

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Joint Voluntary Proposal for Video)
Programming Rating System of)
National Association of Broadcasters (NAB),)
National Cable Television Association (NCTA) and)
Motion Picture Association of America (MPAA))

CS Docket No. 97-55

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JOINT REPLY COMMENTS OF
THE NATIONAL ASSOCIATION OF BROADCASTERS,
THE NATIONAL CABLE TELEVISION ASSOCIATION, AND
THE MOTION PICTURE ASSOCIATION OF AMERICA

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THE MOTION PICTURE ASSOCIATION OF AMERICA**

The National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America (hereinafter "Joint Commenters") hereby submit our reply comments in the above-captioned proceeding. In addition to these comments, we are also submitting as Appendix A a separate statement of Jack Valenti, President and CEO of MPAA, who headed the Implementation Group that developed the TV Parental Guidelines.

I. INTRODUCTION AND SUMMARY

On January 17, 1997, Joint Commenters submitted to the Commission for comment the system of TV Parental Guidelines ("the Guidelines") adopted and implemented by television broadcasters and networks, cable networks and systems and television program producers. The Guidelines provide for rating of programming according to six categories, described in detail in our January 17, 1997 submission. The categories are based on a combination of assessments regarding the age-appropriateness and content of the program. Virtually all non-exempt programs now provide ratings information.

For the first time in the history of U.S. television, an industry-wide system has been implemented with the goal of providing parents easy-to-use, widely available information concerning the level and kinds of content in a program. The TV Parental Guidelines permit parents to quickly decide which categories of programming they wish their children to watch unsupervised, and they can also use the guidelines to help them decide which programs they should watch with their children. The TV Parental Guidelines are designed to be readily usable with the "V-chip" to give parents another tool to help control their children's television viewing.

In putting the Guidelines out for comment, the Commission's task, pursuant to the Telecommunications Act of 1996, is to determine whether the Guidelines are "acceptable". Whether the Guidelines can or should be fine-tuned -- or whether another system would also be "acceptable" -- is *not* the issue.

We submit that the Guidelines clearly satisfy the statutory test. The Guidelines provide parents with additional, useful information regarding the content of programming that was unavailable prior to the Joint Commenters' voluntary efforts. Several recent polls make clear that parents find the Guidelines helpful.

Additional support for the Guidelines developed by the American television industry is contained in the May 5, 1997 announcement by the Canadian Action Group on Violence on Television of a rating system quite similar to the TV Parental Guidelines. The Canadian system is supported by extensive research and actual field testing.

For all these reasons, we believe that the voluntary TV Parental Guidelines satisfy the test set out by Congress and should be given a fair chance to work.

II. DISCUSSION

A. The Voluntary Guidelines Satisfy the “Acceptable” Test

Under Section 551(e)(1) of the Telecommunications Act of 1996, the Commission is to determine whether 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 before it is displayed to children, and such rules are acceptable to the Commission ...” In adopting this provision, Congress made clear that the Commission is permitted to take the next steps -- appoint an advisory committee and proceed to adopt its own rating system -- only if a voluntary system has not been adopted by the industry and that voluntary system is not deemed “acceptable” to the Commission.

As described in our initial filing, Congress stressed that it expected the industry to develop a voluntary system of guidelines. In submitting the TV Parental Guidelines, we pointed out that Congress did not expect the Commission to substitute its own judgment for that of the industry if a voluntary ratings system were developed. In the debate in the House in August 1995, Congressman Markey, the sponsor of the “V-chip” amendment, stressed that he contemplated a “voluntary system,” and that a different system would be adopted only if “the networks do not come up with one on their own.”¹ Debate in the Senate was to the same effect; the Commission is to act only if the industry does not.²

¹ 141 Cong. Rec. H8487 (daily ed. Aug. 4, 1995).

² 142 Cong. Rec. S702 (daily ed. Feb. 1, 1996)(Statement of Senator Burns).

Moreover, the Act does not permit the Commission to determine whether the industry's system is the "best" system. Instead, the Commission is directed to determine whether the voluntary system is "acceptable."

Congress did not define "acceptable" in the Act or its legislative history, and none of the comments cites to any provision of the statute or its legislative history that explains how the Commission should construe Congress' use of the word "acceptable." No commenters argued with the industry's conclusion that, in the absence of a legislative definition, the Commission should adopt the ordinary meaning of the term.³ The general meaning of "acceptable" must therefore govern.⁴ The common meaning of "acceptable" is a thing that is "capable or worthy or being accepted"; "satisfactory: conforming to or equal to approved standards"; and as "barely satisfactory or adequate."⁵

The possibility that a different system might also advance Congress' goals, or that another system could promote other objectives, does not give the Commission any grounds for determining that the present system does not meet the statutory standard. And the comments opposing the industry proposal do not point the Commission to a path by which it could conclude that the TV Parental Guidelines are not acceptable, so long as they advance Congress' stated goals, which they do.

³ See Jan. 17, 1997, Joint Filing at 7.

⁴ See *id.* (citing *Perrin v. United States*, 444 U.S. 37, 42 (1979) ("A fundamental canon of construction is that, unless otherwise defined, words will be interpreted as taking their ordinary, contemporary, common meaning."))

⁵ See *id.* (citing *Webster's Third International*).

The Guidelines meet the standard of “acceptable”. First, they are modeled on the MPAA rating system that has been in use for almost 30 years. Our research leading to adoption of the Guidelines found that the MPAA movie ratings system was well understood and considered helpful by the viewing public.⁶ This research also found that parents would find the information provided by the TV Parental Guidelines helpful.

Second, several more recent polls demonstrate that parents find our system useful. For example, in a Pew Research Center Survey, over two-thirds of parents agree that the new ratings system is helpful in determining what their children should be allowed to watch.⁷ A USA TODAY/CNN/Gallup Poll of 1,036 respondents found that 52 percent of those who had heard of the rating system and who have children under 18 believe the current system helps them monitor their kids’ viewing.⁸

Finally, the Guidelines provide the information that Congress intended in a clear and easy-to-use manner. They establish categories that inform parents whether programming “contains sexual, violent, or other indecent material...”⁹ They do so in a manner that will be transmitted in connection with the programs so that the ratings will function with a “V-chip.” That is what the statute requires. Under these circumstances, then, the Commission must find that the Guidelines are “acceptable.”

⁶ See Appendix B.

⁷ Results of the Pew Research Center Survey (Jan. 9-12, 1997) (27 percent of parents surveyed found new ratings “very helpful;” 42 percent found “somewhat helpful”).

⁸ USA TODAY, February 28, 1997. In addition, a Cablevision magazine poll reveals that over half the participants found the ratings system either very helpful or somewhat helpful. Cablevision, April 28, 1997 at 43.

⁹ Section 551(e)(1).

Some commenters object to the new voluntary system because they would prefer an alternative approach. The crux of the opposing comments is the argument that the TV Parental Guidelines are not “acceptable” because they allegedly do not inform parents about the specific content that lead a program to be rated. Commenters argue that an “acceptable” ratings system must inform parents about the specific type of content that a program includes. We address in Part II why we believe that many of the alternative systems proposed to the Commission would not be more useful to parents. But in any case, as a legal matter, the commenters point to no evidence -- and there is none -- that Congress mandated a particular system by which parents must be informed of objectionable content.

The statutory language asked the television industry to develop “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.”¹⁰ Some commenters apparently read this language in the disjunctive to require separate warnings to parents about each type of content.¹¹ Congress, however, did not write the statute that way. Instead, it asked for a system that would warn parents about programming that contains any of three specified types of content. That is the natural and ordinary understanding of the words that Congress chose, and nothing in the Conference Report on the Telecommunications Act or in the extensive debates on the “V-chip” provision indicates any other meaning. Instead, Congressman Burton, who co-sponsored the amendment, told the House “we need a system where a parent can block out a whole category of

¹⁰ 1996 Telecommunications Act, Section 551(e)(1)(A).

¹¹ See, e.g., Comments of Center for Media Education, et al. at 10 (filed Apr. 8, 1997) (hereinafter “CME Comments”); Comments of the National Association for Family and Community Education at 1 (filed Apr. 8, 1997).

violence and sexually explicit programs if they want to.”¹² Thus, the legislative history, rather than supporting the opponents of the TV Parental Guidelines, shows that Congress expressed interest in a system with simple categories to allow parents easily to block categories of programming that they might deem unsuitable for their children.

Other commenters assert that Congress intended a rating system that conformed to a particular preexisting system. For example, Congressman Markey, together with other Members of Congress, contends that the Commission should construe the statute to require specific content-based ratings.¹³ They argue that, at the time the “V-chip” amendment was adopted, “the most fully developed ratings system in use on American television was the so-called ‘HBO-Showtime’ system” that provided content ratings, and thus, that Congress must have intended that such a system be adopted. But neither the debates nor the legislative history make any mention of the HBO-Showtime ratings system. If Congress’ understanding was clear on this point, it should be reflected in the legislative debates. It is not.

Again, the actual legislative history supports a different conclusion. The only mention of a ratings system during Congress’ debates was Congressman Goodlatte’s favorable reference to the existing MPAA system for rating motion pictures. The V-chip, he said, will

empower the parents of this country to do what every one of them does with their children today when they ask if they can go to a movie theater, give them a limited number of choices to help them make decisions that they cannot be in that movie theater when their child asks them to go with another friend to see a movie: G, PG, PG-13, R, and C-17, X, and not rated. The V-chip will give them a similar opportunity to do something with television that they cannot possibly do just by reading the newspaper ads.¹⁴

¹² 141 Cong. Rec. H8487 (daily ed. Aug. 4, 1995) (emphasis supplied).

¹³ Comments at 2.

¹⁴ Id. at H8488 (daily ed. Aug. 14, 1995).

The only specific reference to a ratings system in the statute or its history, then, is to a system much like the TV Parental Guidelines.

The other point commonly made by comments opposing the TV Parental Guidelines is that by using age categories, they introduce an element not contemplated by Congress.¹⁵ Some comments argue that age-based ratings somehow diminish parents' ability to control the television their children watch.¹⁶ These comments reflect a misunderstanding of the system adopted by the industry. The industry system in fact includes content information combined with suggested age categories. Each of these categories denotes a level of intensity of violence, sexual content, or profanity that is included in the programs in that category.¹⁷ Parents, who know their own children, will be able to determine whether a particular 11 or 12-year old may be sufficiently mature to view TV-14 programming, or whether they should not be exposed to TV-PG programs without parental supervision.

The difficulty with a simple content-based ratings system is that it provides parents with no information about the intensity of the potentially objectionable material in a program. All sexual references and all violent incidents do not have the same effect on children and certainly engender a different response from children of different maturity. For example, an "S" would

¹⁵ In fact, Congressman Dingell explained that the statute "[e]ncourages television broadcasters to develop a voluntary rating system that will provide parents with the means to discern whether programming coming into their home is age-appropriate for their children". 142 Cong. Rec. H1156 (daily ed. Feb. 1, 1996) (emphasis supplied).

¹⁶ See, e.g., Comments of the American Psychological Association at 2-3 (filed Apr. 8, 1997); Comments of Children Now at 3 (filed Apr. 8, 1997); Comments of the Institute for Public Affairs at 3 (filed Apr. 8, 1997).

¹⁷ For example, a TV-PG program "may contain infrequent coarse language, limited violence, some suggestive dialogue and situations." A TV-14 program "may contain sophisticated themes, sexual content, strong language, and more intense violence."

have to be added to a show like *Touched by an Angel* or *Dr. Quinn Medicine Woman* for a brief display of hugging or kissing, and would also have to be added to movies like *Basic Instinct*.

And for violence, a “V” could appear by the *Three Stooges* or a *Tom and Jerry* cartoon just as a “V” could appear on *Pulp Fiction* and *Natural Born Killers*. A system that included both content and intensity descriptors would be complex, both in ensuring consistent ratings and in operation for parents.

We agree with the comments of Congressman Markey *et al.* that any ratings system must work with the V-chip. The television industry concluded that a system that notified parents of programs containing violence, sexual references, or profanity, and also informed them of their relative intensity, but did so in a simple, ready-to-understand fashion, would be the easiest to implement with the V-chip. It is possible that another system might also work, but the industry determined that the system it adopted effectively balanced the twin objectives of providing information and giving parents a useful tool for blocking programming that they find objectionable.

In sum, the issue for the Commission to decide is whether the TV Parental Guidelines will inform parents about television programming in a way that aids them in deciding what their children will watch. Clearly, they do. Programs that contain material Congress believed was of concern to parents will be identified, and parents with V-chip-equipped televisions will have a ready means of preventing their children from watching inappropriate programs. That is what Congress asked for. The Commission must find that the TV Parental Guidelines are “acceptable.”

B. Commenters' Criticisms Of The Guidelines Are Unfounded

Based on the more than year-long discussions surrounding adoption of the TV Parental Guidelines, we believe there are several reasons why the simple, easy-to-use system we have implemented not only meets the requirements of the Act but also serves the needs of parents. Criticism of the Guidelines on the basis that other approaches are conceivable does not mean that the industry system is flawed.

1. Rating Programming Is Inherently Subjective, and is Not Susceptible to the Scientific Approach Advocated By Commenters

First, an underlying flaw of some criticism of the Guidelines is the notion that a "scientific" approach is preferable. For example, several commenters suggest that Congress intended television ratings to operate in a manner similar to "nutritional labels" required for food substances.¹⁸ They point to nothing in the Act that suggests this is the case.

In any event, describing the elements of a television program is not the same as measuring the fat content in a TV dinner. Programming by its very nature is not easily susceptible to a precise breakdown that can accurately convey the context in which certain activities take place.¹⁹ Assigning additional descriptors to a rating, therefore, will not transform it from a subjective to objective assessment.²⁰ In fact, additional judgments based on fine

¹⁸ See, e.g., Comments of Hector Garcia Salvatierra at 11 (filed Apr. 8, 1997); CME Comments at 8.

¹⁹ Several recent studies on television violence recommend moving beyond mere "body counts" and focusing instead on the way violence is portrayed. The UCLA Television Violence Report (1996); National Television Violence Study, Volume 2.

²⁰ See generally Comments of the Thomas Jefferson Center for the Protection of Free Expression at 1 ("[n]o rating system could reflect the incredibly broad range of American opinion on the thousands of hours of programming that appear on television each day").

gradations of content may lead to more confusion and disputes, not less. As the Comments of the Writer's Guild of America, East, observe:

To make those symbols reflect content in a less sophisticated way -- identifying programs as containing unexplained and uncategorized violence, sex or language -- is to fail to understand the extraordinary variation in the quality of programs. Such a system would ignore context and reduce dramatic and documentary television to an interchangeable mix of their most basic elements. It would willingly sacrifice quality for the false sense of uniformity.²¹

The fact that ratings will be assigned in the first instance by producers and distributors of that programming has also been criticized as substituting a subjective test for an objective test. For example, as Morality in Media's Comments put it, allowing producers to rate their programs "is like putting the mice in charge of the cheese."²² Congress, however, specifically contemplated that programs would be rated by the industry. In the legislative debates, Congressman Markey stated, "[a]ll of the ratings will be done voluntarily by the broadcasters."²³ Congressman Moran reiterated "[w]hat we do is ask the broadcast industry to rate their own programs."²⁴

Thus, comments that complain that the industry-adopted system of TV Parental Guidelines does not meet Congress' goals because producers and distributors will rate their programs simply ignore what Congress said should occur. In addition, as stated above, regardless of who rates a program, these decisions are, by their very nature, subjective ones. Putting a third party in charge of the rating will not transform this into an objective process.

²¹ Comments of Writer's Guild of America, East at 2 (filed Apr. 8, 1997).

²² Comments of Morality in Media at 7 (filed Apr. 8, 1997).

²³ 141 Cong. Rec. H8486 (daily ed. Aug. 4, 1995).

²⁴ Id. at H8495.

What some of these comments reveal, instead, is a disagreement with the content of programming shown on television -- not the rating of that content.²⁵ Using ratings as a pretext for discouraging the presentation of certain programming that certain viewers may find objectionable is not an area in which the FCC can or should tread, particularly given the enormous constitutional questions that would surround such an undertaking.

Finally, having the industry rate its own programming is the only feasible way in which the more than 2,000 hours of television programming distributed every day could be rated. It would be a logistical impossibility to have a central body rate all of this programming. The movie rating board, by comparison, rates one to two movies -- or approximately two to four hours of programming -- per day.

2. The Guidelines Are Designed to Be Simple to Use

Certain commenters criticize the rating system for allegedly substituting a program producer's judgment for a parent's judgment regarding a program's appropriateness for a child.²⁶ The TV Guidelines do not take away a parent's judgment regarding what programs their children should watch any more than one of the alternative content-specific rating systems could provide it. Instead, each parent must decide for him or herself whether a program is acceptable for their child's viewing based on their own judgments regarding what is or is not appropriate. There is no fail safe way to accomplish that short of a parent actually viewing the program.

²⁵ Comments of Morality in Media at 14 ("What the American people most want from the TV industry is not a self-serving system to rate the current glut of unacceptable programming but rather a long-term commitment to produce quality programming that respects mainstream American values."); Comments of the Presbyterian Church (U.S.A.) at 5 ("Unfortunately, the industry guidelines will not lead to better programs for children or adults.")

²⁶ CME Comments at 7.

What the TV Guidelines seek to provide, then, is not a substitute for a parent's judgment, but a method of characterizing programming that is easy to understand and simple to use. The TV Guidelines accomplish this goal by providing clear categories -- categories that certain commenters believe are not precise enough. In some cases, use of these categories may cause parents to block out more programming than they otherwise might. Of course, the purpose of a rating system to be used in conjunction with a blocking device is to ensure that all potentially objectionable programming is kept out of the home. No system can ensure that in doing so some unobjectionable shows might also be blocked.

Providing more precise descriptions does not automatically mean that the resulting system would be more useful to parents. Critics of the Guidelines assume that there are parents who would be indifferent to their child's viewing a program with sexual content and offensive language, but would prohibit that viewing if the show contained even mild violence. While parents might make judgments for themselves on that basis, it seems unlikely that they would make judgments for their children on the same basis. Instead, they would more likely decide not to allow their child to view the program at all if it contained any objectionable material.²⁷ Our system, by providing information on age-appropriateness and content, gives parents information that they need to make these choices. Other than presenting the hypothetical case, commenters have failed to show how providing more specific content information would relate to choices that parents are likely to make.

²⁷ Even CME's Comments acknowledge that "the amount of sexual content on television worries parents as much as violent content." CME Comments at 3 n.7.

These comments almost universally argue that the TV Parental Guidelines offer no content description at all, wholly ignoring the descriptions of the content that programs in each ratings category contain. For example, while the Center for Media Education²⁸ takes notice of the program descriptors, it focuses on the use of the word “may” in the descriptors. CME contends that “[i]nherent in this description is that a TV-14 program also may contain no sexual content, no adult language, or no violence.” If none of these types of content were in a program, what would be the basis for giving it a rating? Of course, the logical meaning of the descriptors is that a program will contain at least one of the described types of content.

The TV Parental Guidelines are intentionally designed to be simple to use. A parent will be able to push one button on their remote control and ensure that a broad category of programming (or several broad categories) will be blocked out. Our research shows²⁹ that parents will find a simple system to be helpful. That has been confirmed in surveys conducted subsequent to the implementation of the Guidelines. We also believe that this system is easier to use -- and therefore will be used more often -- than a system, like several of those proposed in the Comments, that are virtually indecipherable without a grid and explanatory legend.³⁰

Moreover, the simplicity of the system allows its use in newspaper listings and on-screen displays. The majority of the top twenty U.S. newspapers have already begun running the Guidelines in their daily television grid. And they also are included on cable’s Prevue Channel. Expanding the number of characters used could well make it more difficult to continue to

²⁸ Comments at 5-6.

²⁹ See Appendix B.

³⁰ See, e.g., Comments of Hector Garcia Salvatierra at 17-18 (proposing system with up to 15 characters); Comments of Mediascope at 6 (proposing grid for evaluating content).

provide this information, given the space constraints of the television listings. Thus, while it might be theoretically possible to design a system with more information, the ability of parents to get that information in a user-friendly fashion may be restricted.

Finally, certain commenters lose sight of the fact that the Guidelines are only the baseline of information that each program will provide. In developing the TV Guidelines, the parties expressly agreed that any television station or cable programmer can provide additional information regarding the content of the programming that will be aired. Some do. Certain cable networks supplement the Guidelines with additional information of their own regarding content. Other networks air programs with supplementary information if appropriate (for example, "*Schindler's List*" and "*NYPD Blue*" contain specific content advisories.) Thus contrary to the impression left in the Comments of the Public Broadcasting Service ("PBS"), nothing in the existing system prevents PBS or any other network or station from supplementing the information provided to viewers.³¹

It is similarly incorrect to claim that the Guidelines are somehow designed to "hide the ball".³² In our literature and public appearances, we are urging parents to reach out to other sources of information about television programs in addition to using the Guidelines. Our TV Parental Guidelines brochure encourages parents to consult with numerous groups.³³ Many

³¹ PBS claims, for example, that it is not providing the existing ratings system because it "advocates clearer content descriptions" and wants to provide information "directing parents to children's programming of positive educational value." PBS Comments at 4. Nothing prevents PBS -- or any other programmer -- from doing so.

³² See CME Comments at 8.

³³ These include the American Association of School Administrators, Center for Media Literacy, Children Now, Future WAVE, Institute for Mental Health Initiatives, Parents Television Council, The Just Think Foundation and The National Alliance for Non-Violent Programming.

comments demonstrate that other groups already provide additional information regarding the family-friendly nature (or lack thereof) of particular programs.³⁴ Additional information is already provided and will continue to be provided, along with the Guidelines. But mandating that additional information must be provided by the producer for all programs will be burdensome and unnecessary and could make the ratings less useful, not more.

3. Concerns With the Application of the Ratings Do Not Mean the System is Not "Acceptable"

Several commenters complain about the application of the ratings. They argue that different types of program content -- ranging from the tame to the graphic -- have been assigned to the same rating category.³⁵ To the extent there are concerns with the accuracy of ratings that producers have assigned to programming, our system provides for an Oversight Monitoring Board to provide the quality control that commenters apparently seek. In addition to providing information to producers regarding the Guidelines, the Monitoring Board will address complaints from the public about implementation of the Guidelines. The Oversight Monitoring Board will also ensure consistency in the application of ratings.

Many of the Comments express particular concern regarding application of the TV-PG ratings. For example, CME notes that over 61 percent of prime time programs received a TV-PG rating. But the TV-PG rating for most programming during prime time should come as no surprise. After all, broadcast stations program prime time to appeal to large audience segments.

³⁴ See, e.g., Comments of the National Institute on Media and the Family (filed Apr. 8, 1997) at Appendix (describing development of "Children's Impact Statement", available via newsletter or on their Website).

³⁵ CME Comments at 6.

Prime time programming's homogeneity, therefore, demonstrates little about the ratings themselves.

Inconsistencies or potential misapplication of ratings at this early stage is no reason to deem the entire voluntary system not "acceptable." The ratings system has been in place for a little over four months, and certain issues may well disappear as more experience is gained with the system and parents become more aware of what kind of programming each rating denotes.

C. The New Canadian System Supports Use of the Guidelines

On May 5, 1997, Canada's Action Group on Violence on Television (AGVOT) announced a seven-level classification system for television programming to advise parents about violent content, as well as coarse language, sexual content and nudity. AGVOT presented this rating system to the Canadian Radio-Television and Telecommunications Commission ("CRTC"), which will now review the system.

The Canadian Television Rating System (CTRS) closely resembles the TV Parental Guidelines.³⁶ It is particularly interesting to note that AGVOT has proposed a comprehensive rating system, including information about violence, sexual content and language, even though it was only required to develop a system alerting parents to violent content. In its report to the CRTC, AGVOT said that the industry

is proposing to exceed the expectation of the CRTC, by implementing a comprehensive Canadian Television Rating System which will include other content elements in addition to violence, in order to assist parents in making informed viewing choices about which programs are suitable for their families.³⁷

³⁶ The seven categories are: CTR~E, Exempt; CTR~C, Children; CTR~8+, Children over 8 years; CTR~FAM, Family; CTR~PA, Parental Advisory; CTR~14+, Over 14 years and CTR~18, Adults.

³⁷ According to the research conducted by AGVOT, 91% of the Canadians support this comprehensive approach. Report on a Classification System for Violence in Television Programming at 2.

The substantial research supporting the CTRS strongly suggests that the TV Parental Guidelines will, in fact, be a useful tool for American parents. The research shows that Canadian families overwhelmingly support the new rating system. The views of Canadians were obtained in a V-chip trial with 374 families in five Canadian cities. Follow-up focus groups and telephone surveys were conducted with trial participants. In addition, a national survey was conducted with more than 1,500 Canadians. These interviews were conducted in-home, providing participants the opportunity to thoroughly read the description of the system.

The results of this research show that 84 percent of Canadians approve of the CTRS. Eighty-six percent of parents with children under the age of 18 believe it will be helpful in making choices about what their children will watch; 87 percent of parents with children under age 12 believe it will be helpful. In addition, 80 percent of those who tested the CTRS during the V-chip trial found it easy to use and understand.

AGVOT's consultation with community and child advocate groups and professional associations concerned about television violence resulted in an affirmation of their proposed system. Many positive comments were received, ranging from "you have something here that will work fine"³⁸ to "the system is very workable; it is clean, and it takes the emotion out of it."³⁹

Some of the commenters in this proceeding point to the multi-level, multi-category rating system used in earlier Canadian V-chip trials (with designations for violence, sex and language, and their intensity level on a scale of 1 to 5) as preferable to the TV Parental Guidelines.⁴⁰ The

³⁸ Father John Pungente, head of the Jesuit Communication Project and the Canadian Association of Media Education Organizations. *Id.* at 29.

³⁹ Allan Mirabelli, Vanier Institute of the Family. *Id.* at 31.

⁴⁰ *See, e.g.*, Comments of Mediascope at 6.

research collected during the Canadian V-chip trials is instructive on this point and further supports our argument that more than one system can provide useful information to parents. The multi-level, multi-category system tested by the Canadians in their earlier trials received a 77 percent overall approval rating (vs. 84 percent approval of the seven category system). The earlier system also got lower marks for ease of understanding (71 percent vs. 80 percent).

III. CONCLUSION

For the foregoing reasons, the Commission should conclude that the TV Parental Guidelines are "acceptable."

Respectfully submitted,

 *Henry E. Baumann* *oib*

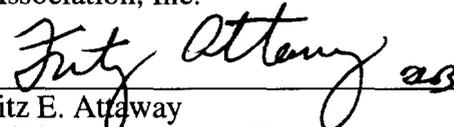
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May 8, 1997

APPENDIX A

**Separate Statement
of
JACK VALENTI
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Motion Picture Association America**

In the debate over TV program ratings, the one missing element is Clarity. Thus far in the airing of this issue, what has been written and heard is mostly a cumbersome and possibly unwholesome collection of declarations, charges and counter charges. No wonder that some witnesses to the debate are confused. Which is why it is necessary to introduce into the debate what I describe as a "Trinity of Truths," without whose soothing finalities there can be no clarity. This Trinity of Truths must be observed and honored else we are beating our wings in a void.

FIRST of the Trinity: There is no one perfect program rating system. No one person or group has "the system." Therefore there is no monopoly on what is **ACCEPTABLE**. The mandate of the Commission is to assay whatever rating system is in the market place and to decide if it is **ACCEPTABLE**, not perfect, not divinely inspired, not one voted on in stormy panel discussions, or even one admired by a number of Congressmen, but one that is easily usable and beneficial to parents in helping them monitor and supervise the TV watching of their young children.

That is the prescription the Commission is, by order of Congress, obliged to fill. Nothing more, nothing less. The Commission understands that we are not dealing here with Bernoulli's Theorem or Euclidean geometry. There is nowhere to be found in TV program ratings an immutability of formulas. To the contrary, we are confronting subjectivity which is the bane of those who want all things neatly catalogued and certified. Subjectivity (unhappily for all purists) is inhabited by blurred lines and ill-illuminated corridors, all subject to the individual opinion of individuals, and always the prey of controversy. This Truth has to be in the forefront of the Commission decision making. This means the Commission must deal with what is and what works, not with what ought to be and doesn't work.

SECOND of the Trinity: An "acceptable" rating design is one that parents find easy to use, simple to understand. If it is bound in complexity few parents will use it. That is an intractable given. One can load up a rating design with everything including a hot stove and a revised version of the Ten Commandments, but it quickly becomes too fat, too unwieldy, and inevitably will collapse under its own weight. However nobly conceived, however scientifically drafted, however alluring are the additions to the design, if parents are defeated by complexity, no design will work.

The experiment in Canada is prime evidence of that truth. The Canadian project confirmed that it is quite easy to write plans on paper, because paper offers little resistance. But in the real world what seems sweetly attractive on a printed page becomes too formidable to use in the home. Such was the conclusion of the Canadian experiment wherein the use of V, S, and L with accompanying numbers from one through five proved too difficult to decipher, and was abandoned.

Therefore the Commission must not be distracted by a search for “perfection,” which is a beguiling illusion unsuited to the real world of parenting and public policy. The Commission’s prime goal should be to make a judgment about what does work and what does not work in the home. To repeat, any usable program rating design must be simple, easy to understand, easy to use.

THIRD of the Trinity: No TV program rating system will work for parents until there is a V-Chip in place. How can any rating system truly be effective when parents must personally sit in front of the TV set and watch the beginning of each program to know the rating?

But with a V-Chip, TV PARENTAL GUIDELINES is a system that will work, easily, simply, a system that allows parents to block out programs they judge to be unsuitable for their children and to do it swiftly and easily, WITHOUT being required to have advance knowledge of each program’s rating. Why? Because PARENTAL GUIDELINES are a combination of CONTENT and SUGGESTED AGE categories. Both Content and Suggested Age categories are built on a rising curve with escalating values of severity for the material contained in each category. Least offensive content appears in the TV-G category, with mounting intensity of Content through TV-PG, TV-14, culminating in TV-MA.

Which means Mom and Dad can depart the home at 7:30 p.m., leaving their eight year old and ten year old in the charge of a 19-year old baby-sitter, and within seconds, before leaving the house, they make their program choices. By punching just ONE button they can block out all TV-14 and TV-MA categories, leaving TV-G, and TV-PG for viewing. Or by punching ONE button they can block out TV-PG, TV-14 and TV-MA categories. They can be assured, then, that no matter how furiously the baby-sitter surfs the cable channels, the only programs available to watch are program rated TV-G, the ones prescribed by Mom and Dad.

That is the definition of simplicity, the definition of a system that works, the definition of what is “Acceptable.” The more decision-making you force a parent to do, the more calculus you introduce into the rating equation, the more buttons a parent must punch, the more bewildering it is to parents: That is the definition of what “doesn’t work.”