

Children's Television Programming Commercial Limitations

By Gregg P. Skall

With all the emphasis on Children's core programming requirements and the efforts needed to comply, we are beginning to receive reports of a few instances where broadcasters have inadvertently overlooked the preexisting children's programming rules involving commercial limitation. It's a good idea to refresh oneself on the basics of these rules and to make certain that your traffic department and sales staff are likewise fully familiar with the requirements. Here is a brief overview.

For purposes of enforcing the limits on commercial matter, the Commission defines children's programming as "programs originally produced and broadcast for an audience of children 12 years old and under." Commercial matter in such programs must be limited to 12 minutes on weekdays and 10.5 minutes on weekends. PSA's will not be counted against the limit nor will airtime sold for the purposes of presenting educational and informational material. Thus, if a toy manufacturer purchases time to present informational or educational material, that spot will not count against the limit so long as the sponsor identification required by the Commission's rules and the Communications Act does not mention a specific product and the product is not otherwise visually or aurally promoted. The sponsor ID could, therefore, say: "The preceding was sponsored by Hasbro Toys, Inc." but could not mention any specific product or otherwise induce the viewer to purchase a product or service. Promotional announcements sponsored by a commercial entity need not be counted against the commercial limit so long as there is no product mentioned.

The commercial limit must be counted by "clock hour" rather than program segment. That is, commercial content must be measured from the start of one hour to the beginning of the next hour, rather than at the start of a program segment that might begin on the half-hour. Half-hour programs should be pro-rated with a 30-minute weekend-program permitted 5.25 minutes of commercials, assuming that the other parts of the clock hour are not children's programmed.

The Commission defines a program-length children's commercial as: "A program associated with a product, in which commercials for that product are aired." It requires that commercials for a product and a program featuring the product be separated by an interval of unrelated program material. Thus, a program featuring Teenage Mutant Ninja Turtles may not carry commercials for that product. Nor may such commercials appear on the break preceding or following the broadcast. They may, however, appear in a break inside the program that immediately precedes or follows the core program in question. It is not uncommon to rely on the spot descriptions provided by advertising agencies for assurance that program related material is not included in the spot. This can be very dangerous, as agency descriptions are not always accurate. Spots should be viewed prior to airing by someone at the station responsible for making children's programming decisions.

The Commission's rules also prohibit host selling and require a clear separation between programs and commercials, e.g. "We'll be right back after these messages." If there is not a clear separation, the host selling will result in the entire programming being considered by the Commission as commercial matter.