

John B. Thompson, Attorney at Law  
1172 S. Dixie Hwy., Suite 111  
Coral Gables, Florida 33146  
305-666-4366  
[amendmentone@comcast.net](mailto:amendmentone@comcast.net)

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Lydia B. Parnes  
Director, Bureau of Consumer Protection  
Keith Fentonmiller, Senior Attorney  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. Via Fax to 202-326-3799

Re: Take-Two Interactive Software, Inc's Latest

Dear Director Parnes and Mr. Fentonmiller:

In light of the 2006 Consent Decree between Take-Two and the Federal Trade Commission which prohibits Take-Two from leaving hidden material in its video games sold to an unsuspecting public, please note the below Associated Press story of today:

## **Hackers Unlock Extra Violence in Game**

By PETER SVENSSON – 9 hours ago

NEW YORK (AP) — Hackers have unlocked violent content that was censored by the publisher of the game "Manhunt 2" to give it a marketable rating, the company confirmed Thursday.

The game, initially given an "Adults Only" rating by the Entertainment Software Rating Board, went on sale in the U.S. on Wednesday with a "Mature" rating, after being modified. Most stores refuse to carry "Adults Only" games; Mature means a game is intended for player 17 or older.

Game publisher Take-Two Interactive Software Inc. and the studio that designed the game, Rockstar Games, have long been at the center of the debate over video game violence and children.

Two years ago, a hacker uncovered a hidden sex scene in their game "Grand Theft Auto: San Andreas."

In "Manhunt 2," the player takes the role of a man who escapes from an insane asylum and goes on a killing spree.

Take-Two edited parts of the game, including blurring some of the most gruesome killing scenes, to get the less restrictive rating.

Hackers defeated that blurring on the version of the game for Sony Corp.'s PlayStation Portable. The game is also available for the PlayStation 2 and Nintendo Wii systems, and those versions do not appear to have been hacked.

The hack does not roll back all the changes that enabled the game to qualify for the "Mature" rating, and it requires some technical expertise and a PSP unit that is itself hacked to accept modified software.

But Common Sense Media, a San Francisco nonprofit that advises parents about entertainment that may be inappropriate for children, Thursday asked the Federal Trade Commission to look into the ratings process, now funded and governed by an industry association. The process lacks basic transparency, Common Sense Media CEO James Steyer said in a statement.

"We believe that families and all consumers should have an assurance from game publishers and the game ratings board that the content being advertised is the same as the content being sold," Steyer said.

In the Grand Theft Auto incident, the ratings board changed the game's rating from "Mature" to "Adults Only" and retailers pulled it off shelves.

Since then, the board has required that publishers submit even hidden content for review, and Take-Two spokesman Ed Nebb said the publisher had followed that requirement for "Manhunt 2."

It is unclear whether the private, nonprofit ratings board considered the hidden material in assigning the "M" rating to "Manhunt 2."

Board spokesman Eliot Mizrachi said only that it is aware of the hacking issue and is looking into it.

Both the revised and original versions of "Manhunt 2" were banned by the American ratings board's British counterpart.

"I stand behind the game and the ESRB ratings process," Take-Two Chairman Strauss Zelnick said in a statement. "It is unfortunately the case that no one in the entertainment software industry is immune from hacking. We hope that consumers will not engage in hacking or download illegally modified copies of our games."

[http://ap.google.com/article/ALeqM5jpQ\\_GJJuBYfnoVDvsl3urbnEJThgD8SL6STO2](http://ap.google.com/article/ALeqM5jpQ_GJJuBYfnoVDvsl3urbnEJThgD8SL6STO2)

I encourage the FTC to fully investigate this matter and then consider assessing the remedy set forth in the 2006 FTC/Take-Two Consent Decree: A fine of \$11,000 for each unit sold with the hidden content. If only three million units of *Manhunt 2* are sold, that would constitute a fine of \$33 billion. Obviously, the ESRB, with or without Take-Two's approval should immediately recall all units of *Manhunt 2*, as was done with *GTA: San Andreas* in 2005.

Such a fine would send a message to the rest of the industry, including the complicit ESRB, which either knew or should have known what was going on here. This is Hot Coffee Redux, only worse, on the ESRB's watch. The ESRB, of course, is owned and operated by the video game industry. There has never been a worse example in American commerce of the fox guarding the hens. The ESRB's Patricia Vance should be indicted.

Finally, please be advised that this week I have received written threats from Take-Two's law firm and lobbyist on Capitol Hill, Blank Rome, threatening me with legal mayhem if I continue to tell the truth about what Take-Two is doing. These threats may constitute a criminal act by Take-Two and by its lawyers. The federal government, including the FTC, should consider them to be an attempt to intimidate the undersigned whistleblower. I have alerted the US Attorney for the Southern District of Florida to this fact, and I am also sending this letter to Congressman Upton who helped secure the 2005 Resolution by the House of Representatives, passed by a vote of 355-21, condemning this out-of-control porn-to-teens company.

Regards, Jack Thompson

Copies: Congressman Upton  
Common Sense Media  
US Attorney Alex Acosta  
US District Court Judge Adalberto Jordan, Case No. 07-21256