

Does US TV care about kids?

Angela Campbell, director of the Citizens Communications Centre Project of the Institute for Public Representation in Washington DC, was in Australia recently for the World Summit on Television and Children. *ABA Update* took the opportunity to discuss the regulation of children's television in the US.

Can you tell me something of your background?

For the past seven years I've been director of a program called the Citizens Communications Centre Project of the Institute for Public Representation. We are a public interest law firm which is housed at the Georgetown University Law Centre [Washington DC]. We take students who are in their last year of law school so that they can have an opportunity to work on real cases. The cases I work on are primarily in the communications policy area. We represent consumer groups, civil rights organisations and other kinds of advocacy groups in the courts and before the Federal Communications Commission, which is our Federal regulatory agency, much like the ABA. In the children's area, we worked with the Center for Media Education, Action for Children's Television and a number of other organisations commenting on proposed regulation, filing petitions or complaints, working on a whole variety of different projects in that area.

How much regulation of children's television is there in the US?

A new law was passed in 1990 which both limits the number of commercials that can be

shown on children's programs, and also requires that each broadcast station air some programming that both educates and informs children. We have been involved in trying to implement that law at the Federal level. One of the issues that we particularly have been concerned about is to try to get the Federal Communications Commission to address the problem that we call 'program-length commercials'. These are programs that are based on toys and their primary purpose is to promote the sale of toys to children.

Is this distinct from programs which have a spin-off into toys?

Yes. We think you can draw a distinction between, say, 'Sesame Street' where you have very popular characters from the program that are then made into toys and something like the 'Mighty Morphins', where the program is selling the toys, and the toys are promoting the program. The only real purpose of the program is to sell the toys.

Is it always possible to make the distinction? For example 'Sesame Street' started off as a television program and was very successful and the toys came later, but the toys have been very successful, so can't the program be promoting the toys?

The Commission had a policy against those programs since 1969, and it worked very well, until the early 1980s when deregulation started. It's harder today than it would have been in the early 1980s just because the practice of toy licensing has been so much more pervasive. But we have a number of ideas that we've suggested, without success I might add, to our Federal agency. For example, there are certain tests. One test would be to see if the toys are advertised on television, creating the presumption that if the toys are also advertised, then the program is really commercial.

Do the regulations cover the types of commercials shown on children's programs?

The regulation currently does. It says that if you air a program based on a product, and you also air commercials for that product, within the program or immediately before or after the program, then the entire program is considered





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a commercial. That is prohibited. In fact, there have been quite a few stations fined for doing just that.

Are there any concerns about the types of ads aired during children's television programs like the ads for junk foods, etc.?

Not at this time. There was back in the late 1970s a great deal of concern from a different agency, our Federal Trade Commission. It was the subject of an inquiry. They were particularly concerned about the advertising of junk food but the advertising industry was able to really fight back and succeeded in getting that inquiry stopped.

Now, I did work on one interesting case which did involve junk food. There was a character called Chester Cheetah who was the mascot for the Fritolay company, which sells Cheetos.

have been some reports in the press about a market-wide approach. This would involve stations having to broadcast a minimum number of hours per week of children's programs, but allow them to shift a certain number of hours to another station within the market. They could either provide them with an appropriate program, or provide funding to produce or purchase a program. But this has not really been made public yet, so we're not sure how this will work.

Will there be a definition as to what a children's program is?

Yes. Right now the definition of a children's program is one that is specifically designed for children aged 16 and under. The definition of an educational program is one that contributes to the social emotional or cognitive well-being

of children in any respect. It's a very open and very broad definition. One of the things that we and a number of other groups have asked for is that

they have a more specific definition of what they mean by educational and informational programming. In fact, the Commission itself proposed that they would look at what they call core programming. They define core programming to mean a program that is standard length, regularly scheduled and has the primary purpose to educate rather than entertain. However, I have to say that the proposal was criticised very heavily by broadcasters and producers who said that kids don't watch educational television.

We say that it really has to be both educational and entertaining. There's nothing wrong with it being entertaining, but it really needs to be both.

Are both the Center for Media Education and the Action for Children's Television public interest groups?

The Action for Children's Television was founded by Peggy Charin back in the late 1960s. Although the organisation was disbanded in just the last few years, she herself is still quite active in the field.

The Center for Media Education was founded a few years ago and one of the things they have done is try to carry on the work of Action for Children's Television. They've been very active in trying to form coalitions with education groups, such as the National Education Association, the National PTA, with child development organisations and with



Our concern is that most stations seem to [be] saying, 'Lets have one show which is vaguely educational, even if its on at six o'clock in the morning'. That's not enough.'

In conjunction with the Fox Children's Network, they wanted to create a program in which the main character would be this Chester Cheetah. We felt that this was taking unfair advantage of children to take this commercial character associated with junk food and make a program out of it. Before it was on the air we asked the FCC to declare that it was contrary to public interest. After we filed our complaint, and received a lot of publicity about it, the network decided not to proceed with the program.

Can you comment on the state of the children's television industry in the US?

Well, the issue right now is whether the broadcasters are really doing enough in terms of providing educational and informational programming to children. Our concern is that most stations seems to have interpreted this as saying, 'Lets have one show which is vaguely educational, even if its on at 6 o'clock in the morning'. That's not enough.

Two years ago the FCC began looking into the question of whether stations had improved their programming since the passage of Act and whether the FCC itself needed to change the way it enforces the law. A lot of people sent in comments, and then last year there were hearings on this subject. Sometime in the next few months we're expecting the FCC to come out with the next step in this process, which is to propose new rules. We're not really sure what they're going to do although there



consumer organisations. There is a very broad range of coalitions.

What are the main issues you are discussing with them?

Advertising and programming.

You have give me some idea of the topic of your talk [at the World Summit on Television and Children]?

I was talking about this ongoing proceeding at the FCC to look at how they enforce the programming requirements of the Children's Television Act and I was also comparing the United States' regulations with Australian regulations on children's television. The US approach has always been to defer to the broadcasters both in terms of determining whether or not a program is educational, and the quantity of the programming they would put on. We're looking at what Australia's definition of a C program is, and the process for classification that you use, and suggesting that the Australian model perhaps provides a good way of approaching the issues in the US as well.

How do you think the broadcasters in the US would react to such an approach?

I know that they don't like the quantitative requirements, unless they are really low. Some independent stations would like a quantitative requirement that if they met it, that would guarantee their renewal. They want it to be set at two hours a week.

We were asking for one hour a day, or seven hours per week.

It's so little.

Yes, very little. They really don't want to have to do it at all. They want it as small as they can get by with. They want the definition to be the broadest possible, and I think that they would have a great deal of difficulty with the concept that Government is telling them 'this program qualifies', or 'that program doesn't qualify'. Once you have a standard, even if it is two hours per week, then the FCC has to make sure that each station in fact puts on two hours per week. If they claim that, for example, 'Mighty Morphins' is one of the programs that satisfies that two hours a week, someone may come in and say: 'Wait a minute. How can you say Mighty Morphins is educational?'

The FCC will have to look at all the facts and decide whether this program does or doesn't meet the definition. So my argument is to have classification in advance. It really is a much fairer way to get to the end result, and you don't have to go through the litigation.

Would the FCC treat the commercial networks the same as the cable networks? Would the requirements be similar or the same?

The cable networks are subject to the advertising limits: only 10 and a half minutes or 12 minutes per hour. Those apply to cable. The affirmative programming requirements, designed to educate and inform children, do not apply to cable. So they have a limit on the amount of advertising, but no obligation to air educational children's programming.

What is the distinction between free-to-air stations and the cable stations?

The free-to-air stations have first an obligation to have some programming that educates and informs children, and advertising limits. The cable networks are just subject to the advertising limits.

Cable was traditionally regulated at the local level, whereas broadcasting is licensed at the Federal level.

Actually, it's a problem from the perspective of enforcement. The FCC can easily enforce the advertising limits for broadcasting stations, because when broadcast stations come up for renewal every five years, they have to report whether they have exceeded the advertising limits. The cable operators don't have any reporting requirements, but they do have a requirement to keep records to show that they are in compliance.

I have students go over to the cable operators in our community and ask to see these records, and some of them have no idea what the students are talking about. So we're a little concerned that this is fine in theory but in practice it's not being followed. But since we don't have the data, we don't know whether they're exceeding the advertising limits or not.

Do all cable operators show children's programming?

Pretty much all of them do. The cable operators don't actually produce much programming, in fact I don't know of any that produce any children's programming. So all the children's programming is coming from the satellite networks. It's delivered by satellite.

Then I would assume that most programming would be American made and American oriented?

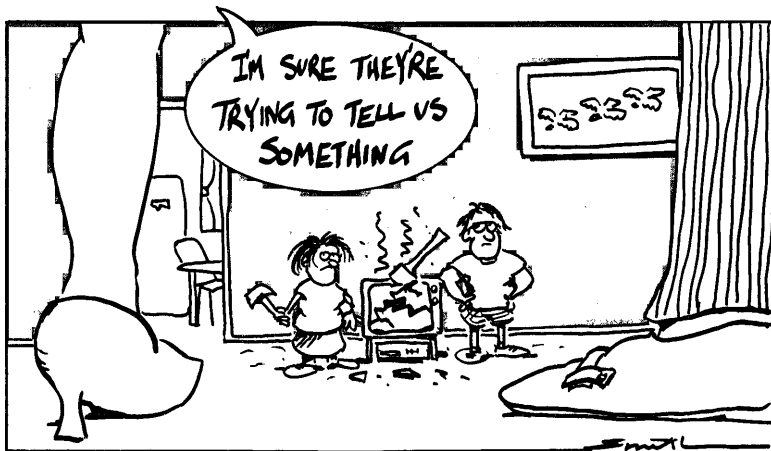
I don't know, it's something I've never looked at. I would assume that that is probably true, although it does seem to me that the market is becoming globalised, and we get a fair number of programs that are imported from Japan, or at least the concept is. I think for 'Mighty



Morphins' they use the Japanese footage for the fighting scenes, then they edit the fights with the live action which would be with American actors. I also noticed that two Australian productions are being shown in the States right now, 'Blinky Bill' and 'Bananas in Pyjamas'.

The issue of Australian children being swamped by the American culture is an important one here. Is there a comparable concern in the US?

I have never heard any concern raised about that. We have concerns raised by minorities in our own country where they feel they are not adequately represented on television. But I haven't heard that so much with the cartoons.



Is there any allowance made for minorities at this stage?

Indirectly. Our FCC does look at the employment of broadcast stations to ensure that minorities and women are given equal opportunities and are employed in roughly reasonable proportions depending on their population in the workforce. We also have a policy which is designed to promote a minority ownership of broadcast stations, but it hasn't been terribly effective. We have about 20 per cent minority population and only about three per cent of broadcast stations, both radio and television, are minority owned.

You've been at the Summit for two days now. Do have any comment to make about it?

It is very exciting. There are some 500 delegates from 65 different countries. We're hearing a lot of different points of view. I'm just learning a lot. It's very interesting.

Are there any issues common to most of these countries?

I think that the issue that you identified, concern about US domination, is certainly one

of the main themes that we're hearing about again and again. I guess another concern is that more third world countries don't have the resources to mount their own programs to counteract this influence. There seems to be debate as to whether they should stop outside influences coming in, or whether they should let them come in but try to have a strong local production industry. There is a lot of talk about a charter [released at the Summit] and a lot of talk about the United Nations Convention on the rights of the child.

Has there been much talk about media violence?

There was a panel yesterday that dealt with the violence with some people, mostly academic researchers saying that the evidence is very clear, and other people saying, no, the evidence is ambiguous.

So the argument continues?

Yes. There were also panels on advertising.

Is there much difference between what's available on the free-to-air networks and what's on pay TV? Nickelodeon is a pay TV channel, isn't it?

Yes. About 60 per cent of homes in the US get cable. It would be available to about 90 per cent of homes. I think most cable systems carry Nickelodeon. Nickelodeon has children's programming on during the day, but it has adult programming in the evenings. They have commercials. They also have product licence agreements. They're not as commercialised as our broadcast networks.

You seem to be suggesting that it's a children's program channel in comparison with the others, but not necessarily in fact.

They still have more. They have children's programs throughout the day, they still have more than a regular network or independent stations have.

Our commercial networks don't really have much children's programming at all, except on Saturday mornings. The independent stations have children's programs on in the afternoon after school. Saturday morning programs all seem to be product-based cartoons.

There are other channels on cable that have children's programming. Each community decides—or each cable operator in the community decides—which channels. There is the cartoon network, the other Discovery channel or learning channels. A lot of channels do have children's programming. So it's not just Nickelodeon. ☐