

Background

Recent data indicates that, on average, children in the United States spend approximately three hours a day watching television. This invited “guest” into our homes has the potential to significantly shape our children’s development. In view of this, Congress determined that broadcast television stations – both commercial and non-commercial – have an obligation to offer educational and informational children’s programming. In addition, television licensees, cable operators, and satellite providers must limit the amount of commercials aired during children’s programs.

In 1990, Congress enacted the Children’s Television Act (CTA) to increase the amount of educational and informational programming for children available on television. CTA requires each broadcast television station in the United States to serve the educational and informational needs of children through its overall programming, including programming specifically designed to serve these needs (“core programming”). It also limits the amount of time broadcasters and cable operators may devote to advertisements during children’s programs.

The Federal Communications Commission (FCC) has adopted rules to carry out this mandate. Under the FCC’s rules, television stations must:

- provide parents and consumers with advance information about core programs being aired;
- define the type of programs that qualify as core programs; and
- air at least three hours per week of core programs.

Core Programming

“Core programming” is programming specifically designed to serve the educational and informational needs of children ages 16 and under. Core programming must be:

- at least 30 minutes in length;
- aired between the hours of 7:00 a.m. and 10:00 p.m.; and
- a regularly scheduled weekly program.

Getting Information About Children’s Programming

A central goal of the FCC’s rules is to provide parents and other members of the public with more information about educational television programming. This information helps parents guide their children’s television viewing and also encourages an ongoing dialogue between the public and TV stations about TV station performance under CTA.

To help accomplish this, the FCC’s rules require commercial television stations to identify a core educational program by displaying throughout the program the “E/I” icon denoting that the program is “educational

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Getting Information About Children's Programming (cont'd.)

and/or informational." Commercial television stations must also provide information identifying these programs to publishers of program guides and TV listings.

The rules also require commercial TV stations to complete and file with the FCC quarterly reports regarding their educational programming and to make these reports available to the public. Broadcast stations must file with the FCC and place in their public inspection files a quarterly Children's Television Programming Report (FCC Form 398) identifying their core programming and other efforts to comply with their educational programming obligations.

Commercial Time Limitations

The FCC's rules limit the amount of commercial matter which may be aired in certain children's television programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. These requirements apply to television broadcasters, cable operators, and satellite providers. These limitations are prorated for programs that are shorter than one hour in duration. The programming at issue for the commercial time limits is programming originally produced and aired primarily for an audience of children 12 years old and younger.

Commercial television broadcasters are required to place in their local public inspection files certifications that they have complied with the commercial time limits. Alternatively, they must identify any overages. At the time the station files an application to renew its FCC license, it must certify that no commercial overages occurred during the license term. Alternatively, it must explain any overages.

The commercial time limits do not apply to non-commercial educational television stations

Commercial Time Limitations (cont'd.)

because these stations are generally prohibited from airing commercials. Cable operators and satellite providers must also maintain records to verify compliance and make these records available for public inspection.

Commercial material includes more than advertisements. For instance, where a commercial announcement is primarily for a product otherwise unrelated to a program, but that announcement also includes references to or offers of products that are related to the program, then the broadcast of that commercial announcement during or adjacent to the program will make that program a program-length commercial. In such a case, the entire duration of the program-length commercial will be counted as commercial material. To avoid being considered a program-length commercial, commercial material related to a children's program must be separated from that program by intervening and unrelated program material.

Additional Children's Programming Obligations

Since adopting its initial children's programming rules, the FCC has established children's educational and informational programming obligations for digital multicast broadcasters and placed restrictions on the increasing commercialization of children's programming on both analog and digital broadcast and cable television systems. For digital broadcasters, effective January 1, 2007, at least three hours per week of core programming must be provided on the main programming stream. For digital broadcasters that multicast, the minimum amount of core programming will increase in proportion to the amount of free video programming offered by the broadcaster on multicast channels.

In addition, the FCC's limit on the amount of commercial matter (10.5 minutes per hour on

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Additional Children’s Programming Obligations (cont’d.)

weekends and 12 minutes per hour on weekdays) applies to all digital video programming, free or pay, directed to children 12 years old and under.

Finally, the display of Internet Web site addresses during programs directed to children ages 12 and under is permitted only if the Web site meets the following criteria:

- it offers a substantial amount of bona fide program-related or other noncommercial content;
- it is not primarily intended for commercial purposes, including either e-commerce or advertising;
- the Web site’s home page and other menu pages are clearly labeled to distinguish the noncommercial from the commercial sections; and
- the page of the Web site to which viewers are directed is not used for e-commerce, advertising, or other commercial purposes (for example, contains no links labeled “store” and no links to another page with commercial material).

Television broadcasters and cable operators may not display Web site addresses during or adjacent to a children’s program if, on Web site pages with noncommercial content regarding that program or a program character, products are sold featuring a character in the program, or a program character is used to sell products.

These Web site requirements apply to both analog and digital programming.

Additional Children’s Programming Obligations (cont’d.)

The display prohibition applies only when Web site addresses are displayed during program or promotional material not counted as commercial time. It does not apply to certain public service announcements, station identifications, and emergency announcements.

What is “Host Selling?”

“Host selling” is any character endorsement that has the effect of confusing a child viewer from distinguishing between program and non-program material. The FCC’s rules permit the sale of merchandise featuring a program-related character in parts of a related Web site that are sufficiently separated from the program to mitigate the impact of host selling.

For more information on children’s educational television, please visit the FCC’s Media Bureau Web site at www.fcc.gov/mb/policy/cetv.html.

Filing a Complaint with the FCC

If you believe that any of these rules have been violated, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an on-line complaint form found at esupport.fcc.gov/complaints.htm. You can also file your complaint with the FCC’s Consumer Center by e-mailing fccinfo@fcc.gov; calling 1-888-CALL-FCC -888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, DC 20554.

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What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the on-line complaint form. When you open the on-line complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the on-line complaint form, your complaint, at a minimum, should indicate:

- your name, address, email address, and phone number where you can be reached;
- name and phone number of the company that you are complaining about and location (city and state) if the company is a cable or satellite operator;
- station call sign (KDIU-FM or WZUE TV), radio station frequency (1020 or 88.5) or TV channel (13), and station location (city and state);
- network, program name, and date and time of program if you are complaining about a particular program; and
- any additional details of your complaint, including time, date, and nature of the conduct or activity you are complaining about and identifying information for any companies, organizations, or individuals involved.

For More Information

For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau Web site at www.fcc.gov/cgb, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts/.

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