Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
)	
Implementation of Section 551 of the)	CS Docket No. 97-55
Telecommunications Act of 1996)	
)	
Video Programming Ratings)	

REPORT AND ORDER

Adopted: March 12, 1998 Released: March 13, 1998

By the Commission: Commissioners Furchtgott-Roth and Tristani issuing separate statements.

I. INTRODUCTION

1. In the Telecommunications Act of 1996 (the "1996 Act"), Congress determined that parents should be provided with timely information about the nature of upcoming video programming and with the technological tools that would allow them to easily block violent, sexual, or other programming they believe is harmful to their children. Congress also provided that distributors of video programming should be given the opportunity to develop a voluntary system to provide parents with ratings information. In response to the 1996 Act, the National Association of Broadcasters ("NAB"), National Cable Television Association ("NCTA") and Motion Picture Association of America ("MPAA") (the "Industry") jointly submitted to the Commission on behalf of their members, a system of voluntary parental guidelines ("TV Parental Guidelines") adopted and implemented by television broadcasters and networks, cable networks and systems, and television program producers. Section 551(e) of the 1996 Act requires the Commission to determine whether video programming distributors (1) have established acceptable voluntary rules for rating video programming that contains sexual, violent or other indecent material about which parents should be informed before it is displayed to

¹Pub. L. No. 104-104, 110 Stat. 56 (1996).

²1996 Act, Section 551, Parental Choice In Television Programming. Section 551 amended the Communications Act of 1934 by adding Sections 303 and 330. See 47 U.S.C. §§ 303, 330.

³See 1996 Act, § 551(e)(1)(A) and (B); 47 U.S.C. §§ 303, 330.

⁴The Industry submitted the TV Parental Guidelines to the Commission on January 17, 1997, and submitted revisions to those guidelines on August 1, 1997. See Letter of January 17, 1997 to the Commission from the NAB, NCTA, and MPAA ("January 17, 1997 Submission"); and Letter of August 1, 1997 to the Commission from the NAB, NCTA, and MPAA ("August 1, 1997 Submission").

children and (2) have agreed voluntarily to broadcast signals that contain such ratings.

2. In this Report and Order, we find that the Industry's TV Parental Guidelines establish acceptable voluntary rating rules and that the concomitant agreement to voluntarily broadcast signals containing ratings pursuant to the TV Parental Guidelines are in compliance with the specific requirements of Section 551(e). In a companion item being issued today we adopt technical rules that require television receivers with picture screens 33 cm (13 inches) or greater to be equipped with features to block the display of television programming with a common rating, commonly referred to as the "v-chip" technology. Although we chose to approach the v-chip and ratings proceedings separately, our deliberations in both proceedings have focused on Congress' goal of achieving an effective method by which the rating system, when used in conjunction with the v-chip technology, will provide parents with useful tools to block programming they believe harmful to their children.

II. BACKGROUND

- 3. In Section 551 of the 1996 Act, Congress made extensive findings with respect to the influence that television has on children, and the need to provide parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual or other programming that they believe harmful to their children. As a result of these findings, Congress called for the establishment of guidelines and recommended procedures for rating certain television programming, and the transmission of rating information for programs which are rated.
 - 4. Congress delayed the Commission's exercise of its authority to establish a rating system⁰

(1) on the basis of recommendations from an advisory committee established by the Commission in accordance with section 551(b)(2) of the Telecommunications Act of 1996, guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to

⁵See 1996 Act, § 551(e)(1)(A) and (B).

⁶See Report and Order in Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings, ET Docket No. 97-206 (hereinafter "V-chip Proceeding"), adopted March 12, 1998. See also Notice of Proposed Rulemaking in ET Docket 97-206, 12 FCC Rcd 15573 (1997); 1996 Act, § 551(c), (d), and (e).

See Notice of Proposed Rulemaking in ET Docket 97-206, 12 FCC Rcd 15573 (1997) at 9.

⁸See 1996 Act § 551 (a)(1)-(9) (reproduced in Appendix A herein).

⁹H.R. Report 104-458, 104th Cong. 2d Sess. at 195 ("Conference Report") (1996). 1996 Act, § 551; 47 U.S.C. §§ 303, 330.

¹⁰Congress directed the Commission to, after consulting with an independent advisory board, establish a system for the rating of video programming for use by parents to determine the appropriateness of specific programming for their children. Section 303(w) of the Communications Act, as added by Section 551(b)(1) of the 1996 Act, provides that the Commission shall prescribe:

to permit the broadcast and cable industries to develop an acceptable voluntary rating system for video programming within one year of the enactment of the 1996 Act on February 8, 1996. Specifically, under Section 551(e)(1):

The amendment made by subsection (b) of this section shall take effect 1 year after the date of enactment of this Act, but only if the Commission determines, in consultation with appropriate public interest groups and interested individuals from the private sector, that distributors of video programming have not, by such date --

- (A) established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children, and such rules are acceptable to the Commission; and
- (B) agreed voluntarily to broadcast signals that contain ratings of such programming.
- 5. Following enactment of the 1996 Act, and over the course of the next year, the broadcasting, cable and program production industries worked together to develop a rating system, which they implemented in early January 1997. Details of the rating system were submitted to the Commission on January 17, 1997. Following the January 17, 1997 Submission, the Commission sought comment from interested parties on the TV Parental Guidelines. Parents groups, public health organizations, members of Congress, public interest groups and others expressed concern about some aspects of the rating system. Discussions between the Industry and certain advocacy groups continued

children: Provided, That nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content; and

(2) with respect to any video programming that has been rated, and in consultation with the television industry, rules requiring distributors of such video programming to transmit such ratings to permit parents to block the display of video programming that they have determined is inappropriate for their children. 1996 Act, § 551(b)(2), codified at Section 303(w)(2) of the Communications Act, 47 U.S.C. § 303(w)(2).

¹⁴See e.g., Joint Comments of Center for Media Education, American Medical Association, Center for Media Literacy, Children's Defense Fund, Children Now, Cultural Environment Movement, Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America, Media Center of the Judge Bater Children's Center, National Alliance for Non-Violent Programming, National Association for Family and Community Education, National Association of Elementary School Principals, National Association of School Psychologists, National Coalition on Television Violence, National Council of La Raza, National Education Association, National Institute on Media and the Family, National Parent Teacher Association, Public Media Center, and Teachers for Resisting Unhealthy Children's Entertainment (April 8, 1997); Letter to the Federal Communications Commission, Office

¹¹See Conference Report at 194-5.

¹²January 17, 1997 Submission.

¹³See Public Notice, Commission Seeks Comment On Industry Proposal For Rating Video Programming, CS Docket No. 97-55, FCC 97-34 (February 7, 1997) ("Initial Notice").

and on August 1, 1997, the Industry submitted to the Commission revisions to the guidelines.¹⁵ The Industry states that the TV Parental Guidelines, as modified, are supported by nine family and child advocacy groups, ¹⁶ as well as television broadcasters, cable systems and networks, and television production companies.¹⁷ The revised TV Parental Guidelines were implemented on October 1, 1997.

III. THE TV PARENTAL GUIDELINES

- 6. According to the Industry, the TV Parental Guidelines are designed so that "category and program-specific content indicators will provide parents with information that will help them make informed decisions about what their children should watch on television." The TV Parental Guidelines describe a voluntary rating system consisting of six descriptive labels designed to indicate the appropriateness of television programming to children according to age and/or maturity; content indicators concerning sexual situations, violence, language or dialogue; transmission of the ratings information over line 21 of the Vertical Blanking Interval ("VBI"); display of on-screen rating icons and indicators; and the establishment of an Oversight Monitoring Board.
 - 7. The Industry states that the TV Parental Guidelines will apply to all television

of the Secretary from Reps. Edward J. Markey, Dan Burton, James P. Moran, John Spratt, Ron Klink, James C. Greenwood, John Murtha, Glenn Poshard, William O. Lipinski, Bob Filner, Joe Kennedy, Bob Goodlatte, Frank Wolf, Sue Kelly, Rosa DeLauro, and Earl Pomeroy, and Sens. Joseph Lieberman, Kent Conrad, Byron Dorgan, Dan Coats, Slade Gorton, Ernest F. Hollings and Robert C. Byrd (April 8, 1997).

¹⁵See August 1, 1997 Submission. The Commission sought comment on the August 1, 1997 Submission stating that comments already filed would be incorporated and encouraged parties to file new or revised comments to the extent they were concerned with the elements of the August 1, 1997 Submission. See Public Notice, Commission Seeks Comment On Revised Industry Proposal For Rating Video Programming, CS Docket No. 97-55, FCC 97-321 (September 9, 1997) ("Second Notice"). Unless otherwise noted, comments cited herein are in response to the Second Notice.

¹⁶See August 1, 1997 Submission at 1-2, and attached Agreement on Modifications to the TV Parental Guidelines, July 10, 1997, ("Joint Agreement") attached as Appendix D.

 $^{^{17}}$ On July 10, 1997, the Public Broadcasting Service ("PBS") announced it would also join in the implementation of the revised TV Parental Guidelines .

¹⁸August 1, 1997 Submission at 3.

¹⁹Under the January 17, 1997 Submission, television programming rating labels are age based with separate categories for programs designed solely for children. See January 17, 1997 Submission at 1-2. Under the supplemental August 1, 1997 Submission, the TV Parental Guidelines add content indicators for violence, sex, language or dialogue, with additional rating information for programs designed solely for children.

²⁰See January 17, 1997 Submission at 4 -5; August 1, 1997 Submission at 3.

programming except for news, sports, and unedited MPAA rated movies on premium cable channels.²¹ The TV Parental Guidelines (labels and content indicators, and respective meanings) are.²²

For programs designed solely for children:

TV-Y (All Children -- This program is designed to be appropriate for all children). Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.

TV-Y7 (Directed to Older Children -- This program is designed for children age 7 and above). It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: For those programs where fantasy violence may be more intense or more combative than other programs in this category, such programs will be designated TV-Y7-FV.

For programs designed for the entire audience, the general categories are:

TV-G (General Audience -- Most parents would find this program suitable for all ages). Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.

TV-PG (Parental Guidance Suggested -- This program contains material that parents may find unsuitable for younger children). Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

TV-14 (Parents Strongly Cautioned -- This program contains some material that many parents would find unsuitable for children under 14 years of age). Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

TV-MA (Mature Audience Only -- This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17). This program contains one or more

²¹January 17, 1997 Submission at 4; August 1, 1997 Submission at 3. Unedited movies that are typically shown on premium cable channels will carry their original MPAA ratings. Movies that were produced before the creation of the movie rating system in 1968 and movies that are edited for television will carry the TV Parental Guidelines.

²²August 1, 1997 Submission at 2.

of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

- 8. As proposed by the Industry, rating icons and associated content symbols appear for 15 seconds at the beginning of all rated programming and through the use of a display button on a remote control device thereafter.²³ Under the TV Parental Guidelines, the rating guidelines will typically be applied to television programs by broadcast and cable networks and producers, while television stations retain the right to substitute the rating they deem appropriate for their audience.²⁴ The Industry notes that cable networks and television stations will provide rating information to newspapers and publishers of printed and electronic program guides, and will request that these publishers include the appropriate information in their guides.²⁵
- 9. According to the Industry, the TV Parental Guidelines will work with the v-chip technology to permit parents to block programming with a certain rating from coming into their home. The v-chip, which will be installed in television sets, or available through set-top boxes, will read information encoded in the program and block based on the overall age category or by the S, L, V, or D rating assigned to the program, or by a combination of the two?⁶
- 10. The Industry has established an Oversight Monitoring Board to ensure that the rating guidelines are applied accurately and consistently to television programming.²⁷ The Board is comprised of a chairman and 23 members, including 6 members each from the broadcast television industry, the cable industry, and the program production community, and 5 non-industry members selected by the Chairman from the advocacy community, for a total of 24 members.²⁸ The Oversight Monitoring Board will provide information to producers and other program distributors concerning the TV Parental Guidelines, as well as address complaints and requests from the public about the TV Parental Guidelines and their implementation. The Oversight Monitoring Board will explore attitudes about the TV Parental Guidelines and the way in which they are being applied to programming, conduct focus groups and commission quantitative studies to determine whether the TV Parental Guidelines are providing useful

²³Id. at 3, and Joint Agreement. Although we are not, in the v-chip Proceeding, mandating that TV sets display the rating icon in response to a button on the remote control, we encourage manufacturers to develop the technology that would permit this function.

²⁴January 17, 1997 Submission at 4; August 1, 1997 Submission at 3. Each program in a series will be separately rated.

²⁵January 17, 1997 Submission at 5; August 1, 1997 Submission at 3.

²⁶As noted previously, details as to the implementation of the v-chip provisions of Section 551 can be found in our companion item issued today.

²⁷January 17, 1997 Submission at 4; August 1, 1997 Submission at 3, Joint Agreement.

²⁸Id.

information to parents, and consider any needed changes to them.²⁹ The Industry has also committed to independent, scientific research and evaluation of the rating system once the v-chip is in place.³⁰

IV. REVIEW OF THE VOLUNTARY PROPOSAL

11. Section 551(e) of the 1996 Act directs the Commission, in consultation with appropriate public interest groups and interested individuals from the private sector, to determine whether distributors of video programming have established acceptable voluntary rules for rating video programming that contains sexual, violent or other indecent material about which parents should be informed before it is displayed to children, and to determine whether distributors of video programming have agreed voluntarily to broadcast signals that contain ratings of such programming.³¹ If we determine that these conditions are not present, we are to establish an advisory committee. On the basis of the advisory committee's recommendations, we would then prescribe guidelines and recommended procedures for the identification and rating of such video programming and to prescribe, in consultation with the television industry, rules requiring distributors of any rated video programming to transmit such rating to permit parents to block display of rated programming.³²

(1) Consultation With Appropriate Public Interest Groups and Interested Individuals From the Private Sector

12. To implement Section 551's requirement that we consult with the public regarding the acceptability of the TV Parental Guidelines, we issued public notices on February 7, 1997 (Initial Notice) and on September 9, 1997 (Second Notice) seeking comment on, respectively, the Industry's initial TV Parental Guidelines and the subsequently revised TV Parental Guidelines.³³ In this regard, we developed a full record that includes the views of parents and teachers, public interest groups, medical professionals, industry representatives and interested individuals from the private sector. In addition to the comments filed in response to our public notices, we received numerous informal comments from interested parties, including comments received through electronic mail, and have made

²⁹Id. The Oversight Monitoring Board held its first meeting on February 26, 1998. The Oversight Monitoring Board reported that, subsequent to the addition of the content icons, it has received 162 comments regarding the rating system, and that only three of these comments were "negative." See Communications Daily, Vol. 18, No. 39 (February 27, 1998).

³⁰August 1, 1997 Submission at Attachment 1.

³¹Section 551(e)(1)(A) and (B). This Section also required the industry to submit its voluntary rating system within one year after the date of enactment of the 1996 Act. The Industry complied with this requirement by filing details of its rating system on January 17, 1997. To the extent that the Industry modified its guidelines to address concerns raised by the public, we do not believe that this subsequent modification affects the Industry's earlier compliance with the one year requirement.

³²Section 551(b)(1).

³³See supra at notes 13 and 15.

those comments part of the record.³⁴ As a result, however, of the lengthy discussions between the industry and the public on the acceptability of the TV Parental Guidelines after the January 17th filing, as well as a Congressional Hearing on the matter,³⁵ we determined that an additional public forum at the Commission was unnecessary.³⁶ We believe that Congress's interest in having the Commission consult with the public on the acceptability of the TV Parental Guidelines was augmented, in large degree, by the negotiations that took place between prominent advocacy groups and the industry. As a result, we considered the results of these negotiations, as well as the formal and informal comments filed in our proceeding, in making our determination. In addition, we have met with various parties about their concerns.³⁷

- 13. Our outreach efforts generated significant input on many important issues. The January 17th filing generated a large number of commenters, with the majority of comments reflecting concern that the rating system did not provide specific information identifying whether a program contained sexual, violent or indecent material. In response to the August 1, 1997 revisions to the TV Parental Guidelines, the Commission received 11 formal comments, 2 reply comments and 2 informal comments, the majority of which reflect general support for the revised TV Parental Guidelines. In addition, on August 6, 1997, the Commission received a letter from Representatives Burton, Markey, Moran and Spratt stating that the revised ratings proposal has the broad support of advocacy groups and the broadcasting industry. 40
- 14. Nine prominent advocacy groups have explicitly endorsed the TV Parental Guidelines submitted by the Industry on August 1, 1997.⁴¹ The groups are the American Medical Association; American Academy of Pediatrics; American Psychological Association; Center for Media Education; Children's Defense Fund; Children Now; National Association of Elementary School Principals; National

³⁴In response to the January 17, 1997 Submission, the Commission received 52 formal comments, 18 reply comments, 3,166 informal comments, and over 400 electronic mail responses from interested parties. Appendix B is a list of commenters filing in response to the Industry's January 17, 1997 Submission; Appendix C is a list of commenters filing in response to the Industry's August 1, 1997 Submission.

³⁵On February 27, 1997, the Senate Committee on Commerce, Science and Transportation, held a hearing on the TV Parental Guidelines.

³⁶The Commission scheduled an en banc hearing on the TV Parental Guidelines for June 20, 1997, which was postponed until July 14, and then postponed again indefinitely. See, Public Notices Commission Announces En Banc Hearing On Industry Proposal for Rating Video Programming and On "V-chip" Technology, CS Docket No. 97-55, DA 97-857 dated April 23, 1997, May 15, 1997 and July 10, 1997.

³⁷Commission staff met with representatives of NCTA, OKTV and NAB, among others.

³⁸Some commenters raised issues outside the scope of this proceeding, and thus are not addressed herein. See e.g., comments of Thomas Jefferson Center for the Protection of Free Expression; American Civil Liberties Union.

³⁹See fn. 34, supra.

⁴⁰Letter from Representatives Burton, Markey, Moran and Spratt to Commission, August 6, 1997.

⁴¹Joint Agreement.

Education Association; and the National PTA (the "Concurring Advocacy Groups").⁴² In a statement of acceptance, the Concurring Advocacy Groups state that:

[T]he TVP arental Guidelines have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.⁴³

- 15. Most commenters urge the Commission to find that the TV Parental Guidelines, as revised, are acceptable. Commenters representing the interests of children, parents and teachers, medical disciplines, program distributors, film producers and equipment manufactures, as well as several individual commenters support the acceptability of the TV Parental Guidelines. Many commenters find that the TV Parental Guidelines will enable distributors to adequately identify sexual, violent, or other indecent material about which parents should be informed prior to its display to children and to provide parents with timely access to this information. Several commenters, for example, cite specifically the addition of content descriptors for sex, violence, language and dialogue to the TV Parental Guidelines' six age/maturity-based categories as meeting the goal of providing parents with the information they need to make viewing choices for their children. Others cite the addition of the non-industry representatives to the Oversight Monitoring Board in urging acceptance of the TVP arental Guidelines.
- 16. A few commenters raise concerns about the overall fairness of the Oversight Monitoring Board⁴⁷ and consistency in the application of ratings.⁴⁸ Some argue for a stronger oversight mechanism, including enforcement and review procedures, that will achieve and maintain consistency of application

⁴²Id.

⁴³Id.

⁴⁴Many of these groups supported the January 17, 1997 Submission (numerous television stations, middle and high school students, universities and university students, Writers Guild of America, East). Others filed in support of the August 1, 1997 Submission (AACAP & APA; CEMA; Block; Cantor; Collings. Also, AAP, Children Now, and National PTA submitted separate statements in addition to the Joint Agreement).

⁴⁵See e.g. AAP at 1; Children Now at 1-2; National PTA, attachment; Cantor at 1. Consensus was also facilitated by the elimination of the word "may" from the TV Parental Guidelines' description of age and maturity based categories. AAP at 1.

⁴⁶AAP at 2.

⁴⁷See e.g. AACAP & APA at 2; Morality in Media at 8, 15; also VideoFreedom, Inc. at 1-2 (April 8, 1997).

⁴⁸See e.g. Cantor at 2; AACAP & APA at 2; Morality in Media at 10; National Coalition on Television Violence at 3-4 (April 8, 1997). Concern was also raised about the non-application of ratings to news, sports, program promotions and advertisements. See Morality in Media at 8-9 (April 8, 1997); Para Technologies, Inc. at 18-19 (April 8, 1997).

of the TV Parental Guidelines.⁴⁹ Other commenters encourage the Commission to permit the use of alternative rating systems.⁵⁰

- Guidelines are unacceptable even after revisions were made to the system, including the addition of S, L, V, and D descriptors. These commenters generally contend that the TV Parental Guidelines fail to inform parents of sexual and other indecent material in television programs. Morality in Media believes the TV Parental Guidelines do not give sufficient information to parents because the rating categories do not contain objective and definite criteria for determining a program's rating. Morality in Media also criticizes the Industry's proposed rating system because it is based on the age-based MPAA rating system, a system it claims provides the industry's own assessment as to the appropriateness of films and is designed to keep from alerting parents as to the inappropriateness of many Hollywood films. Kimball requests that the Commission not find the TV Parental Guidelines acceptable because they are inadequate and would fail to inform parents of sexual and other indecent material in television programs they may not want their children to watch. Morality in Media also argues that NBC's failure to rate programs in accordance with the TV Parental Guidelines means that the "Industry" has not voluntarily agreed to transmit the ratings as required by Section 551(e)(1)(B).
 - (2) Establishment and Acceptability Of Voluntary Rules For Rating Video Programming
- 18. After reviewing the TVP arental Guidelines and considering the comments filed and the viewpoints expressed throughout this proceeding, we find that, in accordance with Section 551(e)(1)(A) of the 1996 Act, distributors of video programming have established acceptable voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children.
- 19. Section 551 requires that the Commission determine whether the TVP arental Guidelines are acceptable. As a preliminary matter, we must determine what it means for the rating system to be "acceptable." The term is not defined in the statute, nor are we aware of any statutory interpretation

⁴⁹AACAP & APA at 2; Morality in Media at 8-9.

⁵⁰Several parties indicate they are developing alternative rating system that they would like to make available for general use. While no party has sought to have the Commission determine whether its alternative rating system is acceptable, some parties do advocate that parents should have access to such alternative rating systems. See e.g. OKTV at 5-26, (April 8, 1997); Block at 2-3; Cantor at 3; NBC at 3-4; VideoFreedom, Inc. at 4-5 (April 8, 1997).

⁵¹Morality in Media at 1; Kimball at 2.

⁵²Morality in Media at 3-9.

⁵³Id.

⁵⁴Kimball at 1.

⁵⁵Morality in Media at 15.

of the term that would be relevant to our determination here. Applying the general meaning of the term,⁵⁶ we believe that it is reasonable to interpret the statute to mean that the rating system is acceptable if it meets both the specific requirements of Section 551(e) and the overall goals of Congress in enacting Section 551.⁵⁷

- Section 551(e)(1)(A) states that the rating system must provide information about 20. programming that contains sexual, violent or other indecent material about which parents should be informed before it is displayed to children. The TV Parental Guidelines provide a comprehensive system for rating programming that contains violent, sexual, or other indecent material, with specific rating information for programs designed solely for children.⁵⁸ Programming designated solely for children is age-based to indicate programming appropriate for all children (including ages two to six), programming for older children (ages seven and above) with a more specific content indicator for fantasy violence.⁵⁹ Programming for the entire audience is also age-based and supplemented by content indicators for sex, violence, adult language and suggestive dialogue. Morality in Media argues that the categories are subjective. We agree with the majority of commenters, however, who believe that the age-based, content supplemented system adopted by the Industry is sufficiently objective to provide parents with information necessary to make informed decisions. We do not agree with commenters who argue that we cannot find the system "acceptable" absent the inclusion of more specific details about varying degrees of violent, sexual, or other indecent materials found in the programming. The TV Parental Guidelines provide for weighing of each of the descriptors depending on which of the agebased categories it is associated with, i.e., the "V" in TV-PG-V means "moderate violence" while the "V" in TV-14-V means "intense violence." As a result, we do not believe that additional descriptors are necessary to meet the goals of Congress in adopting Section 551. Congress required that the rating system be sufficient to advise parents of the appearance of sexual, violent or indecent material in certain programming. We find that the TV Parental Guidelines meet this goal.
- 21. Some commenters raise concerns that the TV Parental Guidelines do not rate sports, news, commercials or promotions.⁶¹ Parties argue that these programs contain sexual or violent material that may be harmful to children.⁶² As an initial matter, we note that the EIA standard that we are

⁵⁶Webster's Dictionary defines acceptable as "worth accepting; satisfactory or, sometimes, merely adequate." Webster's New World Dictionary of the American Language, Second College Edition, Simon and Schuster.

⁵⁷See also Morality in Media at 2, stating that "[a]s used by Congress, . . . the word 'acceptable' was followed by the phrase 'to the Commission.' This clearly indicates Congress' desire to rely heavily on the expertise of the FCC to 'accept' a rating system which the Commission is satisfied would accomplish the objectives of Congress."

⁵⁸See August 1, 1997 Submission at 1-2.

⁵⁹Joint Agreement, Attachment 1.

⁶⁰Some parties argue, for example, that each "V" rating should be accompanied by a level rating of 1 through 5, for degree of violence. See e.g. Michigan Decency Action Council at 3 (April 8, 1997); Mediascope at 3, 5-7 (April 8, 1997); Langley at 1-2 (April 8, 1997); OKTV at 17-19 (April 8, 1997); also, Morality in Media at 10-12; Kimball at 2.

⁶¹In addition, unedited movies with an MPAA rating aired on premium cable channels are exempt.

⁶²Morality in Media at 8-9 (April, 8 1997); Para Technologies, Inc. at 18-19 (April 8, 1997).

adopting in the V-chip Proceeding accommodates the rating of programs, including commercials within the program. Since advertisers target specific audiences reached by particular programming, it is not unreasonable for the Industry to rely on the program blocking mechanism to also filter commercials that appear in the program. While it appears that commercials that are not encoded may be passed through, such as locally inserted advertisements, we do not think that failure to rate advertisements individually will defeat the purpose of Congress in enacting Section 551. We also think it is important to recognize that the decision to exclude these categories of programming was made with the support of the advocacy groups that negotiated revisions to the Industry proposal. Similarly, we think it is not unreasonable for the Industry to exempt sports and news programming. In addition to the practical limitations in rating such programming, we note that Congress recognized the danger in requiring rating of political programming, which is often an integral element in news programming.⁶³ As a result, we conclude that the TV Parental Guidelines are acceptable even though the Industry has decided not to rate these programs as a general rule.

- We agree with commenters who express concern that to be useful, the rating system must be applied in a consistent and accurate manner.⁶⁴ The record here indicates that the Industry has taken steps to insure that this is the case. The agreement reached between the Industry and the advocacy groups commits the Industry to independent, scientific research and evaluation of the rating system once the v-chip is in place.⁶⁵ We believe that this independent research and evaluation is important to determine whether the rating system is working and providing parents with the information needed to make viewing choices for their children. We view this research and evaluation effort as an important opportunity for parents to assess the usefulness of the rating system and provide input on the consistency and accuracy of the ratings. We expect that the research and evaluation of the rating system, once the system has been in use, will allow for adjustments and improvements to the system. We view this commitment as an important element in the proposal.
- 23. We also believe that the Oversight Monitoring Board can play an important role in making the ratings meaningful by helping to ensure a consistency of approach in rating the programs. We note that in response to concerns raised by the public interest groups, the Industry agreed to add 5 non-industry members, drawn from the advocacy community, to the board. While some commenters raise concerns that the board, with 19 industry members, is still unbalanced, we agree with the majority of commenters that the addition of representatives from the advocacy community will provide an important voice for non-industry interests and will permit useful oversight of the rating system.
 - 24. We believe that, based on the record before us, the TV Parental Guidelines serve the

 $^{^{63}}$ See Section 551(b)(1) ("... nothing in this paragraph shall be construed to authorize any rating of video programming on the basis of its political or religious content ...").

⁶⁴AACAP & APA at 2; Cantor at 2; Collings at 1

⁶⁵Joint Agreement, Attachment 2.

⁶⁶August 1, 1997 Submission at 3.

⁶⁷AACAP and APA at 3; Morality in Media at 15.

goals of Section 551. The voluntary rating system addresses Congress' concern that parents have timely information about the nature of upcoming video programming.⁶⁸ The Industry has voluntarily agreed to transmit ratings over line 21 of the VBI. Under the TV Parental Guidelines, rating icons and descriptors will be displayed for 15 seconds at the beginning of a program and may be displayed at any time through the use of a remote control display button.⁶⁹ Also, the size of the icon has been increased from the initial proposal so that it will occupy more than 40 scan lines on the television screen.⁷⁰ The TV Parental Guidelines, used in conjunction with the v-chip technology, will give parents the tools they need to limit the exposure of their children to video programming that they believe is inappropriate.

In the Second Notice we asked for comment on whether the Commission should 25. determine the acceptability of any alternative ratings systems used by video programming distributors. Some commenters asked the Commission to guarantee access to alternative ratings systems, and we are aware of at least one programmer, NBC, that has implemented its own variation of the Industry rating system.⁷¹ We believe, however, that Congress intended that we evaluate only the system of rules established through industry consensus. Section 551 was designed to give the industry an opportunity to come to a consensus on a system of rules before the Commission would establish its own rating guidelines. Just as the Commission would be charged with prescribing one set of guidelines to be followed -- on a voluntary basis -- industry-wide, it is reasonable to conclude that Congress expected any voluntary rules established by distributors under Section 551(e) to be one uniform system arrived at through consensus. This interpretation is borne out by the legislative history, which refers repeatedly to one industry system of rules. The Conference Report, for example, states that the advisory committee provision is only triggered if the Commission determines that "distributors of video programming have not established an acceptable voluntary system for rating programming nor agreed voluntarily to broadcast signals that contain ratings of such programming. The Conference Report further states that the Commission guidelines and recommended procedures discussed in Section 551(b)(1) "are intended to provide industry with a carefully considered and practical system for rating programs if industry does not develop such a system itself. The debate on Section 551 further emphasizes that Congress envisioned the collaborative establishment of one industry rating system. For example, Senator Conrad urged "television broadcasters, cable operators, and other video programmers to take advantage of the 12-month period provided under section 551 to voluntarily develop an identification or rating system that will help parents to make informed decisions about television programming that

⁶⁸1996 Act, § 551 (a) (9).

⁶⁹Joint Agreement.

⁷⁰Id.

⁷¹See NBC Reply Comments at 1-2

⁷²S. Conf. Rep. 104-230, 104th Cong. 2d Sess. 195 (1996) (emphasis added). See also id. at 196 ("The actual effective date has also been made contingent on a determination by the Commission that distributors of video programming have not, by such date, established a voluntary system for rating video programming") (emphasis added).

⁷³Id. at 195 (emphasis added).

is appropriate for children.¹⁷⁴ We therefore believe that Congress intended that we evaluate only the single Industry proposal. We make no finding on the acceptability of other ratings systems, including the Industry proposal as it existed prior to the August 1, 1997 modifications.

26. Because we find that Section 551(e) contemplates that the Commission review only the Industry proposal, we similarly conclude that Congress did not intend that we mandate accessibility to alternative ratings systems. Consequently, our companion technical item issued today does not mandate that the v-chip accommodate alternative rating systems, although it does encourage manufacturers to design TV receivers to provide for additional ratings systems to the extent practical. We envision that the Industry and the manufacturers will work together to accommodate industry innovations in the rating system.

(3) Voluntary Agreement to Broadcast Signals

- 27. The statute also requires that we determine whether "distributors of video programming have . . . agreed voluntarily to broadcast signals that contain ratings of such programming. The Industry's original proposal stated: "We have agreed to encode the guideline for each program on line 21 of the Vertical Blanking Interval once the Commission establishes a technical standard. This will enable the 'v-chip' and permit parents to use the TV Parental Guidelines to control children's television viewing when parents are not in the home." According to the original proposal, the industry group that developed the proposed system "represented all segments of the television industry: the national broadcast networks; affiliated, independent and public television stations nationwide; cable programmers, producers and distributors of cable programming; entertainment companies; movie studios; and members of the creative guilds representing writers, directors, producers and actors. In its August 1, 1997 submission, the Industry reiterated that "[t]he TV Parental Guidelines are voluntarily and broadly supported by the television industry which has pledged to begin transmitting ratings information on line 21 of the VBI within six months.
- 28. We recognize that not all video programming distributors have agreed to transmit the ratings system that we have found acceptable. For example, BET has chosen not to participate in the TV Parental Guidelines system, and NBC has decided to continue to apply the Industry ratings system

⁷⁴142 Cong. Rec. S702 (daily ed. Feb. 1, 1996) (emphasis added). <u>See also</u> 142 Cong. Rec. H1171 (daily ed. Feb. 1, 1996) (Congressman Markey refers to the "development of a model rating system as envisioned by this bill").

⁷⁵Section 551(e)(1)(B).

⁷⁶January 17, 1997 Submission at 4-5.

⁷⁷See January 17, 1997 Submission, Attachment: Parental Guidelines for America's Television Programming, a Background Paper; see also August 1, 1997 Submission at 1, stating the continued support of "television broadcasters, cable systems and networks, and television production companies."

⁷⁸August 1, 1997 Submission at 4.

as it existed prior to the August 1 modifications.⁷⁹ Morality in Media argues that because NBC is an integral part of the industry, its failure to commit to the agreed upon system results in failure by the industry to submit a voluntary plan in accordance with the statute.⁸⁰

- We do not believe that the statute requires that every video programming distributor nationwide agree to transmit the ratings. Such a reading would mean, for example, that the failure of a single small television station to transmit the ratings would cause the entire system to fail. On the other hand, we believe that participation must be sufficiently ubiquitous to achieve Congress' goals in enacting Section 551, including the goal of permitting parents "to easily block violent, sexual or other programming that they believe harmful to their children.'61 The more video programming distributors that do not participate, and the larger the audience reach of the distributors that do not participate, the more difficulty parents will have blocking the programming they consider inappropriate. We stress that we are not forcing any video programming distributor to transmit ratings, or suggesting that they transmit a particular ratings scheme. Under 551(e), we are required to determine whether, as a factual matter, video programming distributors have voluntarily agreed to transmit the Industry proposal. If we find that they have not, the 1996 Act provides that the Commission shall prescribe "on the basis of recommendations from an advisory committee established by the Commission . . . guidelines and recommended procedures for the identification and rating of video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children."82
- 30. The decisions of individual parties, such as NBC and BET, not to participate in the current Industry proposal can make it more difficult for parents who wish to use content indicators to block programming using the TV Parental Guidelines. In the case of BET, which will transmit no ratings at all, parents may be required to use a separate date/time/channel blocking mechanism to block programming (assuming that their television set provides such a feature). As for NBC, a major network, parents will not be able to block programming based upon the different content indicators within each age-based category.⁸³ Under the TV Parental Guidelines, for instance, a parent who was primarily concerned about exposing his or her child to television violence could establish a more restrictive standard for the violent programming that would be allowed to enter the home than for sexual situations or strong language. This will not be possible under the NBC approach. Nonetheless, parents will be able to block programming based on age categories.
 - 31. Based on the record, we conclude that Congress' goals will be achieved to a sufficient

⁷⁹NBC states that its age-based identifiers are supplemented with content-related information through expanded use, where appropriate, of narrative on-screen and audio advisories. NBC Reply Comments at 4.

⁸⁰Morality in Media at 21.

⁸¹ Section 551(a)(9) (emphasis added).

⁸²Section 551(b)(1).

⁸³It is unclear whether NBC's decision applies only to the network and its owned and operated stations, or whether its affiliated stations have adopted the approach as well.

degree to warrant a finding that video programming distributors have voluntarily agreed to broadcast the Industry ratings system. To our knowledge, the only national video programming distributors that have elected not to participate are BET and NBC. Given this near-unanimity, we believe that the TV Parental Guidelines will provide parents with a useful and easy-to-use tool to block programming that they consider harmful to their children.

V. CONCLUSION

- 32. In their joint statement of July 10, 1997, the Industry and Concurring Advocacy Groups ask that we give the rating system a fair chance to work and allow parents an opportunity to understand and use the system. Further efforts are underway to provide information and educate parents about the rating system, such as encouraging publishers of periodicals, newspapers and journals to include the ratings with program listings and making available videos and brochures to parents through local cable companies, schools, libraries and civic organizations. As a result of the joint efforts of the Industry and the public groups who have so diligently participated in the development of the TV Parental Guidelines in furtherance of Congress' goals, we believe that parents will be provided with needed information about programming before it is displayed to children and given the technological tools necessary to easily block programming that they consider harmful.
- 33. Accordingly, IT IS ORDERED that pursuant to the authority found in Section 551(e) of the Telecommunications Act of 1996, the industry's establishment of voluntary rules for rating video programming is consistent with the requirements of Section 551(e) (1) and (2).

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas Secretary

⁸⁴Joint Agreement, Attachment 2.

⁸⁵ August 1, 1997 Submission at 3.

⁸⁶According to the cable TV industry, parents and families can contact their cable operator, or write to the NCTA to obtain free of charge a video and brochure describing the rating system, and a peel-off sticker with an abbreviated version of the TV Parental Guidelines to attach to their remote control.

APPENDIX A

Communications Act of 1934 as amended by The Telecommunications Act of 1996

Subtitle B - Violence

Section 551. PARENTAL CHOICE IN TELEVISION PROGRAMMING.

- (a) FINDINGS. -- The Congress makes the following findings:
- (1) Television influences children's perception of the values and behavior that are common and acceptable in society.
- (2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming has established a uniquely pervasive presence in the lives of American children.
- (3) The average American child is exposed to 25 hours of television each week and some children are exposed to as much as 11 hours of television a day.
- (4) Studies have shown that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than children not so exposed, and that children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior.
- (5) Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school.
- (6) Studies indicate that children are affected by the pervasiveness and casual treatment of sexual material on television, eroding the ability of parents to develop responsible attitudes and behavior in their children.
- (7) Parents express grave concern over violent and sexual video programming and strongly support technology that would give them greater control to block video programming in the home that they consider harmful to their children.
- (8) There is a compelling governmental interest in empowering parents to limit the negative influences of video programming that is harmful to children.
- (9) Providing parents with timely information about the nature of upcoming video programming and with the technological tools that allow them easily to block violent, sexual, or other programming that they believe harmful to their children is a nonintrusive and narrowly tailored means of achieving that compelling governmental interest.

APPENDIX B

Responses to Industry Submission of January 17, 1997

(electronic mail correspondence not listed)

Comments

American Academy of Pediatrics

American Medical Association

American Psychological Association

Ameritech New Media

Benton Foundation

Block, Robert S.

Cantor, Joanne (professor, Communication Arts, University of Wisconsin-Madison)

Center for Media Education, American Medical Association, Center for Media Literacy, Children's Defense Fund, Children Now, Cultural Environment Movement, Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America, Media Center of the Judge Bater Children's Center, National Alliance for Non-Violent Programming, National Association for Family and Community Education, National Association of Elementary School Principals, National Association of School Psychologists, National Coalition on Television Violence, National Council of La Raza, National Education Association, National Institute on Media and the Family, National Parent Teacher Association, Public Media Center, and Teachers for Resisting Unhealthy Children's Entertainment

Children Now

Children's Defense Fund

Coats, Senator Dan

Collings, Tim (professor, Engineering Science, Simon Fraser University, British Columbia)

Concerned Women for America

Consumer Electronics Manufacturers Association

Cosmos Broadcasting Corporation

Deem, Richard

Douglas, Andre J.T.*

EEG Enterprises

Hutson, William E.

Institute for Public Affairs, Union of Orthodox Jewish Congregations of America

Joint Congressional Letter (signed by 16 Representatives and 7 Senators)

KAMR-TV

KEYC-TV

KWWL-TV

KXLY-TV

Langley, Scott

Lessie Bates Davis Daycare*

Media Access Project (on behalf of Peggy Charren)

Mediascope

Michigan Decency Action Council

Morality in Media, Inc.

National Alliance for Non-Violent Programming

National Association of Famity & Community Education

National Coalition on Television Violence

National Institute on Media and the Family

OKTV

Para Technologies, Inc.

Presbyterian Church (USA)

Public Broadcasting Service

Raff, James C.

Salvatierra, Hector Garcia

Thomas Jefferson Center for the Protection of Free Expression

University of California, Santa Barbara Research Team

VideoFreedom, Inc.

Waikman, F. Joseph

WBFX-TV

WGEM-TV

WMTV-TV

WOIO-TV and WUAB-TV

WUAB-TV

WXMI-TV

Writer's Guild of America

Reply Comments

ABC, Inc.

American Civil Liberties Union

American Library Association

American Psychological Administration

Bronsnick, Andrew

Center for Media Education, American Academy of Child and Adolescent Psychiatry,

American Psychological Association, Center for Media Literacy, Children's Defense Fund, Cultural Environment Movement, Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America, Media Center of the Judge Baker's Children's Center, National Alliance for Non-Violent Programming, National Association for Family and Community Education, National Association of Elementary School Principals, National Association of School Psychologists, National Coalition on Television Violence, National Council of La Raza, National Education Association, National Institute on Media and the Family, National Parent Teacher Association, Public Media Center, Teachers Resisting Unhealthy Children's Entertainment.

Consumer Electronics Manufacturers Association

Family Research Council

Media Coalition Inc.

National Association of Broadcasters, National Cable Television Association and

the Motion Picture Association of America - Joint Reply Comments

National Campaign for Freedom of Expression

OKTV

People for the American Way

^{*}Received After April 8, 1997

Public Broadcasting Service

Surreply Comments
Block, Robert S.
Hamilton, James T.
Omegapoint Communications (L.Lynn Hinderaker)
Soundview Technologies, Inc. (H.Lee Brown)
The Reporters Committee for Freedom of the Press

Informal Comments Received

Aaby, Patrick
Abbott, Lori & James
Abeyta, Mrs. G.
Abrams, Andrea
Abro, Christine
Ackerhalt, S.
Ackerman, Linda
Ackerman, Mildred
Ackerman, Scott S.
Adam, Linda

Adams, Bruce & Carol

Adams, Penny

Adams, Sharon & Mack Adamski, Brenda

Adelmann, Debbie & Wally Adgate, Mrs. Charles R.

Adkins, Cindy Aetersack, Patricia D.

Ager, Pat
Ahlmor, Pamela
Ahrens, Michelle
Ahvens, Arnold J.
Aishman, Sharron
Albina, Sharon
Ali, Patricia

Allen, Cara Allen, Denise Allgeyer, David Allnut, Dale Allorio, Frank

Alloway, Jennifer

Allred, Edward & Arlene

Allsup, Sue Almond, Vera Altizer, Greg & Kim Alvarez, Karla Alyea, Mischa

Ambrose, Cathy & Bob Amico, Susan & Dave

Amsler, David Anderson, Barry K. Anderson, Bette

Anderson, Kathy

Anderson, Brent & Hollie Anderson, Brad & Valerie Anderson, Dan & Holly Anderson, Donna P. Anderson, Jane Anderson, Karen M. Anderson, Kim Anderson, Lorraine

Anderson, Melvin H. & Lurlene M

Anderson, Steve & Susan. Anderson, Sue Anderson, Susan Anderson, Terry G.. Anderson, Vicki

Andreasen, Erik, et. al Andresen, Karen Angel, Helen B,

Andre, Sue

and Coventy, Stanley

Angla, Vickie Anthony, Lorraine Applewhaite, Andrew Archer, Tanya Arendall, Helen Argyelan, Peggy L. Armstrong, Debbie L.

Armstrong, Jeannie
Armstrong, Tim
Armstrong, William G.
Arndt, Samantha E.
Arnett, David Bruce (2)
Arnold, Judith M.
Arnold, Scott & Jane
Arra, Linda & Tom
Arthur, John
Asai, E. & Family
Asay, Tamara

Askew, Dr. & Mrs. Dennis W.

Askew, William Atayde, Marylou Atleberry, Debra Austin, Ellie Avioh, Virginia Aycock, Helen M.

Ash-Larson, Beverly

Ayuso, Rosalina (Concilio para la Educación de la Familia)

Babcock, Diane Babcock, Peggy Backer, Susan Backer, Cathy

Backowski, Phil & Mary Badeer, Deb

Bagge, Burt Bahr, Jayne Bailey, Melissa Bailey, Shawn Bailey, Teresa Bailey, Melissa Bainett, Carla

Bailey, Barbara

Baird, Tamra M.
Bakeman, Sandra
Baker, Lara
Baker, Leesa
Baker, Lynne

Baker, Maydell
Baker, Michele
Baker, Ralph
Baker, Tera L.
Bakker, Linda, et. al
Balan, Debbie
Balcone, Dyanne
Baldauf, Maria A.

Baldwin, Mrs. Jocelyn Bales, Leonard & Donna Ball, Lisa Ball, Patti

Ballard, Vicki

Balm, Ted
Bambas, Karen et. al
Banales, Dolores
Bancroft, Barbara
Bandsma, Marcia
Banker, Jerry & Janet
Bankston, Elaine
Banner, Raymond V.

Barbarich, Valerie Barber, E. & Jane Barber, Kathryn Barbian, Cyndi Barbie, Judy S.

Barbour, Corinne Charlton

Barker, Sharon Barlow, Carolee Barnett, Sandra H. Barr, Lori E.

Barrett, Steve & Jana Barrick, Vera

Barron, June E.
Barry, Carolyn M.
Barry, Jeanie
Bartelmay, Janet
Bartlett, Louise S.

Bartolone, Lynn Barton, Sandra Jean Barton, Charlene Bartosh, Terry Bartoszek, Jan, et.al Basile, Kim

Basile, Kim
Bass, Naomi
Bassett, Rona
Bataan, Alvin
Bateman, Carol
Bauer, Rachel

Baumgardner, Rodger & Gay

Baumgartner, Judy Baxley, Shawn Bayles, Rachel, et. al

Bays, Jody Beaman, Nina Beasley, Cheryl Beaty, Nancy Beck, Todd & Elissa Becker, Marla

Becker, Marlene, Gaudio, Bern

Beckett, Garry & Linda

Beeman, Stacy Beers, Sandra M. Beggs, Billie Begin, Suzanne Beinel, Patricia

Belford, Mr. & Mrs. Jim

Belgen, Tammi Bell, Lou Ann Bellusa, Carla

Belsaas, Leonard & Virginia

Bembibro, Ivonne Benigro, Debra Benson, Inga Bentley, Martha Benton PTA Benz, Ron

Berberet, Mr. & Mrs. Bill

Berdine, Wilma Beres, Nancy Berg, Dr. Jolene Berg, Rosanne

Berghorst, Mr. & Mrs. Robert

Bermude, Maria C. Bernhard, Jane M. Berry, Laura Berthelette, Carolyn Best, Joan, et al. Beutler, Peg Beyak, Paula

Beyer, Terry & Becky

Bezek, Carrie Bickford, Gloria Bickmore, Mari Bigler, Ken Bin-David, Cindy Bingham, Charlotte Birarelli, Mary A. Birnbaum, Amy Bishop, Max & Betty

Bison, Lisa
Bistline, Chris
Bittner, Larry
Bittner, Tracy
Bixby, Michele
Bizzarri, Viola
Black, Betty R.
Black, Pat
Blackham, Nila
Blair, Lynn Dee

Blair, Wade & Dana Blake, Dolores J. Blake, Madeleine Blalock, Ethel Bland, James Bland, Kathleen Blandford, Brian Blatnik, Suzanne E. Blaugh, Cheryl

Block, Mitchell & Debra Blodgett, Marguerite, Piper,

Bloecker, Julie

Blevins, Rhonda

Blonigen, Sister Mary Adella

Blore, Carmel Blum, Kathleen

Blumenthal, Carol Pinsky

Boardman, Debra Boatman, Janet E. Bobbs, Maxine M. Bode, Terri (2) Boden, LoraLei Boehard, Pam & Steve Boender, David & Vera Boerger, Mr. & Mrs. Gaylord

Boersma, Susanne Bollenger, Christopher Bollinger, Kelley Bollinger, Mindy Bolton, Tammy Boman, Elizabeth E. Boman, Michael L. Bond, Cheryl

Bonner, Ruth & William

Booe, Tinka Boron, Sandra Boske, Sally A. Bostany, Joe & Janet Bostran, Deborah Bouchard, Melissa

Boucher, Michael & Pamela

Boughton, Gail Bowan, Jeanne

Bowden, Kathy (DuBree,

Beth)

Bowers, Noah
Bowman, Craig E.
Bowman, M. Anne
Bowman, Ruth S.
Bowser, Daniel
Boyd, Linda
Boyd, Sally P.
Boyda, Laurel
Boykin, Gene
Boykin, Gloria
Boyle, Renee

Bracken, Steve & Tina Brady, Matt & Shauna

Brage, Sue
Brandt, Thomas
Brandt, Thomas J.
Branson, Michelle
Brawn, Kathleen
Brayman, Dawn
Breedlove, Mary M.
Breen, James D.
Breihan, Jeannette

Brenner, Mr. & Mrs. Marc Bressette, Bill & Susan Brewer, Paige S. Bridges, Helen M. Bridges, Kimberly A. Briggs, Shauna Lyn Brily, Ronald L. Brinton, Natalie, et.al Brochu, Laurie A. Brockman, Pam

Broderick, Janet Brody, Diane Broodhead, Teresa Brooig, Heather Brooks, Melinda
Bross, Vernice
Brothwell, Bob D.
Brown, Avis
Brown, Christie
Brown, Deborah
Brown, Diane
Brown, Karen, et. al
Brown, Kathy
Brown, Kaylene
Brown, Shari & Brad

Brubaker, Linda Bruce, Shelly J. Brull, John V. Brunk, Sakina F. Brunson, Burnece Brunson, Teresa W.

Brunswick Preschool PTA
Bruorton, Darlene
Bryant, Keith G.
Bryce, Mrs. Marlene
Brynteson, Susan
Buchanan, Doug
Buchanan, Jerry
Bucher, Terry
Buchner, Sharon
Buckley, Velma J.

Budz, Virg Buening, Stephanie Buesching, Kathleen Buggeln-Bosworth, Leslie

Buhlen, Victor Bullard, Virginia Bullock, LuAnn Bungard, Barb Buntz, Mark A. Burdoin, Erica M. Burke, Lynn Burleson, Bill Burmeister, Jack Burnam, Marvin Burns, Linda Burrell, Sissey Burton, Diane Burton, Lara J. Busbee-Young, Lisa Bushie, Robin Bushong, Laura Buster, Charlotte

Bustos, Terrence

Butler, Caroline

Butler, Geraldine Butner, Robert Byers, Sherrie Thomas

Byrd, Derrick Byrd, Edith Byrd, Valerie Cabe, Dorothy Cabe, Helen

Cabe, Helen Cahill, Chris & Lisa Caldwell, Mrs. James Caleca, Denise

Calkins, Kathy & Mark Callahan PTA

Calloway, Gladys

Calvert County Council of PTAs

Cameron, Mariah Camp, Linda J. Campos, Carol

Candill, Mr. & Mrs.L. Albert

Canfield, Carol Cannon, Connie Cannon, Dr. Earl

Cantwell, Chuch & Laura

Caplan, Carolee Capraio, Janet Capri, Mr. Les Capri, Sonia

Cardwell, Mike & Kelly et. al

Carlton, Danette Carlton, Susan J. Carlton, Sue Carluzzo, Mike Carmosino, Mary Carnes, Aleta B. Carney, John W. Carney, Patricia Carol, Cathy Carpenter, Cori Carr, Allan C. Carrero, Helen Carroll, Marilyn Carroll, Tami, et. al Carson, Renee Carter, Carol J. Carter, Joni Cartes, Deborah

Cartes, Deborah Cartes, C.D. Carton, Robin Carver, Elizabeth Casalina, Mary Alice Casey, Barbara Casey, Geraldine Casey, Kelley Casey, Mark

Casey, Phyllis & Patrick

Cash, Betty
Cassidy, Christi
Castro, Ivelisse
Caulfield, Nancy
Caywood, Elsa
Cedillo, Minerva
Celley, Patricia
Cerattan, Holly Smith
Chambers, Doris
Chandler, Jude
Changnon, Marc
Chapin, Cecily M.

Chaplin, Rebecca C.
Chapman, Sandra
Chase, Katherine
Chavez, A., et. al
Chebuhar, Nancy
Cheesman, Creta
Chen, Phertin
Chen, Sharon
Cheng, Susan
Cherven, Arlyne
Chiariello, Kathy
Chorba, John A.

Christison, Michael & Dayna

Christy, Cindy

Chorey, Mary

Chu, Mr. & Mrs. Thanh Chu-Fong, Frances Chudoba, Jane C. Chung, Cathy Claborn, Judy Clantier, Debra Clanton, Shane Clark, Eileeen

Clark, Jerry L. (and Favorite Hill

PTA Members)

Clark, Lauren Clar, Leticia Clarke, William T. Clautrec, Francois Clayton, Debbie Clement, Debbie

Clement, Steve & Debbie

Clementz, Lisa A. Clermont, Julie Cleveland, Bev R. Clevenger, Robin P. Clibourn, John A. Click, Eva H.

Clifford, Mrs. Alice M.

Cline, Terry

Cline, Sharon (Community

Crime Prevention Council)

Clubb, Mary F.
Cnota, Carrie, et al
Cochran, Dana
Cocker, Vickie
Coffin, Kathleen M.
Coghill, Kathy
Cohen, Bonnie
Cohen, Mr. Mark
Cohoon, Edie

Colbeth, Mr. & Mrs. R.

Cole, Terry

Coleman, Bobbie & Curtis Colie, Hannah & Christopher

Collins, Jani H.

Collins, Karen & Michael

Collins, Nancee
Colvin, Monica
Combs, Sharon
Cone, Cynthia, et. al
Coneys, Megan
Conley, Betty & Mark
Connelly, Sheili
Connolly, Ann P.
Conyers, IlieBelle
Cook, Donna
Cook, Georgeana M.
Cook, Janice L.

Cook, Willie & Virginia Coombs, James & Josephine

Coon, Stephanie

Cooney, Henry & Eileen

Coons, Lela Cooper, Hilma F.

(MCLINC Library Asso.)

Cooper, Karen & Kim Cooper, Lester Cooper, Mina A. Copello, Miguel Copelton, Jack & Lynn

Copp, Linda

Corbridge, Brenda & Wayne

Cordray, Shelley

Cornell, Mr. & Mrs. Robert

Cornett, Sherri

Cornwell, Mr. & Mrs. Philip

Corry, Eldon

Cortese, Mr. & Mrs. Robert Cosnowski, Amy Marie

Costello, Rita M.

Cotswold Elementary School

Couch, Tammy
Coughlin, William J.
Coulter, Julie

Covelle, Rita G. (Morality In Media of MA) Cowell, Pat, Terrie

Cox, Carol Cox, Janice Cox, Julie Cox, Nina R. Cox, Stephen

Coyra-Caliens, Madeleine

Crabtree, Barbara Crabtree, Gene Craig, Cindy Craig, David C. Craig, Scott & Karen Cramer, Deborah Cranford, Miriam Crenshaw, Jean

Crescent View Middle School PTSA

Crew, Aubrey T. Crocker, Lisa Crook, Debbie Crouse, Ja net' Crow, Elaine Crow, Robin Crowe, Susan G. Crystal Lake Elem

Crystal Lake Elementary
Cuadra, Maritza G.
Cucher, Terri J.
Culen, Sara
Cullen, Donna J.
Cullen, Trisha
Culver, Diane
Cummings, Karen L.
Cummings, Shirley
Cummisky, Michelle S.
Cummisky, Paul

Cummisky, Michelle S.
Cummisky, Paul
Cunningham, Kristen D.
Curren, Caroline J.
Currier, Kay
Curry, Nicole
Curry, Amy
Curtis, Pam

Cuvo, Tina

Cyr, Carol Czerpak, Nina A. Dacar, Dale & Shelley

Dahl, Brenda
Dailey, K.C.
Dale, Lori
Dalluge, Yvonne.
Daly, Rita
Daly, Mary Jo
Daly, Pamela L.
Daly, Tamera S.

Damiano, Sandra L., et. al

Daniel, Pam
Danos, Nancy
Dansby, Barbara
Darbyshire, Meliss
Darling, Mrs. Theresa
Darnall, Frankie

Daub, Mary, Jack & Sherry
Davidson, Debra M.
Davies, Lester A.
Davies, Patricia
Davies, Rebecca
Davig, Carrol
Davillier, Faneeman
Davis, Dale E.
Davis, Eleanor
Davis, Faye

Davis, James E.

Davis, Kathy

Davis, Marvin & Mary Davis, Mr. & Mrs. Ray Davis, Mrs. Paula I. Davis, Sherry Davis, Robin Davis, Terry. Davison, Ms. Irene Dawson, Ann Dawson, James Day, Donna Dearing, Julie DeAtley, Dale

DeCesare, Karen & Kenneth

Decker, Harry J.
Deem, Patricia
Deese, Margaret
Deese, Mary & Phillip
DeFelice, Michele
DeFelice, Nancy
Defenbaugh, Penny
Degen, Diane A.

DeGering, David & Susan

Deishu, Angela
Del Molino, Angel
Del Rio, Aida
Dela Vega, Joseph
DeLa Cruz, Ellen
Delaney, Jean
DeLeomlus, Angela
DeLeon, Notolio
Delgado, Sally
Delorme, Elaine M.
Demonte, Linda
Demos, Adrian
Denby, Mindy
Denham, Rita
DeSales, Mary

DeSanto-Alvis, Reena

DeShazier, Paula R.

Deslate, Enrico Desmond, Dr. & Mrs. Walter Despain, Lynn & Merrily DeValve, Bob & Jean DeVillers, Donna M. (3)

Devlin, Donna Devlin, Jayne

DeWitt, Rosemary & Ted DeWitt, Leonard W. DiBattista, Rosemary G.

DiBattista, Rosemar Dickey, Donna L. Diehl, Brenda Diener, Kathryn M. Dierkes, Kathryn Dietz, Jessica Diez, Mary Dillon, Diana Dilworth, Mrs. C. DiMeglia, Blanca DiNardo, Nancy DiNardo, P. Dingman, Laurie

Dingman, Laurie
Dipasquale, Angela
Dishman, Tressa
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Morgan, Kevin M.
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Otash, Colleen
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Overdorff, R.E.

Overdorff, R.E. Overton, Anna K. Oves, Maria

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Smith, Cheryl
Smith, Joyce
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APPENDIX C

Responses to Industry Submission of August 1, 1997 (electronic mail correspondence not listed)

Comments

American Academy of Child & Adolescent Psychiatry
American Academy of Pediatrics
American Psychiatric Association
Block, Robert S.
Children Now
Collings, Tim (Simon Fraser University)
Consumer Electronics Manufacturers Association

Morality in Media, Inc.

National Association of Broadcasters, National Cable Television Association, and

Motion Picture Association of America

National Broadcasting Company, Inc.

National PTA

Univerity of Wisconsin-Madison

Reply Comments Kimball, Robert National Broadcasting Company, Inc.

Informal Comments Life Directions Traylor, Pam

APPENDIX D

Industry Submission of August 1, 1997



NATIONAL ASSOCIATION OF BROADCASTERS 1771 N STREET, NW Washington, DC 20036-2891 202/429-5300



MOTION PICTURE ASSOCIATION OF AMERICA, INC. 1600 Eye Street, NVV Washington, DC 20006 202/293-1966



National Cable Television Association 1724 Massachusetts Ave., NW Washington, DC 20036-1969 202/775-3650

August 1, 1997

Mr. William F. Caton Secretary Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554

Re:

CS Docket No. 97-55

Dear Mr. Caton:

We are formally notifying the Commission by this letter of certain elements we are adding to the system of parental guidelines that the television industry submitted on January 17, 1997. The additions we describe below are supported by television broadcasters, cable systems and networks, and television production companies. We are also pleased that the revised guidelines are supported by leading family and child advocacy groups. These supplements to the existing system of guidelines will be implemented, apart from provisions dealing specifically with the "V-chip," by October 1 of this year.

We are attaching a description of the amended system and statements of the television industry and family and child advocacy groups concerning the revised voluntary TV Parental Guidelines, as well as the agreement between the television industry and the advocacy community concerning additions to the Guidelines.¹

We are changing some of the descriptors associated with the six age-based categories of television programming and, in certain categories, adding symbols describing the type of material that is included in a particular program. The program categories we will use after October 1 are:

We are also providing a copy of this submission and the attachments on diskette to the Cable Services Bureau.

The following categories apply to programs designed solely for children:

TV-Y All Children This program is designed to be appropriate for all children. Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.

TV-Y7 Directed to Older Children This program is designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: For those programs where fantasy violence may be more intense or more combative than other programs in this category, such programs will be designated TV-Y7-FV.

The following categories apply to programs designed for the entire audience:

TV-G General Audience Most parents would find this program suitable for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.

TV-PG Parental Guidance Suggested This program contains material that parents may find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).

TV-14 Parents Strongly Cautioned This program contains some material that many parents would find unsuitable for children under 14 years of age. Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).

TV-MA Mature Audience Only This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

These refinements maintain the broad six-category structure of the system of ratings we previously submitted to the Commission and add symbols indicating the particular content of each program, as appropriate. Together, the category and program-specific content indicators will provide parents with information that will help them make informed decisions about what their children should watch on television.

The icons and associated content symbols will appear for 15 seconds at the beginning of all rated programming, and the size of the icons will be increased from those shown presently.

In addition, five representatives of the advocacy community will be added to the monitoring board which we have established to ensure that the Guidelines are applied accurately and consistently to television programming. This will provide input from representatives of parents and family and child advocacy groups about the way in which the Guidelines operate in practice.

Consistent with the operation of the TV Parental Guidelines since January, cable networks and television stations will supply ratings information to newspapers and publishers of printed and electronic program guides so that the ratings can be included in program guides. Also unchanged is the right of local television stations to substitute the rating they deem appropriate for their audience for ratings assigned by producers and distributors. The TV Parental Guidelines will continue to apply to all television programming except for news and sports and unedited MPAA-rated movies that are shown on premium cable channels. The latter will continue to carry their original MPAA ratings and the additional advisories currently used by several premium services.

Section 551(e)(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104, requires the Commission to determine if "distributors of video programming have . . . established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed," and that the industry-adopted ratings system is "acceptable." As we pointed out in submitting the TV Parental Guidelines on January 17 and in comments submitted on May 8, 1997, the ratings system we adopted achieved Congress' goals of providing information that would give parents an effective tool to control their children's television viewing, a tool whose effectiveness would become even greater when the "V-chip" becomes available.

Joint Reply Comments of the National Association of Broadcasters, The National Cable Television Association, and The Motion Picture Association of America, CS Dkt. No. 97-55 (May 8, 1997).

By adding information to the Guidelines, parents will have additional information to help them decide which to evision programs their children will watch. Parents who wish to prevent their children from seeing a whole category of programs oriented in theme or content to older viewers will be able to do so; parents who instead are interested in controlling their children's access to particular types of content will also be provided with the information they need. Each network or television station also will continue to have the right to provide additional advisories to parents when they believe their audience will benefit from particular information about a specific program.

When coupled with the "V-chip," the TV Parental Guidelines will allow parents flexible options to ensure that their children see only the programs that they deem suitable for them. The content symbols added to the ratings categories meet many of the concerns expressed in comments to the Commission, and the addition of representatives of advocacy groups to the Oversight Monitoring Board address the concerns of others that decisions about ratings should reflect input from outside the television industry.

The TV Parental Guidelines are voluntary and broadly supported by the television industry which has pledged to begin transmitting ratings information on line 21 of the Vertical Blanking Interval (VBI) within six months. While the Telecommunications Act contemplated that a ratings system would be incorporated into the "V-chip," Congress specifically eschewed any requirement that distributors of programming be required to use that system. The Commission is only authorized to require transmission of blocking codes "with respect to video programming that has been rated." 47 U.S.C. § 303(w)(2). The Conference Report emphasized that "the conferees do not intend that the Commission require the adoption of the recommended rating system nor that any particular program be rated." H. REP. No. 458, 104th Cong., 2d Sess. 195 (1996)(emphasis added).

Program producers and distributors were thus explicitly left by Congress with the discretion to determine whether they will rate their own programming, subject only to the requirement that they cannot strip ratings information from the VBI. Congress undoubtedly adopted this approach to avoid the obvious constitutional questions that would arise if programmers were required to display government-approved messages about program content. Thus, whether certain program producers or distributors decide that they will not rate programs

See, e.g., Comments of the Center for Media Education, CS Dkt. No. 97-55 (April 8, 1977); Comments of the National Association for Family and Community Education, CS Dkt. No. 97-55 (April 8, 1977).

See, e.g., Comments of Morality in Media, CS Dkt. No. 97-55 (April 8, 1977).

at all (as some did after the TV Parental Guidelines were adopted last December), or others do not utilize the additional content symbols, has no impact on the decision as to whether the ratings system adopted by the industry is "acceptable" under Section 551(e)(1).

In order to bring the full benefits of the TV Parental Guidelines to the American people, we urge the Commission promptly to conclude that this system is acceptable and to adopt the technical standards needed for its incorporation into television receivers.

Please direct any questions concerning this matter to Jill Luckett at NCTA, Jack Goodman at NAB, and Cynthia Merrifield at MPAA.

Respectfully submitted,

Jack Valenti

President and CEO

Motion Picture

Association of America

Decker Anstrom

President and CEO

National Cable Television

Association

Eddie Fritts

President and CEO

National Association

of Broadcasters

Attachments

cc:

Chairman and Commissioners

Meredith J. Jones

Roy J. Stewart

Christopher J. Wright

Agreement on Modifications to the TV Parental Guidelines July 10, 1997

- 1. Content Information: The following content information, where appropriate, will be added to all non-exempt programming to supplement the existing TV Parental Guidelines: in the TV-Y7 category -- FV for fantasy violence; in the TV-PG, TV-14 and TV-MA categories -- V for violence, S for sexual situations, L for language, and D for dialogue.
- 2. Descriptions of the Guidelines: Modifications will be made to the category descriptions as specified in Attachment 1.
- 3. Monitoring Board: Five non-industry members, drawn from the advocacy community and selected by the Chairman, will be appointed to the Monitoring Board as full voting members. Recommendations for appointment to the Board will be offered by advocacy groups and Monitoring Board members.
- **4. V-chip:** The industry and advocacy groups will recommend to the FCC that the MPAA movie rating system and the universal television rating system be the only systems mandated for inclusion on the V-chip.
- 5. Icons: Larger icons will appear on-screen for 15 seconds at the beginning of all rated programming and through use of a display button thereafter.
- 6. Assurances: Attachment 2 reflects the agreement reached between the industry and advocacy groups on treatment of the relevant proceedings at the FCC and pending and future legislation.
- 7. Research and Evaluation: Independent, scientific research and evaluation will be undertaken once the V-chip has been in the marketplace.
- 8. Effective Date: Networks will begin to rate programming using the new universal television rating system by October 1, 1997. The industry agrees to encode and transmit the rating information in Line 21 of the vertical blanking interval within 180 days of the date of this agreement.

The following categories apply to programs designed solely for children:

- TV-Y All Children. This program is designed to be appropriate for all children. Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2 6. This program is not expected to frighten younger children.
- above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy violence or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children. Note: For those programs where fantasy violence may be more intense or more combative than other programs in this category, such programs will be designated TV-Y7-FV.

The following categories apply to programs designed for the entire audience:

- TV-G General Audience. Most parents would find this program suitable for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.
- TV-PG Parental Guidance Suggested. This program contains material that parents many find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).
- Parents Strongly Cautioned. This program contains some material that many parents would find unsuitable for children under 14 years of age. Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).
- TV-MA Mature Audience Only. This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

July 10, 1997

The attached modifications of the TV Parental Guideline System have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.

We further believe that the system deserves a fair chance to work in the marketplace to allow parents an opportunity to understand and use the system. Accordingly, the undersigned organizations will work to: educate the public and parents about the V-chip and the TV Parental Guideline System, encourage publishers of TV periodicals, newspapers and journals to include the ratings with their program listings; and evaluate the system. Therefore, we urge governmental leaders to allow this process to proceed unimpeded by pending or new legislation that would undermine the intent of this agreement or disrupt the harmony and good faith of this process.

Motion Picture Association of America National Association of Broadcasters National Cable Television Association American Medical Association
American Academy of Pediatrics
American Psychological Association
Center for Media Education
Children's Defense Fund
Children Now
National Association of Elementary
School Principals
National Education Association
National PTA

TV Parental Guidelines

FOR IMMEDIATE RELEASE

Thursday, July 10, 1997

P.O. BOX 14097 WASHINGTON, DC 20004 202/879-9364

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Dennis Wharton John Earnhardt, NAB 202-429-5350
Torie Clarke Scott Broyles, NCTA 202-775-3629

JOINT STATEMENT OF MOTION PICTURE ASSOCIATION OF AMERICA NATIONAL ASSOCIATION OF BROADCASTERS NATIONAL CABLE TELEVISION ASSOCIATION

WASHINGTON, D.C. --- The television industry has concluded a long negotiation with public advocacy groups and has come to closure on revisions to the TV PARENTAL GUIDELINES

The following content information, where appropriate, will be added to all non-exempt programming to supplement the existing Guidelines—in the TV-Y7 category -- FV for fantasy violence, in the TV-PG, TV-14 and TV-MA categories -- V for violence. S for sexual situations, L for language, and D for dialogue.

Leaders in Congress have said no legislation regarding television ratings, content and program scheduling should be enacted for several years, so that parents will have time to understand and deal with V-chips in television sets, a mechanism which gives them the ability to block out programs they may find inappropriate for young children. Additionally, advocacy group leaders have said this process should proceed unimpeded by pending or new legislation that would undermine the intent of our joint agreement or disrupt the harmony and good faith of the process just concluded.

We are grateful to Vice President Gore, to Chairman John McCain, to Chairman Tom Bliley, Chairman Billy Tauzin, Congressman Ed Markey, among others, who were helpful throughout this process. We also wish to thank the parents of Peoria, Illinois who, in a May town hall meeting, shared with us their thoughts on the subject of television ratings.

As the industry declared on February 29, 1996, in announcing its plans to design parental guidelines for television, we repeat now Parents will be the arbiters of these new TV PARENTAL GUIDELINES which will be implemented no later than October 1, 1997. Obviously, until there is a sufficient number of television sets equipped with V-chips in American homes, no evaluation can be properly conducted

SEPARATE STATEMENT OF COMM. HAROLD W. FURCHTGOTT-ROTH

In the Matter of Implementation of Section 551 of the Telecommunications Act of 1996: Video Programming Ratings, CS Docket 97-55

It cannot be gainsaid that the First Amendment prohibits government from either abridging or compelling protected speech. In view of that fundamental constitutional principle, section 551 of the Telecommunications Act prudently provided an alternative to a government-created, government-policed scheme for judging the content of video programming: the establishment of a private, voluntary ratings system by video programming distributors.

Under section 551, if the Commission determines that such establishment has occurred, the provision of the Communications Act that creates governmental ratings guidelines, section 303(w), never takes effect. By this Report & Order, the Commission fulfills its limited statutory role of determining that the industry's ratings rules are "acceptable," section 551(1)(A), and that "distributors of video programming have . . . agreed voluntarily to broadcast signals that contain ratings," section 551(1)(B). Under the Act, our involvement in programming ratings is now at an end.

This Order should not be interpreted as a basis for future governmental efforts to compel adherence to the industry guidelines at issue in this proceeding. Once the government becomes involved in pressuring distributors to take part in this program, the program of course ceases to be "voluntary" in any real sense of the word. Participation on pain of governmental penalty is simply not willing participation. And forced participation in content-based regulation of speech runs headlong into the First Amendment, as the drafters of section 551 realized.

In this regard, I salute the courage and fortitude of those programmers, such as NBC and BET, who have resisted political pressure to effectively convert these voluntary guidelines into mandatory regulations. Whether these companies opt in or out of the guidelines is a matter between them, their colleagues in industry, their advertisers, and last but not least their viewers. In the end, programming distributors should look to their own viewing audience, rather than to government, to determine what type of ratings, if any, to employ. When programmers do so, they should be commended, not condemned, for their independence of mind. That, after all, is what the First Amendment is about.

March 12, 1998

SEPARATE STATEMENT OF COMMISSIONER GLORIA TRISTANI

In the Matter of Implementation of Section 551 of the Telecommunications Act of 1996, Video Programming Ratings, CS Docket No. 97-55, and In the Matter of Technical Requirements to Enable Blocking of Video Programming Based on Program Ratings, Implementation of Sections 551(c), (d) and (e) of the Telecommunications Act of 1996, ET Docket No. 97-206

As I travel around the country, I hear again and again from parents who are concerned about what their children are being exposed to on TV. The facts support their concern. Children spend about 25 hours a week watching TV, more time each year than they spend in the classroom. And much of what they are watching is violent. By the time they complete elementary school, children have witnessed about 8,000 murders and 100,000 acts of violence.

Parents want to protect their children from violent and other kinds of programming that they consider harmful. But the task is daunting. Nowadays there aren't just three channels to monitor, there are dozens. No parent can possibly know what's on all of them all of the time. And in this age of single parent families and families in which both parents must work to make ends meet, it simply isn't possible for parents to always be at home to monitor what their children are watching. These parents want and deserve the ability to protect their children as much as parents who are able to closely monitor their children's viewing habits.

Today's actions will give parents a modern tool to help raise their children in the modern world. Under the voluntary Industry rating system we have found acceptable, parents should be able to receive the information they need in order to determine whether an upcoming program contains sex, violence, offensive language or suggestive dialogue. When used in conjunction with the V-chip, parents will be able to prevent their children from viewing programming that they consider harmful, even when they cannot be home.

The V-chip will not relieve parents of the responsibility of determining what their children watch on TV. It will help them fulfill that responsibility. Those who urge parents to simply turn off the shows they do not want their children to see should welcome the V-chip. The V-chip is essentially a remote control device with a longer range. It allows parents to "turn off" programs that they believe are harmful to their children while they are at work, at a PTA meeting, or at a Saturday night movie. It will not be a substitute for parents; it will help parents do their jobs.

I commend the Industry for developing an Industry-wide consensus on its voluntary

ratings proposal. I also commend the Industry for its willingness to broaden this consensus by addressing some of the concerns that the public raised regarding its initial proposal. I note

that there are still some entities, such as NBC and BET, whose decision not to participate in the current ratings system will make it more difficult for parents to program the V-chip using the Industry proposal. I am especially concerned that many parents might not realize that NBC -- one of the major networks with some of the highest-rated programming on television -- does not apply content-based indicators. Such a parent, for example, may attempt to block violent programming using the "v" content-based indicator without realizing that they may also have to select an entire age-based category in order to block violent shows on NBC. Once a parent selects an entire age-based category, however, he or she loses the ability to establish different age-based categories for different types of content (e.g., the ability to restrict violence to a TV-PG level while permitting sexual content up to a TV-14 level). In this way, a parent who attempts to compensate for the NBC approach by blocking out an entire age-based category may be unable to take full advantage of the Industry system. As parents begin using the V-chip, I am hopeful that all video programming distributors will perceive the public interest in making the V-chip a more effective and easy-to-use tool for parents to block programming that they deem harmful to their children.