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Report No. GN 98-3

GENERAL ACTION

March 12, 1998

**COMMISSION FINDS INDUSTRY VIDEO PROGRAMMING
RATING SYSTEM ACCEPTABLE;
ADOPTS TECHNICAL REQUIREMENTS TO ENABLE BLOCKING OF VIDEO
PROGRAMMING (THE "V-CHIP")
(CS DOCKET NO. 97-55, CS DOCKET NO. 97-321, ET DOCKET 97-206)**

The Commission today adopted an order finding acceptable the video programming rating system currently in voluntary use and established technical requirements for consumer electronic equipment to enable blocking of video programming. These two actions will help provide parents with the information and ability to make informed viewing decisions for their families.

These actions fulfill the requirements of Section 551 of the 1996 Telecommunications Act ("1996 Act") which required 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 children and; (2) have agreed voluntarily to broadcast signals that contain such ratings. Under Section 551, the Commission is also required to adopt rules to require television receivers to block such programming that contains such material by decoding rating information transmitted via line 21 of the vertical blanking interval ("VBI").

The National Association of Broadcasters (NAB), the National Cable Television Association (NCTA) and the Motion Picture Association of America (MPAA) (the Industry) jointly created the *TV Parental Guidelines*. The *TV Parental Guidelines* were subsequently revised on August 1, 1997, following discussions between the Industry and certain advocacy groups that had expressed concerns about the original Industry proposal. The Commission finds that the Industry's *TV Parental Guidelines* establish acceptable voluntary rating rules and that the near unanimous agreement to voluntarily broadcast signals containing the *TV Parental Guidelines* complies with the requirements of Section 551(e). The Commission makes no finding on the acceptability of other ratings systems, including the Industry proposal as it

existed prior to the August 1, 1997 modifications.

In a companion item the Commission adopted technical rules that require television receivers with picture screens 33 centimeters (13 inches) or greater to be equipped with features to block the display of television programming with a common rating, commonly referred to as "v-chip" technology. The v-chip will be phased in with half of television receiver models with picture screens 33 cm or greater required to have the v-chip by July 1, 1999, and all such models required to have the v-chip by January 1, 2000. Although the Commission chose to approach the v-chip and ratings proceedings separately, the 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.

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 useful tools to block programming 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 that are rated.

THE TV PARENTAL GUIDELINES

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; agreement to transmit on Line 21 of the vertical blanking interval; display of on-screen rating icons and indicators; and the establishment of an Oversight Monitoring Board.

The *TV Parental Guidelines* will apply to all television programming except for news, sports, and unedited MPAA rated movies on premium cable channels. The *TV Parental Guidelines* (labels and content indicators, and respective meanings) are:

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

The rating icons and associated content symbols will appear for 15 seconds at the beginning of all rated programming. 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. Participants agree to transmit program rating information on Line 21 of the Vertical Blanking Interval. 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.

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, by the S, L, V, or D rating assigned to the program, or by a combination of the two.

The Industry has established an Oversight Monitoring Board to ensure that the rating guidelines are applied accurately and consistently to television programming. The Board will have a chairman, and 23 members of the Board, 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. 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 information to parents, and consider any needed changes to them. The Industry has also committed to independent, scientific research and evaluation of the rating system once the v-chip is in place.

THE V-CHIP

In order to accommodate the design cycle and provide a smooth transition for product introduction, the Commission is requiring that manufacturers include v-chip technology on at least half of their product models with a picture screen 33 cm (13 inches) or greater in size by July 1, 1999, and the remaining half of such models by January 1, 2000. This implementation schedule is desirable to ensure that televisions with fully functional v-chip technology are available as soon as possible.

The Commission is requiring that personal computers that include a television tuner and an appropriately sized monitor must also include v-chip technology. However, the order makes it clear that this requirement applies only to broadcast transmissions and does not apply to video transmissions delivered over the Internet or via computer networks.

The rules require that the v-chip technology contained in covered television receivers responds to the *TV Parental Guidelines* and the MPAA rating system. Televisions are not required to accommodate other rating systems. However, the Commission..we encourages manufacturers to design television receivers to provide for additional rating systems to the extent practical.

Action by the Commission March 12, 1998, by Reports and Orders (FCC 98-35, FCC 98-36), Chairman Kennard, Commissioners Ness, Furchtgott-Roth, Powell and Tristani, with Chairman Kennard, and Commissioners Furchtgott-Roth and Tristani issuing separate statements.

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March 12, 1998

**Statement of FCC Chairman William Kennard
On FCC Approval of V-Chip Ratings and Manufacturer's Standard**

The FCC's decisions today to approve the *TV Parental Guidelines* and implement V-chip requirements will give parents the tools and power to make their own decisions about television programs they do not feel are appropriate for their children.

While the ability to program the V-chip on their television sets to block programs with specific ratings will be helpful to all American parents, it will be particularly useful for working parents who can't always be present to monitor the TV watching of their children.

I commend the many children's advocacy groups and television industry groups, particularly the NAB, NCTA, and MPAA for working cooperatively to produce the rating system combining content-based and age-based information that we are formally approving today.

I also commend Congress for its foresight in passing the V-Chip legislation, and providing the leadership and guidance on this issue for the FCC and the public.

I urge the television manufacturers to move forward quickly to implement the V-chip manufacturing standard we are adopting today so that this very important parental tool will soon be available in new TV sets.

I encourage the many organizations that have participated in this process to continue to provide valuable input into the effectiveness of the ratings system.

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March 12, 1998

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.