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How the Parents Television Council (PTC) Protects American Children: Promoting Social Responsibilities in the Broadcasting Industry

By: Vici Diharido

GRADUATE SCHOOL OF INTERNATIONAL RELATIONS AND PACIFIC STUDIES

UNIVERSITY OF CALIFORNIA, SAN DIEGO

Prepared for Professor Peter Gourevitch
Edited by Kristen Parks
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*“Children in the United States are, on average, exposed to an estimated 8,000 murders and 100,000 acts of violence on television by the time the child completes elementary school”
(Telecommunications Act of 1996 Sec. 551 [5])*

I. INTRODUCTION

The rapid evolution of information technology (IT) has significantly affected a lot of aspects of American society. This advanced technology has also attracted an increasingly high amount of investment in certain industries, such as wireless technology, entertainment and media industries (TV, Radio and Network Broadcasting industries). The development in the broadcasting industry, for example, not only increases profits for broadcasting-related business, but also serves the needs of society for a wide array of information and entertainment. However, various groups in society have been concerned about the social consequences of this massive flow of information, particularly the TV programs that are perceived as inappropriate for children.

The data collected by Roberts and colleagues in 2005 reveals that American children aged 8 to 18 spend an average of 3 hours and 4 minutes per day to watch TV.¹ Younger kids under the age of 6 spend on average two hours a day with screen media. This is around three times as much time as they spend reading or being read to. 77% of these kids turn on the TV by themselves and 62% use the remote to change channels.² *(See Appendix 1: Total Media Exposure and Total Media Use for 8 to 18 year Olds)*

¹ George Comstock and Erica Scharrer, *Media and the American Child*, (Academic Press, Elsevier, 2007), p . 13

² PBS Parents, Children and Media <http://www.pbs.org/parents/childrenandmedia/article-faq.html>

While TV programs have long been perceived as a source of information, entertainment, and to some extent, as a means of education, massive study and research on the issues, such as the contents of the programs or the impact of the habits of watching TV among children conclude that the media can contribute to aggressive behavior, anxiety, and obesity in young children.³ Various research projects and experiments demonstrate that the exposure to violent portrayals leads to increased aggressiveness (Bandura, Ross & Ross 1963a; Berkowitz & Rawlings, 1963, Steuer, Applefield and Smith, 1971; Josephson, 1987 and Paik and Comstock, 1994). In the speech on the signing of the broadcast decency Enforcement Act of 2005, President Bush stated:⁴

“In recent years, broadcast programming has too often pushed the bounds of decency. One study found that during the hours between 8:00 p.m. and 9:00 p.m. - - that's the time when most families are watching television -- the use of profanity on television shows increased vulgar language by 95 percent, from '88 to -- from 1988 to 2002. In other words, the language is becoming coarser during the times when it's more likely children will be watching television. It's a bad trend, a bad sign. Since 2000, the number of indecency complaints received by the FCC has increased from just hundreds per year to hundreds of thousands”

In order to help American parents to protect their children, the Parents Television Council (PTC), since 1995, has acted as an advocating organization whose objective is to provide information for parents to help them to protect their children from certain television program and other media. To achieve this goal, PTC has developed its own rating system as a standard for decent

³ The Center on Media and Child Health, Children’s Hospital Boston; Issue Brief: The Effects of Electronic Media on Children Ages Zero to Six: A History of Research (Kaiser Family Foundation, January 2005)
<http://www.kff.org/entmedia/upload/The-Effects-of-Electronic-Media-on-Children-Ages-Zero-to-Six-A-History-of-Research-Issue-Brief.pdf>

⁴ <http://www.whitehouse.gov/news/releases/2006/06/print/20060615-1.html>

TV programs, its own TV program monitoring mechanism and various methods to promote social responsibility in the broadcast industry. This paper will analyze how PTC conducts their monitoring and evaluating activities, and what makes this organization accountable and credible.

II. OFFICIAL TV PROGRAM RATING SYSTEM (TV-PG)

II.1. FCC and Regulating the Content of TV Programs

Realizing the increasing amount of TV shows and other products of business companies in the broadcast industry, (TV series, reality shows, video clips, song clips, advertisement, etc) in which some of them contain materials that are not appropriate for children, and have a potential negative impact on the kids who watch these programs, the government has mandated that the Federal Communication Commission (FCC) regulate the industry. In order to fulfill its responsibility, the FCC has monitored TV programs and is ready to pose certain amounts of fines on those who violate the rules. However, in addition to technical and logistical problems, the FCC has faced significant legal challenges, which include the difficulties in determining the violation of decency rules in order to prevent the accusation of breaching the first amendment of the constitution.

The enactment of the 1996 Communication Act provided the FCC with a new policy instrument for regulating the industry. In one of the chapters, the 1996 Act stipulates the rule that prohibits the industry from displaying programs that contains sex, violence and profanity materials. The act also rules that Congress “calls on the industry to establish a voluntary system to provide parents with information concerning programming that contains sexual, violent, or other indecent materials about which parents should be informed.” As a federal regulator, the Act mandated the

FCC to oversee the efforts of the industry to set a standard guideline for the products of TV and broadcasting industry (within a year after the act was enacted).

To follow up this call, in 1997, the Industry led by three organizations: the National Association of Broadcasters (NAB), the National Cable Television Association (NCTA) and the Motion Picture Association of America (MPAA – the organization who set the rating system for the movie industry) submitted a proposal of voluntary TV Rating System, known as *The TV Parental Guidelines (TV-PG)*. In January, 1997, the FCC accepted and adopted the TV Parental Guidelines as the official TV rating system for the broadcast industry in the US, and regulated that these guidelines should be implemented by television broadcasters and networks, cable networks and systems, and television program producers.⁵ In July 1997, this age-based TV Parental Guidelines was expanded with one new rating code and 4 additional letter codes (S, V, L and D) of the specific content of the programs.⁶ As a consequence, the industry rates the programs that contain sexual, violent or other material that parents may deem inappropriate and are committed to voluntarily broadcasting signals containing these ratings. These ratings are displayed on the television screen for the first 15 seconds of rated programming. *(See appendix 2 for the list of TV Parental Guidelines Rating Codes)*

To strengthen the application of the rating system, the broadcasting industry also developed V-Chip technology that enables parents to block programming with a certain rating to be watched in their homes. The industry also provided another solution called cable (lockbox) and set-top boxes which parents can use to control the TV programs. In addition, the industry also

⁵ <http://www.tvguidelines.org>

⁶ <http://www.cnn.com/US/9707/10/tv.ratings/>

established the **TV Parental Guidelines Monitoring Board**, which is responsible for daily monitoring and consultation on the compliance of the industry to the Guidelines.

II.2. The Problems of TV-PG

The adoption of the official rating system and the compliance of the broadcast industry to this new self-imposed practice were not effective at protecting American children. At least, it was not effective enough according to the PTC. The PTC argues that this rating system has several flaws, namely:

- The rating system allows the broadcasting industry to continue broadcasting the shows, some of which are not appropriate for kids to watch. By doing its part by displaying the rating code sign, it is now the responsibility of the parents to control which shows are allowed to be watched. In another words, even though The PTC agrees that parents have the greatest responsibility for monitoring and controlling the viewing habits of their children, the rating system fails to secure the serious commitment of the broadcasting industry in preventing the negative impact of the shows on children.
- A lack of or no strong incentive for the industry to apply a consistent rating system, especially if they perceive that the rating will affect the sponsorship or the advertisers who see that the rating does not serve their best interests.
- Because the code is a voluntary rating system, there has been inconsistency in rating the program, either inter-network or even intra-network. Because of this inconsistency of the rating, the V-Chip technology, which operates based on the coding of the TV-PG, will not always be effective at controlling the objectionable programs. Moreover, the study shows other problems related to TV-PG, such the preference for a content-based rather

than age-based rating system, and the low use of V-Chip technology among the families who are aware that C-Chip technology exists.⁷

- The Monitoring Board is established by the industry, the same party that set the rating system. Therefore, the Board has a vested interest in monitoring the compliance to the rating system by the industry. In addition, by putting the burden of monitoring on the public by simply asking people to contact the Board through email or telephone if they have complaints regarding certain TV programs, the Board appears to be failing to represent the public interests well.

III. THE ORGANIZATION OF PTC

III.1. The Establishment and the Mission of PTC

Founded in 1995, the Parents Television Council™ (www.parentstv.org®) is claimed to be a non-partisan education organization advocating responsible entertainment. Since its inception, the founders and early members of this NGO agree on the PTC mission that is "to promote and restore responsibility to the entertainment industry" and "to ensure that children are not constantly assaulted by sex, violence and profanity on television and in other media". Today, the PTC has been developed into a national grassroots organization with more than 1.2 million

⁷ The Kaiser Foundation, Rating Sex and Violence in the Media, Media Ratings and Proposal for Reform <http://www.kff.org/entmedia/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14094>

members working in 48 chapters across the United States (2007).⁸ Bozell was the president of the organization from 1995 to 2007, after which he was succeeded by Tim Winter.

In its website, the PTC's primary mission is "to promote and restore responsibility and decency to the entertainment industry in answer to America's demand for positive, family-oriented television programming". To realize this goal, the PTC seeks to foster changes in TV programming in at least the early hours of prime time TV to be family-friendly and suitable for viewers of all ages. In other words, the PTC founders and members, who believe that TV has pervasive and powerful influence on children's upbringing and behavior, seek to discourage the stakeholders in the industry from aggressively displaying graphic sexual themes and dialogue, depictions of gratuitous violence, and profane/obscene language in TV programming. Hence, the PTC perceives that it is reasonable to concentrate on broadcast television because they use the public airwaves to enter every home with a television set, as well as expanded basic cable, which millions of households rely on for their TV programming.

III.2. Promoting a "Standard" of Family Friendly TV-Program

As it was stated above, the PTC found that the FCC approved official rating system (TV-PG) was not effective. The ineffectiveness is shown by the inaccuracy of the ratings and the inconsistency of the industry in rating the programs. In addition, a study also shows that only a small number of American parents use the V-chip technology to block the programming. In his remark before the Media Institute last June, Jonathan S. Adelstein, a Commissioner at the Federal Communications Commission stated that:⁹

⁸ Parents Television Council 2007 Annual Report 2007

⁹ Jonathan S. Adelstein, Commissioner, Federal Communications Commission:

... even parents who are aware of the V-Chip technology find the TV Parental Guidelines, which were approved by the Commission, to be confusing and unhelpful. It requires a doctorate in cinematography to understand the differences between “TV-PG” -- which means that parental guidance is suggested and that the show may be unsuitable for younger children -- and “TV-14” -- which means that the show may be unsuitable for children under 14.

As a result, the PTC claims that American TV programming is still airing a lot of programs that display a lot of materials containing sex, violence and profanity.

Armed with this concern, the PTC created a set of guidelines that will assist parents in exercising responsibility for their children's viewing habits. The guidelines, called **The Family Guide to Prime Time Television**, soon became a trademark of the PTC. This Guide simply uses indicators similar to a traffic-light system, which are the red, yellow, and green color dots, for rating the TV program. Each of these colored dots rates the program based on the amount of sex, foul language and violence in each series. This ratings system is also accompanied by clear descriptions of every prime time show, which enables parents to make fully informed decisions about the programs that they and their families wish to view. *(see appendix 3 for the description of the Family Guide to Prime Time Television rating system)*

III.3. Monitoring the Industry: What the PTC has done

Based on the feedback received directly from the members of the PTC, general public and from its independent research and studies on the broadcast industry, the PTC finds that parents often complain that the objectionable programming that comes through broadcast television or

“Stuck in the Mud: Time to Move an Agenda to Protect America’s Children”, Remarks Before the Media Institute, Washington, DC June 11, 2008

expanded basic cable is often virtually unavoidable. This condition puts a tremendous burden on them to monitor their children's viewing 24/7. Therefore, the PTC has customarily focused its monitoring activities on broadcast television programs particularly during prime time and especially during the "Family Hour" which is the earliest hour of network television each evening. However, the PTC also monitors the shows in other time slots and on expanded basic cable channels.

How does the PTC monitor hundreds of hours TV programs aired by various broadcasting companies in the US? To begin with, due to the legal constraints, the PTC only monitors the programs which are available for free, so it does not include the paid TV programs, such as ones provided by HBO, Playboy TV, etc. In monitoring these programming, the PTC relies on its own designed technology, known as the **Entertainment Tracking System (ETS)**. With this system, the PTC is able to scientifically track broadcasts and selected cable network programs for sex, violence, and profanity.

The ETS monitoring mechanism is conducted by combining the work of a set of recording machines and a team of full time analysts employed by the PTC. Every evening, the machines record every prime-time series on ABC, CBS, Fox, NBC, the CW, Ion, and My Network TV, as well as original programming on basic cable, including MTV. On the following day, a group of analysts reviews the records from the previous evening and transcribes every offensive word, every instance of sexual innuendo and every act of violence in detail. At the end of the day, these reports are fed into the PTC's custom-designed computerized database. Using this database of the assessed programs, the PTC is able to generate reports and later use the reports as the source of comprehensive studies, e-mail alerts, television recommendations and newsletters.

With this hard evidence backed by a set of information, reports and studies, the PTC has enhanced its monitoring activities to a higher-level cause, which is educating and advocating, mobilizing the pressure and legal campaigning.

- Educating and Advocating
 - o Providing free information regarding the programs that are considered beneficial or harmful to the development of children. This information is made available to the members and the public, including the stakeholders of the TV programs (producing companies, sponsoring companies, advertisers and the government (FCC). This information has been disseminated on its website and through such printed publications. Some examples of important studies are “The Alarming Family Hour”, “No Place for Children: A Content Analysis of Sex, Foul Language” and “The Ratings Sham: TV Executives Hiding Behind a System That Doesn’t Work”.
 - o By providing the contacts of stake holders in the broadcasting industry, the PTC is further channeling the people who wish to express their concerns to the stakeholders and their local elected legislators.
- Campaigning:
 - o Launching the campaigns in response to perceived indecency on television programs by directly writing the media or campaigns that have also involved filing complaints with the FCC.

- Launching Campaigns to allow subscribers to select and pay for only the cable channels that they prefer to watch. Today, the US has no law that requires cable companies to offer channels or programs on an “a la carte” basis.¹⁰

- Mobilizing Consumer Pressures
 - Publish the information that holds the companies accountable for the television programs that they sponsor or in which they advertise. In doing so, The Parents Television Council released its ranking of the “Top Ten Best and Worst Advertisers” on television. This annual report ranks advertisers according to how frequently they sponsor wholesome, family-oriented television shows or those containing sexually graphic, violent or profane material on broadcast television. This release is expected to educate consumers on the behavior of such companies, and in return will vote with the money they spent to buy or not to buy the products of those mentioned companies.

III.4. Expanded Issues and Market Driven Approach

By trying to mobilize the pressure on the companies who sponsor the broadcasted TV programs, not only has the PTC expanded the issues from its long time focus on decency, but it also has incorporated the market driven approach in influencing the social responsibility of the broadcast industry. By bringing up the issues of advertisers accountability, the PTC has made a statement that television sponsors contribute to television culture by choosing to support programs with their advertising dollars. With the publication of the list of the Top Ten Best Advertisers, the

¹⁰ FCC, <http://www.fcc.gov/cgb/consumerfacts/cablerates.html>

PTC awarded companies such as Disney and Hallmark, who choose to be responsible sponsors. On the contrary, the Worst List put the companies who have sponsored some of the most heinous content on broadcast television in the spotlight. Furthermore, with this statement, the PTC calls on its members and all concerned parents to consider whether their dollars will go toward a company that supports family friendly shows or toward a company that only cares for their own benefits. In this list, the PTC only reviews the companies who purchased at least 25 ads on prime time broadcast programs. Applying its standard traffic light rating system, the PTC decides that the companies with the most ads on the PTC-rated green-lighted shows were ranked the best and on those with the most ads on PTC-rated red-lighted shows were ranked the worst. The PTC's market driven approach has also been strengthened by publishing awards known as the *PTC Seal of Approval*. This award is given to worthy television programs, made-for-TV movies, motion pictures, home products, and advertisers that help parents by providing or sponsoring entertainment suitable for the entire family. The PTC Seal of Approval gives consumers the information and confidence they need to make the best choices. Right now, the PTC presents two Seals of Approval, which are the *Entertainment Seal of Approval* and the *Advertiser Seal of Approval*. Last year, the PTC named Coca-Cola as an Advertiser Seal of Approval recipient for 2005-2006. (See appendix 4 of this year's 2005-2006 Advertiser Seal of Approval winners)

PTC also expands the issues that are considered to showcase the concerns of people, both as consumers who care about how to spend their money effectively, and the parents who care about the negative impact of the industry. Other expanded issues respectively, are the issues of the cable options and violent video games.

Many parents welcome expanded basic cable to access family-friendly programming such as the Disney channel, Nickelodeon, ABC Family Channel, the Discovery Channel, and more. But for a long time, the cable TV providers have only offered the channel packages which are perceived by many as not only forcing them to pay for channels they don't want, but actually also making their job as a parent much more difficult. The TV cable companies have been allowed to maintain this practice because the federal law does not regulate or require them to offer channels a la carte. For both reasons, the PTC has been facilitating avenues for the members and the public to express their concerns, and also directly as an organization by trying to lobby local lawmakers and the FCC to review this regulation. In its lawsuit, the PTC directly confronts the companies that they call committed to the cable cartel's anti-competitive and anti-consumer product bundling practices.

Regarding the violent video games, the PTC has been concerned with the fact that under the current laws, retailers are not obligated to impose restrictions on the sale of video games to minors. Today, a ten-year-old can purchase an Adult Only (AO rated) video game. Criticized by many as anti art and artists, the PTC argues that allowing higher rated video games to only be sold to adults will have no affect on the ability of this industry to pursue its profit and its "art" amongst adult consumers. Believing the scientific proof of the potential for irrevocable damage when children play violent video games, the PTC has been campaigning to enforce the standards that the video game industry itself has said are prudent and necessary. To do so, the PTC is pushing for legislation to enforce the ratings guides for purchase of games, and endorse significant financial penalties for those who do not follow the law. *(see appendix 5 for The Entertainment Software Rating Board)*

III.5. The Advisors and Funding

Since its inception, until 2007, the PTC was led by its founder L. Brent Bozell III, who was a longtime conservative activist and former President of the National Conservative Political Action Committee. In January 2007, Bozell was succeeded by Timothy F. Winter, a registered Democrat and former media executive who worked for Metro-Goldwyn-Mayer and NBC.

The President of the PTC has been supported by a Board of Directors consisting of the Honorable Leon J. Weil (Chairman of the Board), L. Brent Bozell III (Founder), the Honorable Robert D. Stuart (former Chairman and CEO, Quaker Oats), Pat Boone (Entertainer) and Phillip Friedmann (Co-Founder Recycled Paper Greetings, Inc). In addition, there is also an Advisory Board consisting of prominent figures from various backgrounds of expertise and affiliation, politicians and entertainers, such as former football player Mel Renfro, Sen. Blanche Lambert Lincoln (D-Arkansas), actor Coleman Luck, country musician Billy Ray Cyrus, Senator and former 2008 presidential election candidate Sam Brownback (R-Kansas), film critic Michael Medved, actress Susan Howard, and ION Television producer Gary Johnson (*See appendix 6: for the list of Advisory Board*).

To cover all the expenses of its activities, the PTC has to mobilize revenues from various sources. Today, the PTC relied on its funding from contribution, members fee, the revenues from its online commercial business and the income from its partnerships with business entities such as Wal-Mart and Amazon. In the PTC Financial Report 2006-2007, the PTC's total revenue decreased from \$5,381,057 to \$4,886,792, while the total expenses increased from \$4,761,220

into \$5,440,856.¹¹ As an NGO, the largest portion of its revenues is derived from contributions. In December 2007, more than \$4.6 million from total revenue comes from contributions. Today, in addition to regular donators, the PTC has received significant contributions from corporate or foundation and individual contributors known as the Founders Club, whose annual contributions are \$5,000 and higher, and from the Leader's Circle with donations varying from \$1,000 to \$4,999 annually.

IV. ANALYSIS

IV.1. Credibility

In order to achieve its missions, the PTC has encouraged high quality, family friendly programming at all hours of the day, and particularly when young viewers are likely to be present. By focusing on family friendly quality, the PTC has educated and advocated for the issues that specifically and only are related to the contents that are perceived to have negative effects on children by seeking to discourage the depictions of extreme and gratuitous violence, graphic sexual themes and dialogue, and profane language in entertainment programming. The pursuance of these goals has been conducted through a combination of efforts, including research, public education and support for community-based advocacy, as well as direct engagement with regulators and decision makers in the entertainment, advertising and broadcast industries. Through this coordinated set of strategies, the PTC has become an influential and effective actor in promoting and addressing these issues. How can we assess these claims?

¹¹ PTC Form 990 are available at <http://www.guidestar.org/FinDocuments/2006/954/819/2006-954819071-0363fbe6-9.pdf> and PTC website

In 2007, The PTC reached a national membership of over one million that support the agendas of the PTC through 46 local chapters across the states. In 2005 alone, the PTC provided printed information to over 250,000 persons, and issued email alerts to over 100,000 subscribers to this service. The receivers of E-Alerts get information which feature updates on current projects, on-going research, and news on advocacy opportunities. Through its website, the PTC serves over 16,000 different users per day. The success of the PTC in garnering the support has been the fruit of its authentic efforts to invest in high cost technology of ETS and the supports of the analysts. Since 1989, over 110,000 hours of this material have been recorded, analyzed and archived.

Those numbers above reflect the achievement of the PTC in providing reliable information which enables the organization to not only educate but also mobilize hundreds of thousands of citizens, generating support for improved content in entertainment programs, and supporting governmental action to affect the behavior of the industry. In addition, with its research and studies on the broadcasting patterns, the organization has been able to advocate both that the industry be more responsible in airing the programs and that the government shape the regulations on decency in broadcasting. One example of achievement in advocating the law making process was the signing of the Broadcast Decency Enforcement Act of 2005 by President Bush in June, 2006, in which the PTC has been fighting for.¹² This piece of legislation cannot be separated from the PTC's efforts in both facilitating the members and regular parents to intensively file complaints to the FCC, and institutionally pressuring the FCC to hold the broadcasting industry accountable, and to enforce indecency laws. In relations with advocating

¹² <http://www.whitehouse.gov/news/releases/2006/06/print/20060615-1.html>

and pressuring for regulating the behavior of the broadcasting industry, the PTC has become a reliable provider for TV content analysis for the FCC.

In addition, the PTC's efforts to facilitate and to directly express the concerns to advertisers and sponsors of the aired programs have resulted in tens of advertisers withdrawing their sponsorship of the most offensive programming. BMW, Carrier, Epson, Mercedes, Cadbury Adams, Michelin, Nissan, Suzuki, DQ Shares, Choice Hotels and Verizon are some of the companies that are reportedly withdrawing their sponsorship or have contacted the PTC to clarify the situation or to apologize for the errors and promise either to solve the problems or to stop the sponsorships immediately. On a state level, the local chapter in Chicago was successful at convincing the Toyota dealership to withdraw its sponsorship for FX's raunchy drama Rescue Me.

The success of the PTC - as reflected by the decision of the FCC to fine the companies for breaking the law or the decisions of sponsoring and advertising companies to withdraw their support for certain programs - have made a difference in which it discourages the airing of indecent content in the future

Regarding the campaign on the cable choice, the PTC's Cable Choice campaign has generated strong support among the public, and within the FCC and Congress. In fact, in mid 2008, the U.S. District Court in Los Angeles has allowed a case raised to move forward the demand that a challenge to the lack of consumers; freedom to chose the cable program they seek to view. In one of its reports, the FCC stated two issues that have been promoted by the PTC, namely the ineffectiveness of the TV-PG related V-Chip programming blocking technology and that cable companies "could provide consumers greater choices in how they purchase their programming so that they could avoid violent programming.

The PTC's involvement in monitoring the social responsibility of the industry was also strengthened in 2007 when the PTC agreed to appoint Dan Isett, one of the Directors at the PTC to be a commissioner in the FCC's Consumer Advisory Committee. To maintain the PTC's strong role in advocating the law, in 2007, PTC President Tim Winter continued to provide testimonies at two major Senate committee hearings.

The composition of the PTC Advisory Board can also be perceived as another factor that is strengthening the credibility of the organization. Right now, The PTC's Advisory Board consists of several figures that represent national public policy and entertainment leaders across the ideological spectrum. United by the common goal of helping the PTC restore social responsibility to the entertainment industry, actors, writers, producers, and directors; talk-show hosts and authors; elected representatives from both political parties and heads of public policy organizations closely supervise the PTC in pursuing its goals.

The PTC relies on the FCC in shaping the regulations to ensure the decency of the TV programs. In many cases the two organizations have shown close and good relations and cooperation in shaping the regulations for the broadcasting industry. This situation has often resulted in criticism, especially from the industry that the PTC has acted as a sub-organization of the FCC. However, as many studies of the PTC and the testimonies of the PTC executives before the Congress hearings have shown, the PTC has proved its standpoint by objectively applauding the achievements of the FCC and harshly criticizing the slow response of the FCC in dealing with public demands.¹³

¹³ PTC: **Dereliction Of Duty**, How The Federal Communications Commission Has Failed The Public, <http://www.parentstv.org/PTC/publications/reports/fccwhitepaper/main.asp>

The achievements in accomplishing the tasks in researching, educating, advocating and campaigning have laid the foundation for the credibility of the PTC. However, in its activities PTC has reviewed TV programming by applying its self-imposed standard and completely ignore the official TV-PG rating that has been used by the broadcasting companies in rating their program. As it will be discussed in part V, this situation poses a significant challenge to the credibility of the PTC.

IV.2. Accountability

The foundation of almost all the information and arguments that have been used by the PTC in educating the society and the stakeholders in the broadcasting industry is based on its genuine archives generated by the Entertainment Tracking System (ETS). The PTC does not create, modify or manipulate the evidence that they present in their publications. For its own part, the PTC only applies its own imposed standard (*The Family Guide to Prime Time Television*) to interpret and analyze the content of the TV programs. Moreover, in reviewing the programs, PTC analysts only focus on the decency aspect of the shows, and do not meddle with the philosophy, the political orientation or the aesthetic and the artistic consideration of the programs. In this sense, the PTC has appeared to be able maintain the accountability of its activities in accomplishing its missions.

As it has maintained the transparency of its operations, the PTC has also been transparent in its funding. Just like for profit entities, the PTC always has its financial reports audited by an independent third party, such as Holthouse Carlin & Van Trigt LLP. PTC also makes all this

report available for the public. In the annual and financial reports, the PTC mentions that the largest part of its funding comes from the contribution of corporate, foundation and regular contributors who committed to support the organization every year. Except for those donators who wish not to be published, the PTC always lists the donors who annually contribute more than \$1000.

IV.3. Sanction

The PTC has not only been about the success stories. This organization has listed many cases where the FCC has denied the pressures of PTC in raising the cases of violations to decency laws by the companies. Moreover, both the credibility and the accountability of the PTC were seriously at stake when the PTC was sued by a company that rejected the statement of the President of the PTC regarding its televised show. In 2001, the PTC mobilized mass concerns over the impact of the professional wrestling television program WWF SmackDown. It was reported that the PTC claimed that the program caused the deaths of young children who they felt were influenced by watching the program. Because of this, WWE later sued the PTC for using false and misleading statements and facts in their campaign, such as the withdrawal of certain advertisers from the show. As a result, in July 2002, WWE received \$3.5 million and a personal letter of apology from Mr. Bozell (Founder and President of the PTC).¹⁴

¹⁴ WWE Press Release: World Wrestling Entertainment Settles Lawsuit With Parents Television Council Founder Brent Bozell Issues Apology, July 8, 2002

http://corporate.wwe.com/news/2002/2002_07_08.jsp

The big sum of money that the PTC paid to WWE is a clear example of the penalty of misleading and lying to the public. On one hand, this case shows that the PTC has dealt with a subject that is substantially serious and hence worth of millions of dollars of settlement fees. The PTC learned a hard lesson that the assessments and statements of the PTC are verifiable and can bring in good results (such as pressuring the government to take legal actions on certain issues), but also drawbacks or penalties in terms of finance or credibility. However, on the other hand, assuming that the PTC had learned the hard way, the public might perceive that the PTC has become more prudent and more accurate in its analysis: providing materials for educating, advocating and campaigning and making a statement on certain issues. Therefore, sanctions to the PTC have improved its credibility and proved the accountability of the PTC.

V. CRITICISM AND CHALLENGES

The PTC's efforts to reduce indecent programming have been criticized by many, especially from the broadcast industry. The industry argues that the PTC's approach to increase the regulations in the American broadcasting industry will limit the creativity and might even infringe upon the freedom of speech as it is guaranteed by the first amendment. On the contrary to PTC's approach, the industry argues that the concerns over the impact of TV programs for American children should be addressed through promoting parental control. To do so, the industry believes that parents are able to control and monitor the programs that are allowed to be watched in their family by taking advantage of V-Chip technology and control box devices for cable TV.

Moreover, the industry has also put a lot of effort into providing the information to the parents regarding the ratings of all TV programs using the FCC approved TV-PG. According to TV

Watch, a TV industry-funded group, the aggressiveness of the PTC in criticizing the TV programs and many companies in the industry are often conducted based on the study that is using “faulty analysis and biased methodology and suspect omissions to influence the debate and raise money.”¹⁵ In addition, the PTC is also often described as a self-appointed moral guardian supported a by a group of conservative and religious activists.

Apart from criticism of the organization and the activities of the PTC, from the perspective of the effort to improve the social responsibility of the broadcasting industry, there are three major challenges that the PTC has to overcome to achieve its mission:

a. Self-posed standard

In spite that the PTC has been using the traffic light system of *The Family Guide to Prime Time Television* as measure to rate the programs, this guideline is in principal a self-posed standard. Therefore, the industry has no legal obligation to comply with this standard. The existence of both TV-PG and PTC's *The Family Guide to Prime Time Television* are in fact caused by long time difficulties in legally defining the violation of decency. As an example, even though the US Supreme Court decided that obscene material is not protected by the First Amendment and cannot be broadcast at any time, it has to meet three criteria for TV programs to be considered obscene, namely:

- An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient (arousing lustful feelings) interest;
- The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and

¹⁵ Mediaweek: Updated: PTC: Nets Peddling Too Much Sex; TV Watch Responds, http://www.mediaweek.com/mw/content_display/eseach/e31e5a2e8d39dee108b680b014d2ce970e?imw=Y

- The material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

Looking at the first criterion, the clause applying contemporary community standards will be reasonably difficult to apply to the entire population with various races and cultural backgrounds. Similarly, there is also a certain level of vagueness in the second and the third criterion. As a result, since it is difficult to apply even only one criterion to the real case of an accused violation, it will surely be more difficult to apply all of these criteria in certain acts in the program. This is why it is difficult for the FCC to always accept the case of violating the decency law that is raised by the PTC. As it is for obscenity, there are also difficulties to legally define the violation of regulations in terms of violence and profanity. Unlike many other monitoring organizations that monitor the compliance of parties based on commonly or at least mutually acceptable standards, the PTC has been monitoring other parties based on the standards that they never acknowledge.

b. Legal Limitation

Because of the problem in standard setting, the PTC is left with two choices: either trying to set a more widely accepted standard (*trying to be a standard setter*) or continuing its activities in what many perceive as policing the industry based on its own “law”. To do so, the PTC has to persuade or work together with the industry to reform the current official standard or to predominantly influence the FCC to strengthen the regulations on decency that align more with the standards of the PTC. By looking at the distant relationships between the PTC and the industry, the first option does not seem feasible in the near future. In other words, the PTC could only continue its activities by relying on its self-posed standards in which it will remain as the main obstacle for the credibility of the PTC, especially before the industry.

The above vicious cycle will not be broken unless the industry is willing to reform its TV-PG or decency is regulated with an amendment to the constitution. Since neither of these is probably going to happen in the near future, judging the credibility of the PTC based on the use of its own standards appears irrelevant. Instead, the existence of competing standards supposed to be considered as given. As a result, the analysis of credibility of the PTC should only focus on its activities in educating, advocating and campaigning in order to pressure the FCC to improve the regulation or to enforce the existing law on decency.

c. Regulation Making or Market Approach

However, the end result of the PTC's activities does not stop at pressuring the FCC but to affect or to change the behavior of the industry. Because of the problem of the standard rating system and competing efforts of industry and the PTC in influencing the FCC, there is another question that is worth asking: Is the PTC's approach to change the behavior of the industry by increasing the regulation more effective than its market driven approach? In recent years the PTC has used the market driven approach to affect the industry by convincing the sponsoring companies to selectively choose the program in which they seek place the ads or to support. However, sponsorship and advertisements have never been the only source of revenue for a television program. Often programs are sold to other networks either in the US or throughout the world. Some programs earn their revenues in syndication and others can be further promoted to the market as DVDs. The only production that relies on its rating and advertising are programs that are produced solely for television.¹⁶

¹⁶ Howard J. Blumenthal and Oliver R. Goodenough, *This Business of TV: The Economics of Programming and Production*, (New York, Billboard Books, 2006), p.112

VII. CONCLUSION

Realizing the increase of obscenity in American television, the Parents Television Council was established in 1995 to protect American children from the impact of TV programs that often display materials that contains sex, violence and profanity. With this goal, the PTC has been trying to improve the social responsibility of the American broadcasting industry by reducing the amount of indecent materials from their TV productions.

In achieving its mission PTC mainly relies on the pressuring the FCC to improve the regulations or to enforce existing regulation on decency to affect the behavior of the industry. Based on its approach, PTC appears to be credible in conducting its activities in educating advocating and campaigning. This credibility derives from potential efficiency in pressuring the government to enforce law or to even consider to produce new regulations. PTC also hold up to its accountability due to the transparency in its organization and its activities and also the significant risk it takes for making mistakes.

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VIII. QUESTIONS FOR FURTHER DISCUSSION

1. How does the PTC determine that certain actions that are taken by the FCC are based on the influence of the PTC and not because of other factors?
2. What is the basis for the claim of the PTC that advertising companies withdraw or stop their sponsorship or ads because of the pressures of the PTC?
3. How does the FCC decide on the case raised by the PTC given that the standards that have been used by the PTC and the industry are different?
4. Which approach is more effective: an approach to strengthen the regulations on decency or market driven approach that will affect the production process of certain program?

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**Appendix 1: Total Media Exposure and Total Media Use for 8 to 18 year Olds,
by Age, Gender, Race and Parent Education and Income¹⁷**

	TOTAL EXPOSURE	TOTAL USE
Overall	8:33	6:21
Age		
8 to 10	8:05	5:52
11 to 14	8:41	6:33
15 to 18	8:44	6:31
Gender		
Boys	8:38	6:21
Girls	8:27	6:19
Race		
White (Non-Latino)	7:58	6:15
(Black (Non-Latino))	10:10	6:30
Latino	8:52	6:30
Parent Education		
High School or less	8:30	5:54
Some College	8:02	6:26
College Graduate	8:55	6:42
Income		
Under \$ 35,000	8:40	5:02
\$35,000 – \$50,000	8:28	6:25
Over \$50,000	8:34	6:44




Adapted from Robert, D.F., Foehr, U.G & Rideout, V (2005)

¹⁷ George Comstock and Erica Scharrer,

Appendix 2. : TV-PG Rating System

	<p>Directed by Children. <i>This program is designed for children age 7 and above.</i> It may be more appropriate for children who have acquired the developmentally skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild physical or comedic violence, or may frighten children under the age of 7. Parents may wish to consider the suitability of this program for their very young children.</p>
	<p>General Audience. <i>Most parents would find this program suitable for all ages.</i> 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.</p>
	<p>Parental Guidance Suggested. <i>This program may contain some material that some parents would find unsuitable for younger children.</i> Parents may want to watch it with their younger children. The theme itself may call for parental guidance. The program may contain infrequent coarse language, limited violence, suggestive sexual dialogue and situations.</p>
	<p>Parents Strongly Cautioned. <i>This program may contain some material that many parents would find unsuitable for children under 14 years of age.</i> 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 may contain sophisticated themes, sexual content, strong language and more intense violence.</p>
	<p>Mature Audience Only. <i>This program is specially designed to be viewed by adults and therefore may be unsuitable for children under 17.</i> This program may contain mature themes, profane language, graphic violence and explicit sexual content.</p>
	

Appendix 3: PTC the Family Guide to Prime Time Television rating system)

	SEX	FREQUENCY	LANGUAGE	FREQUENCY	VIOLENCE	FREQUENCY
	References condoning pornography or masturbation, strippers, incest, nudity and partial nudity, oral sex, prostitution, sexual violence, etc...sex depicted		shit, dick, prick, fuck, asshole, cock, Goddamn, profaning Jesus Christ		sadism, death depicted, sexual violence, occult violence, graphic depiction or description, rape, viscera, decapitation, visible dismemberment	
	sexual innuendo, marital sex, sex implied, homosexuality, pre-coital and/or post-coital, responsible discussion of pornography or masturbation	If any of these subtopics appear more than three times per three-week period, bump up to Red	ass, screw, bitch, bastard, euphemisms for fuck, blows, bite, son of a bitch, Jackass, piss	If used more than 5 times per ½ hour, bump up to a red	weapons, guns, explosion, blood, medical procedure	If used more than 3 times per ½ hour, bump up to red
	veiled or mild innuendo responsible discussion of sexual issues	less than 3 occurrences per ½ hour, if more than 3, bump up to a yellow-light	crap, damn hell,	less than 5 uses per ½ hour, if more than 5, bump up to a yellow-light	threat, fight, implied violence, death implied	less than two per ½ hour, if more than 3, bump up to a yellow-light

RATINGS LEGEND

Green: Appropriate for all ages

Yellow: Program would be unsuitable for children under the age of 14, and parents of teens may want to preview before allowing their child to watch.

Red: Appropriate for adult audiences only

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