

**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 William E. Kovacic
 J. Thomas Rosch

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In the Matter of)	
)	
TAKE-TWO INTERACTIVE SOFTWARE, INC.,)	Docket No. C-4162
and)	
ROCKSTAR GAMES, INC., corporations.)	
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)	

COMPLAINT

The Federal Trade Commission, having reason to believe that Take-Two Interactive Software, Inc. and Rockstar Games, Inc., corporations (“respondents”), have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Take-Two Interactive Software, Inc. (“Take-Two”) is a Delaware corporation with its principal office or place of business at 622 Broadway, New York, New York 10012.
2. Respondent Rockstar Games, Inc. (“Rockstar”) is a Delaware corporation with its principal office or place of business at 622 Broadway, New York, New York 10012. Rockstar is a wholly-owned subsidiary of Take-Two.
3. Respondents design, manufacture, advertise, offer to a wholly-2.ej3g.72 clu3.9tCID s fTj3.91lean

4. The acts and practices of respondents in the advertising and selling of *Grand Theft Auto*:

unlocking of virtual “Easter eggs” (*i.e.*, messages, graphics, sound effects, features, or actions that are enabled when the user inputs a set of commands on a game console or keyboard). The ESRB’s published requirements did not state that relevant content included unused textures (“skins”) in the game software or content in the game code that was inaccessible and unplayable without modifying the code.

11. On or about September 12 or 13, 2004, respondents submitted materials to the ESRB for the purpose of obtaining a rating for the PlayStation 2 version of *Grand Theft Auto: San Andreas*. Respondents did not inform the ESRB about the existence of unused nude female skins on the game disc or an unfinished “sex mini-game” that had been edited out of game play but was embedded in wrapped form in the game’s computer code. If the game code for the sex mini-game were to be unwrapped, the mini-game could be enabled, permitting the player to control the game’s principal male character, who was clothed, during simulated sexual acts with different clothed female characters. As described in paragraph 10, the ESRB’s published requirements at that time did not state that game companies were required to disclose unused skins in the game software or content in the game code that was inaccessible and unplayable without modifying the code.

12. Based on respondents’ submissions, on September 23, 2004, the ESRB issued a rating certificate for the PlayStation 2 version of *Grand Theft Auto: San Andreas*. The ESRB assigned the game the rating symbol **M (Mature 17+)** and the following content descriptors: Blood and Gore, Intense Violence, Strong Lang

and through numerous magazine advertisements, including ads in Electronic Gaming Monthly, Entertainment Weekly, The Onion, Maxim, Spin, PlayStation Magazine, and PC Gamer. Respondents also advertised the game through thirty- and sixty-second television commercials run on numerous networks and cable television channels, including UPN, MTV, TNT, USA Network, Spike TV, BET, and MTV. They also advertised the game on billboards, posters, point-of-purchase materials, and video displays at major game retailers, through respondents' websites, online banner ads, and in game trailers available for download from www.rockstargames.com/sanandreas. These advertisements contained the following s

Strong Language... Strong Sexual Content... Use of Drugs... CONTENT
RATED BY ESRB”

17. Respondents did not disclose the existence of the unused nude female skins and the wrapped code for the unfinished sex mini-game described in paragraph 11 either in their advertising for *Grand Theft Auto: San Andreas*, or on the product packaging.

18. On or about June 9, 2005, two days after the release of the PC version of *Grand Theft Auto: San Andreas*, a third-party computer programmer posted a software program on the Internet entitled “Hot Coffee.” When downloaded and installed, the Hot Coffee program enables users of the originally released PC version of the game to access the unfinished sex mini-game described in paragraph 11. An updated version of the program was posted on the Internet on June 11, 2005 that further modifies the sex mini-game described in paragraph 11 by rendering the female characters unclothed through use of the nude skins on the game disc.

19. Within weeks of the release of the Hot Coffee program for the PC version of *Grand Theft Auto: San Andreas*, PlayStation 2 and Xbox users were able to access the same content by taking certain steps, such as modifying or adding a hardware accessory to their game console, installing special software, and inputting codes developed by third parties.

20. On July 20, 2005, as a result of, among other t

22. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this seventeenth day of July, 2006, has issued this complaint against respondents.

By the Commission.

Donald S. Clark
Secretary

SEAL: