



## The Right Way to Regulate Violent TV

by Adam Thierer\*

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### I. Introduction

On April 25<sup>th</sup>, the Federal Communications Commission (FCC) released its long-awaited report on "Violent Television Programming and Its Impact on Children."<sup>1</sup> The report recommends that "action should be taken to address violent programming" on both broadcast, over-the-air television as well as subscription-based cable and satellite systems. The FCC report suggests that Congress could apply traditional indecency restrictions to violent programming on broadcast TV and that cable and satellite operators should be forced to sell their programming on an "a la carte" (channel-by-channel) basis in an attempt to eradicate violent programming from pay TV.<sup>2</sup>

There is a better way to regulate media violence than through government mandates. Parents have the power to regulate the media in their lives and the lives of their children. And technical controls like the V-Chip and set-top box controls are only one part of that process. Informal household media rules and third-party-provided content ratings and program information are equally as important.

Public officials should not act *in loco parentis* when parents have the power to make media decisions on their own. Raising children, and determining what type of media they consume, is a quintessential parental responsibility. This report will outline the many tools and methods—both technical and non-technical—that parents have at

\* Adam Thierer (athierer@pff.org) is a Senior Fellow with The Progress & Freedom Foundation and the director of its Center for Digital Media Freedom. The views expressed in this report are his own, and do not necessarily represent the views of the Foundation, its Board of Directors, officers or staff.

<sup>1</sup> "In the Matter of Violent Programming and Its Impact on Children," Federal Communications Commission Report, MB Docket No. 04-261, April 25, 2007, [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-07-50A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-07-50A1.pdf)

<sup>2</sup> To understand why it is highly unlikely that a la carte mandates would do much to eliminate violent fare from cable or satellite television, see Adam Thierer, "Moral and Philosophical Aspects of the Debate over A La Carte Regulation," Progress & Freedom Foundation *Progress Snapshot* 1.23, December 2005, [www.pff.org/issues-pubs/ps/ps1.23alacarte.pdf](http://www.pff.org/issues-pubs/ps/ps1.23alacarte.pdf); Adam Thierer, "Kid-Friendly" Tiering Mandates: More Government Nannyism for Cable TV," Progress & Freedom Foundation *Progress Snapshot* 1.2, May 2005, [www.pff.org/issues-pubs/ps/ps1.2familyfriendlytiering.pdf](http://www.pff.org/issues-pubs/ps/ps1.2familyfriendlytiering.pdf); Adam Thierer, "A 'Voluntary' Charade: The 'Family-Friendly Tier' Case Study," Progress & Freedom Foundation *Blog*, December 13, 2005, [http://blog.pff.org/archives/2005/12/a\\_voluntary\\_cha.html](http://blog.pff.org/archives/2005/12/a_voluntary_cha.html)

their disposal to carry out this task.

## II. Why Not Regulate?

This report will not dwell on the many thorny constitutional issues raised by proposals to regulate “violent” fare on television.<sup>3</sup> It is important for lawmakers to realize, however, that the courts will likely take a very skeptical look at any proposal to regulate something as nebulous as “excessive violence” on television.<sup>4</sup> In fact, in recent years, the thrust of First Amendment-related jurisprudence has all been strongly tending toward greater freedom of speech and away from government intervention. This makes parental control tools and methods more important than ever before.

In the past, the “off” button on television sets or remote controls was the only technical control at a parent’s disposal. In that environment, many believed that government needed to act as surrogate for parents because of the lack of control families had over their media decisions/encounters. In other words, because it was difficult for families to enforce their own “household standard,” the government would step in and create a baseline—but quite amorphous and sometimes completely arbitrary—“community standard” for the entire nation. And that community standard would be enforced by law and treat all households as if they had the same tastes or values.

This was the logic that drove the famous 1978 *Pacifica* decision in which the Supreme Court held that FCC oversight and regulatory penalties (i.e., fines or license revocation) would help prevent “uninvited” programming from acting as an “intruder” into the home.<sup>5</sup> By a slim 5-4 margin, that logic became the law of the land for broadcast “indecentcy” and remains so today.

But when similar arguments were put forward by policymakers in the mid-1990s in defense of restrictions on Internet and video game content, courts rejected those efforts. In striking down the Communications Decency Act of 1996, which sought to apply indecency regulation to Internet websites, the Supreme Court declared in *Reno v. ACLU* (1996) that a law that places a “burden on adult speech is unacceptable if less

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<sup>3</sup> Previous PFF reports have dealt with these constitutional issues. See Adam Thierer, “Thinking Seriously About Cable and Satellite Censorship: An Informal Analysis of S. 616, The Rockefeller-Hutchison Bill,” Progress & Freedom Foundation *Progress on Point* no. 12.5, April 2005, [www.pff.org/issues-pubs/pops/pop12.6cablecensorship.pdf](http://www.pff.org/issues-pubs/pops/pop12.6cablecensorship.pdf); Robert Corn-Revere, “Can Broadcast Indecency Regulations Be Extended to Cable Television and Satellite Radio?” Progress & Freedom Foundation *Progress on Point* no 12.8, May 2005, [www.pff.org/issues-pubs/pops/pop12.8indecentcy.pdf](http://www.pff.org/issues-pubs/pops/pop12.8indecentcy.pdf). Also see Adam Thierer, “Why Regulate Broadcasting: Toward a Consistent First Amendment Standard for the Information Age,” Catholic University Law School *CommLaw Conspectus*, Vol. 15, forthcoming, Summer 2007.

<sup>4</sup> Robert Corn-Revere, “Regulating TV Violence: The FCC’s Rorschach Test,” *Communications Lawyer*, Vol. 22, No. 3, Fall 2004, [www.dwt.com/lawdir/publications/CR-RegulatingTVViolence.pdf](http://www.dwt.com/lawdir/publications/CR-RegulatingTVViolence.pdf); Geoffrey R. Stone, “The First Amendment Implications of Government Regulation of ‘Violent’ Programming on Cable Television,” National Cable and Telecommunications Association, October 15, 2004, p. 10, [www.ncta.com/ContentView.aspx?hiddenavlink=true&type=lpubtp5&contentId=2881](http://www.ncta.com/ContentView.aspx?hiddenavlink=true&type=lpubtp5&contentId=2881)

<sup>5</sup> *FCC v. Pacifica Foundation*, 438 U.S. 726, 727-8 (1978).

restrictive alternatives would be at least as effective in achieving” the same goal.<sup>6</sup> Several lower courts (including two federal appellate courts) have rejected regulation of video game content on similar grounds.<sup>7</sup>

What is most interesting about these recent Internet and video game decisions is that the same logic could be applied to many other types of media outlets and content—including broadcast and cable TV. Indeed, there are many “less restrictive alternatives” available to parents today to help them shield their children’s eyes and ears from content they might find objectionable, including violently themed content.

If it is the case that families now have the ability to effectively tailor media consumption to their own preferences—that is, to craft their own “household standard”—the regulatory equation for television will likely also change eventually. In essence, the courts are saying that regulation can no longer be premised upon the supposed helplessness of households to deal with content flows if families have been empowered to make content determinations for themselves.

In fact, in another recent decision, the Supreme Court confirmed that this would be the new standard to which future government enactments would be held. In *United States v. Playboy Entertainment Group* (2000),<sup>8</sup> the Court struck down a law that required cable companies to “fully scramble” video signals transmitted over their networks if those signals included any sexual explicit content. Echoing its earlier holding in *Reno v. ACLU*, the court found that less restrictive means were available to parents looking to block those video signals in the home. Specifically, the Court argued that:

[T]argeted blocking [by parents] enables the government to support parental authority without affecting the First Amendment interests of speakers and willing listeners—listeners for whom, if the speech is unpopular or indecent, the privacy of their own homes may be the optimal place of receipt. Simply put, targeted blocking is less restrictive than banning, and the Government cannot ban speech if targeted blocking is a feasible and effective means of furthering its compelling interests.<sup>9</sup>

More importantly, the Court held that:

It is no response that voluntary blocking requires a consumer to take action, or may be inconvenient, or may not go perfectly every time. A court should not assume a plausible, less restrictive alternative would be ineffective; and a court should not presume parents, given full information, will fail to act.<sup>10</sup>

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<sup>6</sup> *Reno v. ACLU*, 521 US 844 (1997).

<sup>7</sup> See Adam Thierer, “Fact and Fiction in the Debate over Video Game Regulation,” Progress & Freedom Foundation *Progress on Point* 13.7, March 2006, [www.pff.org/issues-pubs/pops/pop13.7videogames.pdf](http://www.pff.org/issues-pubs/pops/pop13.7videogames.pdf)

<sup>8</sup> *United States v. Playboy Entertainment Group*, 529 U.S. 803 (2000).

<sup>9</sup> *Ibid.* at 815.

<sup>10</sup> *Ibid.* at 824.

This is an extraordinarily high bar that the Supreme Court has set for policymakers looking to regulate media content. Not only is it clear that the Court is increasingly unlikely to allow the extension of broadcast-era content regulations to new media outlets and technologies (such as cable and satellite TV), but it appears certain that judges will apply much stricter constitutional scrutiny to *all* efforts to regulate speech and media providers in the future, including broadcasting. As constitutional scholar Geoffrey R. Stone, professor of law at the University of Chicago School of Law, has noted:

The bottom line, then, is that even in dealing with material that is ‘obscene for minors,’ the government cannot *directly* regulate such material... Rather, it must focus on empowering parents and other adults to block out such material at their own discretion, by ensuring that content-neutral means exist that enable individuals to exclude constitutionally protected material they *themselves* want to exclude. Any more direct regulation of such material would unnecessarily impair the First Amendment rights of adults.<sup>11</sup>

This is why parental control tools and methods are more important than ever before. The courts have largely foreclosed government censorship and placed responsibility over what enters the home squarely in the hands of parents.

And that is how it should be. Decisions about acceptable media content are extraordinarily personal; no two people or families will have the same set of values, especially in a nation as diverse as ours. Consequently, it would be optimal if public policy decisions in this field took into account the extraordinary diversity of citizen/household tastes and left the ultimate decision about acceptable content to them. That’s especially the case in light of the fact that most U.S. households are made up entirely of adults. According to the Census Bureau, only one-third of U.S. households include children under the age of 18.<sup>12</sup>

Importantly, household-based controls need not be perfect to be preferable to government controls. That is particularly true because of the First Amendment values at stake in this debate. Absent removing all media devices from a home, it would be impossible to eliminate all unwanted or unexpected encounters from life.<sup>13</sup> Parental control tools and methods will not always provide perfect protection, but they can act as training wheels or speed bumps along the media paths that children seek to go down *without destroying those paths altogether as government censorship would do*.<sup>14</sup>

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<sup>11</sup> Geoffrey R. Stone, “The First Amendment Implications of Government Regulation of ‘Violent’ Programming on Cable Television,” National Cable and Telecommunications Association, October 15, 2004, p. 10,

[www.ncta.com/ContentView.aspx?hiddenavlink=true&type=pubtp5&contentId=2881](http://www.ncta.com/ContentView.aspx?hiddenavlink=true&type=pubtp5&contentId=2881)

<sup>12</sup> U.S. Census Bureau, *2007 Statistical Abstract of the United States*, Table No. 57, p. 52, available at [www.census.gov/prod/2006pubs/07statab/pop.pdf](http://www.census.gov/prod/2006pubs/07statab/pop.pdf)

<sup>13</sup> Of course, this is the case outside the home as well. Consider ballgames, shopping malls, and even parks and playgrounds.

<sup>14</sup> It’s also worth noting that older media sectors (books, magazines or newspapers, for example) offer far

What follows is a description of the many tools and methods that parents have at their disposal today to deal with potentially objectionable media content, including televised programming that includes violent themes or images. These tools and methods will be divided into two categories—(1) technical tools and methods, and (2) non-technical tools and methods—and described in detail.

As will be shown, technical tools are viewed by most families as a backup plan to their own informal household media rules. It is vital that policymakers not discount the importance of such non-technical household media rules and strategies in this debate. After all, parents from previous generations did not have *any* of the technical tools at their disposal that are available to parents today. They managed their children's media consumption using other rules and strategies. Those same rules and strategies are still being used by parents today and supplemented with technical controls, like ratings systems and screening devices.

Better yet, parental controls tools are being used today to do more than just restrict the media content a family consumes. Many families use new technological tools and controls to *tailor* programming to their specific needs or values. Content tailoring refers to the use by parents of any tool or method that *enables* their families to see, hear or consume content they would regard as “better” (i.e., more educational, enriching or ethical) for them. This is perhaps the most exciting part of the parental controls story today. As the FCC noted in its most recent *Annual Video Competition* report, “through the use of advanced set-top boxes and digital video recorders, and the introduction of new mobile video services, consumers are now able to maintain more control over what, when, and how they receive information.”<sup>15</sup> Needless to say, such content tailoring was not an option for families in the past.

Industry-led educational efforts and awareness campaigns will also be discussed. These initiatives are important because they show that the many media industry operators have taken steps collectively to help inform and empower parents on this front.

### III. Technical Tools & Methods

Before examining the many technical parental control tools and methods on the market today, a word of caution is in order. No ratings system is perfect and no parental control tool is fool-proof. Many critics are fond of pointing to supposed deficiencies in

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fewer parental controls but have generally received the maximum protection of the First Amendment. It only makes sense that similar First Amendment treatment would be accorded to new digital media providers and content. As we move toward a fully converged media world, where the same content flows across multiple media platforms and devices, it will be essential that a consistent set of First Amendment protections is applied to ensure all technologies and speakers are treated equally in the eyes of the law. See Adam Thierer, “Why Regulate Broadcasting: Toward a Consistent First Amendment Standard for the Information Age,” Catholic University Law School *CommLaw Conspectus*, Vol. 15, forthcoming, Summer 2007.

<sup>15</sup> Federal Communications Commission, *Twelfth Annual Video Competition Report*, MB Docket No. 05-255, February 10, 2006, p. 4, [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-06-11A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-11A1.pdf)

certain ratings systems or technological controls and then attempt to use that to indict all voluntary ratings or private controls. But as the Supreme Court has noted, ratings and parental control tools need not be perfect to be preferable to government regulation.

Let's consider ratings first. What critics consistently forget—or perhaps intentionally ignore—is that media ratings and content labeling efforts are not an exact science; they are fundamentally subjective exercises. Ratings are based on value judgments made by humans who all have somewhat different values. Those doing the rating are being asked to evaluate artistic expression and assign labels to it that provide the rest of us with some rough proxies about what is in that particular piece of art, or what age group should (or should not) be consuming it. In a sense, therefore, there will always be “flaws” inherent in all ratings systems since humans have different perspectives and values that they will use to label or classify content.

Likewise, technological controls will always be hindered by certain inherent limitations. Technologies, markets and artistic expression all evolve, and they do so at an increasingly rapid pace in our modern Information Age. Moreover, controls can be cracked or circumvented. There's always someone out there—including, all too often, our own children—who are looking to evade technological controls.

For these reasons, there will always be some critics who will argue that someone—presumably, themselves or the government—can devise better ratings or controls. But, even setting aside the clear First Amendment concerns it would raise, there is no reason to believe that the government could actually do a better job.

If the government were responsible for assigning content ratings or labels, for example, five unelected bureaucrats at the FCC or some other regulatory agency would simply substitute their own values for those of the voluntary ratings boards or other labeling organizations in existence today. And the argument that government would provide more objective ratings or effective controls is also undermined by the grim reality of special interest politics. Government officials would be more susceptible to various interest group pressures as they were repeatedly lobbied to change ratings or restrict content based on widely varying objectives/values. Inevitably, as has been the case with the broadcast indecency complaint process in recent years, a small handful of particularly vociferous groups could gain undue influence over content decisions.<sup>16</sup> That possible outcome raises what the Supreme Court has referred to as the “heckler’s veto” problem since a vocal minority’s preferences could trump those of the public at large.<sup>17</sup>

With private, independent ratings and labeling systems, by contrast, those assigning ratings or labels are intentionally isolated from lobbying or other interest group pressures. This is what makes the argument for “transparency” in ratings systems so

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<sup>16</sup> Adam Thierer, “Examining the FCC’s Complaint-Driven Broadcast Indecency Enforcement Process,” Progress & Freedom Foundation *Progress on Point* 12.22, November 2005, [www.pff.org/issues-pubs/pops/pop12.22indecencyenforcement.pdf](http://www.pff.org/issues-pubs/pops/pop12.22indecencyenforcement.pdf)

<sup>17</sup> *Reno v. ACLU*, 521 U.S. 844, 880 (1997).

disingenuous, or even somewhat dangerous. If “transparency” means forcing raters to be exposed to endless special interest lobbying or other pressures, one wonders if that would really produce a better system. It is more likely it would produce a system that bowed to those pressures. For example, if those assigning TV ratings weren’t independent, they might be harassed by both TV program developers (who want to make them more lax) and special interest groups (who want to make them more stringent). If the ratings process was regulated or operated by government and was open to all who cared to provide input (including the policymakers themselves), it would result in a circus-like atmosphere and little content would likely get rated in a timely manner. Similarly, there is no reason to believe that the government could construct more rigorous parental controls or screening technologies.

This points to a final advantage of private ratings systems and parental control mechanisms over government regulation: Speed. Even the staunchest defenders of government regulation admit that it takes the FCC literally years to act on a content-related complaint. The impact of private ratings and parental control tools and decisions, by contrast, is immediate. But parents *do* have to take the time and effort to learn about and use the ratings and controls.

With these caveats in mind, we now turn to the technical controls.

#### A. The V-Chip & TV Ratings

As a standard feature in all televisions 13” and larger built after January 2000, the V-Chip gives households the ability to screen televised content by ratings that are affixed to almost all programs.<sup>18</sup> The V-Chip can be accessed through the setup menus on televisions, or often is just one click away using a designated button on the TV’s remote. Households can then use password-protected blocking to filter programs by rating. The ratings system, available online at [www.tvguidelines.org/ratings.asp](http://www.tvguidelines.org/ratings.asp), offers the following age-based designations (Table 1):

<b>TV-Y</b>	All Children
<b>TV-Y7</b>	Directed to Children Age 7 and Older
<b>TV-Y7 (FV)</b>	Directed to Older Children Due to Fantasy Violence
<b>TV-G</b>	General Audience
<b>TV-PG</b>	Parental Guidance Suggested
<b>TV-14</b>	Parents Strongly Cautioned
<b>TV-MA</b>	Mature Audience Only

<sup>18</sup> It is important to realize that most video consumed on televisions today is not from traditional broadcast stations. New video distribution sources such as cable, satellite, DVD, HD-DVD, Blu-Ray, and IPTV all inherit a social norm and cultural responsibility to allow parents controls that are easy to set once and enforce everywhere.

The TV ratings system also uses several content descriptors to better inform parents and all viewers about the nature of the content they will be experiencing. These content descriptors include (Table 2):

<b>D</b>	Suggestive Dialogue
<b>L</b>	Coarse Language
<b>S</b>	Sexual Situations
<b>V</b>	Violence
<b>FV</b>	Fantasy Violence

These age-based ratings and content descriptors appear in the upper left hand corner of the screen at the start of each television program. If the program is more than one hour, the icon will reappear at the beginning of the second hour. The ratings and descriptors also appear on the TV's on-screen menus and interactive guides, on the TV networks' websites, and in local newspaper or TV Guide listings. This information is also encoded and embedded into each TV program so that the V-Chip or other devices can screen and filter by ratings.

The FCC also hosts a website that provides detailed instruction regarding how to use the V-Chip.<sup>20</sup> "TV Watch," a coalition of media experts and media organizations, provides a website with tutorials and tool kits to help parents program the V-Chip and find other tools to control television in the home.<sup>21</sup> And a new industry sponsored campaign entitled "The TV Boss" offers easy-to-understand tutorials explaining how to program the V-Chip or cable and satellite set-top box controls.<sup>22</sup> As part of the effort, several PSAs and other advertisements have aired or been published reminding parents that these capabilities are at their disposal.

Importantly, the relatively low V-Chip usage rates among U.S. households should not be used as an excuse for government regulation of television programming. Some polls or surveys of V-Chip and parental control usage unfairly include *all* households in the sample group, which means they are including in their results the millions of households that have no children in them and thus no incentive to use the V-Chip.<sup>23</sup> Again, according to the U.S. Census Bureau, almost 68 percent of American homes do

<sup>19</sup> The meaning of the content descriptors varies depending on the age-based rating to which they are attached. For example, "L" means "infrequent coarse language" when attached to a TV-PG rating and "strong, coarse language" when attached to a TV-14 rating. See [www.tvguidelines.org/ratings.asp](http://www.tvguidelines.org/ratings.asp)

<sup>20</sup> [www.fcc.gov/vchip](http://www.fcc.gov/vchip)

<sup>21</sup> [www.televisionwatch.org](http://www.televisionwatch.org)

<sup>22</sup> [www.thetvboss.org](http://www.thetvboss.org)

<sup>23</sup> Adam Thierer, "Distorting Numbers in the Debate over Parental Controls," Progress & Freedom Foundation *Blog*, March 26, 2007, [http://blog.pff.org/archives/2007/03/distorting\\_numb.html](http://blog.pff.org/archives/2007/03/distorting_numb.html)

not have any children under 18 years of age in residence.<sup>24</sup> Therefore, it does not make sense to survey all homes about V-Chip or parental control usage because adult-only homes almost certainly would not be using any parental controls to block programming. That would be like polling all Americans, including homes made up of only adults, about whether or not they used baby locks on their kitchen cabinets!

It is also important to keep in mind that even for those homes with children in residence, not all of them will need to use parental control technologies before a certain age (4-5) or after a certain age (15-16). That is because many parents do not let their kids watch much TV before they reach a certain age or restrict their early viewing to just a few channels or programs. And later in life, after their kids reach a certain age, some parents just trust their kids or talk to them about objectionable fare.

Moreover, as discussed below, the vast majority of American homes now rely on many alternative technologies and methods to filter/block unwanted programming. Many families will forgo V-Chip capabilities in light of the alternative technological controls at their disposal, or even the informal household rules that they have established in their homes, as will be outlined below. A November 2005 survey by the polling firm Russell Research revealed that twice as many parents frequently use the parental controls that are offered by their cable and satellite providers as use the V-Chip controls built into their television sets.<sup>25</sup> In other words, the V-Chip is just one of many tools or strategies that households can use to control television programming in their homes.

### *B. Cable & Satellite TV Controls*

With roughly 86 percent of U.S. households subscribing to cable or satellite television systems today,<sup>26</sup> the tools that these multi-channel video programming providers offer to subscribers are a vital part of the parental controls mix today. Parental controls are usually just one button-click away on most cable and satellite remote controls and boxes.

Both analog and digital boxes allow parents to block individual channels and lock them using passwords so that children can't access them. Newer, digital boxes offer more extensive filtering capabilities that allow programs to be blocked by rating, channel or title. Some systems even allow users to block the program descriptions on the interactive guide (for adult pay-per-view programming, for example) if families don't want them to be visible.

For cable subscribers that do not have set-top boxes, they can request that cable companies take steps to block specific channels for them. A comprehensive survey of

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<sup>24</sup> U.S. Census Bureau, *2007 Statistical Abstract of the United States*, Table No. 57, p. 52, available at <http://www.census.gov/prod/2006pubs/07statab/pop.pdf>

<sup>25</sup> "Survey: Parents Combine Old-Fashioned TV Rules and Latest Blocking Technologies to Manage Kids' TV," TV Watch *Press Release*, November 28, 2005, [www.televisionwatch.org/NewsPolls/PressReleases/PR008.html](http://www.televisionwatch.org/NewsPolls/PressReleases/PR008.html)

<sup>26</sup> Federal Communications Commission, *Twelfth Annual Video Competition Report*, February 10, 2006, p. 118, [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-06-11A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-06-11A1.pdf)

the content controls that cable television providers make available to their subscribers can be found on the National Cable and Telecommunications Association's (NCTA) "Control Your TV" website.<sup>27</sup> Aftermarket solutions are also available that allow parents to block channels. The "TV Channel Blocker" gives households the ability to block any analog cable channel between channels 2-86, including broadcast stations carried by the cable operator.<sup>28</sup> The unit can be self-installed by homeowners on the wall where the cable line enters the home. It can then block specific channels on any television in the home. The unit sells online for \$99.99.

Satellite providers DirecTV<sup>29</sup> and EchoStar's Dish Network<sup>30</sup> also offer extensive parental control tools via their set-top boxes. And telephone companies, such as AT&T and Verizon are also getting into the video distribution business and offering similar tools. Many of the same set-top boxes deployed by the cable industry are used by these telco providers. Therefore, the parental control capabilities are quite similar.

Some multichannel operators also offer subscribers the option of buying a bundle of "family-friendly" channels. For example, Dish Network offers a "Family Pak"<sup>31</sup> and DirecTV offers a "Family Choice" bundle of channels.<sup>32</sup> Many cable operators offer similar bundles, but parents must consult their local provider to get details since packages vary by zip code or county.<sup>33</sup> Major cable operators such as Comcast,<sup>34</sup> Time Warner,<sup>35</sup> Cox,<sup>36</sup> Insight Communications,<sup>37</sup> Mid-Continent,<sup>38</sup> and Bright House<sup>39</sup> all offer family packages. Also, a unique satellite service called Sky Angel offers 33 channels of what it describes as "Christ-centered & family-friendly choice(s)" that households can subscribe to if they only want religious programming available in their homes.<sup>40</sup>

### *C. Other Video Devices / Technological Control Measures*

One of the most important developments on the parental controls front in recent years has been the rapid rise and diffusion of VCRs, DVD players, personal video recorders (PVRs) and home computers. These technologies give parents the ability to accumulate libraries of preferred programming for their children and determine exactly

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<sup>27</sup> <http://controlyourtv.org>

<sup>28</sup> [www.tvchannelblocker.com](http://www.tvchannelblocker.com)

<sup>29</sup> [www.directv.com/DTVAPP/global/contentPage.jsp?assetId=900007](http://www.directv.com/DTVAPP/global/contentPage.jsp?assetId=900007)

and [www.directv.com/DTVAPP/equipment/demolInfo.jsp?assetId=1100093](http://www.directv.com/DTVAPP/equipment/demolInfo.jsp?assetId=1100093)

<sup>30</sup> [www.dishnetworkproducts.com/products/parental\\_controls.php](http://www.dishnetworkproducts.com/products/parental_controls.php)

<sup>31</sup> [www.dishnetworkproducts.com/packages.php](http://www.dishnetworkproducts.com/packages.php)

<sup>32</sup> [www.directv.com/DTVAPP/packProg/channelChart1.jsp?assetId=1000005](http://www.directv.com/DTVAPP/packProg/channelChart1.jsp?assetId=1000005)

<sup>33</sup> A good example from my home county of Fairfax, Virginia, is the "Family Package" that Cox Communications offers. See [www.cox.com/fairfax/cable/familyservice.asp](http://www.cox.com/fairfax/cable/familyservice.asp)

<sup>34</sup> [www.comcast.com/customers/faq/FaqCategory.ashx?CatId=356](http://www.comcast.com/customers/faq/FaqCategory.ashx?CatId=356)

<sup>35</sup> [www.timewarnercable.com/corporate/programming/familychoice.html](http://www.timewarnercable.com/corporate/programming/familychoice.html)

<sup>36</sup> [www.cox.com/fairfax/cable/familyservice.asp](http://www.cox.com/fairfax/cable/familyservice.asp)

<sup>37</sup> [www.insight-com.com/documents/Insight\\_01172006.pdf](http://www.insight-com.com/documents/Insight_01172006.pdf)

<sup>38</sup> [www.midcocomm.com/ResidentialServices/DigitalCable/DigitalFamilyTier/](http://www.midcocomm.com/ResidentialServices/DigitalCable/DigitalFamilyTier/)

<sup>39</sup> [http://cfl.mybriighthouse.com/products\\_and\\_pricing/digital\\_cable/familypack.aspx](http://cfl.mybriighthouse.com/products_and_pricing/digital_cable/familypack.aspx)

<sup>40</sup> [www.skyangel.com](http://www.skyangel.com)

when it will be viewed. This can help parents tailor programming to their specific needs and values. If certain parents believed that their children should only be raised solely on reruns of “The Lone Ranger” and “Leave it to Beaver,” then these new media technologies can make it happen!

To use a personal example: My wife and I have developed a strategy of designating a specific television in our home for most of our children’s media consumption and then using a PVR to amass a large library of programming we believe is educational, enriching and appropriate for them. Dozens of programs can be cataloged and archived in this fashion and then supplemented with VHS tapes, DVDs and computer software. As a result, when we allow our children some TV time, we always know that the episodes of “Dora the Explorer,” “Go Diego Go,” “Blue’s Clues” and “The Wiggles” that we approve of for our kids will be available. Again, such content tailoring wasn’t possible for families in the past.

Incidentally, to find such family-friendly fare, parents can search for it using set-top box controls or retrieve information about such shows from various Internet web services such as TV Guide.com’s “Family TV Hot List.”<sup>41</sup> The TV Guide.com site allows parents to search an online guide of all the programming televised by their local broadcasters or multichannel video providers, where they examine program ratings and information. This too can help parents tailor programming in the home to their exact needs and values.

But for those families that want to block out televised programming aired during certain hours of the day or limit how much TV can be viewed at all, technological tools exist that can make that possible. The Family Safe Media.com website sells a half dozen “TV time management” tools that allow parents to restrict the time of day or aggregate number of hours that children watch programming.<sup>42</sup> Most of these devices, such as the “Bob TV Timer” by Hopscotch Technology<sup>43</sup> and the “TV Allowance” television time manager,<sup>44</sup> feature PIN-activated security methods and tamper-proof lock boxes that make it impossible for children to unplug or reset the device. Parents can use these devices to establish a daily or weekly “allowance” of TV or game screen time and then let children determine how to allocate it. Prices for these devices range from \$39.95 to \$110.95. Similarly, “credit-based” devices such as the “Play Limit” box require that children place time tokens in a metallic lock box to determine how much TV time is allowed.<sup>45</sup> Parents can provide a certain allowance of tokens to restrict the overall amount of screen time.

Another innovative technology to restrict viewing options by children is the appropriately named “Weemote.” It is a remote control made for children that only has a handful of large buttons. Parents can program each button to call up only those pre-set

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<sup>41</sup> [www.tvguide.com/Find-Shows-Movies/TV/Family/HotList](http://www.tvguide.com/Find-Shows-Movies/TV/Family/HotList)

<sup>42</sup> [www.familysafemedia.com/tv\\_time\\_management\\_tools\\_-\\_par.html](http://www.familysafemedia.com/tv_time_management_tools_-_par.html)

<sup>43</sup> [www.hopscotchtechnology.com](http://www.hopscotchtechnology.com)

<sup>44</sup> [www.tvallowance.com](http://www.tvallowance.com)

<sup>45</sup> [www.playlimit.com](http://www.playlimit.com)

channels that they approve of for their children. No other channels can be accessed using the remote. The product has a suggested retail price of \$24.95.<sup>46</sup> A similar device called “The Cricket” is manufactured by Universal Electronics exclusively for multi-channel video distributors.<sup>47</sup> The Cricket also contains a handful of programmable buttons, but they are programmed by the video distributor for their customers.<sup>48</sup>

For those families looking to take more direct steps to specifically curb potentially offensive language heard on some televised programs, solutions are available. For example, over 7 million Americans currently use “TVGuardian” systems, which bill themselves as “The Foul Language Filter.” TVGuardian’s set-top boxes filter out profanity by monitoring the closed-caption signal embedded in the video signal and comparing each word against a dictionary of more than 150 offensive words and phrases. If the device finds a profanity in this broadcast, it temporarily mutes the audio signal and displays a less controversial rewording of the dialog in a closed-captioned box at the bottom of the screen.<sup>49</sup> Also, the device can be tailored to individual family preferences such that references that some might consider religiously offensive would be edited out.

#### **IV. Non-Technical Tools & Methods**

The technological tools and controls discussed above allow parents to automate the filtering/blocking process in their homes. While not perfect, they allow households to effectively tailor family viewing to their own unique preferences. Equally as important, however—and quite often overlooked—are the formal and informal household “media rules” and informal parental control methods that almost all families utilize.

In fact, in many ways, these non-technical household efforts represent the most important steps that parents can take to deal with potentially objectionable content or teach their children or how to be sensible, savvy media consumers. Indeed, to the extent that many households never take advantage of the many technical controls discussed above, it is likely because they instead rely on the many informal rules and methods discussed below.

##### *A. Household Media Consumption Rules*

To begin, there are formal and informal household “media consumption rules.” A 2003 Kaiser Family Foundation survey found that “Almost all parents say they have some type of rules about their children’s use of media.”<sup>50</sup> And a 2006 Kaiser survey of families with infants and preschoolers revealed that 85 percent of those parents who let their children watch TV at that age have rules about what their child can and cannot

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<sup>46</sup> [www.weemote.com](http://www.weemote.com)

<sup>47</sup> [www.uei.com/category.php?page\\_id=66&featured\\_product=108](http://www.uei.com/category.php?page_id=66&featured_product=108)

<sup>48</sup> Steve Donohue, “Universal Pitches Remote Control for Kids,” *Multichannel News*, May 2, 2007, [www.multichannel.com/article/CA6438750.html](http://www.multichannel.com/article/CA6438750.html)

<sup>49</sup> [www.tvguardian.com](http://www.tvguardian.com)

<sup>50</sup> *Zero to Six: Electronic Media in the Lives of Infants, Toddlers and Preschoolers*, Kaiser Family Foundation, Fall 2003, p. 9, available at [www.kff.org/entmedia/entmedia102803pkg.cfm](http://www.kff.org/entmedia/entmedia102803pkg.cfm)

watch.<sup>51</sup> 63 percent of those parents say they enforce those rules all of the time. About the same percentage of parents said they had similar rules for video game and computer usage.

Parents employ a wide variety of household media consumption rules. Some of these can be quite formal in the sense that parents make the rules clear and enforce them routinely in the home over a long period of time. Other media consumption rules can be fairly informal, however, and be enforced on a more selective basis. Regardless, these household media consumption rules can be grouped into three general categories: (1) “Where” rules; (2) “When and how much” rules; and, (3) “Under what conditions” rules.

(1) **“Where” rules:** One of the most important steps that parents can take to better control media usage by their children is to establish firm rules regarding where their children can do so. For example, parents can assign a specific television or computer for most media usage and then take steps to make sure that those devices have screening or filtering controls installed and programmed. Additionally, parents can require that their children consume media (TV, Internet, video games, etc.) in a specific room or area of the house where they can keep an eye or ear on what their kids are doing.

At a minimum, parents can start by at least getting televisions, computers and game consoles out of kids’ bedrooms where they cannot as effectively monitor what is going on. According to a Kaiser survey, 68 percent of 8-18 year-olds have televisions in their bedrooms and 31 percent have computers.<sup>52</sup> Parents who let their kids lock themselves in their rooms with media devices have surrendered their first line of defense in protecting their children from potentially objectionable content. Luckily, the reverse appears to be true for computers. A 2006 Pew Internet & American Life Project survey of teenage media usage revealed that 74 percent of homes with teenagers have their computers in an “open family area.”<sup>53</sup> That result was consistent with Pew surveys taken in 2004 and 2000.

(2) **“When and how much” rules:** Parents can also place limits on the overall number of hours that children can consume various types of media content, or when they can do so. (Several technological tools mentioned above can help parents accomplish this). For example, parents can impose restrictions on what times of the day that children can consume media with rules like: “No TV or video games after 8:00 pm,” or, more stringently: “No TV or games on a school night.” The Pew Internet & American Life Project survey mentioned above found that 58 percent of parents limit the amount of time their children can spend watching television, 59 percent limit how much time

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<sup>51</sup> *The Media Family: Electronic Media in the Lives of Infants, Toddlers, Preschoolers and Their Parents*, Kaiser Family Foundation, May 2006, p. 20, [www.kff.org/entmedia/7500.cfm](http://www.kff.org/entmedia/7500.cfm)

<sup>52</sup> *Generation M: Media in the Lives of 8-18 Year-Olds*, Kaiser Family Foundation, March 2005, p. 10, [www.kff.org/entmedia/entmedia030905pkg.cfm](http://www.kff.org/entmedia/entmedia030905pkg.cfm)

<sup>53</sup> Amanda Lenhart and Mary Madden, *Teens, Privacy, and Online Social Networks*, Pew Internet & American Life Project, April 18, 2007, p. 8, [www.pewinternet.org/PPF/r/211/report\\_display.asp](http://www.pewinternet.org/PPF/r/211/report_display.asp)

their kids can play video games, and 69 percent of parents limit how much time their children can spend online.<sup>54</sup>

(3) **“Under what condition” rules:** “When and how much” rules represent a carrot-and-stick approach to media consumption/exposure. Parents can incentivize their children by requiring that other tasks or responsibilities be accomplished before media consumption is permitted. For example, many of us are familiar with this very common household media rule: “You have to finish your homework before you get to watch any TV.” Similar rules can be used for video games and other types of media. My mother effectively used a conditional media rule with me as a child when she rewarded weekly achievement in school by letting me pick out a comic book at a local pharmacy. On the weeks I didn’t do so well in school I didn’t get my *Batman* or *Spiderman* fix!

More creatively, parents can formulate a “media allowance” for their children (especially as they get older) to allow them to generally consume the media they want but only within certain boundaries. Again, incentives can be used with this approach. For example, better grades at school might be rewarded by adding one additional hour of media time to their overall weekly media allowance.

#### *B. The Importance of a Good (Media) Diet: A Media Food Pyramid*

The efforts described above represent common sense approaches parents can use to establish basic ground rules about how media is consumed in the home. But what about the substance of the media that is being consumed within these pre-established boundaries? This might constitute a fourth category—“what” rules—that could be added to the list of informal household media rules outlined above. For example, according to The Pew Internet & American Life Project, 77 percent of parents already have rules for what TV shows their kids can watch.<sup>55</sup> In addition, 67 percent have rules for what kind of video games they can play, and 85 percent have rules about what Internet websites they can and cannot visit.

How can parents do more to encourage their kids to consume media that they feel is appropriate and enriching? Although every family will have a different set of values and preferences, when it comes to media consumption, parents need to think about what constitutes a sensible “media diet” for their own families.<sup>56</sup> As depicted in Figure 1, parents should consider taking a “food pyramid” approach to media consumption: Teach kids the importance of a balanced media diet while also teaching them what types of things that you think they should probably be avoiding altogether.

The federal government has a recommended food pyramid for nutritional purposes, of course. But just as government doesn’t enforce the food pyramid through regulation, nor should it enforce a media food pyramid through mandates or restrictions.

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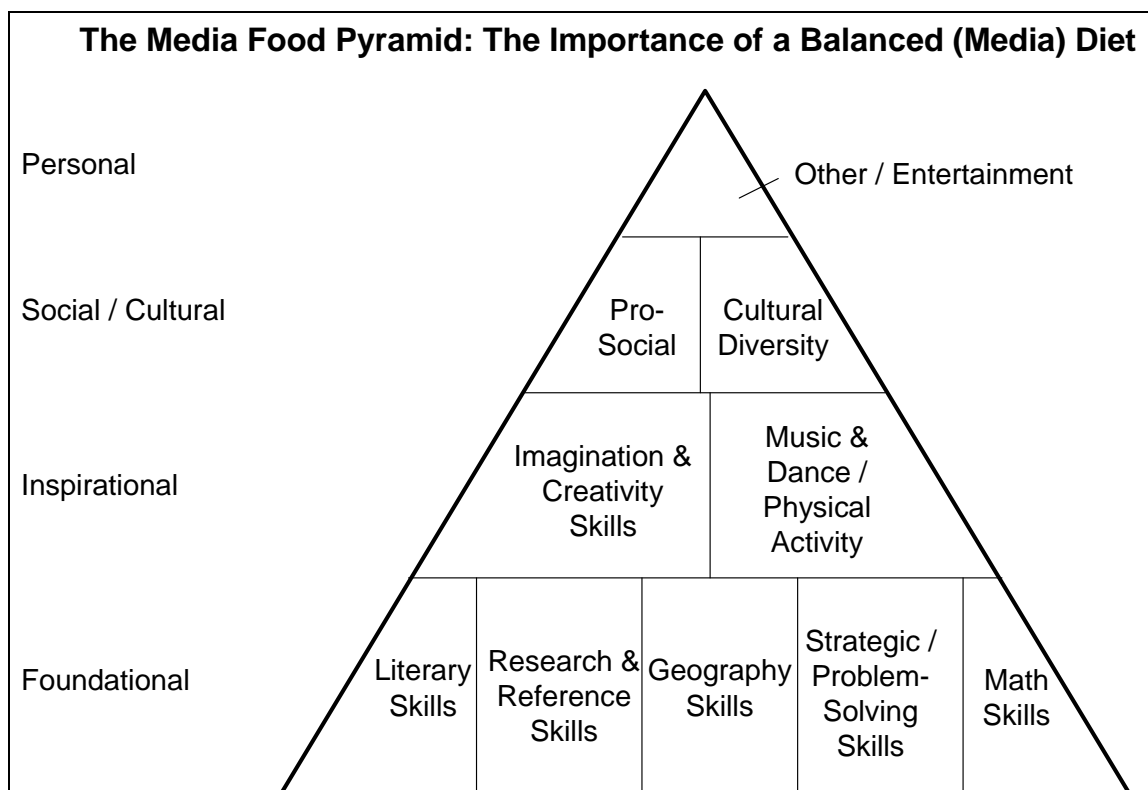
<sup>54</sup> *Ibid.*, p. 9.

<sup>55</sup> *Ibid.*, p. 9.

<sup>56</sup> The author wishes to thank Rich Lappenbusch of the Microsoft Corporation for inspiring and helping to develop this concept during a series of ongoing conversations in 2006-7.

In fact, we don't need the government to tell us what is in a "media food pyramid" at all. That is something that parents can do quite effectively on their own, especially in light of the differing values each household will bring to the job.

**Figure 1**



A family's media food pyramid might have specific time allotments and recommended "portions" of different types of content. The American Academy of Pediatrics recommends no more than one or two hours of "screen time" per day,<sup>57</sup> but families might vary that depending on their desires and their children's ages. Once parents decide roughly how much media they will allow their children to consume, they can determine what are the best portions to be served.

Consider how this might work for television. In their recent book *The Elephant in the Living Room: Making Television Work for Your Kids*, Dimitri Christakis and Frederick Zimmerman, directors of the Child Health Institute at the University of Washington, offer parents numerous suggestions for how to make television viewing a more positive experience for everyone in the family.<sup>58</sup> They group TV programs into several categories and then encourage parents to use a mix of shows in each category to achieve a balanced media diet. Table 3 outlines some of the programs they recommend

<sup>57</sup> "Television: How it Affects Children," American Academy of Pediatrics, [www.aap.org/pubed/ZZZGF8VOQ7C.htm?&sub\\_cat=1](http://www.aap.org/pubed/ZZZGF8VOQ7C.htm?&sub_cat=1)

<sup>58</sup> Dimitri A. Christakis and Frederick J. Zimmerman, *The Elephant in the Living Room: Making Television Work for Your Kids* (New York: Rodale, 2006).

to satisfy desired skills or values that most parents would find important.

<b>Desired Skills / Values</b>	<b>Sample Programs</b>
Literacy skills	<i>Sesame Street, Arthur, Between the Lions</i>
Math skills	<i>Sesame Street, Cyberchase</i>
Problem-solving skills	<i>Blue’s Clues, Dora the Explorer, Go Diego Go</i>
Music & Dance / Physical activity	<i>The Wiggles, The Backyardigans, Animal Jam</i>
Imagination / creativity	<i>Mister Rogers’ Neighborhood, Barney &amp; Friends</i>
Pro-social skills	<i>Higglytown Heroes, Dragon Tales, Clifford</i>
Geography skills	<i>It’s a Big Big World, Postcards from Buster</i>
Cultural diversity	<i>Dora the Explorer, Go Diego Go, Sesame Street</i>

And although it just scratches the surface of what is available, Table 4 highlights some of the child- and family-friendly video programming that parents can choose from today. Importantly, this list does not include the many excellent instructional or educational videos available on VHS or DVD that parents can use to supplement or even supplant regular television viewing. Nor does this list include the educational and informational children’s programming presented by over-the-air commercial television stations in compliance with the Children’s Television Act.

This “food pyramid”/“media diet” approach works equally well for music, games, interactive software, websites and other types of media. They can be integrated into each family’s media pyramid once parents decide what the proper mix of skills and values should be.

Again, every family will bring a different set of needs and values to this task. And the needs of children will vary by age. The proper media diet for a 5 year old will be much different than that of a 15 year old. In other words, no two family media diets will be the same. Portion sizes from each category will likely differ. And the type of media content used in each category might be different for each family. For example, to instill geography skills in children, some families might rely heavily on interactive computer software, online encyclopedias, and various TV or DVD documentaries. On the other hand, some families might adopt the old-fashioned approach that my wife and I use in our home. We have a library filled with old maps, atlases, a globe and a 40-year collection of *National Geographic* magazines that we use to teach geography to our kids.<sup>59</sup>

<sup>59</sup> We also have a map of United States glued to a piece of cardboard that we let our kids stick colored pins into to highlight the cities they have visited.

**Table 4: Educational / Entertainment TV Options for Children**

- **ABC Family**<sup>60</sup>
- **Animal Planet**<sup>61</sup>
- **Discovery Channel**<sup>62</sup>
- **Discovery Kids**<sup>63</sup>
- **Disney Channel**<sup>64</sup>
- **Familyland Television Network**<sup>65</sup>
- **Hallmark Channel**<sup>66</sup>
- **Hallmark Movie Channel**<sup>67</sup>
- **HBO Family**<sup>68</sup>
- **History Channel**<sup>69</sup>
- **Learning Channel**<sup>70</sup>
- **National Geographic Channel**<sup>71</sup>
- **Nickelodeon**<sup>72</sup>
- **Noggin**<sup>73</sup>
- **N Channel**<sup>74</sup>
- **PBS**<sup>75</sup>
- **PBS Kids**<sup>76</sup>
- **Science Channel**<sup>77</sup>
- **Showtime Family Zone**
- **Sprout**<sup>78</sup>
- **Starz! Kids & Family**<sup>79</sup>
- **Toon Disney**<sup>80</sup>
- **Varsity World**<sup>81</sup>

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<sup>60</sup> <http://abcfamily.go.com>

<sup>61</sup> <http://animal.discovery.com>

<sup>62</sup> [www.discovery.com](http://www.discovery.com)

<sup>63</sup> <http://kids.discovery.com>

<sup>64</sup> [www.disney.go.com/disneychannel](http://www.disney.go.com/disneychannel)

<sup>65</sup> [www.familyland.org/content/Content.aspx?CategoryID=51](http://www.familyland.org/content/Content.aspx?CategoryID=51)

<sup>66</sup> [www.hallmarkchannel.com](http://www.hallmarkchannel.com)

<sup>67</sup> [www.hallmarkmoviechannel.com](http://www.hallmarkmoviechannel.com)

<sup>68</sup> [www.hbofamily.com](http://www.hbofamily.com)

<sup>69</sup> [www.history.com](http://www.history.com)

<sup>70</sup> <http://tlc.discovery.com>

<sup>71</sup> <http://channel.nationalgeographic.com/channel>

<sup>72</sup> [www.nick.com](http://www.nick.com)

<sup>73</sup> [www.noggin.com](http://www.noggin.com)

<sup>74</sup> [www.the-n.com](http://www.the-n.com)

<sup>75</sup> [www.pbs.org](http://www.pbs.org)

<sup>76</sup> <http://pbskids.org/go>

<sup>77</sup> <http://science.discovery.com>

<sup>78</sup> [www.sproutonline.com](http://www.sproutonline.com)

<sup>79</sup> [www.starz.com/appmanager/seg/s?\\_nfpb=true&\\_pageLabel=starz\\_kids\\_family](http://www.starz.com/appmanager/seg/s?_nfpb=true&_pageLabel=starz_kids_family)

<sup>80</sup> <http://psc.disney.go.com/abcnetworks/toondisney>

The bottom line: While different families will always have different values and approaches, there is something to be said for a balanced diet when it comes to media consumption, just as is the case with child nutrition.

Finally, it should be stressed that not everything in a family's media diet must be completely educational in character. Sometimes parents and kids just want to relax and enjoy various types of entertainment, whatever they may be. A certain portion of every family's media diet, therefore, will be non-educational media content—and there's nothing wrong with that.

### *C. Third-Party Pressure, Ratings and Advice*

Parents can also work with other others to influence media content before it comes into the home, or rely on other groups they trust to help them better understand what is in the media they are considering bringing into the home.

Parents can pressure media providers and programmers directly through public campaigns, or indirectly through advertisers.<sup>82</sup> Groups like the Parents Television Council, Morality in Media, Common Sense Media, and the National Institute on Media and the Family can play a constructive role in influencing content decisions through the pressure they can collectively bring to bear on media providers in the marketplace.

For example, Morality in Media's website outlines several strategies parents can use to influence advertisers, programming executives and cable operators before resorting to calls for censorship. To allow parents to pressure advertisers, the group publishes a book listing the top 100 national advertisers, with addresses, phone and fax numbers, names of key executives, and their products, along with a products list cross-referenced to the manufacturer. The group produces a similar book that lists the names and addresses of the CEOs of the leading broadcast and cable companies in America so that viewers or listeners can complain directly to them.<sup>83</sup> Similarly, the Parents Television Council (PTC) awards its "parent's seal of approval" to advertisers who only support programs that the PTC classifies as family-friendly.<sup>84</sup> PTC also encourages parents to write letters and send e-mails to advertisers who support programming they find objectionable and encourage those advertisers to end their support of those shows.

Such efforts have been effective at changing corporate behavior in other contexts. For example, in late 2006, after years of pressure from various health groups and average parents, ten major food and beverage companies announced new, self-

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<sup>81</sup> [www.varsityworld.com](http://www.varsityworld.com)

<sup>82</sup> "There is every reason to believe that the marketplace, speaking through advertisers, critics, and self-selection by viewers, provides an adequate substitute for Commission involvement in protecting children and adults from television's "captive" quality." Mark S. Fowler and Daniel L. Brenner, "A Marketplace Approach to Broadcast Regulation," *Texas Law Review*, vol. 60, no. 2, February 1982, p. 229.

<sup>83</sup> Robert Peters, "The Importance of Making Complaints," Morality in Media website, available at [www.moralityinmedia.org](http://www.moralityinmedia.org)

<sup>84</sup> [www.parentstv.org/PTC/awards/main.asp](http://www.parentstv.org/PTC/awards/main.asp)

imposed restrictions on advertising to children. These ten companies, which included McDonald's, Coca-Cola, Pepsi, Kraft Foods, and Hershey, account for more than two-thirds of all food and beverage advertising aimed at children.<sup>85</sup> Among the commitments made by the ten companies: they agreed to not advertise products in schools; devote half their advertising to promoting healthier lifestyles and foods; limit the use of popular third-party characters (such as cartoon characters) in their ads; and limit ads seen in interactive video games or promote healthy alternatives in those ads. The initiative will be monitored by the Council of Better Business Bureaus which helped craft the agreement.

If public pressure can help change corporate attitudes and outputs when it comes to food and beverage advertising, there's every reason to believe that it can also change other types of media behavior. For example, in late 2006, intense public pressure forced News Corp. to abandon the publication of a controversial book by O.J. Simpson in which he described how he might have killed his ex-wife and her friend.<sup>86</sup> *Washington Post* columnist Shankar Vedantam argued that this episode "showed that shame remains a powerful tool in America."<sup>87</sup> Likewise, in April 2007, radio talk show host Don Imus had his CBS Radio show and MSNBC television program cancelled after making offensive remarks about the Rutgers University women's basketball team.<sup>88</sup> Public outcry was so intense that almost all his largest advertisers pulled their support for his show less than a week after the incident occurred.<sup>89</sup>

Most parents, however, will not likely feel the need to directly pressure media producers but instead simply want better information about the media they bring into the home. Or, they might want independent advice or third-party ratings about the content of specific shows. Help is out there. For example:

- ✓ **Common Sense Media's** user-friendly website offers detailed TV and movie reviews as well as user-generated reviews submitted by both parents and kids.<sup>90</sup> The site offers extremely detailed descriptions of almost every possible type of content that one might find in a given show.
- ✓ Similarly, the private rating company PSV Ratings produces the comprehensive **FamilyMediaGuide.com** website, which details which specific profanities are

<sup>85</sup> Betsy McKay and Janet Adamy, "Food Companies Vow to Tighten Limits on Kids' Ads," *The Wall Street Journal*, November 15, 2006, p. B3.

<sup>86</sup> Tim Harper, "O.J. Book, Fox Show Cancelled," *The Toronto Star*, November 21, 2006.

<sup>87</sup> Shankar Vedantam, "Abandoned O.J. Project Shows Shame Still Packs a Punishing Punch," *Washington Post*, November 27, 2006, p. A2.

<sup>88</sup> Bill Carter and Jacques Steinberg, "CBS Drops Imus Radio Show Over Racial Remark," *New York Times*, April 12, 2007,

[www.nytimes.com/2007/04/12/business/media/12cnd-](http://www.nytimes.com/2007/04/12/business/media/12cnd-)

[imus.html?ex=1179028800&en=7af7a0f8b32dafc1&ei=5070](http://www.nytimes.com/2007/04/12/business/media/12cnd-imus.html?ex=1179028800&en=7af7a0f8b32dafc1&ei=5070); Matthew Robinson, "U.S. Radio Host Imus Hints Career May Be Ending," *The Guardian*, April 12, 2007,

<http://sport.guardian.co.uk/breakingnews/feedstory/0,-6552506,00.html>

<sup>89</sup> Kenneth Li, "Here's Why MSNBC Dropped Imus," *Reuters*, April 11, 2007,

<http://blogs.reuters.com/2007/04/11/heres-why-msnbc-dropped-imus>

<sup>90</sup> [www.common sense media.org/tv-reviews](http://www.common sense media.org/tv-reviews)

uttered in a TV show or movie and documents how many times they are said.<sup>91</sup> The site also details the specific types of sexual or violent content that viewers will witness in a program. Additionally, instances of tobacco, alcohol and drug use are documented and commercial product placements are identified.

- ✓ The National Institute on Media and the Family's "**MediaWise**" website offers occasional columns and newsletters for parents that include information they can use to make more informed judgments about the content their children consume.<sup>92</sup> In particular, the Institute's website offers a free "KidsScore" system<sup>93</sup> that rates thousands of movies and TV shows. All content is alphabetized and easy to search.
- ✓ **Plugged In Online's** website, a project of the religious group Focus on the Family, reviews many TV shows and movies and as part of their review process considers the following attributes: positive elements, spiritual content, sexual content, violent content, crude or profane language, drug and alcohol content, or other negative elements.<sup>94</sup>
- ✓ The **Parents Television Council's** "ParentsTV" website offers a searchable "Family Guide to Prime Time Television"<sup>95</sup> and awards a seal of approval to shows that they deem suitable for families.<sup>96</sup>

Other creative, independent ratings systems are on the market or being developed. For example, in March 2006, TiVo announced a partnership with the Parents Television Council, the Parents Choice Foundation and Common Sense Media to jointly develop "TiVo KidZone." Using ratings and information created by those groups, KidZone will allow parents to filter and record only the content that parents deem appropriate for their children.<sup>97</sup> All these private, voluntary education and ratings methods are preferable to the type of pressure that some groups bring to bear in the *political* marketplace when they encourage policymakers to regulate media content.<sup>98</sup>

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<sup>91</sup> [www.familymediaguide.com/media/ontv.html](http://www.familymediaguide.com/media/ontv.html)

<sup>92</sup> [www.mediafamily.org](http://www.mediafamily.org)

<sup>93</sup> [www.mediafamily.org/kidscore](http://www.mediafamily.org/kidscore)

<sup>94</sup> [www.pluggedinonline.com/tv/index.cfm](http://www.pluggedinonline.com/tv/index.cfm)

<sup>95</sup> [www.parentstv.org/PTC/familyguide/main.asp](http://www.parentstv.org/PTC/familyguide/main.asp)

<sup>96</sup> [www.parentstv.org/PTC/awards/main.asp](http://www.parentstv.org/PTC/awards/main.asp)

<sup>97</sup> Saul Hansell, "TiVo to Offer Tighter Rein on Children's Viewing," *New York Times*, March 2, 2006, [www.nytimes.com/2006/03/02/technology/02tivo.html?\\_r=1&oref=slogin](http://www.nytimes.com/2006/03/02/technology/02tivo.html?_r=1&oref=slogin)

<sup>98</sup> See generally Adam Thierer, "Examining the FCC's Complaint-Driven Broadcast Indecency Enforcement Process," Progress & Freedom Foundation *Progress on Point* 12.22, November 2005, [www.pff.org/issues-pubs/pops/pop12.22indecencyenforcement.pdf](http://www.pff.org/issues-pubs/pops/pop12.22indecencyenforcement.pdf)

## V. Private or Industry-Led Consumer Education Efforts

Finally, it's worth noting that several major private or industry-led consumer educational efforts are underway to help families learn more about parental controls, ratings systems and similar efforts. For example:

- **Television/Broadcasting:** "TV Watch," a coalition of 27 prominent individuals and organizations representing more than 4 million Americans, sponsors initiatives such as the "1-2-3 Safe TV" tool kit for parents.<sup>99</sup> The group circulates materials that provide parents easy-to-understand primers on how to safeguard their children against objectionable content on television.<sup>100</sup> The effort was spearheaded by media operators such as CBS Corporation, News Corp. and NBC Universal but also includes groups as diverse as the American Conservative Union, the Black Filmmakers Foundation, Center for Creative Voices in Media, The Creative Coalition, the Minority Media & Telecommunications Council (MMTC) and the US Chamber of Commerce.<sup>101</sup>
- **Cable Television:** The National Cable and Telecommunications Association (NCTA) sponsors a \$250 million public service campaign called "Cable Puts You in Control."<sup>102</sup> As part of the effort, the industry airs numerous educational ads and distributes materials to subscribers. These materials are also made available to consumers via in-store displays by retailers such as Best Buy and Circuit City. The effort also includes an educational website called "Control Your TV.org"<sup>103</sup> that offers a variety of educational links and videos showing parents how to block access to certain channels or programs that they might find objectionable. The cable industry also sponsors the impressive "Cable in the Classroom" media literacy program.<sup>104</sup>
- **Television/Cross-Media:** At a January 19, 2006 Senate Commerce Committee hearing, Jack Valenti, the former CEO of the Motion Picture Association of America (MPAA), announced that all media companies "who make and dispatch visual programming" were launching a joint 18-month marketing campaign "to inform and persuade the American people that they have the power" to control the content that appears on their television screens.<sup>105</sup>

This unprecedented \$300 million campaign includes participation from the Consumer Electronics Association (CEA); the National Association of Broadcasters (NAB); MPAA; NCTA; Viacom; Time Warner; television broadcast networks ABC, CBS, Fox, and NBC Universal; and satellite TV providers DirecTV

<sup>99</sup> [www.televisionwatch.org](http://www.televisionwatch.org)

<sup>100</sup> *Safe TV. Easy as 1-2-3 The TV Watch Guide to the TV Ratings and Parental Controls*, TV Watch, [www.televisionwatch.org/HelpForParents/default.html](http://www.televisionwatch.org/HelpForParents/default.html)

<sup>101</sup> By way of full disclosure, I serve on the advisory board of TV Watch.

<sup>102</sup> [www.ncta.com/pdf\\_files/Fact-Sheet-on-Cables-Pledge\\_PDF\\_4-27-05.pdf](http://www.ncta.com/pdf_files/Fact-Sheet-on-Cables-Pledge_PDF_4-27-05.pdf)

<sup>103</sup> [www.controlyourtv.org](http://www.controlyourtv.org)

<sup>104</sup> [www.ciconline.org/faq](http://www.ciconline.org/faq)

<sup>105</sup> Jack Valenti, "A Plan to Communicate to Parents That They Have the Power to Control All TV Programs in Their Homes," Testimony before the Senate Commerce Committee, January 19, 2006, <http://commerce.senate.gov/pdf/Jack%20Valenti%20Testimony.pdf>

and EchoStar's Dish Network. The Ad Council and various advertising agencies assisted in the effort to help craft "simple messages" that were then broadcast and cablecast by all these media providers over at least an 18-month period.<sup>106</sup> The televised ads began airing on local broadcast stations and the top 100 cable systems on July 26, 2006.<sup>107</sup> Parents were also able to see the ads, and find a great deal of other useful information, on an interactive Internet website that came out of this effort called "The TV Boss."<sup>108</sup>

- **Cross-Media:** The "Pause-Parent-Play" website offers an excellent compendium of websites and services that parents can use to learn more about the media their children might want to see, hear or play.<sup>109</sup> The effort is sponsored by a diverse coalition of companies and associations, including: Wal-Mart, the Girl Scouts, YMCA, Microsoft, Comcast, Time Warner, News Corp., the Electronic Software Association, Viacom, NBC Universal, MPAA and the Recording Industry Association of America (RIAA). The coalition's website features numerous links answering questions about how TV ratings and screening tools work (like the V-Chip and cable/satellite set-top boxes).<sup>110</sup> The links provided on the Pause-Parent-Play website help parents better understand how to use these and other technologies. There's also a "Get the Facts" section on the site that offers detailed explanations of how many of the current ratings systems work.<sup>111</sup>
- **Cross-Media:** "Take Parental Control.org" is a public service website provided by Playboy Enterprises.<sup>112</sup> It features parental control fact sheets for a wide variety of media, including: television, cable, cell phones, video games and Internet surfing. The website also features a useful glossary of terms describing various technologies and parental control tools. The effort also includes TV public service announcements.

## VI. Conclusion

The combination of the V-Chip, set-top box parental controls, various ratings systems, and other screening tools (personal video recorders in particular) mean that parents now have multiple layers of technological protection at their disposal. And the industry-led educational efforts highlighted above prove that, contrary to what some critics claim, media operators are taking steps to help parents make content determinations and better control child access to unwanted media. Critics can always argue that media and communications companies should "do more" to address the concerns parents have, but it's important to realize that they are already doing quite a bit.

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<sup>106</sup> "Industries Unite in Unprecedented Effort to Educate Parents That They Have to Tools to Control TV Programming in Their Home," National Association of Broadcasters *Press Release*, January 19, 2006.

<sup>107</sup> Frank Ahrens, "TV Industry Unites On Viewer Education," *Washington Post*, July 25, 2006, p. D5; [www.washingtonpost.com/wp-dyn/content/article/2006/07/24/AR2006072401197.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/07/24/AR2006072401197.html)

<sup>108</sup> [www.thetvboss.org](http://www.thetvboss.org)

<sup>109</sup> <http://pauseparentplay.org>

<sup>110</sup> <http://pauseparentplay.org/see/index.php#tv>

<sup>111</sup> <http://pauseparentplay.org/facts>

<sup>112</sup> <http://takeparentalcontrol.org>

More importantly, almost all parents enforce a variety of household media rules and have guidelines for acceptable media consumption. These informal rules and strategies are an essential part of the parental controls story, but they are almost completely overlooked in public policy debates about these issues.

Of course, whether or not parents are taking advantage of any of these tools or options is another matter entirely. *But if, for whatever reason, some parents are not taking advantage of these tools and options, their inaction should not be used to justify government regulation of programming as a surrogate for household/parental choice. Parents have been empowered. It is now their responsibility to take advantage of the parental control tools and methods at their disposal to determine what is acceptable for their families.*

In conclusion, it is important to realize that not only are markets bringing parents empowering tools to restrict or tailor media content in their homes, but this is being done much more quickly, much more closely tailored to the parents' own desires, and without concerns about censorship such as is associated with traditional government regulatory efforts. That is why private parental control efforts represent a superior approach to regulating violent television programming. As Senator Ted Stevens, vice chairman of the Senate Commerce Committee, has rightly argued: "Our government should not be in the business of choosing which programs are appropriate for our nation's children. By showing the public how to use available blocking mechanisms, we ensure those in the best position to make viewing decisions—parents—are able to do so."<sup>113</sup>

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<sup>113</sup> Ted Stevens, "Guest Columnist: State of Decency in DC," *CableFax*, Vol. 17, No. 69, April 10, 2006, [www.broadband-pbimedia.com/cfaxmag/](http://www.broadband-pbimedia.com/cfaxmag/)

**Appendix:**  
**A Checklist for Parents Looking to Better Control Television**

- ✓ Familiarize yourself with TV ratings ([www.tvguidelines.org/ratings.asp](http://www.tvguidelines.org/ratings.asp)) and also consult the independent television ratings and review provided by Common Sense Media ([www.common sense media.org](http://www.common sense media.org)) and the Family Media Guide ([www.familymediaguide.com](http://www.familymediaguide.com)) websites, as well as other independent review sites.
- ✓ Program the V-Chip in your televisions or the parental controls embedded in your cable or satellite set-top boxes to block potentially objectionable programming.
- ✓ Use VCRs, DVD players, personal video recorders (PVRs) and computer software to better control your family's viewing habits.
- ✓ Instead of placing television in bedrooms and allowing your children to watch shows unsupervised, consider placing the sets in a common area of the home so that you can keep an eye (and ear) on the programming they are viewing.
- ✓ Consider establishing household rules limiting the aggregate amount of time (on a daily or weekly basis) that children can spend watching television.
- ✓ Create "carrot-and-stick" incentives to encourage your kids to complete other important tasks before allowing television viewing.
- ✓ Finally, *a/ways* be willing to sit down and talk to your kids about controversial and provocative media programming. Teach them the difference between fantasy and reality. Explain to them what is right or wrong from your perspective. And do it all in an open, understanding and loving fashion.

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The Progress & Freedom Foundation ■ 1444 Eye Street, NW ■ Suite 500 ■ Washington, DC 20005  
voice: 202/289-8928 ■ fax: 202/289-6079 ■ e-mail: [mail@pff.org](mailto:mail@pff.org) ■ web: [www.pff.org](http://www.pff.org)