

APPENDIX D

**Industry Submission of
August 1, 1997**



NATIONAL ASSOCIATION OF BROADCASTERS
1771 N STREET, NW
WASHINGTON, DC 20036-2891
202/429-5300



MOTION PICTURE ASSOCIATION OF AMERICA, INC.
1600 EYE STREET, NW
WASHINGTON, DC 20006
202/293-1966



NATIONAL CABLE TELEVISION ASSOCIATION
1724 MASSACHUSETTS AVE., NW
WASHINGTON, DC 20036-1969
202/775-3650

August 1, 1997

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

Re: CS Docket No. 97-55

Dear Mr. Caton:

We are formally notifying the Commission by this letter of certain elements we are adding to the system of parental guidelines that the television industry submitted on January 17, 1997. The additions we describe below are supported by television broadcasters, cable systems and networks, and television production companies. We are also pleased that the revised guidelines are supported by leading family and child advocacy groups. These supplements to the existing system of guidelines will be implemented, apart from provisions dealing specifically with the "V-chip," by October 1 of this year.

We are attaching a description of the amended system and statements of the television industry and family and child advocacy groups concerning the revised voluntary TV Parental Guidelines, as well as the agreement between the television industry and the advocacy community concerning additions to the Guidelines.¹

We are changing some of the descriptors associated with the six age-based categories of television programming and, in certain categories, adding symbols describing the type of material that is included in a particular program. The program categories we will use after October 1 are:

¹ We are also providing a copy of this submission and the attachments on diskette to the Cable Services Bureau.

Mr. William S. Caton

August 1, 1997

Page 2

The following categories apply to 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 violence 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.

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 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).

Mr. William S. Caton
August 1, 1997
Page 3

These refinements maintain the broad six-category structure of the system of ratings we previously submitted to the Commission and add symbols indicating the particular content of each program, as appropriate. Together, the 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 icons and associated content symbols will appear for 15 seconds at the beginning of all rated programming, and the size of the icons will be increased from those shown presently.

In addition, five representatives of the advocacy community will be added to the monitoring board which we have established to ensure that the Guidelines are applied accurately and consistently to television programming. This will provide input from representatives of parents and family and child advocacy groups about the way in which the Guidelines operate in practice.

Consistent with the operation of the TV Parental Guidelines since January, cable networks and television stations will supply ratings information to newspapers and publishers of printed and electronic program guides so that the ratings can be included in program guides. Also unchanged is the right of local television stations to substitute the rating they deem appropriate for their audience for ratings assigned by producers and distributors. The TV Parental Guidelines will continue to apply to all television programming except for news and sports and unedited MPAA-rated movies that are shown on premium cable channels. The latter will continue to carry their original MPAA ratings and the additional advisories currently used by several premium services.

Section 551(e)(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104, requires the Commission to determine if "distributors of video programming have . . . established voluntary rules for rating video programming that contains sexual, violent, or other indecent material about which parents should be informed," and that the industry-adopted ratings system is "acceptable." As we pointed out in submitting the TV Parental Guidelines on January 17 and in comments submitted on May 8, 1997,² the ratings system we adopted achieved Congress' goals of providing information that would give parents an effective tool to control their children's television viewing, a tool whose effectiveness would become even greater when the "V-chip" becomes available.

² Joint Reply Comments of the National Association of Broadcasters, The National Cable Television Association, and The Motion Picture Association of America, CS Dkt. No. 97-55 (May 8, 1997).

By adding information to the Guidelines, parents will have additional information to help them decide which television programs their children will watch. Parents who wish to prevent their children from seeing a whole category of programs oriented in theme or content to older viewers will be able to do so; parents who instead are interested in controlling their children's access to particular types of content will also be provided with the information they need. Each network or television station also will continue to have the right to provide additional advisories to parents when they believe their audience will benefit from particular information about a specific program.

When coupled with the "V-chip," the TV Parental Guidelines will allow parents flexible options to ensure that their children see only the programs that they deem suitable for them. The content symbols added to the ratings categories meet many of the concerns expressed in comments to the Commission,³ and the addition of representatives of advocacy groups to the Oversight Monitoring Board address the concerns of others that decisions about ratings should reflect input from outside the television industry.⁴

The TV Parental Guidelines are voluntary and broadly supported by the television industry which has pledged to begin transmitting ratings information on line 21 of the Vertical Blanking Interval (VBI) within six months. While the Telecommunications Act contemplated that a ratings system would be incorporated into the "V-chip," Congress specifically eschewed any requirement that distributors of programming be required to use that system. The Commission is only authorized to require transmission of blocking codes "with respect to video programming that has been rated." 47 U.S.C. § 303(w)(2). The Conference Report emphasized that "the conferees do not intend that the Commission require the adoption of the recommended rating system *nor that any particular program be rated.*" H. REP. NO. 458, 104th Cong., 2d Sess. 195 (1996)(emphasis added).

Program producers and distributors were thus explicitly left by Congress with the discretion to determine whether they will rate their own programming, subject only to the requirement that they cannot strip ratings information from the VBI. Congress undoubtedly adopted this approach to avoid the obvious constitutional questions that would arise if programmers were required to display government-approved messages about program content. Thus, whether certain program producers or distributors decide that they will not rate programs

³ See, e.g., Comments of the Center for Media Education, CS Dkt. No. 97-55 (April 8, 1977); Comments of the National Association for Family and Community Education, CS Dkt. No. 97-55 (April 8, 1977).

⁴ See, e.g., Comments of Morality in Media, CS Dkt. No. 97-55 (April 8, 1977).

Mr. William S. Caton

August 1, 1997

Page 5

at all (as some did after the TV Parental Guidelines were adopted last December), or others do not utilize the additional content symbols, has no impact on the decision as to whether the ratings system adopted by the industry is "acceptable" under Section 551(e)(1).

In order to bring the full benefits of the TV Parental Guidelines to the American people, we urge the Commission promptly to conclude that this system is acceptable and to adopt the technical standards needed for its incorporation into television receivers.

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

Agreement on Modifications to the TV Parental Guidelines
July 10, 1997

1. **Content Information:** The following content information, where appropriate, will be added to all non-exempt programming to supplement the existing TV Parental Guidelines: in the TV-Y7 category -- FV for fantasy violence; in the TV-PG, TV-14 and TV-MA categories -- V for violence, S for sexual situations, L for language, and D for dialogue.
2. **Descriptions of the Guidelines:** Modifications will be made to the category descriptions as specified in Attachment 1.
3. **Monitoring Board:** Five non-industry members, drawn from the advocacy community and selected by the Chairman, will be appointed to the Monitoring Board as full voting members. Recommendations for appointment to the Board will be offered by advocacy groups and Monitoring Board members.
4. **V-chip:** The industry and advocacy groups will recommend to the FCC that the MPAA movie rating system and the universal television rating system be the only systems mandated for inclusion on the V-chip.
5. **Icons:** Larger icons will appear on-screen for 15 seconds at the beginning of all rated programming and through use of a display button thereafter.
6. **Assurances:** Attachment 2 reflects the agreement reached between the industry and advocacy groups on treatment of the relevant proceedings at the FCC and pending and future legislation.
7. **Research and Evaluation:** Independent, scientific research and evaluation will be undertaken once the V-chip has been in the marketplace.
8. **Effective Date:** Networks will begin to rate programming using the new universal television rating system by October 1, 1997. The industry agrees to encode and transmit the rating information in Line 21 of the vertical blanking interval within 180 days of the date of this agreement.

July 10, 1997
Attachment 1

The following categories apply to 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 violence 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.*

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 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).*

July 10, 1997

The attached modifications of the TV Parental Guideline System have been developed collaboratively by members of the industry and the advocacy community. We find this combined age and content based system to be acceptable and believe that it should be designated as the mandated system on the V-chip and used to rate all television programming, except for news and sports, which are exempt, and unedited movies with an MPAA rating aired on premium cable channels. We urge the FCC to so rule as expeditiously as possible.

We further believe that the system deserves a fair chance to work in the marketplace to allow parents an opportunity to understand and use the system. Accordingly, the undersigned organizations will work to: educate the public and parents about the V-chip and the TV Parental Guideline System; encourage publishers of TV periodicals, newspapers and journals to include the ratings with their program listings; and evaluate the system. Therefore, we urge governmental leaders to allow this process to proceed unimpeded by pending or new legislation that would undermine the intent of this agreement or disrupt the harmony and good faith of this process.

Motion Picture Association of America
National Association of Broadcasters
National Cable Television Association

American Medical Association
American Academy of Pediatrics
American Psychological Association
Center for Media Education
Children's Defense Fund
Children Now
National Association of Elementary
School Principals
National Education Association
National PTA



FOR IMMEDIATE RELEASE
Thursday, July 10, 1997

P.O. BOX 14097
WASHINGTON, DC 20004
202/879-9364

Contacts: Barbara Dixon, Rich Taylor, MPAA
202-293-1966
Dennis Wharton, John Earnhardt, NAB
202-429-5350
Torie Clarke, Scott Broyles, NCTA
202-775-3629

**JOINT STATEMENT OF
MOTION PICTURE ASSOCIATION OF AMERICA
NATIONAL ASSOCIATION OF BROADCASTERS
NATIONAL CABLE TELEVISION ASSOCIATION**

WASHINGTON, D.C. --- The television industry has concluded a long negotiation with public advocacy groups and has come to closure on revisions to the TV PARENTAL GUIDELINES

The following content information, where appropriate, will be added to all non-exempt programming to supplement the existing Guidelines -- in the TV-Y7 category -- FV for fantasy violence, in the TV-PG, TV-14 and TV-MA categories -- V for violence, S for sexual situations, L for language, and D for dialogue

Leaders in Congress have said no legislation regarding television ratings, content and program scheduling should be enacted for several years, so that parents will have time to understand and deal with V-chips in television sets, a mechanism which gives them the ability to block out programs they may find inappropriate for young children. Additionally, advocacy group leaders have said this process should proceed unimpeded by pending or new legislation that would undermine the intent of our joint agreement or disrupt the harmony and good faith of the process just concluded.

We are grateful to Vice President Gore, to Chairman John McCain, to Chairman Tom Bliley, Chairman Billy Tauzin, Congressman Ed Markey, among others, who were helpful throughout this process. We also wish to thank the parents of Peoria, Illinois who, in a May town hall meeting, shared with us their thoughts on the subject of television ratings.

As the industry declared on February 29, 1996, in announcing its plans to design parental guidelines for television, we repeat now: Parents will be the arbiters of these new TV PARENTAL GUIDELINES which will be implemented no later than October 1, 1997. Obviously, until there is a sufficient number of television sets equipped with V-chips in American homes, no evaluation can be properly conducted.

===