HAWTHORNE
COMMUNICATIONS, INC.

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ORIGINAL FILE

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JUN 16 1992
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 10, 1992

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FCC MAIL BRANCH

The Honorable Donna R. Searcy
Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

Re: RM No. 7984/Oppose Amendment of Commission's Rules to Require Continuous Sponsorship Identification for Program-Length Commercials

Dear Secretary Searcy:

I am writing to oppose the petition that requests that the Commission amend its sponsorship identification rules as they apply to program-length commercials.

Our company is an advertising agency, established in 1986 to provide infomercial production and media services to companies with quality products and services. We've successfully helped reputable companies such as Time Life, Black & Decker, Nightingale Conant, NordicTrack and Health Innovations market their products via infomercials.

As a member of the National Infomercial Marketing Association (NIMA), we make certain that the commercials we produce for our clients meet the high industry standards established by NIMA. We also support any efforts within the industry that disseminate, enforce or improve upon the NIMA guidelines.

We do not feel that continuous sponsorship identification is justified or appropriate for infomercials. With the disclosures currently required at the beginning, end and within the body of infomercials (prior to ordering information), the continuous sponsorship is excessive and underestimates the intelligence of television viewers. Also, we are not aware of any evidence supporting the claims of infomercial opponents that the infomercial format is inherently deceptive.

Our principal concern is that a continuous visual message will distract the viewer and could seriously reduce the

effectiveness of such advertising. Our job is to produce honest and effective advertising for our clients. We feel that the current regulations, effectively policed by the FTC, embody a balanced approach in which infomercials are a legitimate, non-deceptive and effective means of advertising.

We do not understand why the FCC needs to overlap in this area of enforcement, especially in light of the aggressive and effective enforcement activities conducted by the FTC during the past several years. In our opinion, since infomercials are a legitimate form of commercial speech, FCC restrictions of infomercials with requirements not required of other forms of television advertising would raise serious First Amendment issues.

We feel that the above reasons are sufficient cause for the FCC to reject the above referred petition.

Sincerely,

Robert H. Moore
Executive Vice President

RHM:mm