

# Video game group files lawsuit over CTA ad rule

July 22 2009, By MIKE ROBINSON , AP Legal Affairs Writer

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(AP) -- A trade group that represents software and video game publishers sued the Chicago Transit Authority on Wednesday, saying a rule barring ads on trains and buses for "mature" and "adults only" games violates the right to freedom of speech.

"The CTA's ordinance constitutes a clear violation of the constitutional rights of the entertainment software industry," said Michael D. Gallagher, chief executive officer of the Washington-based Entertainment Software Association.

The association maintains that computer and video games are entitled to the same free speech protection under the First Amendment as other forms of entertainment such as movies.

Kenneth L. Doroshov, general counsel of the association, pointed out that the movie "Resident Evil," which is based on a video game, could be advertised on CTA buses and trains but the game itself could not under the rule, which was approved in November 2008.

CTA spokeswoman Wanda Taylor said the authority believes "that our ordinance is defensible."

"CTA does not allow ads for alcohol or tobacco products and this ordinance is consistent with that longstanding policy," she said.

The lawsuit, filed in U.S. District Court, alleges that the CTA's rule

unconstitutionally "restricts speech in a public forum that is otherwise open to all speakers without a compelling interest for doing so." It asks the court to declare the rule void, to bar the CTA from enforcing it and to award the association court costs and legal fees.

Doroshov said association officials discussed the matter with CTA officials for some time and that the transit authority's objection was that some games labeled ""mature" and "adults only" could inspire violence among those who play the games.

The association says the ads themselves are subject to the Entertainment Software Rating Board's Advertising Review Council, which "strictly regulates computer and [video game](#) advertisements that are seen by the general public."

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