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Commission Accepts Industry's Voluntary TV Rating Program; Adopts Technical Rules Requiring "V-Chip"

The Federal Communications Commission (the "Commission") issued a Report and Order finding that the industry-established *TV Parental Guidelines* in voluntary use as of March 1998 were an acceptable ratings system for video programming. The Commission will not, therefore, prescribe its own guidelines and procedures for identifying and rating video programming.

In a separate but related Report and Order, the Commission adopted technical rules requiring that television receivers with picture screens measuring 13 inches or greater be equipped with "v-chip" technology by which televisions can receive the broadcast signal which contains video program rating information, allowing parents to block television programming which they believe is harmful to their children.

- Commission Finds That the Industry's TV Parental Guidelines Establish Acceptable Voluntary Rating Rules

The Telecommunications Act of 1996 (the "1996 Act") mandated that the Commission establish guidelines and procedures for providing video programming ratings to parents, unless the distributors of video programming otherwise established and implemented a voluntary ratings system which the Commission found to be acceptable. The National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America (the "Industry") jointly submitted to the Commission a system of voluntary parental guidelines known as the *TV Parental Guidelines*.

On March 13, 1998, the Commission issued a Report and Order, finding that the *TV Parental Guidelines* constitute a comprehensive system for rating programming that contains violent, sexual, or other indecent material, and provides specific rating information for programs designed solely for children, and therefore establishes an acceptable voluntary rating system in compliance with the 1996 Act. The Commission noted that the age-based, content supplemented system offered by the Industry is sufficiently objective to provide

parents with the information necessary to make informed decisions, and that video programming distributors have voluntarily agreed to broadcast the Industry's ratings system (the Commission noted that only NBC and BET have determined not to broadcast according to the *TV Parental Guidelines*, and that, therefore, the industry's nearly-unanimous support of the voluntary system sufficiently achieved Congress' goal of providing a useful and easy-to-use tool to block programming that parents consider harmful to their children.)

The *TV Parental Guidelines* consists of the following: six descriptive labels that indicate the appropriateness of television programming to children according to age and/or maturity; content indicators concerning sexual situations, violence, language or dialogue; transmission of the ratings information over line 21 of the Vertical Blanking Interval ("VBI"); display of on-screen rating icons and indicators; and the establishment of an Oversight Monitoring Board. The *TV Parental Guidelines* apply to all television programming except for news, sports, and unedited MPAA rated movies on premium cable channels (the MPAA ratings have been retained, and will be able to be broadcast and received by the "v-chip", and used by parents for blocking, as discussed below). The six categories of television programming under the Guidelines are:

- **TV-Y** (*Program is appropriate for all children*).
- **TV-Y7** (*Program is for children age 7 and above*).
- **TV-G** (*Program is suitable for all ages*).
- **TV-PG** (*Program may be unsuitable for younger children*).
- **TV-14** (*Program may be unsuitable for children under 14*).
- **TV-MA** (*Program is unsuitable for children under 17*).

Under the guidelines, ratings are assigned to television programs by broadcast and cable networks and producers, although television stations retain the right to substitute the ratings that they deem appropriate for their audience. Rating icons and associated content symbols appear for 15 seconds at the beginning of all rated programming, and cable networks and television stations will provide rating information to newspapers and publishers of printed and electronic program guides.

The Oversight Monitoring Board is responsible for ensuring that the rating guidelines are applied accurately and consistently to television programming, providing information to producers regarding the guidelines, and addressing complaints and requests from the public.

II. Commission Adopts Technical Rules Regarding the "V-Chip"

Under the Commission's rules, as of January 1, 2000, manufacturers of television signal receivers with picture screens 33 cm. (13 inches) or greater, measured diagonally, must equip all of their new product models with "v-chip" technology that allows parents to block the display of violent, sexual, or other programming that they believe is harmful to their children. A television receiver equipped with the "v-chip" is able to receive the rating

signals which are transmitted on line 21 of the VBI, pursuant to the *TV Parental Guidelines*, and pursuant to MPAA ratings of movies broadcast on premium cable channels, and will enable viewers to block the display of all programs with a common rating, constituting compliance with the requirements of the 1996 Act.

The Commission's rules also require that digital television manufacturers include blocking technology on their new product models with a picture screen 33 cm. (13 inches) or greater in size. The Commission noted that, although DTV receivers will not receive analog information carried on line 21 of the VBI, digital televisions will be required to react in a similar manner as analog televisions when programmed to block specific rating categories.

The Commission's amended rules incorporate by reference the Electronics Industry Association's EIA-608 ("Recommended Practice for Line 21 Data Service," which contains information on data formats and specific data packets that may be sent using line 21), and EIA-744 ("Transport of Content Advisory Information Using Extended Data Service," which provides specific guidance on how rating information should be transmitted on line 21) as the transmission standards for program rating information pursuant to the Guidelines.

The Commission's rules also require that program blocking occur as soon as a program rating packet is received, that when a program is blocked the program's audio must be muted, the video must go black or be otherwise indecipherable, and program captions must be eliminated. In addition, the Commission is requiring that receivers have the capability to block programming using the age based ratings, the content based ratings, or a combination of the two, and that once a rating has been selected for blocking, a consumer will have the ability to automatically block programs with more restrictive ratings, and to override the automatic blocking selections.