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*The nation's most influential advocacy organization  
protecting children against sex, violence and profanity in entertainment*

March 19, 2019

BY ELECTRONIC FILING

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: TV Ratings System and Oversight Monitoring Board, MB Docket No. 19-41

Dear Ms. Dortch:

The Parents Television Council respectfully offers this Reply Comment to the FCC's review of the TV Ratings System and Oversight Monitoring Board, MB Docket No. 19-41.

As of this writing, the FCC's website shows that 1,730 comments have been filed by members of the public in this proceeding. And after a quick perusal, it appears that 1,729 of those commenters have expressed at least some level of concern, consternation or dissatisfaction with the current TV Content Ratings system and/or its oversight.

The sole comment calling for the *status quo* was filed by the three entertainment industry lobbying groups – NAB, NCTA and MPAA – that control the TV Content Ratings System and its oversight. This Reply Comment will focus primarily on their Joint Comment and offer different perspectives, insights or opinions regarding several of the claims they've made.

The industry's Joint Comment dedicates an entire section – and a lengthy attachment of polling conducted by Hart Research – stating that the public has a high level of satisfaction with the current system. We note for the record that *research paid for by the industry* is the only research we've been able to find that suggests the public is satisfied with the current system. We are unaware of any independent research that corroborates their self-aggrandizing conclusions. As we pointed out in our public comment, other research suggests a lack of awareness or satisfaction on the part of the public; and 1,729 out of 1,730 comments in this proceeding appear to agree with us.

The industry Joint Comment notes that “the Monitoring Board has received, on average, no more than 47 complaints per year.” We note for the record that any public complaints must come by contacting an organization – TVOMB – that most Americans have never heard of; and they are to do so by visiting a website that most Americans don’t even know exists. And as we pointed out in our public comment, for a considerable period of time last year – when TVOMB only received 26 complaints – the email address and phone number weren’t working or being monitored because they were being managed by former employees of a now-defunct lobbying firm called the Podesta Group. We think it is wonderful that the TVOMB website has been upgraded recently, and we applaud the addition of Spanish language content. But those changes are distinctions without a difference if the public has no knowledge that TVOMB exists and is supposed to be their remedy to protect their children.

The industry Joint Comment waxes eloquently about the numerous manners in which consumers watch video other than via broadcast television, the increase of scripted programming, and the new sources of kid-friendly and family-friendly content on digital platforms and apps. This diatribe is nothing but a red herring, offering absolutely zero value to the review at hand. But it does appear to be an effort to diminish the relevance of the content rating system for television. We note for the record that an *improved and more robust* television content rating system could help parents with entertainment consumption decisions not just for television, but new and emerging digital platforms if it were to be applied there as well.

The industry Joint Comment notes that content “descriptors are added to ratings where appropriate.” PTC research, referenced in our public comment, has documented the considerable *omission* of content descriptors where they should have been included. We also referenced in our public comment polling data conducted by [Zogby](#), at the PTC’s behest, which found that 92% of the public could not identify what the content descriptors meant, even when given a four-answer multiple choice option.

The industry Joint Comment refers to a \$340 million advertising campaign launched in 2006. We wish to point out that the TV Boss endeavor, and just about every other PR effort by TVOMB, only takes place when the Congress, the FCC, or the PTC have made a loud saber-rattle. That 2006 campaign came on the heels of intense congressional scrutiny about media violence, and in the wake of regulatory considerations following the infamous Janet Jackson Super Bowl Halftime escapade. It should be pointed out that TVOMB’s 2014 research efforts coincided with my participation at a TVOMB meeting; its 2016 research followed the release of a scathing research report by PTC about the failings of the ratings system; and its 2018 research coincided with the introduction of the congressional legislative wording that ultimately led to this regulatory review. Whenever there is congressional heat, the TVOMB coincidentally throws some Hart Research water on it to cool things off.

Perhaps most intriguing about the industry Joint Comment is its “shot across the bow” of the FCC, cautioning it not to pursue any involvement in the ratings process. Rather than offering any intention to improve the current system – failing to offer any expression even for a desire to make the system more accurate, more consistent or more transparent – the industry attempts to kill this review in its crib. We call on the Commission to reject the industry Joint Comment’s conclusion that urges a conclusion that the existing system is accurate or reliable. There is the only voice throughout this proceeding to suggest such a finding, and the voice comes from those who profit from the current system.

Why does the industry Joint Comment propose such a conclusion? Because it would serve and protect the industry’s financial interests. We implore the FCC during its review to follow the unmistakable conflict of interest that entirely permeates the current system:

- Broadcast and cable television networks increasingly distribute explicit content that is rated as appropriate for children.
- Television network staffers rate that content.
- The corporations that employ those TV network staffers stand to profit from wrongly-rated content if the inaccuracy opens the door to younger viewers.
- Television network staffers who rate the content also serve on the TVOMB.
- NAB, NCTA and MPAA lobbyists determine which public interest groups are able to participate on TVOMB. Their choice: multiple industry-controlled groups.
- TVOMB meetings, if in fact they ever happen, are conducted entirely in secret.
- TVOMB pays Hart to conduct polling, and the polling results predictably embrace the TVOMB status quo.
- TVOMB's Joint Comment is authored by the same attorney who helped broadcasters sue the FCC for the ability to use the F-word at any time of the day, even in front of children.

Is this what "oversight" is supposed to look like?

We understand that the narrow scope of this review prevents the Commission from implementing any improvements to the current system. But it is unfathomable that the conclusion of this review could in any way suggest that no improvement is warranted. Except for the Joint Comment of the TVOMB leadership, not one single public comment suggests the current system is delivering on its 20+ year promise to parents and families.

We fervently call on the FCC to conclude that improvements can and should be made to better serve the public. And after so concluding, then let us all turn to identifying what those improvements might be. Clearly a media content ratings system established in 1998 could use some modernization.

Thank you.

Respectfully submitted,



Timothy F. Winter  
President