

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
Children's Television Obligations)	MM Docket No. 00-167
of Digital Television Broadcasters)	

**REPLY COMMENTS OF
MORALITY IN MEDIA, INC.**

Paul J. McGeady
General Counsel

Robin S. Whitehead
Counsel

January 10, 2001

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
Children's Television Obligations) MM Docket No. 00-167
of Digital Television Broadcasters)

**REPLY COMMENTS OF
MORALITY IN MEDIA, INC.**

I. INTRODUCTION

In March 2000, Morality in Media, Inc. (hereinafter "MIMI") filed Comments pursuant to the Notice of Inquiry, Docket No. 99-360, entitled "In the Matter of Public Interest Obligations of TV Broadcast Licenses." It now files these Reply Comments in response to certain portions of the Comments filed by the National Association of Broadcasters (hereinafter "NAB") in the instant proceeding. The Comments of the NAB to which we make our reply are those that are part of the Notice of Proposed Rule Making labeled "D Promotions."

II. REPLY TO COMMENTS ON "PROMOTIONS"

The Notice of Proposed Rule Making raises the issue of what to do about:

The airing, in programs viewed by children, of promotions for other upcoming programs that may be unsuitable for children to watch

because either the promotions themselves or the programs they refer to contain sexual or violent content or inappropriate language.

The Notice then goes on to state that:

We asked in the NOI whether the ratings of programs promoted by broadcasters should be consistent with the ratings of programs during which the promotions run.

The Commission also indicated in the Notice that:

The Commission staff has received many informal complaints from members of the public and children's advocates about inappropriate promotions in programs viewed by children.

The FCC continues at Section 36:

Are there steps the FCC can take to ensure that programs designed for children or families do not contain promotions for broadcast, cable or theater movies or other age-inappropriate product promotions that are unsuitable for children to watch?

And then suggests:

One option would be to require that promotions themselves be rated and encoded so that they can be screened by V-chip technology. Yet another option would require that promotions be rated and that programs with a significant child audience contain only promotions consistent with the rating of the program in which they appear.

II. COMMENTS OF THE NATIONAL ASSOCIATION OF BROADCASTERS ON THE ABOVE

1. The NAB states, "The suggestion to alter the current voluntary ratings system would not only serve to delay needlessly the introduction of digital television with V-chip technology...The manufacturers of DTV sets are now just beginning to include in their products V-chips that function as described above."

Morality in Media finds three things wrong with this comment:

- A. Since the installation of V-chip technology is "now just beginning" it is an appropriate time to adopt either one of the FCC solutions.
- B. The word "needlessly" is certainly gratuitous. The FCC has found a problem that cries for a solution and it is a serious problem (See MIMI Appendix 2 and in particular, Item 18).
- C. Even if there is a delay, the NAB is improperly elevating delay to a position where it overrides the welfare of children and families and the public interest.

As the United States Supreme Court held in the FCC v. Pacifica case (1978):

First, the broadcast media have established a uniquely pervasive presence in the lives of all Americans. Patently offensive, indecent material presented over the airwaves confronts the citizen, not only in public, but also in the privacy of the home, where the individual's right to be let alone plainly outweighs the First Amendment rights of an intruder...Second, broadcasting is uniquely accessible to children.

In a footnote of that case the Court said:

We held in Ginsberg...that the government's interest in the "well being of the youth" and in supporting "parents claim to authority in their own household" justified the regulations of otherwise protected expression.

2. The NAB then suggests that for analog systems "changing the ratings system and the V-chip would be disruptive to consumers and that V-chips in such sets would become obsolete." In response MIMI answers that parents and children can and will accept such interruptions on analog systems if it results in a greater protection for the privacy of the home and the compelling interests in protection of children's morals. Here again, the NAB has inappropriately elevated inconvenience and disruption to a level above these interests. We refer the Commission to Section 3 of the instant Notice where the Commission has concluded that broadcasters have "a special obligation to serve children" and that "children are more trusting and vulnerable to commercial 'pitches' than adults" and that children "cannot distinguish conceptually between programming and advertising." The Senate Report on the CTA (footnote 19 of the Notice at issue) indicates that Congress was concerned about "other practices which unfairly take advantage of the inability of children to distinguish between programming and commercial content."

3. The NAB further contends that the "Commission lacks the authority to specify changes to the current voluntary system" and that under Section 551, the Commission's "only" role is to determine whether an Industry-adopted rating system is "satisfactory."

Our responses:

1. The Telecommunications Act at issue requires, inter alia, the FCC to establish guidelines and procedures for identifying and rating TV programming that contains:

"sexual, violent or other indecent material"...but only if...the Commission determines that the TV Industry...has failed to establish voluntary rules of its own, which "are acceptable to the Commission."

There is nothing in that legislation stipulating that once the Commission finds such a Voluntary Plan "acceptable to the Commission" that it can never change its mind and find otherwise. For instance, if thereafter, new technology arises, the Plan fails to accomplish its goals, or the Industry fails to follow the Plan, MIMI asserts that the Commission may find the Voluntary Plan no longer "acceptable."

Whether a determination, now, that the Voluntary Plan is no longer "acceptable to the Commission" will reinstate and trigger the requirement of the statute that the Commission "establish guidelines and procedures" is a question for the courts to answer -- it certainly is a possible result. Over the last few years, Congress has shown a distinct inclination to pass any necessary legislation to force the Industry to toe the line and it was that inclination, not altruism, that prompted the Industry to adopt (with notable exceptions) a "voluntary" plan in the first place.

2. The fact that a major broadcast network and a major cable channel refused to abide with the "Voluntary" Plan casts doubt on the legality of the original action of the Commission when it found the Voluntary Plan "acceptable" since it could be argued that the

"Industry," as a whole, did not truly establish voluntary rules. If this concept is plausible, then the Commission acted ultra vires, their determination of acceptability is void and they are thereby mandated by Congress to "establish guidelines and procedures for identifying and rating TV programming that contains 'sexual, violent or other indecent material.'" This further bolsters the rationale for "mandating" rules that include "promotions" on both analog and digital TV.

3. If, as the NAB suggests, the implementation of the FCC suggestions advanced in the instant Notice would cause the existing V-chip to become obsolete, this is not necessarily, from the standpoint of parents and children, something which should be objected to. The "Voluntary Plan" now in existence is flawed and does not achieve the result intended by Congress. The Voluntary Plan does not give sufficient information to parents and should have been rejected at the outset by the Commission. MIMI now reviews and adverts to the defects of the Plan that could be corrected if a new V-chip or rating plan is adopted.

Programs Rated TV-Y. The Industry tells us that these programs are designed to be "appropriate for all children" (including children from ages 2-6) and that these programs are "not expected to frighten children." The difficulty with this classification is that it does not give parents sufficient information as to what kinds or types of programs will be included and leaves that matter to the discretion of the Industry, which will vary from network to network and from producer to producer. Will violence be depicted? Will it be animated or live? What are the criteria by which "the themes and elements" are selected? Will there be any sexual aspects to "TV-Y" programming? Will there be any coarse or

vulgar language? This cannot be left to speculation because there is no central authority to make these determinations.

We need objective criteria applicable to all programmers. We recognize that if the rating system is intended to be used primarily for the V-chip, we cannot expect an explanation to be built into the V-chip, but we must have a detailed advisory on the screen from the programmer for programs that are not blocked by the V-chip.

Programs rated TV-Y7 & TV-Y7-FV. This rating suffers from the same difficulties as above. It is even more subjective in that it talks about "fantasy violence" which is not defined. The same is true of the phrases "comedic violence" and "may frighten children under the age of 7." Why would it frighten children under the age of 7? What objective standards is the Industry going to use to make these determinations? Or are the determinations going to be ones that are "as long as the chancellor's foot?" Unfortunately, in this case, we have a thousand different chancellors, and each one may have a different size Brogan. In other words, the criteria are "vague." If such phrases were put into a statute, it would be held unconstitutional because men or women would reasonably differ as to their application.

The purpose of the rating system is to give parents the ability to choose (block). This ratings system ill serves that end. If the Industry is willing to add the symbols "FV" to "TV-Y7," then they should be willing to add the symbols "NFV" (no fantasy violence), or "CV" (comedic violence), followed by the symbols "NS" (no sexual situations), "NL" (no coarse or vulgar language), and "NOV" (no other violence).

Programs rated TV-G. This is, in itself, an imposition on the Commission and the general public it purports to serve. Who in the Industry has the arrogance to create a

category reading, "Most parents would find this program suitable for all ages?" This is a determination they have no proven capacity to make. Give us the objective standards! Let the parents make that determination, not the Industry.

The description of this category also has the effect of pulling the wool over the eyes of the Commission and the public by the use of phrases "little or no violence," little or no sexual dialogue or situations." This leaves a hole in the ratings, as they say, big enough to drive a truck through. Imagine the delight of those in the Industry who try to "push the envelope." This is tailor made to their liking. The word "little" means that they have leeway, under the category, to present a "little" explicit sex and dialogue and a "little" imitative violence and still have the benefit of a general audience and the enhanced Nielson ratings that this category brings. This category should be rejected. "Little" does not mean none. We suggest this category be restricted to apply only to non-violent, non-sexual and non-vulgar programming, with symbols following "TV-G" as follows: "NV", "NS", "NL."

Programs rated TV-PG. Here again, without a scorecard, we cannot know what is meant by the vague terms "younger children," "moderate violence," "some sexual situations," "infrequent coarse language" or "some suggestive dialogue." Give us some definitions and objective criteria!

Again those TV programmers who wish to push the envelope will find adequate room (1) to stretch the undefined elastic word "moderate" to suit their Nielsen rating goals, (2) to read "some" as meaning that exploitative sex is O.K., as long as you present it only "sometimes" in the program, (3) to interpret the word "infrequent" to mean "not as often as you want but as often as you can get away with," and (4) to interpret "some suggestive dialogue" as meaning it's O.K. to be in the gutter, as long as you don't do it too often.

Programs rated TV-14. Here the Industry has made a decision to draw a line at age 14 (really age 13). This is unacceptable. They suggest in this rating that children over 13 can suitably watch (unattended) programs containing "intense violence," "intense sexual situations," "strong coarse language" or "intensely suggestive dialogue." This is an affront to American parents. This material is generally unsuitable for children under 18.

It seems to describe what would be considered "indecent" under 18 U.S.C. 1464. The category ignores the fact that the statute does not distinguish between children over 13 and under 18. We propose that the FCC now reject this category out of hand as against public policy. In addition, it is wide open and will in effect become the "R" rated category for TV - a category that is often obscene for minors. An irresponsible programmer will have the ability to show almost whatever he wants because the words "intense," "strong," "coarse" and "suggestive" are not objectively defined.

Programs rated V-MA. We suggest that the Commission now reject this category. You will recall that the word "indecent" does not require that the program be considered as a whole, or that the Commission find that it is redeemed by literary, artistic, political or scientific value. What the Industry, which includes broadcasters, appears to be proposing is that they be permitted to show "indecent" material, provided they label it "TV-MA."

We analogize this category to "X" rated content, and the Commission should recognize it as such. Again the Industry has not defined the phrase "explicit" or "crude" and practically admits, in using the word "indecent," that they intend to test the limit of the statute and the patience of the FCC. If the Industry wants an honest symbolism we suggest substituting the symbol "TV-X."

Monitoring Board. This is an anomaly. The Board is supposed to insure that the guidelines are applied accurately and consistently. Where are the details? Is this the mouse watching the cheese? Are a majority of the board to be Industry people? Are they to be the judge of their own damages? How can they possibly prevent a mislabeled program from seeing the light of the airwaves unless they apply a prior restraint (which no programmer is obliged to accept) or how are they to prevent renegade producers from repeatedly failing to label or mislabeling programs?

IV. CONCLUSION

For the reasons given, MIMI rejects the Comments of the NAB pursuant to the part of the instant Notice labeled "Promotions" and urges the Commission to do likewise. In addition, although the Commission found the original Voluntary Plan "acceptable," we urge that they now rule to withdraw their original acceptance because of new conditions and defects in the Plan and failure of the Industry to follow it. After declaring the Plan unacceptable, the Commission should either look to the statute to implement its own plan or seek legislation to achieve that purpose.

Appendix 1 contains various items that show the defects in the present Voluntary Plan and the definite failure of the Industry to follow it and Appendix 2 contains references to inappropriate advertisements appearing during times when children would likely be in the audience.

Respectfully Submitted,

Paul J. McGeady, General Counsel
Morality in Media, Inc.

Robin S. Whitehead, Counsel
Morality in Media, Inc.

APPENDIX 1

Remarks in Various Magazines and Newspapers
Relating to Flaws and Failures in the Rating System

1. The Parent's Television Council Survey of 1998, reported in Flash Magazine of June 1999, reads:

A 1998 Parent's Television Council Special Report of ratings in the family hour found that 65 percent of shows carrying curse words did not carry an L and 76 percent containing sexual innuendo did not receive a D.

2. The 1998 Study of the Kaiser Foundation, as reported in Newsday of May 10, 2000, says:

More than three out of four (79 percent) of shows with violence and nine out of ten shows with sex (92 percent) do not receive V for violence or S for sex...Among children's programming eight out of ten (81 percent) with violence do not receive the FV (for Fantasy Violence description).

3. Broadcasting and Cable magazine dated July 19, 1998 reported that:

Senator John McCain states that Broadcasters and cable networks are not rating enough of their programming and when they are local broadcasters are not passing their ratings through to consumers.

4. Broadcasting and Cable magazine of June 29, 1998, reporting on the Annenberg Public Policy Center Annual Study, reports that:

The study also found that many shows are omitting the "TV-FV" label for Fantasy Violence and the report says, "A full 75% of programs containing 'a lot' of violence had no such rating."

APPENDIX 2

References to Inappropriate Advertising Appearing
During Times that Children Would Likely be in the Audience

1. In an email to MIMI dated December 18, 2000 a woman wrote:

My husband and I, along with many of our family and friends, are very concerned about a Kraft foods advertising campaign. The television commercial features a boy and a girl in a school lunch room. The song "Let's Get It On" is playing while the little girl shows an interest in the boys cheese sandwich. Eventually, the little boy gives the little girl his cheese sandwich...While the words are not audible during the commercial, the use of this song in a television commercial is a disgrace. This commercial airs during hours when children are most likely to be watching television (evenings and Saturday mornings during cartoons). This commercial is sending negative messages to boys and to girls (not to mention the fact that there are many perverts who I fear enjoy this commercial because of the use of children and the sexually-suggestive song).

2. Michael McCarthy in a USA Today article, dated November 13, 2000, reported that NBC, after receiving complaints, dumped Nike's "chain saw" movie parody ad starring Olympic sprinter Suzy Hamilton. The ad was aired during the Olympics and involved a masked man with a chain saw and a woman about to get into a bathtub.
3. The Wall Street Journal of June 1,2000 contains an article by Suzanne Vranica and Sally Beatty regarding the Reebok "venom" ad that was aired on CBS during the Survivor series. In the ad:

...two young men are out for a hike when one is bitten by a poisonous snake. The unscathed hiker suggests sucking the venom out of his friend's leg, saying "I saw this thing on a survivor show once." As he sucks on his friend's leg, a female jogger runs by, and appears to mistake it for a sexual act.

4. In a letter addressed to the Minnesota Twins, Inc. on April 30, 2000 a woman complains that while watching a Twins game, an ad for Sports G., a television program, shows:

A young male, bare chested lying on a couch, watching a cat lick his naked nipple...Another inappropriate ad (also shown during Twins game) - an adult male admiring himself while wearing a lady's bra. We consider the Twins games a family entertainment and are sorry to have to switch channels...

5. Newsday (New York) of April 1, 2000 contains an article by Stephen Williams that discusses the "Bra" ad that was aired on the Fox network during a Mets-Cubs game for a new quiz show called "Sports Geniuses." According to the article:

The 30-second TV spot shows a middle-aged man getting dressed. He sees his wife's bra on the bed, picks it up, tries it on. His wife walks in and says: "Scott..." A brief pause. Scott tenses. "Who's the NBA's all-time leader in blocked shots?" Scott, obviously relieved, smiles.

Also stated in the article, vice-president of media relations for the Fox News Networks, Lou D'Ermilio said the ads (the "Bra" ad was one of four) were designed to "capture awkward moments that young men can relate to." MIMI president, Robert Peters argues in the same article that the network is taking "A cross-dresser and a voyeur, and is using behavior that not long ago would have been considered psychological disorders. It's exploitation."

6. In an email to MIMI dated February 15, 2000 a woman wrote:

I've never been so disgusted with what's on mainstream television as I am today. I have three children, ages 9, 6 and 1. I haven't been able to let them watch any prime-time network television shows in years because of the filthy advertisements which appear during those hours. I shudder when my son watches a major sporting event on network television because those commercials, too, are horrendous. ESPN and other sports networks have indecent commercials as well. The Levi's commercial, with its simulated sex act, is one of the worst offenders.

7. In a press release by the American Family Association on December 2, 1999 it was reported that Dr. Pepper/Seven Up used the term "up yours" in a prime-time advertisement on network television which, AFA claims, has the effect of desensitizing Americans into accepting anti-social behavior. According to the press release:

The commercial featured a young man, proclaiming to have written the ad himself, on the sidewalk of a busy thoroughfare donning a T-shirt with the words "make 7" on the front. But when the camera focuses on him walking away, television viewers are specifically subjected to the anger invoking expression "up yours." During the commercial, the man barks the phrase to a passerby, who antagonistically shouts back in hostility.

8. In another press release by the American Family Association on November 9, 1999 the organization brought attention to Duncan Yo-Yo's commercial introducing a new "Hard-core Series" of yo-yos. AFA stated:

Duncan began airing a television commercial that bounces from one rebellious personality to the next, each floating the crude gesture of social disrespect into the camera in slow motion. After 17 "one finger

salutes," the announcer tags the 30-second spot, "Give us the finger, we'll give you the power."

9. The Parents Television Council E-Alert on September 15, 1999 reported that during the September 12 Fox Network airing of Sunday afternoon football, a sexually suggestive promotional spot for the Emmy Awards appeared. Fox in response to the PTC's complaint claimed it was an accident and apologized.

10. In an email to MIMI dated August 30, 1999 a man wrote:

I recently saw a Levi's commercial in the presence of my children that upset me. In the commercial, two invisible bodies (only the clothes are shown), dance in a sexual manner, and slowly remove their clothes and move towards the bedroom. To me this is as bad as if the actors had been shown. My 9 year old daughter is old enough to know that taking off your clothes and running into the bedroom means something. Further, it is commercial, which means that I cannot change the channel in anticipation of it's airing.

11. On April 19, 1999 MIMI received the following email:

If someone at a large corporation (or most any place of business), were to standup in the lobby or a meeting and verbally fake a sexual orgasm, they would probably be reprimanded or in some cases be fired for such obscene and inappropriate behavior...Then why is it that the people from Clairol can and do advertise their Herbal Essence hair shampoo by emulating an orgasm...on television in front of children all over this country? How did this ever make it past the FCC?

12. Another email received by MIMI on February 18, 1999 (from a woman who publishes a magazine for women, called "Women As Mentors") complains about a Victoria Secret ad and states:

My 6 year old grandson and I were watching daytime TV when a Victoria Secret bra ad came on. His comment: "Grandma, look at those nasty ladies. Yuk. Yuk. Yuk."...

13. A New York Post article written by Don Kaplan dated February 6, 1999 discusses a WWF wrestling ad that was aired twice by a Fox affiliate in Tupelo, Miss. during the Super Bowl. Both MIMI and the American Family Association, after receiving many emails, requested the FCC launch an investigation to find out whether there was a violation of the indecency laws. According to the article:

The spot, a tongue-in-cheek depiction of "a day in the office" of the WWF featured wrestlers crashing through office cubicles but also depicted a couple having sex on a desk.

14. The Daily News (New York), dated July 29, 1998, contains a column by David Bianculli, TV Critic, in which he reports on the "questionably lax" rules governing television content when it comes to the promos for different shows. Citing various cases of questionable promotional spots, including a promo for "Sex and the City," which aired just before 9 p.m., and referred to oral and anal sex, Bianculli wrote:

The networks, like certain members of Congress, make a lot of noise about protecting TV viewers from potentially offensive shows...But who is watching, and watchdogging, the ever present, always aggressive promos hyping the programs?...Not even the parents using the network ratings and advisories have any idea what the networks might be offering between programs.

15. The Bay City Times (Michigan) of October 12, 1997, contains an article by Don Colburn of the Washington Post that reports that a Minnesota physician found 104 commercials displaying violence during 15 televised post-season baseball games. The physician, Charles Anderson, stated:

A parent can reasonably predict when violent programs will be aired. A parent cannot reasonably predict that violent commercials may occur during a family-oriented program such as a baseball game.

16. In an open letter to the editor of broadcastingcable.com, in May of 1997, John M. Celentano, president, Skyline Marketing Group, states that TV viewership is falling due to a downward slope of quality programming. Celentano writes:

I can't even watch the nightly news with my three-year-old son in the room because I don't want him to see the trailers for the prime time shows.

17. The Omaha World Herald of February 28, 1997 contains an article about a letter sent by Nebraska Attorney General Don Stenberg to network executives asking that advertising suit the intended audiences for programs. Stenberg said:

It's simply not enough to have onscreen tags that warn parents about the content of TV shows when some advertisements contain explicit language and situations unsuitable for young children...What good does it do to watch a movie such as "Bambi" that is intercut by commercials containing graphic and sexual scenes?

18. The Bay City Times of January 3, 1997 contains a commentary by Cliff Roth, a technology editor, which first appeared in the Washington Post, that reads:

While activists for children's TV and Hollywood are bickering about what it will take - nudity, language, violence- to define a program rating under the new V-chip system, they are ignoring the need for a far more crucial V-chip feature: the ability to let viewers block out violent commercials...Adults who dislike screen violence have the option of switching channels. But after choosing a non-violent program to watch, the whole purpose of the V-chip will be defeated if a violent commercial suddenly comes on. Before you can reach the remote, the psychic damage has been done.

The added cost for rating commercials would be negligible, especially compared with the billions spent producing and placing them...The real cost of V-chip technology has nothing to do with generating ratings or building circuits in TV sets - those costs are tiny. The real cost is in lost viewers. The business of commercial viewing is selling. V-chip technology will hurt that business. That's why the TV industry has resisted such ratings, and why the U.S. government has demanded that the industry now adopt this "voluntary" system.

The most desirable set-up for consumers would allow the V-chip to work continuously, blocking commercials on a case-by-case basis (rather than on a program by program basis). But that approach might suggest to consumers that it would be technically feasible to offer a feature that blocks out all commercials - and that would obviously be an anathema to the broadcast business.

19. The Miami Herald of December 24, 1996 contains an article by Linda Valdez, an editorial writer for the Arizona Republic, in which she asks:

But how do you monitor out a promotional ad for the latest gang-rape mini-series that appears in the middle of a supposedly family-oriented show? Amazingly, those promos will not even be part of the proposed rating system. Where's the industry's responsibility? It has incredible power. Why can't we expect that power to be used well?

20. The Daily News (New York) of December 23, 1996 contains an article by David Bianculli, TV Critic, entitled "Promos should be rating-sensitive, too". He writes:

Every network...must flat-out guarantee that the on-air advertising and promotions...conform to the rating of the programs in which they appear. Otherwise, this entire TV ratings business is a

worthless, cynical sham, and even the most diligent parent will be burned by it again and again...If a child watching a TV-G program is confronted during commercial breaks with images unsuitable for his or her age range, then what's the point?

21. The Wall Street Journal of May 28, 1996 contains an article by Sally Goll Beatty, commenting on sex in TV ads, in which she writes:

Everyone knows that watchdogs are up in arms about the ever more explicit sex on TV. But these days, the raciest stuff on TV is often in the commercials.

22. The Daily News of April 22, 1996 contains an article by David Bianculli, TV Critic, discussing his distaste with commercials shown at inappropriate times. Bianculli writes:

And how many times, as a responsible parent, have you carefully chosen what your child can watch on TV, only to have the approved program interrupted by a commercial for an R-rated movie or risque network telemovie that is too violent or suggestive for your youngsters to watch?

As the networks set up their internal ratings system, they ought to pledge that no ad shown during a program would be inappropriate for the audience watching that show.

23. The Redwood Crozier (Santa Rosa, CA) of March 1996 contains an article by MIMI president, Robert Peters, on objectionable TV promos and commercials, in which he writes:

Offensive ads are a real problem, both in terms of the numbers of offensive ads and in terms of the difficulty it creates for people who are trying to do what the TV industry says they should do which is to avoid or turn off programs that offend them. Offensive ads can pop up on screen even during acceptable programs.

24. In the September 24, 1995 Modesto Bee, an article discussed a UCLA report on TV violence. The UCLA report found:

...More than 40 percent of theatrical movies shown [during the 1994-95 season] were rated as unduly violent. Promotional snips were often more violent than the programs.

25. A letter by a father in Baltimore to Fox TV Chairman Lucie Salhany, dated June 21, 1995, discusses his concerns with TV promotions during certain shows: He writes:

In our family, we try to select appropriate programming and we watch shows together so that my wife and I know what our children are viewing. Unfortunately, I am forced to sit with remote control in hand, ready to zap any commercials that advertise shows with content not suitable for children. This is especially true for channels affiliated with Fox and ABC. When I grew up in the 60's, my parents never had to deal with this. At that time, the TV industry exercised more care over viewing content and I feel our nation was a lot better off as a result.

26. In the May 25, 1993 Chicago Tribune, Bob Greene, a nationally syndicated columnist, discussed the role TV and movies play in bringing violence into the homes of viewers. Greene writes:

It does no good to watch only programs you know to be violence-free; the networks and local stations are constantly promoting their more lurid fare during commercial breaks all day and all evening, and families with children are especially appalled when a promo for something vicious and base comes on and off their screen before they can do anything about it...The people who peddle this violent and harmful programming categorize themselves with such names as creators and directors and executive producers. But the country has at last discerned what they really are. They are home invaders.

27. In the July 1, 1993 Daily News (New York), an article by David Bianculli, TV Critic, discusses TV violence. Bianculli writes:

If parents and pressure groups really want to get angry about something, and if local stations and networks really want to clean up their acts, the place to look is *between* the programs - during the commercials and promos. Even if parents do what they should, and permit their children to view only pre-approved shows, the commercial breaks, whether in early prime-time or late-afternoon hours, are bursting with ads inappropriate for children: for R-rated movies, syndicated tabloid shows, or more "adult" prime-time TV series and specials. That's one problem that can be fixed easily - and should be, if the ratings system is to be used, as well as taken, seriously.

28. The February 1, 1993 U.S. News and World Report contains an article that discusses the effects of violent TV ads on children. It states:

Programs aimed at families or children may be paired with ads for violent or sexually frank TV movies and theatrical films, as well as tabloid talk shows. The practice is perfectly legal; federal law is

silent on the matter of adult-type ads on family shows as long as the ad isn't "indecent," meaning it contains obscene language or "patently offensive" sexual or excretory content. And the promos can be worse than the programs...Some examples: A promo for "In the Heat of the Night" ran during "Pinocchio's Storybook Adventure," a movie aired at 4 p.m. on a weekday. The teasers: "A troubled girl gives birth to a dead baby," and "having sex with a retarded person is sexual battery."

29. On October 30, 1992 an Indiana woman wrote a letter to MIMI concerning offensive programming. She wrote:

...Another thing that is offensive to us is the Pre-views that come on as commercials between the programs we do watch. They always show the most violent or sexual activities to catch your attention. In order to escape this smut, we have to jump and switch off the TV. They tell us we should be in control of what our children watch, but how can we when Pre-view commercials are allowed to come on between even our "family" programs. Mothers and Fathers don't dare walk out of the room.

30. A nine year old girl wrote a letter to NBC in the fall of 1992 stating her dissatisfaction with TV commercials. She wrote:

Why are you putting so many sexy commercials? I am 9 years old. Why do young kids like me have to suffer watching that filth trying to watch a cartoon? It makes me feel very bad to watch stuff like that. How does sex and violence help your station? Because of this stuff you put on tv, you forced me to not watch tv on Friday 13. Please change the stuff you put on tv. Yours Truly,

31. In the March 1992 TV etc., David Tosatti writes an article entitled "The Networks' Naughty Promos." He documents several shows during the TV family viewing time of 8 to 9 p.m. containing sexy promos for more adult oriented shows. Tosatti writes:

...The networks often expose young viewers at that time slot to promos featuring the raciest aspects of shows intended for a more mature audience...Sometimes, what you see in a promo is even worse than what actually appears during the episode... Unfortunately, because standards have declined, it is inevitable that the advertising promoting prime time shows will be explicit. And regardless of efforts of parents and guardians to monitor what their children watch, television networks - by peddling their adult shows in the presence of young viewers - will continue to circumvent them.

32. The Grand Rapids Press of March 16, 1992 contains a two-paneled political cartoon parodying obscene TV ads. In the cartoon, a father is seen entering a room where his two children are watching TV. The father says: "Whoa . . . that's OBSCENE!! What are you kids watching?" The child replies: "It's just a commercial daddy!"
33. The February 21, 1987 Bay City Times (Michigan) contained a political cartoon satirizing TV commercials. The cartoon caption read ". . . And now a word from our sponsors . . ." The cartoon depicts a father and mother diving from the sides of the couch, with looks of fright on their faces, in an attempt to cover the eyes of their two children seated on the couch in front of the TV.
34. The Bay City Times (Michigan) of November 16, 1984 contains an article by Eileen Younkman in which she reports on a TV ad that was pulled due to its content and subject matter. She writes:

A movie about an ax-wielding Santa Claus may be a blood-curdling success at the box-office, but television stations across Michigan have cut commercials for "Silent Night, Deadly Night."

The ad depicted a Santa Claus climbing into the chimney armed with an ax while a voice said, "He knows when you've been naughty." Several stations in the Detroit area received complaints that the commercials were making children afraid of Santa.

