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For Immediate Release

PLUTO AND ViacomCBS WILL PAY \$3.5 MILLION PENALTY FOR VIOLATION OF ACCESSIBILITY RULES

Marks First Action Taken Regarding Violation of Internet Protocol Closed Captioning Rules

WASHINGTON, September 29, 2021—The Federal Communications Commission’s Enforcement Bureau today announced it has settled an investigation with Pluto Inc. and its parent company, ViacomCBS Inc., regarding violations of the Commission’s accessibility rules. In addition to paying a \$3.5 million civil penalty, Pluto Inc. agreed to enter into a compliance plan to ensure that non-exempt video programming that Pluto streams over the internet includes closed captioning in compliance with Commission rules. Today’s action reflects the first consent decree and first enforcement action related to Internet Protocol (IP) closed captioning rules since their adoption in 2012.

The Twenty-First Century Communications and Video Accessibility Act of 2010, or CVAA, helps ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming. The internet has become central to the distribution of video programming, and consumers rely on a multitude of devices, including tablets, wireless phones, and game consoles, to access IP-delivered video programming. Given the growth of streaming services, this action reinforces the FCC’s commitment that people with disabilities should be able to access and enjoy streaming services.

The IP-closed captioning rules apply broadly to the distributors, providers, and owners of IP-delivered video programming. The rules require the closed captioning of IP-delivered video programming and impose requirements on certain apparatus that receive or play back video programming (including certain recording devices). All nonexempt full-length video programming delivered using Internet Protocol must be provided with closed captions if the programming was previously shown on television in the United States with captions or is live programming being shown on television in the United States with captions.

The Enforcement Bureau’s investigation confirmed that Pluto failed to comply with the IP closed captioning rules when distributing video programming on numerous platforms used to disseminate Pluto TV. Additionally, the company failed to implement the closed captioning functionality requirements and make contact information available to users in order to submit written closed captioning complaints. As a result of Pluto’s actions, individuals with hearing disabilities were unable to access closed captioning when viewing Pluto TV over some platforms.

The consent decree is available at <https://docs.fcc.gov/public/attachments/DA-21-1183A1.pdf>.

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Cir. 1974).