 percent of this decline in kids’ programming was found in stations that were part of duopolies” (i.e., one corporate parent owns two television stations in a given market).

## Topic 2: Marketplace/Technological Approaches

The next discussion focused on the role the marketplace can play in developing technology to enhance parental control—both in filtering objectionable content and identifying and presenting positive content. *Adam Thierer, Senior Fellow, Progress and Freedom Foundation*, provided an overview. Thierer argued that the marketplace has already provided parents with many options to combat objectionable content, which makes heavy-handed government censorship through fines and other regulations unnecessary. “There has never been a time in our history when our parents have had more tools, more rating systems and more screening and filtering technologies at their disposal to block or filter various types of objectionable media.” These, he pointed out, exist across the media spectrum—from V-chips to set-top box channel blocking on television, to TiVo, to parental controls on Internet browsers, even special mobile phones that provide basic and limited functionality for kids. These controls are, he noted, not perfect, but better and farther-reaching than ever before. Thierer further argued that even if censorship were not philosophically objectionable to some, it is quite simply not effective when technology is as dynamic as it is.

Re-emphasizing a point made by several other panelists, Thierer noted that parents need much more information to understand and be fully aware of the options available to them—perhaps necessitating a role for government—but was emphatic that industry and markets move more quickly to meet new needs than government.

### Digital Video Recorder (DVRs)

*Joe Miller, Vice President of TiVo*, provided an example of an important new technology that industry has produced. Miller introduced KidZone, a new feature on TiVo digital video recorders (DVRs) that will allow parents to curate a television gateway for their children, making available only live or recorded programming the parent has selected (see Figures 6 and 7).

Figure 6

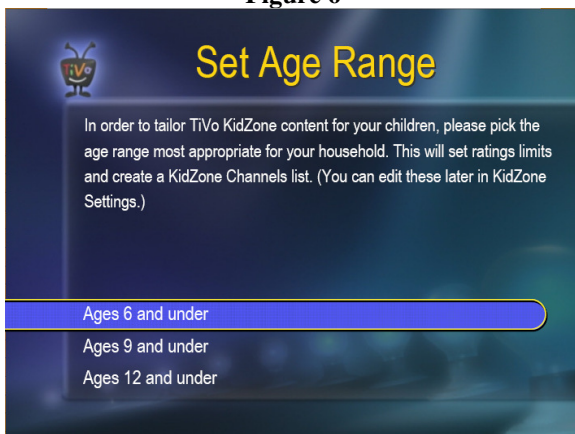


Figure 7



In addition to specifying individual programs to be recorded or viewed, parents can also implement recommendations from trusted content monitoring organizations, currently Common Sense Media, Parents Television Council and Parents' Choice Foundation (see Figure 8). By partnering with a diverse range of such organizations, KidZone allows parents to pick recommendations from organizations whose values most closely match their own. KidZone also allows parents to automatically find and record any nationally-aired E/I-designated programming. KidZone gives parents an easy and effective tool to affirmatively identify and record good programming based on their own preferences, using the Internet or their television remote.

Figure 8



Panelists, including Senator Clinton, Vicky Rideout, Adam Thierer, and *Jeff McIntyre from the American Psychological Association*, praised KidZone as a pioneering solution for parents to find positive media for children, rather than simply blocking unwanted or inappropriate content.

In the ensuing discussion, Patti Miller again echoed the key refrain of the importance of educating parents about the tools available to them. She noted, “we can’t ask parents to use something that they don’t know about...More recently we’re seeing much more effort on the part of the industry to educate parents...I think that’s really good. What I would

ask though is that it not be cyclical...it can't come about because of what's happening on Capitol Hill, because of concerns about indecency legislation." Panelist **Jerry Berman, President of the Center for Democracy and Technology**, agreed, lamenting that every time the threat of indecency comes up, Congress moves toward censorship. Berman accused Congress of never investing in the "education side" of the of the kids' media issue. On the bright side, one mitigating factor pointed out by David Kleeman is that technological solutions will become ever more elegant and easy to use.

Panelist **Kimberly Barnes O'Connor, Deputy Director for the National PTA**, expressed relief at this thought and implored industry to continue to make any forthcoming technological solutions as easy to use as possible. While she agreed that more education for parents is needed, she stressed the difficulty of parenting in today's busy world and the fact that parents need intuitive and transparent solutions, rather than ones that require a great deal of training or memorization to use.

### **Topic 3: Looking Ahead – Wireless, Handheld Media Devices, Convergent Media and Web 2.0**

In the world of the media, the regulatory and technological solutions of today often take for granted certain assumptions and parameters that rapid technological and social advancement quickly make obsolete. For this reason, the last round of discussion focused on the emerging media landscape, characterized by paradigm shifts such as:

- **Technological convergence** – Nearly all media will travel over broadband Internet connections and be accessed on-demand instead of at pre-programmed times;
- **Portability** – Media will increasingly be consumed on wireless-enabled or other handheld devices. As New America's Michael Calabrese reminded the audience at the outset, "in our wireless future, anywhere, anytime Internet access is coming to a backpack near you."
- **User-centric** – User-produced media and user-driven applications—such as social networking, blogging and viral videos (colloquially known as Web 2.0)—are increasing in popularity and changing the dynamic of media creation and distribution.

Introducing this topic, Jerry Berman from the Center for Democracy and Technology emphasized that these trends are mostly positive. He asserted that the move from passive media, such as television, to interactive media, such as that delivered over the Internet, is a good one for children, who learn more from active engagement with media rather than passive consumption of it.

As media becomes more Internet-based and is used over a variety of devices, Berman highlighted the urgent need for Verizon, Microsoft and other technology and telecommunication providers to make features such as content ratings and other controls portable from platform to

platform. He suggested that if industry doesn't engage in the necessary collaboration to make protections seamless and interoperable, that legislation (or at least the threat of it) may need to be employed. Berman also noted that in the high-bandwidth world of the future, parents will have control as they never had before, with the ability to create their own portals and media ratings systems customized to their own values.

### **Web 2.0 – Social Networking and User-Generated Media**

From MySpace to YouTube, the most popular web applications for kids today all emphasize user participation. Social networking sites like MySpace—often cited for the concerns they have raised about sexual predators preying on minors online—are now a reality of life and social interaction for most teenagers. Blogging, viral videos and peer-production are additional ways in which the latest version of the web, often called "Web 2.0," empowers average users to create, and not just consume, media.

**Michelle Stockwell, Director of Social and Family Policy at the Progressive Policy Institute**, addressed the new concerns these applications pose. She began by re-orienting the audience to the benefits of social networking sites for young adults. According to Stockwell, these sites serve as "online community centers" for kids—offering them a place to meet up, express themselves and develop their identities. Stockwell therefore expressed concern with any proposals, such as one currently before Congress, that would attempt to ban minors from using such sites, as well as blogs, instant messaging and other applications, at schools. Stockwell hypothesized that such rules may do more harm than good by keeping kids from the potential benefits of these online resources. Furthermore, banning access at schools would further exacerbate the problems of technological "haves" vs. "have-nots" in many communities, keeping kids without access to the Internet at home from enjoying the same positive experiences as their classmates. Website blocking at school can often be circumvented by tech-savvy youths, and it also does little to assist parents at home to protect their kids.

What are possible policy solutions to the dangers that arise? One key component of any solution would be a secure system of age and identity verification. This could be administered with digital certificates and smart ID cards, which the Progressive Policy Institute already advocates to combat fraud and online identity theft. Congress could require such identification to be used to verify a user's age, and cards would also prevent users who have been kicked off from rejoining with false profiles.

The rise of user-generated media poses more difficult problems. Stockwell called for a re-examination of the relevance of content ratings and other controls used for old media in the realm of the Internet, especially in the era of user-centric applications such as blogs, instant messaging, social networking and peer-to-peer file sharing. For example, as **Tim Lordan, Executive Director of the Internet Education Foundation**, pointed out, traditional web filtering does a very poor job of determining what

anonymously posted video contains and whether it is appropriate. Top-down monitoring of all posted content by employees of YouTube and MySpace will be difficult to sustain. Jerry Berman also pointed out that most Internet content is not located or created in the United States, making regulation of content producers all the more impossible.

### ***High-Speed Internet***

Given the near impossibility of regulating Internet-based content from the *producer* side through such means as ratings, is it practicable to create a kid-friendly version of the Internet using filtering on the *consumer* side, as TiVo KidZone does for television? This was the question posed by Michael Calabrese to the representatives of Microsoft, Verizon and AT&T sitting on the panel.

***Chuck Cosson, Policy Counsel for the Microsoft Corporation,*** says Microsoft's software already incorporates such functionality, which will only be improved in subsequent versions. He discussed the content protections available in Microsoft's new and upcoming product offerings: Windows Vista, Windows Live and the Xbox gaming platform. Microsoft's existing toolkit of safety settings, consisting of sophisticated filters and logging tools to show parents what their children have been doing online, will be improved and embedded in Microsoft's new product offerings, and will be made to work on multiple device platforms.

Addressing criticisms that Internet content ratings are too decentralized and dependent on producer prerogative, Cosson explained that Microsoft's filtering technology scans all websites on the fly—analyzing keywords, link structure, pictures, etc. This enables the software to override inaccurate producer-applied ratings and apply filters to sites for which a rating is not already specified in the site's meta-data. Parents can set their browsers to block certain categories of content, or can set their browsers to an age-range default setting (Microsoft collaborated with the American Academy of Pediatrics to create these age settings). Microsoft strives to make content filtering transparent and easy to configure on multiple platforms. The Xbox gaming console now includes family controls as part of the system set-up procedure, and gives parents the option of configuring the feature when the device is first plugged in and turned on.

***Michael McKeehan, Director of Internet and Technology Policy for Verizon Communications,*** overviewed Verizon's approach to help empower parents to combat inappropriate online media. On the information side, Verizon is an active partner in GetNetwise.org, a security website that provides parents information on keeping kids safe on the web. In terms of technology, Verizon supports voluntary site labels for website content to help facilitate filtering by browsers and other software platforms, and is collaborating with the Internet Content Ratings Association (ICRA) to do so (although McKeehan also counseled that content labels need to be compatible across platforms in the emerging world of

portable and convergent media, in which Internet and web-based content are accessible on a multitude of devices). McKeehan posited that content filtering systems will become more elegant in the future as well, with possibilities such as self-adjusting filters that follow guidelines to increase permissions as kids age. ***AT&T's Brent Olson*** described his company's new high-speed Internet platforms as being similarly customizable.

### **Conclusion**

Clearly, technological and social developments have changed the media landscape, including the way children interact with media and parents' ability to monitor and control their children's media behavior.

While new technologies capture the public's attention and concern, data shows that traditional electronic media, dominated by television, still plays a large role in the lives of young people. While a smorgasbord of regulatory options exists to deal with different aspects of the problem—fines for indecency, educational/informational programming obligations and labeling to promote the supply of good broadcast content, a la carte cable to enhance consumer choice, and V-chips/content ratings to facilitate program selection and filtering by parents—none of the options is a panacea. Furthermore, the success of these options depends greatly on parents' awareness and understanding of how to utilize the tools available to them. Government cannot simply regulate without investing significant resources into educating parents and promoting media literacy for both parents and children.

Technology options offer a great deal of promise in helping parents protect their children from objectionable media content. Additionally, new tools such as TiVo KidZone get beyond the mere censorship or filtering of undesirable content and actually help guide parents toward quality content and content that matches their personal or family values.

The emerging world of Internet-based media delivered over wireless and other handheld media devices brings new challenges. Yet regulation on the producer side is extremely difficult, especially with respect to Internet content and the growing popularity of user-generated media, much of which lacks any editorial control. Therefore, Internet and software providers must develop sophisticated content analysis tools on the consumer side, and allow parents flexibility to customize browsers and other software to filter unwanted content and identify positive content in an age-appropriate and values-appropriate manner. These control systems must be interoperable and available on all platforms through which kids consume media. This may require industry collaboration. As panelist Vicky Rideout pointed out, where profit motives do not exist to induce such initiatives by industry, the government must step in with regulation (or the threat of it). Interoperability, ease-of-use and parent education are critical components to making technological solutions effective.