FCC 50-1207

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

Identification on Broadcast Station Public Notice 54760 (15 F.R. 6974)

In re Sponsorship

The Commission on October 10, 1950 issued the following Public Notice:

It has recently come to the attention of the Commission that a

number of stations licensees have failed to comply with the mandate of §317 of the Communications Act of 1934 and the Commission's Rules and Regulations promulgated pursuant thereto in that station announcements of sponsored programs have been made in which the sponsor or his product have been identified by a name merely descriptive of the business conducted or its product sold which is not the name of the company doing business or the brand name of the product advertised. In order to enlist the cooperation of station licensees

in correcting this situation, the instant notice has been issued. Section 317 of the Act reads as follows:

All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person.

Although the statute does not specify the exact language of the

required announcement, its plain intent is to prevent a fraud being perpetrated on the listening public by letting the public know the people with whom they are dealing. Therefore, reference must be made to the sponsor or his product in such manner as to indicate clearly not only that the program is paid for, but also the identity of the sponsor. This is particularly true in the case of direct radio sales messages where it is obviously important that the prospective

clearly not only that the program is paid for, but also the identity of the sponsor. This is particularly true in the case of direct radio sales messages where it is obviously important that the prospective purchaser be informed of the name of the company from which it is buying the merchandise or the manufacturer of the goods.

It is apparent that under the Act and the Commission's Rules

(See: §§3.189, 3.239, 3.689), the sponsor or his product must be identified by a distinctive name and not by one merely descriptive of the type of business or product. Thus, "Henry Smith offers you" or "Smith Stove Company offers you" or "Ajax Pens brings you * * * " would be sufficient as would reference to a registered brand name ("Rinso", "Lucky Strike", "Duz"). However, "Write to the Comb Man", "Send your money to Nylons, Box ____", "This pro-

gram is sponsored by the Sink Man" or words of similar import

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which are merely descriptive of the product sold and which do not constitute the name of the manufacturer or seller of goods, or the trade or brand of the goods sold would not comply with §317, supra. This is true even where such descriptive terms have been adopted by

the selling agency as a convenient method for direct radio merchandising of the products of any company. In all cases the public is

entitled to know the name of the company it is being asked to deal with, or at least, the recognized brand name of his product. The Commission must insist upon full compliance at all times with the above quoted provisions of the statute. Therefore, all licensees

are requested to make certain that in making station announcements of sponsored programs that these announcements fully and fairly disclose the true identity of the sponsor or his product. Any station which is presently not fully complying with the requirements of the rule, as set forth above, should take immediate steps to bring its

Act applies with equal force to political broadcasts. Sections 3.189 (b), 3.289(b), 3.689(b) and 3.789(b) of the Commission's Rules and

announcements into line with this notice. It is also pertinent to point out that the mandate of §317 of the

Regulations, which apply to Standard, FM, Television and International broadcast stations, respectively, spell out the requirements with respect to announcements in connection with political broadcasts. Section 3.189(b), which is substantially identical with the other sections provides: In the case of any political program or any program involving the discussion of public controversial issues for which any records, transcriptions, talent, scripts, or other material or services of any kind are furnished, either directly or indirectly, to a station as an inducement to the broadcasting of such program, an announcement shall be made both at the begin-

ning and conclusion of such program on which such material or services are used that such records, transcriptions, talent, scripts, or other material or services have been furnished to such station in connection with the broadcasting of such program: Provided, however, That only one such announcement need be made in the case of any such program of five minutes' duration or less, which announcement may be made either at the beginning or the conclusion of the program.

Section 3.189(d) of the Commission's Rules and Regulations, which is substantially identical with §§3.289(d), 3.689(d) and 3.789(d), further provides that:

In the case of any program, other than a program advertising commercial products or services, which is sponsored, paid for or furnished, either in whole or in part, or for which material or services referred to in subsection (b) hereof are furnished, by a corporation, committee, association or other unincorporated group, the announcement required by this section, shall disclose the name of such corporation, committee, association or other unincorporated group. In each such case the station shall require that a list of the chief executive officers or members of the executive committee or of the board of directors of the corporation, committee, association or other unincorporated group shall be made available for public inspection at one of the radio stations carrying the program.

The attention of station licensees is called to the requirements of the Act and the Commission's Rules for the making of adequate announcements when political broadcasts are made. The announcements that must be made in this and other like situations will, of course, depend on the particular facts in each case but appropriate steps should be taken to comply with the spirit as well as the letter of the Act and the Rules in order that the listening public will be fully and fairly given the information required by the Act and the Rules.

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