



# Library Note

## Impact of Pornography on Society

This Library Note has been prepared in advance of the debate in the House of Lords on 5 November 2015 on the impact of pornography on society.

This Note provides information on the definition of pornography and the current law on pornography. It also gives reference to recent evidence and a selection of key issues that have been raised in relation to the impact of pornography on both children and adults.

### Definition and Current Law

There is no statutory definition of ‘pornography’ in UK legislation. The term ‘pornography’ is a contested concept and is currently interpreted differently by individuals and organisations.

The publication of obscene material is illegal under the Obscene Publications Act 1959, as amended. The coalition Government made a number of changes in the law surrounding the issue of pornography—these included extending “extreme acts”, which are illegal, to include the depiction of rape.

### Impact

However, there is concern regarding the impact that pornography is having on society, both on children and adults, in particular due to an increase in its availability and accessibility via the internet. With reports that 1 in 5 children aged 12–13 think that watching porn is normal behaviour and that nearly 1 in 10 children aged 12–13 are worried they might be addicted to porn, questions are being asked with regard to how best to effectively protect and educate children.

There are no official statistics collected regarding the number of individuals accessing pornography in the UK or what proportion of pornography users are male and female. Recent surveys and studies suggest, however, that women’s use of pornography has been underreported. Although research into pornography’s impact on society is limited, numerous organisations and individuals are suggesting negative links, including in relation to: attitudes towards women, low self-esteem, and addiction.

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## I. Background

### I.1 Defining “Pornography”

In 2006, the then Under Secretary of State for the Home Office, Vernon Coaker, noted, in reply to a Written Question which sought the Government’s working definition of ‘pornography’, that there was “no statutory definition of ‘pornography’ in UK legislation”.<sup>1</sup> This remains the case today. Mr Coaker had added that a Government consultation paper published in 2005 on the possession of extreme pornographic material defined material which is “explicit and has been solely, or primarily produced for the purpose of sexual arousal” as being “considered to be ‘pornographic’”.<sup>2</sup> He added that “[b]y explicit we mean material in which the activity can be clearly seen and is not hidden, disguised or implied”.<sup>3</sup> A similar definition has been used in Part 5 of the Criminal Justice and Immigration Act 2008 to define what makes an image “pornographic”:

An image is “pornographic” if it is of such a nature that it must reasonably be assumed to have been produced solely or principally for the purpose of sexual arousal.<sup>4</sup>

The above definition was used by Baroness Howe of Idlicote (Crossbencher) to explain the term “pornographic images” during the second reading debate on her Online Safety Bill in 2012.<sup>5</sup> However, during the proceedings, Baroness Howe noted that this definition was “debated”.<sup>6</sup> Baroness Brinton (Liberal Democrat) explained, during the same proceeding, that the definition of pornography in the Criminal Justice and Immigration Act 2008—that is, legal pornography which is not “extreme” and illegal—“is briefly referred to in passing to subsequently define extreme pornography, which is what that Act is trying to define for the courts”.<sup>7</sup> Baroness Brinton therefore suggested this was a “simplistic” and “limited” definition of pornography which could cause “immense problems”.<sup>8</sup>

The term ‘pornography’ is a contested concept and is currently interpreted differently by individuals and organisations. The focus of this Note is on pornography which is legal. It must be acknowledged, however, that there is evidence that pornography which is illegal is still accessible in the UK. It is also important to recognise that within the realms of what is currently legal, available pornographic material is often not defined with regards to its explicitness, with a broad spectrum of acts in pornography which remain within current legal boundaries. The House of Commons Culture, Media and Sport Committee published a report into online safety in 2014 which observed, for example, that “adult pornography or violent material much of which is legal (at least if it is unavailable to minors)” is “prevalent on the internet”.<sup>9</sup>

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<sup>1</sup> HC *Hansard*, 11 May 2006, [col 515W](#).

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> Criminal Justice and Immigration Act 2008, section 63(2)(3).

<sup>5</sup> HL *Hansard*, 9 November 2012, [col 1215](#). Baroness Howe has tabled an Online Safety Bill in each parliamentary session from 2012–13 onwards.

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*, [cols 1226–7](#).

<sup>8</sup> *ibid.*

<sup>9</sup> House of Commons Culture, Media and Sport Committee, [Online Safety](#), 19 March 2014, HC 729 of session 2013–14, p 27.

## 1.2 Current Law

It is illegal to take, make, distribute, show or possess an indecent photograph or pseudo-photograph of someone under the age of 18 by provision in the Protection of Children Act 1978, as amended. Issues surrounding pornography and the law can cross into a number of complex legal areas, but the information below provides a broad summary of key legislation regarding pornography involving those aged 18 and over. In particular, it highlights recent changes to the law in this area.

The publication of obscene material is illegal under the Obscene Publications Act 1959 as amended. The test of obscenity in section 1 of the Act states:

[...] an article shall be deemed to be obscene if its effect or (where the article comprises two or more distinct items) the effect of any one of its items is, if taken as a whole, such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it.<sup>10</sup>

The House of Commons Culture, Media and Sport Committee's 2014 report on Online Safety emphasised that the definition of obscene depends partly on the person who sees the material. It added that legal adult pornography which has an R18 certificate, issued by the British Board of Film Classification (BBFC) "would likely be classed as obscene if it was published in a way in which children could readily access it".<sup>11</sup>

In 2008, the then Government made possession of extreme pornography an offence under the Criminal Justice and Immigration Act.<sup>12</sup> According to section 63(7) of the Act, an image is extreme if it is "grossly offensive, disgusting or otherwise of an obscene character" and explicitly and realistically portrays:

- an act which threatens a person's life;
- an act which results, or is likely to result, in serious injury to a person's anus, breasts or genitals;
- an act which involves sexual interference with a human corpse; or
- a person performing an act of intercourse or oral sex with an animal (whether dead or alive).<sup>13</sup>

From 13 April 2015, section 37 of the Criminal Justice and Courts Act 2015 amended the offence of possession of extreme pornographic images to include pornographic images depicting non-consensual penetration and rape.<sup>14</sup> The House of Commons Culture, Media and

<sup>10</sup> Obscene Publications Act 1959, section 1(1).

<sup>11</sup> House of Commons Culture, Media and Sport Committee, [Online Safety](#), 19 March 2014, HC 729 of session 2013–14, pp 9–10.

<sup>12</sup> *ibid.*

<sup>13</sup> Criminal Justice and Immigration Act 2008, section 63 clause 7.

<sup>14</sup> Crime Prosecution Service (CPS), [Violence against Women and Girls Crime Report: 2014–2015](#), July 2015, pp 96–7. See Criminal Justice and Immigration Act 2008, section 63 clauses 7A and 7B.

Sport Committee explained that the BBFC engages extensively with the public to reach decisions regarding what standards are acceptable:

R18 classification is given to restricted videos depicting explicit consensual sexual activity which, by definition, excludes so-called “rape porn” and other illegal activities. R18 videos are only allowed to be sold in licensed sex shops (to which only adults are admitted); they may not be supplied by mail order. [...] A BBFC classification is a defence against a prosecution under this Act therefore purchasing a legally classified work is a protection against inadvertently possessing extreme pornographic material. The BBFC regularly assists Local Government trading standards officers in ensuring that pornographic material has been classified by the BBFC and restricted for sale to licensed sex shops. However, these methods of enforcement are not available online.<sup>15</sup>

In December 2014, an amendment to the Communications Act 2003 regulated UK paid-for video-on-demand (VoD) services in accordance with guidelines set out by the BBFC, thereby criminalising a number of sex acts in VoD online pornography. However, it has been reported that anyone wishing to access online videos featuring such acts is still legally able to watch pornography films from abroad featuring them.<sup>16</sup> Although online activity is subject to general offline legislation—such as the Obscene Publications Act 1959 and the Human Rights Act 1998—the House of Commons Culture, Media and Sport Committee report explained that “[t]ransposing accepted standards into the online context represents a challenge for national institutions, not least because the internet is in many ways an international space”.<sup>17</sup> Other evidence suggests that illegal materials are also still widely available. For example, the Crown Prosecution Service (CPS) has reported that in 2014–15 there were 20,373 offences of child abuse images starting prosecution, which included prosecutions commenced for 16,129 offences of sexual exploitation of children through photographs.<sup>18</sup> The CPS also stated in July 2015 that there is a “perceived gap in the present law in that an adult sending a sexualized-message to a child is not currently a criminal offence”.<sup>19</sup> An amendment to the Serious Crime Act 2015 with such provision enables earlier intervention in such instances, according to the CPS. However, the provision in the Act is yet to receive its commencement date.<sup>20</sup>

Other recent changes include a new criminal offence in the Criminal Justice and Courts Act 2015 of disclosing private sexual photographs and films without the consent of an individual who appears in them and with intent to cause that individual distress, often referred to as “revenge pornography”. The provision came into force on 13 April 2015.<sup>21</sup>

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<sup>15</sup> House of Commons Culture, Media and Sport Committee, [Online Safety](#), 19 March 2014, HC 729 of session 2013–14, pp 9–10.

<sup>16</sup> Christopher Hooton, ‘[UK Porn Legislation: What is now Banned Under new Government Laws](#)’, *Independent*, 12 December 2014.

<sup>17</sup> House of Commons Culture, Media and Sport Committee, [Online Safety](#), 19 March 2014, HC 729 of session 2013–14, pp 9–10. For further information about the enforcement of laws relating to online illegal material see pages 10–12.

<sup>18</sup> *ibid*, p 93.

<sup>19</sup> CPS, [Violence against Women and Girls Crime Report: 2014–2015](#), July 2015, p 97.

<sup>20</sup> *ibid*.

<sup>21</sup> *ibid*, p 96.

## 2. Impact: Recent Evidence and Issues

### 2.1 Children

ChildLine—a service provided by the National Society for the Prevention of Cruelty to Children (NSPCC)—has reported that it receives calls and messages “every day of the week from concerned young people, who feel they are being badly impacted by the way they and their friends can view unlimited online pornography”.<sup>22</sup> A 2015 survey of 2,000 young people aged 11–17, of whom nearly 700 were aged 12–13, conducted by ChildLine and research organisation OnePoll, asked eleven questions about how often these young people watched pornography and how it made them feel. Only children whose parents had given permission were able to take part in the survey. The survey found that:

- 1 in 5 children aged 12–13 think that watching porn is normal behaviour.
- Nearly 1 in 10 children aged 12–13 are worried they might be addicted to porn.
- Around 1 in 5 of those surveyed said they’d seen pornographic images that had shocked or upset them.
- 12 percent admitted to making or being part of a sexually explicit video.<sup>23</sup>

ChildLine has noted an increase in its counselling sessions where the young person has specifically mentioned concerns about online pornography.<sup>24</sup> These concerns, it explained, are related to addiction and worries about forming relationships in the future—for example, it quoted a boy aged 12–15 who told them: “I’m always watching porn and some of it is quite aggressive. I didn’t think it was affecting me at first but I’ve started to view girls a bit differently recently and it’s making me worried”.<sup>25</sup> Concern has also been raised about young people being unsure of the line between fantasy and reality.<sup>26</sup> In April 2015, ChildLine found it had received an average of 18,000 views a year purely to its website message board threads with “porn” in the subject heading.<sup>27</sup>

Some have questioned the reliability of self-reported evidence from young people and whether it is indicative of actual harm. In an open letter to Peter Wanless, CEO of the NSPCC, the CEO of the campaign ‘Sex and Censorship’—a campaign which aims to “reach out to journalists and politicians and ensure that scare stories are not used to introduce yet more laws and regulations that further restrict [...] access to information that is freely available elsewhere”—Jerry Barnett, has suggested:<sup>28</sup>

Your study appears to rely entirely on self-report evidence from young people of 11 and older, and so is not [...] indicative of actual harm but rather, provides evidence that some young people are *fearful* that pornography is harming them. In other words, this

<sup>22</sup> NSPCC, ‘[Online Porn: Evidence of its Impact on Young People](#)’, 6 April 2015.

<sup>23</sup> *ibid.*

<sup>24</sup> NSPCC, ‘[Online Porn](#)’, accessed 26 October 2015.

<sup>25</sup> *ibid.*

<sup>26</sup> *ibid.*

<sup>27</sup> NSPCC, ‘[Online Porn: Evidence of its Impact on Young People](#)’, 6 April 2015.

<sup>28</sup> Sex and Censorship, ‘[About Us](#)’, 2014.

study looks at the effects on young people of [...] unevidenced concerns about pornography, not the effects of pornography itself.<sup>29</sup>

The letter was undersigned by 36 academics, sex educators, journalists and campaigners on its publication.<sup>30</sup> Prior to the survey, in March 2014, ChildLine observed that:

These young people are confused, upset, feel like they have to behave or look like porn stars to have relationships and at the worst end are in danger of engaging with harmful sexual behaviour. We cannot ignore the fact there are lots of children who are feeling this way across the UK.<sup>31</sup>

In response to a parliamentary question by Baroness Benjamin (Liberal Democrat and vice president of children's charity Barnardos) which asked the Government what it was doing to ensure that schoolchildren learnt that pornography was not a realistic depiction of normal sexual relationships, Lord Nash, Parliamentary Under-Secretary of State for Schools, replied on 8 July 2013 that:

Sex and relationship education (SRE) is compulsory in maintained secondary schools and although primary schools do not have to teach it, many choose to do so in later years. Statutory guidance specifies that teachers should ensure their pupils learn about the importance of stable relationships. [...] In this context, schools can use SRE to teach children about the dangers of pornography, and we trust in the professional judgement of teachers to do so appropriately.

The Government does not prescribe programmes of study or modules for sex and relationship education (SRE) as we believe that it is for schools to tailor their local SRE programme to reflect the needs of their pupils. Schools can use SRE to teach children about the impact and effects of pornography should they choose and we trust in the professional judgement of teachers to do so appropriately [...].<sup>32</sup>

End Violence Against Women (EVAW)—a coalition group of over 50 member organisations—noted that to effectively tackle issues surrounding pornography it requires a wide approach to include “proper sex education for all young people and public campaigns to address attitudes and behaviours”.<sup>33</sup> MediaWatch-UK—which campaigns for socially responsible media and against content which is potentially harmful—has highlighted that pornography is the first introduction to the adult world of sex and sexuality for many children, adding that it is “a very poor sex educator”.<sup>34</sup> According to MediaWatch-UK it is inevitable that this exposure will shape their sexual lives and affect their future relationships.

A number of professionals and organisations have emphasised concerns about the negative impact that pornography is having on children. In April 2012, Portman Clinic psychotherapist John Woods reported that there was a growing number of young patients being referred by social services, youth offender services and police to the clinic. He explained that for the past 70 years the services, which are part of the Tavistock and Portman NHS Trust, have been

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<sup>29</sup> Jerry Barnett, ‘[Open Letter to NSPCC re “Porn Addiction Study”](#)’, 11 April 2015.

<sup>30</sup> *ibid.*

<sup>31</sup> NSPCC, ‘[ChildLine Porn Campaign Confronts Issue of Young People and Porn](#)’, 31 March 2015.

<sup>32</sup> HL Hansard, 8 July 2013, [col WA6](#).

<sup>33</sup> End Violence Against Women (EVAW), ‘[Porn: it's not Just about Children and it's not Just about Filters](#)’, 6 September 2012

<sup>34</sup> MediaWatch-Uk, ‘[Block Porn 2012](#)’, 2013.

available to anyone who has committed any kind of offence and that “an increasingly large part of our caseload is taken up with young people whose behaviour has become out of control due, largely, to compulsive internet porn use”.<sup>35</sup> Speaking in April 2012, he noted that in 2012 alone this had included 50 referrals of children under 18, only in North London, and that he had come to the conclusion that it “is no longer just a private problem” but “a public health problem”.<sup>36</sup>

MediaWatch-UK has stressed that the impact of online sexual content on children is of “great concern” and is “far from being harmless”.<sup>37</sup> It reported in 2013 that it was seeing evidence that children’s consumption of pornography was affecting their development, with “boys describing body hair on girls their age as disgusting, teenage girls reporting pressure to engage in risky and uncomfortable sexual practices and teenagers’ surprisingly tolerant attitude to violence in relationships”.<sup>38</sup> MediaWatch-UK stated that as many as one in three children the age of ten have seen online pornography and that “only 3 percent of pornographic websites require proof of age before granting access to sexually explicit material”.<sup>39</sup>

The Prime Minister, David Cameron, announced on 29 July 2015 that there would be a consultation on the Government’s manifesto commitment to require age verification for websites containing pornographic material. On 12 October 2015, Baroness Howe of Idlicote asked the Government when it planned to consult on this commitment. The Parliamentary Under-Secretary for the Department for Culture, Media and Sport and Internet Safety and Security, Baroness Shields, replied on 22 October 2015 stating that the Department for Culture, Media and Sport was “currently preparing the consultation documents”.<sup>40</sup>

## 2.2 Adults

There are no official statistics collected regarding the number of individuals accessing pornography in the UK or what proportion of pornography users are male and female. With regard to recording the impact of pornography, available research tends to be based on smaller scale surveys. It is also important to note that, much of what is available tends to be based on studies that have looked at the potential negative impacts of pornography.

Based only on males and females in a relationship, a 2013 study of 617 couples published in the *Journal of Sex Research* found that 64 percent of females reported no pornography use and 30 percent of females used pornography once per month or less.<sup>41</sup> For men, however, only 27 percent reported no use of pornography, with 10 percent reporting that they used pornography three or more days per week.<sup>42</sup> These were couples who were either married or cohabiting. The study, which investigated pornography use and how it is associated with couple outcomes, suggested that, within a committed relationship, male pornography use was

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<sup>35</sup> John Woods, ‘[Jamie is 13 and Hasn't Even Kissed a Girl. But He's Now on the Sex Offender Register after Online Porn Warped his Mind...](#)’, *Daily Mail*, 25 April 2012.

<sup>36</sup> *ibid.*

<sup>37</sup> MediaWatch-Uk, ‘[Block Porn 2012](#)’, 2013.

<sup>38</sup> *ibid.*

<sup>39</sup> *ibid.*

<sup>40</sup> HL *Hansard*, 22 October 2015, [HL2479](#).

<sup>41</sup> FO Poulsen et al, ‘[Pornography Use: Who Uses it and How it is Associated with Couple Outcomes](#)’, *The Journal of Sex Research*, 2013, vol 50 no 1, pp 72–83.

<sup>42</sup> *ibid.*

negatively associated with both male and female “sexual quality”, but that female pornography use was positively associated with female “sexual quality”.<sup>43</sup>

Other studies have suggested that the impact of pornography can result in lower self-esteem, as reported in a February 2010 publication on the *Sexualisation of Young People* by psychologist Dr Linda Papadopoulos, due to “exposure to the sexualised female ideal”.<sup>44</sup>

A recent survey about the modern relationship between women and pornography by *Marie Claire* magazine noted that women’s relationship to pornography has been “hugely underreported”.<sup>45</sup> Out of more than 3,000 women surveyed aged 18 and over (with 70 percent between the ages of 18 and 34), 31 percent said they watched pornography “every week or so” and 10 percent daily.<sup>46</sup> There were 66 percent of women that said they never watched pornography with a partner and, of those who did, 54 percent said they also “often” watched it alone.<sup>47</sup> Only 12 percent watched only with a partner. Those who used pornography were asked which forms of pornography they used. Pornography on the internet was most highly used, at 90 percent, followed by erotic stories, which were used by 40 percent. When finding pornography online, 75 percent of women said they found it on free sites.<sup>48</sup> For those who said they enjoyed watching pornography, the highest reason given was that it was “a quick road to an orgasm”, followed by it allowing them to feel in control of their sexuality. For those who watched porn but felt conflicted about it, the highest reason given was that they became sexually aroused by it but were concerned about how the industry treats women and/or feeling it perpetuates negative stereotypes. The third most popular reason was that “men seem to conflate porn with real-life sex”.<sup>49</sup>

A number of charities, professionals and survivors of violence have drawn links between pornography and negative attitudes towards women, as well as violence towards women. In September 2012, when commenting on the Coalition Government’s consultation on options for restricting children’s access to internet pornography, EVAW noted that pornography was a much broader issue than its access by children and the use of filters and emphasized that the issue was “about porn’s impact on men’s attitudes to women and to sexual violence”.<sup>50</sup> EVAW stated that policies to address pornography must be viewed against the backdrop of high levels of sexual violence perpetrated against women and girls in the UK.<sup>51</sup>

A 2010 study for the European Commission which developed a model of perpetration of violence included evidence that pornography usage as a habitual stimulus had been connected to sexual coercion.<sup>52</sup> The report identified that, for men who already have a high risk of sexual aggression—based on the factors “general hostility, hostile masculinity and impersonal sex orientation”—the effect of regular and high consumption of pornography increased the risk

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<sup>43</sup> FO Poulsen et al, ‘[Pornography Use: Who Uses it and How it is Associated with Couple Outcomes](#)’, *The Journal of Sex Research*, 2013, vol 50 no 1, pp 72–83.

<sup>44</sup> Dr Linda Papadopoulos, *Sexualisation of Young People*, February 2010.

<sup>45</sup> Amanda De Cadenet ‘[More Women Watch \(and Enjoy\) Porn Than You Ever Realized: A Marie Claire Study](#)’, *Marie Claire*, 19 October 2015.

<sup>46</sup> *ibid.* The website does not provide detailed information about the survey design or methodology employed.

<sup>47</sup> *ibid.*

<sup>48</sup> *ibid.*

<sup>49</sup> *ibid.*

<sup>50</sup> End Violence Against Women (EVAW), ‘[Porn: It’s Not Just About Children and It’s Not Just about Filters](#)’, 6 September 2012

<sup>51</sup> End Violence Against Women, *EVAW Briefing on Pornography and Violence Against Women and Girls*, July 2014, p 1.

<sup>52</sup> Carol Hagemann-White et al, *Review of Research on Factors at Play in Perpetration*, October 2010, p 24.

that these men will actually perpetrate sexual assault.<sup>53</sup> In reference to the feasibility study, the EVAW explained in 2014 that the study had indicated that the sexualisation of women and girls was a “major” factor at a structural level that contributed to the perpetration of violence against women and girls.<sup>54</sup>

Due to the spread of new media, researchers have noted that it is becoming increasingly difficult to find control groups that have not already been exposed to pornography for comparative purposes when investigating links between pornography and violence.<sup>55</sup> EVAW has also noted challenges with evidence, but firmly holds that it is an enabling factor in the mistreatment of women:

[n]either research nor practice-based evidence can effectively demonstrate a causal connection between pornography and violence against women. However, pornography and sexualised popular culture form a conducive context for violence against women, contributing to messages about gendered stereotypes and sex which normalise men dominating women.<sup>56</sup>

An American not-for-profit organisation Fight the New Drug—which seeks to raise awareness on the harmful effects of pornography and is funded by donations—has published a number of papers on the impact of pornography usage.<sup>57</sup> Among its findings are suggestions that pornography is addictive, due to the level of neurochemicals which are released into a brain's reward pathway when using pornography.<sup>58</sup> This, it notes, is not dissimilar to the experience of drug usage.<sup>59</sup> Fight the New Drug suggests that a tolerance is then built up in the person using pornography, which then leads to needing more pornography and in more extreme forms.<sup>60</sup> It has also noted that, by laying down new neural-pathways in the brain, the more a person uses pornography, the more difficult it is for them to stop.<sup>61</sup> It also sites evidence that addiction to pornography escalates—and that most users begin by using free pornography.

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<sup>53</sup> *ibid.*

<sup>54</sup> End Violence Against Women, [EVAW Briefing on Pornography and Violence Against Women and Girls](#), July 2014, p 2.

<sup>55</sup> Carol Hagemann-White et al, [Review of Research on Factors at Play in Perpetration](#), October 2010, p 24.

<sup>56</sup> End Violence Against Women, [EVAW Briefing on Pornography and Violence against Women and Girls](#), July 2014.

<sup>57</sup> Fight the New Drug, [FAQ](#), 2014.

<sup>58</sup> Fight the New Drug, [Porn is Addictive](#), 8 August 2014.

<sup>59</sup> Fight the New Drug, [Porn is Like a Drug](#), 8 August 2014.

<sup>60</sup> Fight the New Drug, [Porn is Addictive](#), 8 August 2014.

<sup>61</sup> Fight the New Drug, [Porn Changes the Brain](#), 8 August 2014.