



AUSTRALIAN RECORDING
INDUSTRY ASSOCIATION



**LABELLING CODE OF PRACTICE
FOR RECORDED MUSIC PRODUCT
CONTAINING POTENTIALLY OFFENSIVE
LYRICS AND/OR THEMES**

1 JULY 2020

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1 INTRODUCTION

ARIA members manufacture and/or distribute on a wholesale basis physical copies of audio only recordings in various formats (including CDs, cassettes and records, collectively “**Product**”). AMRA members sell Product sourced from ARIA members and other parties to the public.

ARIA and AMRA are aware that some Product available for purchase in Australia may contain language and/or themes which may offend some members of the public. “Themes” means social issues such as crime, suicide, drug and alcohol dependency, death, serious illness, family breakdown and racism. This Labelling Code of Practice (“**Code**”) addresses the main issues relating to the classification, labelling and sale of such Product and gives guidance as to how ARIA and AMRA members ought to operate.

ARIA and AMRA are responsible for promoting compliance with this Code by their respective members.

2 UNDERLYING PRINCIPLES OF THE CODE

The principles underlying the Code aim to balance the interests of consumers, artists, record companies and retailers. The following principles underpin the Code:

- (a) Adults in a democratic society should be free to listen to what they wish.
- (b) Creative artists should be free to express themselves without fear of intervention.
- (c) Consumers should be supplied with sufficient information so that they can choose to avoid exposure to material which may offend them and make informed purchasing decisions in relation to Product which is not suitable for minors.
- (d) Record companies and recorded music retailers operate under a commercial imperative to respectively release sound recordings and make them available for sale to members of the public.

3 CLASSIFICATION RESPONSIBILITIES

3.1 General

Product containing potentially offensive lyrics and/or Themes will be classified as set out in the Labelling Guidelines in Section 4 below.

3.2 ARIA Members

- (a) ARIA members must classify and, if appropriate, label all Product released and/or distributed by them in Australia in accordance with the Labelling Guidelines outlined in Section 4 below.

- (b) In instances where an ARIA member is uncertain as to how to classify a particular Product or where the ARIA member has received a complaint regarding a classification decision it has already made, it may refer the matter to the Labelling Subcommittee for a classification determination.
- (c) No Product shall be sold or distributed by an ARIA member until it has been classified.
- (d) Restricted Product is not to be sold or distributed by an ARIA member.

3.3 AMRA Members

- (a) AMRA members must classify and, if appropriate, label all Product made available for sale by them (which is not sourced from ARIA members) in accordance with the Labelling Guidelines outlined in Section 4 below.
- (b) If an AMRA member is unsure of the appropriate classification for a particular Product, they may refer the decision to the Labelling Subcommittee for a final classification determination.
- (c) AMRA members must ensure that Restricted Product is not made available for sale.

3.4 The Classification Board

- (a) Product to be released and/or distributed in Australia which contains audio-visual and/or visual material must, pursuant to the National Classification Scheme, be classified by the Classification Board in accordance with the classification guidelines for film and computer games. Such product may require classification by the Classification Board, and the relevant ARIA or AMRA member should refer it for classification by the Classification Board.
- (b) Product classified by the Classification Board does not require any separate classification or labelling under the Code as it is regulated by the Classification (Publications, Film and Computer Games) Act 1995 (as amended) and is therefore outside the scope of this Code.
- (c) Enquiries should be directed to the Classification Board: <https://www.classification.gov.au/>

4 LABELLING GUIDELINES

4.1 Previous Code

Prior to 1 July 2020, it was a requirement that all Product should be classified and labelled (if required) in accordance with the criteria set out in Schedule A.

All Product released since the introduction of the previous iteration of the Code between 1 April 2003 and 30 June 2020, may still carry the classification labelling set out in Schedule A. These Products do not require re-classification pursuant to this Code. Product that has already been manufactured or scheduled for manufacturing before 1 July 2020 may still use the classification labelling as set out in Schedule A.

4.2 Classification Label

In order to ensure that the Code keeps pace with community standards and current market practices, from 1 July 2020, the following label will be used as a consumer advisory label on Product that contains explicit content:



4.3 Matters to be considered in the classification of Product

ARIA and AMRA members should take into account the following when making a decision about the classification of a Product:

- (a) the persons or class of persons to or amongst whom it is published or is intended to be published;
- (b) the standards of morality, decency and propriety generally accepted by reasonable adults;
- (c) the literary, artistic or educational merit (if any) of the Product; and
- (d) the general character of the Product, including whether it is of medical, legal or scientific character.

4.4 Criteria

In determining whether a Product requires a Classification Label, the ARIA or AMRA member (as applicable) should consider applying the Classification Label to Product that contains:

- strong, offensive or coarse language
- representations or portrayals of violence or abuse

- sexual content
- drug or substance use
- representations or portrayals of Themes.

4.5 Context and Impact

- (a) Context and the impact (i.e. the strength of the effect on the listener) are inextricably linked and should be factored into any determination regarding the classification of a Product. Whether a Product requires the Classification Label will depend on the context, intensity, frequency and tone of the subject matter set out in Section 4.4 above.
- (b) Lyrical content on a Product may have different interpretations and whether the Classification Label is required may need to be considered in light of the tone of the lyrics (e.g. is the context comedic, hateful, innuendo?) and the musical score or accompaniment.
- (c) Contemporary community and cultural standards should also be considered when assessing the content of a Product. In determining this, a practical approach is appropriate, particularly in determining the intended audience and whether the content embodied in the Product requires an adult perspective.
- (d) If a Product does not have the Classification Label affixed to it, this does not mean that the Product does not contain any of the elements described above in Section 4.4 or that some people may or may not find the content embodied in the Product offensive. The absence of the Classification Label may be considered as justified by the relevant ARIA or AMRA member based on the application of the criteria set out above and the context, intensity, frequency and tone of the content.

4.6 Restricted Product: Products Which Are Not To Be Sold

There are some Products containing lyrics which promote, incite, instruct or Exploitatively or Gratuitously depict:

- drug abuse;
- cruelty;
- suicide;
- criminal or sexual violence;
- child abuse;
- incest;
- bestiality; or
- any other revolting or abhorrent activity,

in a way that causes outrage or extreme disgust to most adults.

These Products are not permitted to be released and/or distributed by ARIA members or sold by AMRA members in Australia.

4.7 Sizing and Specification for the Use of the Classification Label

The Classification Label should be of a standard design conforming to the same specifications so that it is easily recognisable and consistently applied. The following specifications should be followed:



Colour

- Black and white

Size

- A rectangular shape with dimensions of 3.5 cm (w) x 2.5cm (h).

Placement

- The Classification Label must be placed on the front of the relevant case (e.g. jewel box or vinyl album sleeve) holding the Product, so that it is clearly visible.
- In the case of locally printed slicks, the Classification Label can be worked into the artwork on the slick.
- In the case of imported titles with slicks already printed, the Classification Label must be placed on the case or cover of the Product. In order to maintain a consistent system and achieve high consumer recognition, this should be attached irrespective of whether there is already an overseas warning label printed on the slick.

Additional Classification Labels will be made available by ARIA/AMRA for retailer use in the event of case breakage or other damage.

5 COMPLAINTS PROCEDURE

5.1 Complaints Handling Service

ARIA and AMRA will each establish and administer a Complaints Handling Service for their respective members which will be responsible for handling and resolving all complaints (regardless of where they are originally received) relating to the classification, labelling and/or sale of Product.

5.2 Complaint Referral

- (a) ARIA and AMRA will accept any queries regarding the Code or a Product by phone, email or post. However, in order to track complaints and ensure that all complaints are handled properly, all formal complaints about the Code or classification of a Product must be submitted in writing to the Complaints Handling Service of either ARIA or AMRA via post or email.
- (b) The contact details of the Complaints Handling Service will be displayed on the respective websites of ARIA and AMRA.

5.3 Process

- (a) A complaint must contain the following information in order to enable the Complaints Handling Service to investigate and respond to the complaint:
 - Name of the complainant;
 - Contact details of the complainant (for example a phone number or email address);
 - Specific details about the nature of the complaint; and
 - Information about the Product such as the title of the Product, name of the performing artist and when and where the Product was acquired or where the complainant heard the Product.
- (b) Following receipt of the complaint, the Complaints Handling Service will acknowledge receipt of the complaint and advise the complainant as to whether further information about the complaint is required in order to assist the Complaints Handling Service with its review of the complaint.
- (c) Complaints received by the Complaints Handling Service will be dealt with according to their nature as follows:
 - If the complaint relates to the classification and/or labelling of Product sourced from non-ARIA members, the Complaints Handling Service will, in direct consultation with the relevant physical retailer, resolve the complaint.
 - If the complaint relates to the classification and/or labelling of Product released or distributed in Australia by an ARIA member, then once advised about the complaint, ARIA will liaise with its member and provide its response to the complaint.

5.4 Complaints Resolution

- (a) The complainant will be notified in writing of the outcome of the complaint by the Complaints Handling Service within four weeks of receipt of the complaint. This time frame will only be exceeded where it has been impossible to locate the relevant Product or where the complainant is not able to respond in a timely fashion to a request for further information.
- (b) In instances where, after having been dealt with by the Complaints Handling Service, a complainant remains dissatisfied, the Complaints Handling Service will inform the complainant that they may refer their complaint to the Labelling Subcommittee for review.

6 COMPLIANCE

- (a) In administering the Code, ARIA and AMRA will develop a number of specific measures to ensure compliance by their members with the terms of the Code. Such measures will include the training of existing and new staff and other initiatives aimed at communicating the requirements of the Code and its importance to members.
- (b) If any ARIA member unreasonably fails to co-operate with the scheme, then that company's behaviour may be deemed under ARIA membership rules to be repugnant and the ARIA Board will be entitled to expel such member.
- (c) If any AMRA member unreasonably fails to co-operate with the scheme, then that company's behaviour may be deemed under AMRA membership rules to be repugnant and the AMRA Board will be entitled to expel such member.

7 REPORTING AND REVIEW MECHANISMS

- (a) ARIA and AMRA will publish on their respective websites, an annual report on the following:
 - The operation of the Code classification scheme during the Reporting Period outlining the operation of the Code during the Reporting Period; and
 - The number of complaints and outcome of any complaints received during the Reporting Period.
- (b) When the annual report is published, ARIA and AMRA will advise the relevant Australian Government department responsible for classification, which will then advise state and territory departments responsible for classification.
- (c) ARIA and AMRA will conduct a regular review of the Code classification scheme to ensure it is meeting its objectives.

8 PUBLIC EDUCATION AND LIAISON WITH RETAILERS

- (a) Point of sale material detailing the new labelling scheme and the Complaints Handling Service will be supplied by ARIA and AMRA to retailers for the purpose of public education, with regular updates. Retailers will be required to display in store the ARIA/AMRA approved point of sale material so that it is clearly visible to consumers.
- (b) In order to ensure maximum co-operation for the scheme at the retail level, information detailing the scheme will be distributed to retailers on a regular basis so that they are fully informed of the new arrangements and equipped to handle the sale of labelled Product with discretion.

9 GLOSSARY

AMRA	Australian Music Retailers Association Limited.
ARIA	Australian Recording Industry Association Limited.
Classification Label	means the label displayed in Section 4.2.
Complaints Handling Service	means the service provided by ARIA and AMRA to its respective members for handling and resolving complaints from consumers relating to matters relevant to the Code.
Exploitatively	means appearing to purposefully debase or abuse for the enjoyment of listeners, and lacking moral, artistic or other values.
Gratuitously	means material which is unwarranted or uncalled for, and included without the justification of artistic merit.
Labelling Subcommittee	means the committee comprising of representatives from AMRA, ARIA and other persons who are appointed from time to time to make decisions relating to the classification of Product and to consider complaints that have been escalated in accordance with Section 5.4(b).
National Classification Scheme	means the classification cooperative arrangement between the Australian Federal Government and state and territory governments for the classification of films, computer games and publications. The national scheme is implemented through the Commonwealth Classification (Publications, Films and Computer Games Act) 1995 and classification legislation in each state and territory.
Product	means all physical formats containing sound recordings now known or hereafter developed, (including CDs, cassettes and records) which are distributed and made available for sale in Australia, excluding formats which contain audio visual and/or visual material.
Reporting Period	means the 12 month period occurring each year between 1 July and 30 June.
Restricted Product	means the Product described in Section 4.6.
Themes	means social issues such as crime and criminal behaviour, suicide, sexual activity, drug and alcohol dependency, death, serious illness, family breakdown, racism and discrimination.

**SCHEDULE A: LABELLING GUIDELINES FROM THE PREVIOUS
CODE
(1 APRIL 2003 TO 30 JUNE 2020)**

All Product will be classified and, if required, labelled in accordance with the following criteria.

Level 1 Criteria

Product containing:

- infrequent aggressive or **strong coarse language**; and/or
- moderate impact ('impact' means the strength of the effect on the listener) **references** to drug use, violence, sexual activity or themes.

Level 1 Product will be labelled as follows:

Label:

(Black and White)



Level 2 Criteria

Product containing:

- frequent aggressive or strong **coarse language**; and/or
- strong **impact references** to or **detailed descriptions** of drug use, violence, sexual activity or themes.

Level 2 Product will be labelled as follows:

Label:

(Blue and White)



Level 3 (Restricted) Criteria

Product containing **graphic descriptions** of drug use, violence, sexual activity or very strong themes, which have a very high degree of **intensity** and which are high in impact.

These Products require an **adult perspective** and are therefore not to be sold to persons under eighteen years of age.

Level 3 Product will be labelled as follows:

Label:
(Red and White)



Exceeding Level 3 – Not To Be Sold

Product containing lyrics which promote, incite, instruct or **exploitatively** (“exploitative” means appearing to purposefully debase or abuse for the enjoyment of listeners, and lacking moral, artistic or other values) or gratuitously (“**gratuitous**” means material which is unwarranted or uncalled for, and included without the justification of artistic merit) depict drug abuse; cruelty; suicide; criminal or sexual violence; child abuse; incest; bestiality; or any other **revolting or abhorrent activity** in a way that causes outrage or extreme disgust to most adults.

These recordings are not permitted to be released and/or distributed by ARIA members or sold by AMRA members.

General

All labels should be of a standard design conforming to the following specifications:

- A rectangular shape with dimensions of 3.5cm x 2.5cm.
- Labels must be placed on the front of the relevant case (e.g. jewel box) holding the Product, so that they are clearly visible.
- In the case of locally printed slicks, the label can be worked into the artwork on the slick.
- In the case of imported titles with slicks already printed, the label must be placed on the case of the Product. In order to maintain a consistent system and achieve high consumer recognition, this should be attached irrespective of whether there is already an overseas warning printed on the slick.

Additional labels will be made available by ARIA/AMRA for retailer use in the event of case breakage or other damage.