



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

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Report No. CS 97-6

February 7, 1997

COMMISSION SEEKS COMMENT ON INDUSTRY PROPOSAL FOR RATING VIDEO PROGRAMMING (CS Docket No. 97-55)

1. In the Telecommunications Act of 1996 ("the 1996 Act"),¹ Congress determined that parents should be provided "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."² Congress also provided that, in the first instance, distributors of video programming should be given the opportunity to develop a voluntary system to provide such information to parents.³

2. On January 17, 1997, the National Association of Broadcasters ("NAB"), the National Cable Television Association ("NCTA") and the Motion Picture Association of America ("MPAA") submitted a joint proposal to the Commission describing a voluntary ratings system for video programming (the "industry proposal"). Under the industry proposal, television programming would fall into one of six categories (the "industry guidelines").⁴ For programs designed solely for children, the general industry guidelines are: TV-Y (All Children -- *This program is designed to be appropriate for all children*), and TV-Y7 (Directed to Older Children -- *This program is designed for children age 7 and above*). For programs designed for the entire audience, the general industry guidelines are: TV-G (General Audience -- *Most parents would find this program suitable for all ages*), TV-PG (Parental Guidance Suggested -- *This program may contain some material that some parents would find unsuitable for younger children*), TV-14 (Parents Strongly Cautioned -- *This program may contain some material that many parents would find unsuitable for children under 14 years of age*), and TV-M (Mature Audience Only -- *This program is specially designed to be viewed by adults and therefore may be unsuitable for children under 17*).⁵

¹Pub. L. 104-104, 110 Stat. 56 (February 8, 1996).

²1996 Act, § 551(a)(9).

³*Id.*, § 551(e).

⁴Industry Proposal at 1-2.

⁵*Id.*

3. According to the industry proposal, the industry guidelines typically would be assigned to television programs by broadcast and cable networks and producers.⁶ However, local television stations would retain the right to substitute the guideline they deem most suitable for their particular audience.⁷ The industry proposal also notes the establishment of an industry Oversight Monitoring Board "to ensure that the Guidelines are applied accurately and consistently to television programming."⁸ Under the industry proposal, most of the television programming available on broadcast and cable will soon carry the industry guidelines.⁹ The industry proposal states that a guideline icon will be displayed for 15 seconds at the beginning of each program and again at the beginning of the second hour of longer programs.¹⁰ In addition, the proposal states that the guideline for each program will be encoded on line 21 of the Vertical Blanking Interval once the Commission establishes a technical standard, which will enable the "V-chip" and permit parents to use the guidelines to control their children's television viewing.¹¹

4. The above is only a general description of certain aspects of the industry proposal. For a more detailed description, interested parties are directed to review a complete copy of the industry proposal. The industry proposal is attached to this Public Notice as an Appendix. Copies may also be obtained from the Commission's Public Reference Room, Room 239, 1919 M Street, N.W., Washington, D.C., or from the Commission's Internet site (<http://www.fcc.gov/vchip>),¹² or by calling ITS, the Commission's transcription service, at (202) 857-3800.

5. Under Section 551(e) of the 1996 Act, the Commission must now determine, in consultation with appropriate public interest groups and interested individuals from the private sector, whether: (1) video programming distributors have established, within one year of the 1996 Act's enactment,¹³ 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

⁶*Id.* at 3. The industry proposal states that the guidelines will be applied to all television programming except for news and sports. Each program in a series will be separately rated. 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 ratings system in 1968 and movies that are edited for television will carry the industry guidelines. *Id.* at 3-4.

⁷*Id.* at 3.

⁸*Id.*

⁹*Id.* at 4. The industry proposal states that all of the national broadcast television networks and virtually every national cable network have agreed to rate their programming, and that many of them are already doing so. In addition, the industry proposal states that most of the producers of syndicated programming will either apply a guideline to their programs themselves, or provide ratings information to stations and other distributors of their programs. *Id.*

¹⁰*Id.* at 4. The industry proposal also states that cable networks and television stations will supply ratings information to newspapers and publishers of printed and electronic program guides, and that they have asked that the appropriate icon or other appropriate indication of a program's category be included in the program listings. *Id.*

¹¹*Id.* at 4-5.

¹²For technical reasons, a brochure that was attached to the industry proposal, entitled "TV Parental Guidelines," cannot be posted on the Commission's Internet site. This brochure can be obtained through the Commission's public reference room or through ITS.

¹³As indicated above, the 1996 Act was signed into law on February 8, 1996.

children; (2) such voluntary rules are acceptable to the Commission; and (3) video programming distributors have agreed voluntarily to broadcast signals that contain ratings of such programming. If the Commission determines that the industry proposal fails to satisfy these criteria, the Commission must establish: (1) on the basis of recommendations from an advisory committee, guidelines and recommended procedures for the identification and rating of video programming that contains violent, sexual or other indecent material about which parents should be informed before it is displayed to children; and (2) in consultation with the television industry, rules requiring the distributors of video programming that has been rated to transmit such rating to permit parents to block the display of video programming that they have determined is inappropriate for their children.¹⁴

6. Interested parties are invited to provide comment on whether the industry proposal meets the standards set forth in Section 551(e) of the 1996 Act. In particular, we seek comment on whether the industry proposal is "acceptable."¹⁵ Parties should specifically identify the factors they believe that the Commission should consider in making this determination. We also seek comment on whether the industry proposal satisfies Congress' concerns.¹⁶

7. To file formal comments in this proceeding, interested parties must file an original plus four copies of all comments in CS Docket No. 97-55. If an interested party would like each Commissioner to receive a personal copy of its comments, it must file an original plus nine copies. Comments are due on April 8, 1997, reply comments are due on May 8, 1997, and surreply comments are due on May 23, 1997. Interested parties should send comments, reply comments and surreply comments to: Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W. Washington, D.C. 20554.

8. Parties are also asked to submit formal comments, reply comments and surreply comments on diskette. Such diskette submissions would be in addition to, and not a substitute for, the formal filing requirements addressed above. Interested parties submitting diskettes should submit them to Rick Chessen of the Cable Services Bureau, 1919 M Street, N.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible form using MS DOS 5.0 and WordPerfect 5.1 software. The diskette should be submitted in "read only" mode. The diskette should be clearly labeled with the party's name, the words "Video Programming Ratings Proposal," the docket number of the Commission proceeding, the type of pleading (comments, reply comments or surreply comments), the name of the file(s), and the date of submission. The diskette should be accompanied by a cover letter. The Commission will post all submissions received on diskette on its Internet site (<http://www.fcc.gov/vchip>).

¹⁴1996 Act, § 551(b)(1), codified at Section 303(w) of the Communications Act of 1934 ("the Communications Act"), as amended, 47 U.S.C. § 303(w). The 1996 Act also mandated the inclusion in most new television signal receivers of the so-called "V-chip" technology, which will be capable of reading electronic program ratings and blocking the display of video programming with a common rating. 1996 Act, § 551(c), codified at Section 303(x) of the Communications Act, 47 U.S.C. § 303(x); 1996 Act, § 551(d), codified at Section 330(c) of the Communications Act, 47 U.S.C. § 330(c); and 1996 Act, § 551(e). The Commission will initiate a separate proceeding shortly addressing the issues relating to the "V-chip."

¹⁵1996 Act, § 551(e)(1)(A).

¹⁶*Id.*, § 551(a).

9. Interested parties wishing to file informal comments in this proceeding may send them to the Office of the Secretary at the address noted above, or may send them via electronic mail to: vchip@fcc.gov (this electronic mail address is also accessible through the Commission's Internet site). The Commission will post electronic mail submissions in their entirety on its Internet site. All formal and informal comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street N.W., Washington D.C. 20554.

10. This proceeding will be treated as a non-restricted notice and comment proceeding. Ex parte presentations are permitted, except during any Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally* 47 C.F.R. §§ 1.1202, 1.1203, and 1.1206(a).

11. Accordingly, notice is hereby given of the Commission's consideration of the voluntary ratings proposal submitted by NAB, NCTA and MPAA, and comment is sought regarding such proposal.

Action by the Commission, February 6, 1997, by Public Notice (FCC 97-34), Chairman Hundt, Commissioners Quello, Ness and Chong. Chairman Hundt issuing a separate statement.

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APPENDIX

January 17, 1997

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

Dear Mr. Caton:

By this letter, we are submitting to the Commission the system of parental guidelines that has been adopted and is being implemented by television broadcasters and networks, cable networks and systems, and television program producers. In the Telecommunications Act, Congress called upon the video programming industry to establish a voluntary system to provide parents with information concerning "programming that contains sexual, violent, or other indecent material about which parents should be informed" that is shown on television.

Last February 29, all segments of the video programming industry pledged to create television program guidelines. That pledge has now been met. The system of voluntary parental guidelines that we are submitting today without question achieves Congress' objectives.

The TV Parental Guidelines

The TV Parental Guidelines will provide parents with ratings of programs based on age and content. Under the Guidelines, television programming will fall into one of six categories. The categories are age-based, with the decision as to which category a program falls into determined by specified content. Two of the categories are for programming designed solely for children. The categories and the descriptions of the categories they signify are:

These categories are for programs designed for children —



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.



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 physical 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.

These categories are for programs designed for the entire audience —



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.



Parental Guidance Suggested. *This program may contain some material that some parents would find unsuitable for younger children.* Many parents may want to watch it with their younger children. The theme itself may call for parental guidance. The program may contain infrequent coarse language, limited violence, some suggestive sexual dialogue and situations.



Parents Strongly Cautioned. *This program may contain 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 may contain sophisticated themes, sexual content, strong language and more intense violence.



Mature Audience Only. *This program is specially designed to be viewed by adults and therefore may be unsuitable for children under 17.* This program may contain mature themes, profane language, graphic violence and explicit sexual content.

The TV Parental Guidelines using these six categories are designed to give parents a simple, easy-to-use system for deciding which programs are appropriate for children to watch. The Guidelines — which provide parents with information concerning the level and kinds of content in a program that Congress believed would be useful to them — will be widely available to parents. A copy of a brochure explaining the system is attached; it is being made available to parents across the Nation. Further, we expect that newspapers and other program listings, including *TV Guide* and cable's Prevue Channel, will carry full explanations of the six categories, including the types of program content that each category of programming may contain. We have also established a home page on the World Wide Web where parents can obtain information about the Guidelines, as well as telephone numbers in English and Spanish that parents can call to obtain a copy of the Guidelines.¹⁷ Cable networks and television stations will also air public service announcements explaining the TV Parental Guidelines and how parents can use them.

¹⁷ The Web site can be accessed at <http://www.tvguidelines.org>.

The TV Parental Guidelines will permit parents quickly to decide which categories of programming they wish their children to watch unsupervised, and they can also use the Guidelines to help them decide which programs they should watch with their children. Further, the TV Parental Guidelines will be readily usable with the “V-chip” to give parents another tool to help control their children’s television viewing.

Guidelines will be assigned to programs in most cases by broadcast and cable networks and producers. This was the process Congress contemplated in the Telecommunications Act¹⁸, and it is the only feasible way in which the 2,000 hours of television programming distributed every day could be rated. The final say in assigning program guidelines rests with local television stations who will have the right to substitute the rating they deem most suitable for their particular audience for a rating chosen by a program’s producer. Each program in a series will be separately rated, so that parents will have notice if a particular episode of a program has content about which they may be concerned.

In addition, we are establishing an Oversight Monitoring Board to ensure that the Guidelines are applied accurately and consistently to television programming. The Oversight Monitoring Board will have 19 members, six each from the broadcast television industry, the cable industry, and the program production community, in addition to a chairman. This follows the precedent established by the Appeals Board for movie ratings whose members also come from within the industry. The first chairman of the Board will be Jack Valenti, who also chaired the inter-industry committee that established the Guidelines.

The Oversight Monitoring Board will provide information to producers and other program distributors concerning the Guidelines, as well as address complaints and requests from the public about the Guidelines and their implementation. The Oversight Monitoring Board will regularly hear the views of parents through an ongoing effort that will explore attitudes about the TV Parental Guidelines and the way in which they are being applied to programming. The Board will also regularly conduct focus groups and commission

quantitative studies to determine whether the Guidelines are in fact providing useful information to parents, and will consider any needed changes to them.

¹⁸ See 141 CONG. REC. H8486 (daily ed. Aug. 4, 1995)(Statement of Congressman Markey)(“All of the ratings will be done voluntarily by the broadcasters.”); *id.* at H8495 (Statement of Congressman Moran)(“What we do is ask the broadcast industry to rate their own programs.”).

The Guidelines will be applied to all television programming except for news and sports. 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 ratings system in 1968 and movies that are edited for television will carry the TV Parental Guidelines.

The guideline icon will be displayed for 15 seconds at the beginning of each program in the upper left-hand corner of the screen.¹⁹ It will be displayed again at the beginning of the second hour of longer programs.

All of the national broadcast television networks have agreed to apply the Guidelines to their programming, and much of network programming is already carrying a guideline. Virtually every national cable network has also agreed to rate its programs, and many have already begun to do so. We have provided information about the TV Parental Guidelines to syndicators and we are urging them to rate their own programs. Most of the major producers of syndicated programming will either apply a guideline to their programs themselves, or provide ratings information to stations and other distributors of their programs. Within a short period, therefore, most of the television programming available on broadcast television and cable will carry the Guidelines.

Cable networks and television stations will supply ratings information to newspapers and publishers of printed and electronic program guides. We have asked that they include the appropriate icon or another appropriate printed indication of a program's category in their program listings.

We have also 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.

¹⁹ The icons will occupy 40 scan lines on the television screen. This is twice the size that the Commission determined to be adequate for sponsor identifications on political advertising. See 47 C.F.R. § 73.1212(a)(2)(ii); *Codification of the Commission's Political Programming Policies*, 7 FCC Rcd. 1616 (1992). Notably, the Telecommunications Act does not require distributors of video programming to display ratings on-screen, and the legislative history also includes no suggestion that stations would do so. Broadcasters and cable networks nonetheless decided to carry the on-screen icon to ensure that parents would have access to this information before the "v-chip" is available in television sets. By so agreeing, the industry is thus exceeding Congress' expectations.

The Statutory Framework

Section 551 of the Telecommunications Act of 1996, P. L. 104-104, requires the Commission to prescribe, after consultation with an advisory committee, “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.” Section 551(e)(1) provides that this requirement shall take effect one year after enactment,

“*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.” (emphasis added)

By its plain terms, the Act does not require the Commission to act at a particular time on guidelines adopted by the industry; it is to appoint an advisory committee and proceed to adopt its own recommended guidelines only if it concludes that, as of one year after enactment, the television industry has not established “acceptable” guidelines. The Conference Report on the Act makes this clear:

“Under subsection (e)(1), the effective date for subsection (b) (regarding the appointment of an advisory committee to recommend a rating system and the rules for transmitting a rating) is no less than one year after the date of enactment. 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 and such programming is

acceptable to the Commission and have also agreed to include ratings in the transmission of signals to television sets for blocking.”

H. REP. NO. 458, 104th Cong., 2d Sess. 196 (1996). The conferees also stated that any guidelines adopted by the Commission would only be “intended to provide industry with a carefully considered and practical system for rating programs if the industry does not develop such a system itself.” *Id.* at 195.

The language and structure of the Telecommunications Act and the Conference Report demonstrate, therefore, that Congress hoped that the television industry would voluntarily establish a ratings system and that, if it did, the Commission would not be required to adopt any recommended procedures for rating programs. The debates on the Act confirm that Congress intended the Commission to act only if the industry failed to do so. Congressman Markey, who sponsored the House version of the “V-chip” language (the version that was largely adopted in the conference bill)²⁰, explained that “[t]his is a voluntary system that is submitted. If the networks do not come up with one on their own, a voluntary rating system that is recommended.” 141 CONG. REC. H8487 (daily ed. Aug. 4, 1995). In the debate on the conference bill, Congressman Markey reiterated this understanding: “It will be several years before television sets include the V-chip. First, the industry must develop a ratings system.” 142 CONG. REC. H1171 (daily ed. Feb. 1, 1996). The same point was made in the Senate debate on the conference bill: “[I]f the television broadcasters, [and] cable operators have not taken the opportunity to voluntarily develop a rating system to guide parents, the Federal Communications Commission would be authorized to establish an advisory committee to develop recommendations and guidelines for the identification and rating of television programming.” *Id.* at S702 (daily ed. Feb. 1, 1996)(Statement of Senator Burns).

Thus, if the television industry develops a voluntary system of guidelines, as it has, Congress did not expect the Commission to develop its own ratings system; the Commission is to act only if the industry fails to. To be sure, the Act authorizes the Commission to appoint the advisory committee if the industry-developed system is not “acceptable.” But that proviso does not alter Congress’ express understanding that it was principally looking for guidelines adopted by the industry. Nor does it permit the Commission to substitute its own judgment of what might be the “best” system for the industry’s choice.

The structure of the Act itself so indicates. If the industry failed to adopt a system, the Commission would be required to appoint a broad-based advisory committee including representatives of “appropriate public interest groups, and other interested individuals from the

²⁰ H. REP. NO. 458, 104th Cong., 2d Sess. 195 (1996)(“The conference agreement adopts the House provisions with modifications.”).

private sector.” No such requirement was imposed upon the industry in its development of guidelines, which shows that Congress did not intend the two processes to be interchangeable.²¹

Further, Congress’ use of the word “acceptable” also confirms that it did not intend for the Commission to demand that an industry-developed system of guidelines conform to the Commission’s own or anyone else’s vision of an ideal program. Given the absence of a specific definition of the term in the Act or its legislative history, the Commission should be guided by its general meaning.²² *Webster’s Third International* defines “acceptable” as a thing that is “capable or worthy of being accepted;” as something that is “satisfactory: conforming to or equal to approved standards;” and as “barely satisfactory or adequate.” Thus, if the industry-developed system is designed to accomplish Congress’ stated goals, then it must be deemed “acceptable” by the Commission.

The relevant standard that Congress established for guidelines is a system for “rating video programming that contains sexual, violent, or other indecent material about which parents should be informed before it is displayed to children.” Telecommunications Act § 551(e)(1)(A). The TV Parental Guidelines the industry has adopted more than meet that test. They identify programs and place them into categories based on specified levels of sexual content, violence, and strong or

²¹ Nonetheless, the Implementing Group devoted thousand of hours to designing the system, meeting with educators, children’s advocacy groups, medical and psychological experts and groups, as well as producers and distributors of television programming, in order to design a system that would at the same time be easy to use and understand and provide the most useful information to parents. A list of these groups is attached. Thus, in developing the Guidelines, the industry went far beyond the process that Congress anticipated.

²² *Perrin v. United States*, 444 U.S. 37, 42 (1979)(“A fundamental canon of construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning.”). While the Commission’s Rules use the term “acceptable” in a variety of contexts, none of them appear to relate to the question before the Commission here. *See, e.g.*, 47 C.F.R. § 1.4000(a)(2)(iii)(preempting local regulation that precludes reception of an “acceptable” quality signal); 47 C.F.R. § 5.207 (applicants for a pioneer’s preference may submit an “acceptable” showing of technical feasibility); 47 C.F.R. § 15.117(c)(Note)(discussing “acceptable” television tuning mechanisms); 47 C.F.R. § 68.318(b)(1)(establishing minimum “acceptable” standards for certain terminal equipment); 47 C.F.R. § 73.702(g)(Note)(although FCC prefers field strengths equal to or greater than IFRB standards, lesser field strengths will be “acceptable”); 47 C.F.R. § 73.3522(a)(6)(applicant whose application is not “acceptable” for filing granted opportunity to correct deficiencies). Further, there is no evidence that Congress knew about or considered any of these uses of the word “acceptable” when it drafted the Telecommunications Act.

profane language. Parents who wish to monitor or restrict their children's watching will be informed about the levels of sexual and violent materials and strong language that will be found in non-news or sports television programs. This information will be available to them in program listings, on-screen during each program, and — when the Commission adopts a technical standard — in the Vertical Blanking Interval of television signals (and in a suitable fashion in digital television signals). Further, through the Oversight Monitoring Board, the industry has established a means to address any concerns that develop about the operation of the Guidelines, their usefulness to parents, and complaints about the application of the Guidelines to particular programs.

The TV Parental Guidelines indeed are precisely the kind of system contemplated by the proponents of the “V-chip” provisions of the Telecommunications Act. Congressman Goodlatte told the House that the legislation would:

“empower the parents of this country to do what every one of them does with their children today when they ask if they can go to a movie theater, give them a limited number of choices to help them make decisions that they cannot be in that movie theater when their child asks them to go with another friend to see a movie: G, PG, PG-13, R, and C-17, X, and not rated. The V-chip will give them a similar opportunity to do something with television that they cannot possibly do just by reading the newspaper ads.”

141 CONG. REC. H8488 (daily ed. Aug. 14, 1995). Congressman Burton, one of the sponsors of the “V-chip” amendment, stated, “we need a system where a parent can block out a whole category of violence and sexually explicit programs if they want to.” *Id.* at H8487. Thus, even if Congress had no precise understanding of the system of guidelines that might be adopted, it clearly preferred to leave development of a system to the industry, and the debate in Congress shows that it would be comfortable with guidelines similar to those that have been in place for movies for 28 years which place programs into categories that parents could readily understand and use. Indeed, if Congress had believed that an MPAA-like age-based ratings system would not achieve its goals, it easily could have said so. Clearly, however, it did not.

The TV Parental Guidelines in fact are based on the MPAA ratings with which parents are familiar and which enjoy broad public support.²³ The rating assigned to individual programs will reflect levels of the precise content that Congress identified as the ones about which parents would be concerned. They provide parents with a useable number of options so that their wishes concerning their children's viewing can be readily implemented. As the descriptions of each category are widely distributed, and as parents see the ratings assigned to different programs, they will become familiar with the Guidelines and will recognize the content of programs in the different categories.

The TV Parental Guidelines, therefore, will achieve Congress' objective of informing parents about television programming. This is the test the Commission must use to determine acceptability, not whether a different system might also achieve Congress' goals, or perhaps serve purposes beyond those Congress identified. If the Guidelines adopted by the industry conform to Congress' expectations — as they clearly do — then the Commission must conclude that they are “acceptable.”

As Congress indicated in the Act, we anticipate that the Commission will seek public comment on the TV Parental Guidelines. We look forward to participating in that process.

²³ Surveys of parents show that roughly 80 percent believe that the MPAA movie ratings system is useful or very useful as “a guide for deciding what movies children should see.” Opinion Research Corporation (Sept. 1996).

Mr. William F. Caton
January 17, 1997
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Please direct any questions concerning this matter to Jill Lockett 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

PARENTAL GUIDELINES FOR AMERICA'S TELEVISION PROGRAMMING
A Background Paper

Advance TV Information for Parents

On February 29, 1996, all segments of the television industry joined together and voluntarily pledged that within one year they would create television program guidelines to give parents additional information to more effectively supervise the TV viewing of their young children.²⁴

The industry said the guidelines would resemble but not duplicate the Motion Picture Ratings System, to which America's parents give high approval marks. It also said the guidelines would be applied by the industry in order to handle the huge amount of programming -- some 2,000 hours a day -- that must be reviewed. By contrast, the movie ratings system rates two-to-three movies each day.

On December 19, 1996, the industry fulfilled its commitment by announcing the TV Parental Guidelines, which offer parents content- and age-based advance, cautionary information about TV shows. TV Parental Guidelines' objective is to be simple to use, easy to understand and handy to find.

²⁴ The statement containing this pledge and other principles under which the industry operated is attached.

A Comprehensive Effort To Hear All Points of View

To develop the new guidelines system, the industry formed an Implementation Group under the leadership of Motion Picture Association of America (MPAA) President Jack Valenti, the creator of the movie ratings system.

The Implementation Group 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.

The Implementation Group met and consulted with scores of parental, medical, religious, child advocacy and educational groups to get their views on how the parental guidelines system should be structured.

The TV Parental Guidelines

The guidelines that emerged from this process contain both content- and age-based information designed to communicate clear and consistent guidance about the vast amount of programming to America's parents, and to aid them in deciding what is appropriate for their young children to watch on television.

The guidelines are modeled after the movie ratings system, which the parents of America have known and trusted since 1968. The movie ratings categories are familiar to virtually all adults in the United States, and in annual surveys conducted since 1969, America's parents have given the system high marks. Currently, 79 percent of parents with children under age 13 say that the movie ratings are useful in helping them make decisions about the movie going of their children.²⁵

America's parents are also supportive of the new TV Parental Guidelines, according to a national survey conducted by Peter D. Hart Research Associates and Public Opinion Strategies, two highly-respected research firms. A poll of 1,207 parents with children under age 18 found that large majorities had positive attitudes about specific elements of the guideline system, with 90 percent of parents expressing an overall favorable attitude toward the guidelines.

More than four out of five parents (83 percent) said a television rating system similar to the movie system would be helpful to them, and after hearing the details of the TV Parental Guidelines, 90 percent said they favor the new system -- 58 percent "strongly" in favor and 32 percent "somewhat" in favor.²

The TV Parental Guidelines follow:

²⁵ September 1996, Opinion Research Corporation; Princeton, New Jersey

² See attached summary of research findings

The following categories apply to programs designed 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 physical 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.*

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 may contain some material that some parents would find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance. **The program may contain infrequent coarse language, limited violence, some suggestive sexual dialogue and situations.***

TV-14: Parents Strongly Cautioned. *This program may contain 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 may contain sophisticated themes, sexual content, strong language and more intense violence.***

TV-M: Mature Audience Only. *This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. **This program may contain mature themes, profane language, graphic violence and explicit sexual content.***

Separate Categories for Children's Programs

The Implementation Group was advised to pay special attention to the needs of young children. That advice was taken very seriously.

The children's guidelines divide at age 7 to separate programs that are designed for children of all ages from those that parents may not want their youngest children to see. According to child development experts, young children often cannot separate, or have difficulty in separating, make-believe from reality; and they are easily influenced and frightened by sights and sounds. By age 7, the cognitive abilities of children have advanced to the point where they can distinguish between the real world and the world of make believe.

What Programs Will Receive Guidelines

The guidelines will apply to all television shows, including mini-series, specials, movies and other formats. In the case of television series, each weekly episode will be rated. Sports and news shows will not carry guidelines.

Who Rates the Programs -- National and Local Responsibility

With 2,000 hours of programming to be reviewed each day, television networks, producers and distributors will apply guidelines to their shows. Logistically, it is the only rational way to deal with such a vast volume of programming. The final say in assigning program guidelines will, of course, rest with local television stations. All distributors will use and encode the common rating system of TV Parental Guidelines for use with V-chip technology, but some broadcast and cable networks may supplement the common system with additional information. HBO and Showtime will continue to offer additional information about their programming.

Displaying the Guidelines

Broadcasters and cable networks have agreed to certain standards regarding the display of the ratings. The guidelines will be shown at the beginning of each program, and will be found at the upper left-hand corner of television screens. The guidelines of many programs will begin to be displayed in January 1997.

Newspapers around the country will be asked to include the parental guidelines information in their television listings, as will *TV Guide*, on-screen cable listings and cable guides. The Newspaper Association of America, whose 1,500 members represent 87 percent of daily newspaper circulation in the U.S., has stated that because of space limitations in America's newspapers, "brevity and simplicity will tend to promote printing [the guideline icons] in newspapers." Different publications will have different timetables for beginning to provide the parental guidelines, but newspapers in the U.S. are expected to begin publishing the guidelines in early 1997.

Overseeing the TV Parental Guidelines Process

An Oversight Monitoring Board has been created to review the guidelines on a regular basis and make sure that the uniformity and consistency of the guidelines will be maintained to the greatest extent that is possible. Jack Valenti will serve as the Board's first chairman. In addition to Mr. Valenti, there will be 18 members of the Board, including six each from the broadcast, cable and creative communities. Inquiries regarding the guidelines should be directed to: TV Parental Guidelines, P.O. Box 14097, Washington, D.C., 20004, (202) 879-9364.

The Oversight Monitoring Board will regularly hear the views of America's parents through an ongoing effort that will explore attitudes about the guideline system and the way in which the guidelines are being applied to programming. The Board has retained Peter D. Hart Research Associates and Public Opinion Strategies to conduct discussion sessions and quantitative studies throughout the coming year to determine whether the system is achieving its objective of informing America's parents. Rather than simply rely on anecdotal evidence or the views of

interest groups, the Board will use the research to maintain a dialogue with parents, learn how the guidelines are being used and track how attitudes toward the system evolve over time.

Public Awareness Effort

In an effort to build public awareness of the guidelines, broadcast and cable networks will show public service announcements in both English and Spanish introducing the guidelines. Toll-free numbers have been established for people to obtain a free brochure -- also in both English and Spanish -- explaining the guidelines. Additional information is available on the World Wide Web. The TV Parental Guidelines home page address is <http://www.tvguidelines.org>.

In addition to the TV Parental Guidelines, other information about children and television watching is available from a variety of organizations. Listed below are the names of some of those organizations:

American Association of School Administrators

1801 North Moore Street
Arlington, VA 22209
703/528-0700

Center for Media Literacy

4727 Wilshire Boulevard, Suite 403
Los Angeles, CA 90010
213/931-4177

Children Now

1212 Broadway, Suite 530
Oakland, CA 94612
1-800-CHILD44

Future WAVE (Working for Alternatives to Violence through Entertainment)

105 Camino Teresa
Santa Fe, NM 87505
505/982-8882

Institute for Mental Health Initiatives

4545 42nd Street, N.W., Suite 311
Washington, DC 20016
202/364-7111

Parents Television Council

333 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
213/621-2506

The Just Think Foundation

221 Caledonia Street
Sausalito, CA 94965
415/289-0122

The National Alliance for Non-Violent Programming

1846 Banking Street
Greensboro, NC 27408
910/370-0407

**A STATEMENT BY ALL
SEGMENTS OF THE TELEVISION INDUSTRY**

The National Broadcast Networks (including PBS)
National Cable Television Association
National Association of Broadcasters
Motion Picture Association of America
Association of Local Television Stations
and other participants

During the past two months all segments of our industry have discussed a plan to give more information about TV programs to the parents of America. We have reached the following conclusions:

1. The television industry, broadcasters, cable and the production community have unanimously agreed to voluntarily rate TV programs, to encode them to activate an electronic device which in turn responds to parental choice, and to infuse all we do with integrity and purpose. All elements of the TV industry will rise to this challenge, ready to participate in a national voluntary enterprise which we believe will be useful and valuable to the parents of America.

2. We are going to provide parents with more information about TV programs, similar to parental information provided by the MPAA movie ratings for the past 27 years, which have won consistently high approval from parents. We do this so that parents can more effectively monitor the TV viewing of their young children. All programs will be self-rated consistent with the overall rating guidelines, with ratings applied by the distributor of the programs.

3. We will construct an industry ratings review process, composed of various segments of our industry which will, from time to time, examine the ratings of specific programs and comment as to the appropriateness of the ratings.

4. To carry forward this huge voluntary effort, an Implementation Group under the leadership of Jack Valenti, whose membership will be drawn from all parts of our industry, will begin work immediately to draw up the design and the procedures of this new rating project, which explores unmapped terrain. There is a massive amount of detail to be worked out. We intend to do both technical and audience research, refining and revising our plans that when implementation takes place it is grounded in reality. We hope to have this new rating system in place no later than January, 1997.

5. Our objective is clear and firm. This enterprise is totally voluntary. There will be no government involvement of any kind. Within each of us is a unity of belief that government censorship, in whatever form, no matter how benign in its public declarations, is fundamentally in conflict with more than 200 years of our national heritage of freedom of speech, and collides directly with the Constitutional protection of the First Amendment.

February 29, 1996

**NATIONAL SURVEY SHOWS WIDESPREAD SUPPORT BY PARENTS
FOR TV PARENTAL GUIDELINES**

Listed below are highlights of a national survey of parents with children under age 18. The survey of 1,207 parents was conducted between December 9-11, 1996 by Peter D. Hart Research Associates and Public Opinion Strategies.

- o 90 percent of America's parents favored the TV Parental Guidelines system as it has been created, with 58 percent "strongly" in favor and 32 percent "somewhat" in favor.
- o 84 percent of parents understand the movies ratings system; 50 percent very well and 34 percent fairly well.
- o 79 percent of parents believe the movie ratings are helpful in deciding whether or not children can go to a particular movie; 32 percent very helpful and 47 percent somewhat helpful.
- o 83 percent of parents said a television rating system like the one used for movies would be helpful to them; 45 percent very helpful and 38 percent somewhat helpful.
- o 86 percent of parents favored the two children's guideline categories; 10 percent opposed the categories and 4 percent were unsure.
- o 89 percent favored the other four categories in the guidelines system; 9 percent opposed them.
- o 72 percent favored the networks applying the guidelines; 24 percent opposed.
- o 85 percent favored the function of the Oversight Monitoring Board; 11 percent opposed.

TV PARENTAL GUIDELINES

OUTREACH MEETING PARTICIPANTS

Medical Outreach Meeting Participants

1. American Academy of Child and Adolescent Psychiatry

2. American Academy of Pediatrics

3. American Medical Association

4. American Nurses Association

5.

American Psychiatric Association

6.

American Psychological Association

7.

Institute for Mental Health Initiatives

8.

Harvard Medical School

Education Outreach Meeting Participants

1. American Association of School Administrators

2. American Federation of Teachers

3. National Association of School Psychologists

4. National Association of Elementary School Principals

5. National School Boards Association

Academic Outreach Meeting Participants

1. Joanne Cantor, Ph.D., Professor, University of Wisconsin
2. Joel Federman, Co-Director, Center for Communication and Social Policy, UC - Santa Barbara
3. George Gerbner, Ph.D., Dean Emeritus, Annenberg School of Communication
4. James Hamilton, Ph.D., Director, Duke University, Program on Violence and the Media
5. Dale Kunkel, Ph.D., University of California at Santa Barbara
6. Alvin Poussaint, Ph.D., Director, Harvard University, Media Center for Children
7. Ellen Wartella, Ph.D., Dean, College of Communication, University of Texas - Austin

Child Advocate Outreach Participants

1. American Center for Children's Television
2. Center for Media Literacy
3. Center for Media Education
4. Children's Action Network
5. Children Now
6. Defense Fund
7. Children's Defense Fund
8. Just Think Foundation
9. National Alliance for Non-Violent Programming
10. National Association of Child Advocates
11. National Association for Family and Community Education

12. National Coalition on Television Violence
13. The Coalition for America's Children
14. National Parent Teacher Association
15. Working for Alternatives to Violence in Entertainment
16. National Coalition on Television Violence

Religious Outreach Meeting Participants

1. American Baptist Churches
2. Baptist Joint Committee on Public Affairs
3. Christian Life Commission, Southern Baptist Convention
4. National Council of Churches
5. Church of Jesus Christ of Latter Day Saints
6. Congress of National Black Churches, Inc.
7. Episcopal Church
8. Lutheran Council in the USA
9. National Association of Evangelicals
10. Presbyterian Church (USA)
11. Progressive National Baptist Convention, Inc.
12. United Methodist Church
13. The United States Catholic Conference
14. United Church of Christ
15. Union of American Hebrew Congregations

Statement

Chairman Reed E. Hundt

This Public Notice establishes a comment period for the public to provide the Commission with their views on the industry's ratings proposal. As mandated by Congress the Commission will determine, in consultation with appropriate public interest groups and interested individuals whether the industry ratings proposal is "acceptable" and whether it adequately addresses Congress' concern that parents be provided with timely information about the nature of upcoming video programming and with the technical tools that allow them easily to block violent, sexual or other programming they believe harmful to their children. In this regard, we seek to develop a full record that includes the views of parents, teachers, public interest groups, medical professionals and representatives from the industry.

We have established an electronic mail address, "vchip@fcc.gov," to make it easier for the public to file informal comments with the Commission. This electronic mail address is also accessible via the Commission's Internet site (<http://www.fcc.gov/vchip>). In addition, many members of Congress and a number of public interest groups have requested that a public hearing be scheduled to discuss these issues. I believe this is a good idea and is fully consistent with Congress' direction that we decide "in consultation" with public interest groups and other interested parties whether the industry ratings proposal is acceptable and satisfies the other statutory criteria. I plan to schedule such a public hearing after the initial comment period set forth in the Public Notice has closed and will announce further details in the near future.