

# CRS Report for Congress

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## **V-Chip and TV Ratings: Monitoring Children's Access to TV Programming**

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Patricia Moloney Figliola  
Specialist in Telecommunications and Internet Policy  
Resources, Science, and Industry Division

# V-Chip and TV Ratings: Monitoring Children's Access to TV Programming

## Summary

To assist parents in supervising the television viewing habits of their children, the Communications Act of 1934 (as amended by the Telecommunications Act of 1996) requires that, as of January 1, 2000, new television sets with screens 13 inches or larger sold in the United States be equipped with a "V-chip" to control access to programming that parents find objectionable. Use of the V-chip is optional. In March 1998, the Federal Communications Commission (FCC) adopted the industry-developed ratings system to be used in conjunction with the V-chip. Congress and the FCC have continued monitoring implementation of the V-chip. Some are concerned that it is not effective in curbing the amount of TV violence viewed by children and want further legislation.

Both the Senate and the House of Representatives held hearings and introduced bills on broadcast indecency and violence. S. 161 and H.R. 3914, companion bills both named the Children's Protection from Violent Programming Act, would have required the FCC to investigate and report to Congress on the effectiveness of the V-chip. No further action was taken on these bills. S. 2056, the Broadcast Decency Enforcement Act, was originally aimed only at increasing the penalties for broadcasters transmitting obscene, indecent, and profane language, but was amended to include language substantially similar to S. 161. S. 2056 was later added as an amendment to S. 2400, the Ronald Reagan National Defense Authorization Act for FY2005; the language was later removed in conference and was not included in the final version of the bill that was signed into law (H.R. 4200).

The FCC is conducting an ongoing inquiry regarding the "presentation of violent programming and its impact on children (FCC 04-175)." Comments and replies were due in this proceeding on October 15 and November 15, 2004, respectively. There is no set timetable for further action.

Congress may wish to consider a number of possible options to support parents in controlling their children's access to certain programming. Some of these options would require only further educational outreach to parents, while others would require at least regulatory, if not legislative, action. Specifically, Congress may wish to consider ways to promote awareness of the V-chip and the ratings system; whether the current set of media-specific ratings will remain viable in the future or whether a uniform system would better serve the needs of consumers; and whether independent ratings systems and an "open" V-chip that would allow consumers to select the ratings systems they use would be more appropriate than the current system.

This report will be updated as events warrant.

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# V-Chip and TV Ratings: Monitoring Children's Access to TV Programming

## Background

Recent research indicates that 89% of parents are “somewhat” to “very” concerned that “their children are being exposed to too much inappropriate content in entertainment media.”<sup>1</sup> Further, parents cited television as the medium that caused them the most concern.<sup>2</sup> Although exposure to inappropriate material has long been a concern to parents, only since the Telecommunications Act of 1996<sup>3</sup> has there been a nationwide effort to provide parents with a tool to control their children’s television viewing — the V-chip.<sup>4</sup>

The V-chip, which reads an electronic code transmitted with the television signal (cable or broadcast),<sup>5</sup> is used in conjunction with a television programming rating system. Using a remote control, parents can enter a password and then program into the television set which ratings are acceptable and which are unacceptable. The chip automatically blocks the display of any programs deemed unacceptable; use of the V-chip by parents is entirely optional.<sup>6</sup>

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<sup>1</sup> “Parents, Media, and Public Policy: A Kaiser Family Foundation Survey,” Kaiser Family Foundation, Fall 2004, p. 2. Available online at [<http://www.kff.org/entmedia/entmedia092304pkg.cfm>]. (KFF Study)

<sup>2</sup> KFF Study, p. 2. Specifically, 63% said they were “very concerned” and 26% said they were “somewhat concerned.”

<sup>3</sup> Telecommunications Act of 1996, P.L. 104-104, February 8, 1996, available online at [<http://www.fcc.gov/Reports/1934new.pdf>]. The 1996 Act amended the Communications Act of 1934 (47 U.S.C. 101, *et seq.*), updating some existing sections and adding new sections to account for new technologies. One such addition to the law was to mandate the inclusion of a computer chip in new television sets to allow parents more control over the programming viewed by their children (47 U.S.C. 303 (x)). The 1934 Act, as amended by the 1996 Act, is available online at [<http://www.fcc.gov/Reports/tcom1996.pdf>].

<sup>4</sup> Although commonly believed to be short for “violence,” the V in V-chip is actually short for “ViewControl,” the name given by the inventor of the device. See “V-Chip Technology Invented by Professor Tim Collings,” available online at [<http://www.tri-vision.ca/documents/Collings%20As%20Inventor.pdf>]. See also, “The History of Invention,” available online at [<http://www.cbc.ca/kids/general/the-lab/history-of-invention/vchip.html>].

<sup>5</sup> The ratings data are sent on line 21 of the Vertical Blanking Interval found in the National Television System Committee (NTSC) signals used for U.S. television broadcasting.

<sup>6</sup> This report focuses on the use of the V-chip and the ratings system as a tool to assist  
(continued...)

As of January 1, 2000, all new television sets with a picture screen 13 inches or greater sold in the United States must be equipped with the V-chip.<sup>7</sup> Additionally, some companies also offer stand-alone devices that can work with non-V-chip TV sets.

## **Development of the V-Chip Ratings System**

The initial ratings system was developed during 1996 and 1997, but encountered criticism from within Congress as well as from groups such as the National Parent-Teacher Association. In response to those concerns, an expanded ratings system was adopted on July 10, 1997, and went into effect October 1, 1997.

### **Initial Ratings System**

The first step in implementing the mandate of the law was to create a ratings system for television programs, analogous to the one developed and adopted for movies by the Motion Picture Association of America (MPAA) in 1968. The law urged the television industry to develop a voluntary ratings system acceptable to the FCC, and the rules for transmitting the rating, within one year of enactment. The ratings system is intended to convey information regarding “sexual, violent or other indecent material about which parents should be informed before it is displayed to children, provided that nothing in [the law] should be construed to authorize any rating of video programming on the basis of its political or religious content.”<sup>8</sup>

After initial opposition, media and entertainment industry executives met with then-President Clinton on February 29, 1996, and agreed to develop the ratings system because of political pressure to do so. Many in the television industry were opposed to the V-chip, fearing that it would reduce viewership and reduce advertising revenues. They also questioned whether it violated the First Amendment. Industry executives said they would not challenge the law immediately, but left the option open should they deem it necessary.

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<sup>6</sup> (...continued)

parents in selecting appropriate television programming for their children. However, both the V-chip and the ratings system can be used by a wide range of viewers, from individuals who, themselves, do not wish to view content they find objectionable to individuals who may be babysitting on an intermittent basis in their homes. Further, the V-chip and the television ratings are closely related to another issue — that of broadcast indecency and how to define and enforce the appropriate use of the public airwaves by the television media. That issue is discussed in greater detail in CRS Report RL32222, “Regulation of Broadcast Indecency: Background and Legal Analysis,” by Angie A. Welborn and Henry Cohen.

<sup>7</sup> 47 U.S.C. 303 (x).

<sup>8</sup> 47 U.S.C. 303 (w)(1).

Beginning in March 1996, a group of television industry executives<sup>9</sup> under the leadership of Jack Valenti, then-President of the MPAA (and a leader in creating the movie ratings), met to develop a TV ratings system. On December 19, 1996, the group proposed six age-based ratings (TV-Y, TV-Y7, TV-G, TV-PG, TV-14 and TV-M), including text explanations of what each represented in terms of program content. In January 1997, the ratings began appearing in the upper left-hand corner of TV screens for 15 seconds at the beginning of programs, and were published in some television guides. Thus, the ratings system was used even before V-chips were installed in new TV sets.

Ratings are assigned to shows by the TV Parental Guidelines Monitoring Board. The board has a chairman and six members each from the broadcast television industry, the cable industry, and the program production community. The chairman also selects five non-industry members from the advocacy community, for a total of 24 members.

News shows and sports programming are not rated. Local broadcast affiliates may override the rating given a particular show and assign it another rating.

## **The Current “S-V-L-D” Ratings System**

Critics of the initial ratings system argued that the ratings provided no information on why a particular program received a certain rating. Some advocated an “S-V-L” system (sex, violence, language) to indicate with letters why a program received a particular rating, possibly with a numeric indicator or jointly with an age-based rating. Another alternative was the Home Box Office/Showtime system of ten ratings such as MV (mild violence), V (violence), and GV (graphic violence).

In response to the criticism, most of the television industry agreed to a revised ratings system (see box, below) on July 10, 1997, that went into effect October 1, 1997. The revised ratings system added designators to indicate whether a program received a particular rating because of sex (S), violence (V), language (L), or suggestive dialogue (D). A designator for fantasy violence (FV) was added for children’s programming in the TV-Y7 category. On March 12, 1998, the FCC approved the revised ratings system, along with V-chip technical standards, and the effective date for installing them.<sup>10</sup>







In May 1999, the FCC created a V-chip Task Force, chaired by then-Commissioner Gloria Tristani. Among other things, the task force was charged with ensuring that the blocking technology was available and that ratings were being transmitted (“encoded”) with TV programs; educating parents about V-chip; and gathering information on the availability, usage, and effectiveness of the V-chip. The

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<sup>9</sup> The group included the national broadcast networks; independent, affiliated and public television stations; cable programmers; producers and distributors of cable programming; entertainment and movie studios; and members of the guilds representing writers, directors, producers and actors.

<sup>10</sup> As of January 1, 2000, all new television sets with a picture screen 13 inches or greater sold in the United States must be equipped with the V-chip.

task force issued several reports and surveys [<http://www.fcc.gov/vchip>]. A February 2000 task force survey found that most broadcast, cable, and premium cable networks, and syndicators, were transmitting ratings (“encoding”) and those that were not either planned to do so in the near future or were exempt sports or news networks. Of the major broadcast and cable networks, only NBC and Black Entertainment Television do not use the S-V-L-D indicators, using the original ratings system instead.

<b>U.S. Television Industry’s Revised TV Ratings System</b>	
	<p><b>TV-Y All Children</b>  This program is designed to be appropriate for all children. Whether animated or live-action, the themes and elements in this program are specifically designed for a very young audience, including children from ages 2-6. This program is not expected to frighten younger children.</p>
	<p><b>TV-Y7 Directed to Older Children</b>  This program is designed for children age 7 and above. It may be more appropriate for children who have acquired the developmental skills needed to distinguish between make-believe and reality. Themes and elements in this program may include mild fantasy or comedic violence, or may frighten children under the age of 7. Therefore, parents may wish to consider the suitability of this program for their very young children.</p>
	<p><b>TV-Y7-FV Directed to Older Children-Fantasy Violence</b>  For those programs where fantasy violence may be more intense or more combative than other programs in the TV-Y7 category, such programs will be designated TV-Y7-FV.</p>
	<p><b>TV-G General Audience</b>  Most parents would find this program appropriate for all ages. Although this rating does not signify a program designed specifically for children, most parents may let younger children watch this program unattended. It contains little or no violence, no strong language and little or no sexual dialogue or situations.</p>
	<p><b>TV-PG Parental Guidance Suggested</b>  This program contains material that parents may find unsuitable for younger children. Many parents may want to watch it with their younger children. The theme itself may call for parental guidance and/or the program contains one or more of the following: moderate violence (V), some sexual situations (S), infrequent coarse language (L), or some suggestive dialogue (D).</p>
	<p><b>TV-14 Parents Strongly Cautioned</b>  This program contains some material that many parents would find unsuitable for children under 14 years of age. Parents are strongly urged to exercise greater care in monitoring this program and are cautioned against letting children under the age of 14 watch unattended. This program contains one or more of the following: intense violence (V), intense sexual situations (S), strong coarse language (L), or intensely suggestive dialogue (D).</p>

**TV-MA Mature Audience Only**

This program is specifically designed to be viewed by adults and therefore may be unsuitable for children under 17. This program contains one or more of the following: graphic violence (V), explicit sexual activity (S), or crude indecent language (L).

## **Congressional Action: 108th Congress**

During 2003 and 2004, the television industry and the FCC faced increasing scrutiny for what was perceived by many in Congress, as well as the public, as a sharp increase in the amount of indecent programming. The two most notable events that took place with respect to this issue were the FCC's determination that the use of the "f-word" by an artist during an award ceremony was not indecent and, four days later, an incident during the Super Bowl XXXVIII half-time show that included a performance in which one of the entertainer's breasts was revealed. Both the Senate and House of Representatives held hearings, considered legislation, and passed resolutions<sup>11</sup> related to broadcast indecency and violence.<sup>12</sup>

### **Senate**

The Committee on Commerce, Science, and Transportation and its Subcommittee on Science, Technology, and Space each held one hearing during the 108th Congress related to broadcast indecency and the V-chip; two bills specific to the V-chip and the ratings system were considered.<sup>13</sup>

<sup>11</sup> H.Res. 482 (Expressing the sense of the House of Representatives with respect to the October 3, 2003, order released by the Federal Communications Commission's Enforcement Bureau in response to complaints regarding the broadcast of program material that contained indecent language); H.Res. 500 (Expressing the sense of the House of Representatives that the Federal Communications Commission should vigorously enforce indecency and profanity laws pursuant to the intent of Congress in order to protect children in the United States from indecent and profane programming on broadcast television and radio); H.Res. 554 (Providing for consideration of H.R. 3717 to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language), passed in the House March 11, 2004; and S.Res. 283 (A resolution affirming the need to protect children in the United States from indecent programming), passed in the Senate on December 9, 2003.

<sup>12</sup> A number of bills were introduced related to increasing fines for violating rules on indecent programming, but that issue is outside the scope of this report. For more information, please refer to CRS Report "Regulation of Broadcast Indecency: Background and Legal Analysis," by Angie A. Welborn and Henry Cohen, available online at [<http://www.congress.gov/erp/rl/pdf/RL32222.pdf>].

<sup>13</sup> As discussed in this section, S. 161 was the only bill that contained reference to the V-chip and the ratings system as introduced. S. 2056 was amended in committee to include language that was substantially the same as that contained in S. 161.



**Hearings.** At the February 11, 2004, hearing, held by the full committee, the members heard testimony from the five FCC commissioners on how best to protect children from violent and indecent programming and the adequacy of current regulations protecting children from such broadcasts. The hearing had been scheduled prior to the Super Bowl XXXVIII event, discussed earlier, to focus on violence on television, but both committee members and the FCC commissioners focused much of the hearing on the Super Bowl event. Although the focus of most of the discussion was on the amount of indecency being broadcast and what could and should be done to curb it, there was some discussion, particularly by FCC Commissioner Kathleen Abernathy, about the V-chip and ratings system.

On September 28, 2004, the Subcommittee on Science, Technology, and Space held a hearing on whether the existing ratings systems for the video game, television, and motion picture industries were effective in assisting consumers in discerning what is appropriate entertainment for their children. Witnesses testified from the MPAA;<sup>14</sup> the Entertainment Software Rating Board (ESRB);<sup>15</sup> the Kids Risk Project at the Harvard School of Public Health;<sup>16</sup> the Children and the Media Program of Children Now;<sup>17</sup> PSV Ratings;<sup>18</sup> and the TV Parental Guidelines Monitoring Board.<sup>19</sup> In general, the industry representatives who testified believe the current ratings systems employed by television, movies, and video games remain viable. The PSV representative cited the growing number of independent rating systems<sup>20</sup> as evidence that parents were unsatisfied with the industry-sponsored systems. Additionally, the representatives from Harvard and Children Now presented their views on how and why the ratings systems, in general, and the television ratings system, in particular, were inadequate. The MPAA, the TV Parental Guidelines Monitoring Board, and the ESRB stated that they believed the current systems provided the necessary information for parents.

**Legislation.** On January 14, 2003, Senator Ernest Hollings introduced S. 161, the Children's Protection from Violent Programming Act. That bill contained

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<sup>14</sup> The MPAA represents the motion picture industry. See the MPAA website online at [<http://www.mpa.org>].

<sup>15</sup> The ESRB represents the video gaming industry. See the ESRB website online at [<http://www.esrb.org>].

<sup>16</sup> See the Kids Risk website online at [<http://www.kidsrisk.harvard.edu>].

<sup>17</sup> See the Children and the Media Program website online at [<http://www.childrennow.org/media>].

<sup>18</sup> PSV Ratings is a for-profit company that produces independent ratings. See the PSV Ratings website online at [<http://www.psvratings.com>].

<sup>19</sup> As noted earlier, the TV Parental Guidelines Monitoring Board assigns ratings to television programming, except news and sports. The board has a chairman and six members each from the broadcast television industry, the cable industry, and the program production community. The chairman also selects five non-industry members from the advocacy community, for a total of 24 members. See the board's website for additional information, [<http://www.tvguidelines.org/default.asp>].

<sup>20</sup> Independent ratings systems are produced by both for-profit and not-for-profit entities.

provisions for the FCC to investigate and report to Congress on the effectiveness of the V-chip and the ratings system and to prohibit the distribution of violent video programming that is not appropriately rated and is therefore not blockable. Additionally, it would have required the Federal Trade Commission to study the marketing of violent content by the motion picture, music recording, and computer and video game industries to children. The bill was referred to the Committee on Science, Commerce, and Transportation the day it was introduced, but no further action was taken; however, the language of this bill was substantially the same as an amendment to S. 2056 (discussed below).

On February 9, 2004, Senator Sam Brownback introduced S. 2056, the Broadcast Decency Enforcement Act.<sup>21</sup> The bill was originally aimed only at increasing the penalties for broadcasters transmitting obscene, indecent, and profane language and, as introduced, contained no reference to the V-chip or the ratings system; the bill was amended on March 9, 2004, during committee mark up by Senators Hollings and Stevens to include language substantially similar to S. 161.

S. 2056 was reported out of the Committee on Commerce, Science, and Transportation and placed on the Senate Legislative Calendar on April 5, 2004.<sup>22</sup> This bill was later added as an amendment to S. 2400, the Ronald Reagan National Defense Authorization Act for FY2005,<sup>23</sup> however, although the amendment was included in the version of the bill passed in the Senate, the language was removed in conference and was not included in the final version of the bill that was signed into law (H.R. 4200).<sup>24</sup>

## House of Representatives

During the 108th Congress, the Committee on Energy and Commerce Subcommittee on Telecommunications and the Internet held one hearing that addressed the broader issue of broadcast indecency and one that included a discussion of the V-chip and the ratings system, in particular; one bill specific to the V-chip and the ratings system was introduced.

**Hearings.** On January 28, 2004, the subcommittee examined the FCC's enforcement policies with respect to broadcast indecency. This hearing was held in

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<sup>21</sup> Although H.R. 3717 was considered the companion bill to S. 2056, it was never amended to include any reference to the V-chip and ratings system.

<sup>22</sup> See Report of the Committee on Commerce, Science, and Transportation on S. 2056, the Broadcast Decency Enforcement Act of 2004, House Report 108-253, April 5, 2004. Available online at [[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:sr253.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:sr253.108.pdf)].

<sup>23</sup> S. 2400, the Ronald Reagan National Defense Authorization Act for FY2005, as passed by the Senate, sections 1085-1087.

<sup>24</sup> Conference Report to Accompany H.R. 4200, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, Conference Report 108-767, October 8, 2004, p. 797. Available online at [[http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108\\_cong\\_reports&docid=f:hr767.108.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_reports&docid=f:hr767.108.pdf)].

response to the FCC's determination in October 2003 that the use of the "f-word" by an artist<sup>25</sup> accepting an award at the Golden Globe Ceremony was not indecent. Four days later, on February 1, 2004, Super Bowl XXXVIII featured a half-time show that included a performance in which one of the entertainer's<sup>26</sup> breasts was revealed. These incidents led to legislation being introduced that would increase the fines for such broadcasts, but specifically related to the V-chip.

On September 13, 2004, the subcommittee held a hearing on the effect of television violence on children. Each of the witnesses presented information about the effects on children of repeated exposure of violent acts.<sup>27</sup> With respect to the V-chip, in particular, Mr. Jeff J. McIntyre of the American Psychological Association, noted that policymakers should be aware that the very industries that develop ratings often continue to market inappropriate materials to minors. For example, a program may be rated as TV-M, but often that same program is marketed to children under 18.<sup>28</sup> On the other hand, Professor Rodney Jay Blackman of the DePaul College of Law, warned against imposing broad restrictions on indecency and instead promoted the use of technology such as the V-chip as an effective tool to control access to unsuitable programming.<sup>29</sup>

**Legislation.** On March 9, 2005, Representative Joe Baca introduced H.R. 3914, the Children's Protection from Violent Programming Act. This bill was the companion to S. 161 and the two were substantially similar (see discussion above). The bill was referred to the Committee on Energy and Commerce the day it was introduced and to the Subcommittee on Telecommunications and the Internet on March 11, 2004. No further action was taken.

## Federal Communications Commission Action

In July 2004, the FCC initiated a Notice of Inquiry (NOI) to seek comments relating to the "presentation of violent programming and its impact on children."<sup>30</sup> The NOI asked for comments and information regarding trends in the amount of violent

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<sup>25</sup> Bono of the rock band U2.

<sup>26</sup> Janet Jackson.

<sup>27</sup> A full list of witnesses with links to their testimony can be found online at [<http://energycommerce.house.gov/108/Hearings/09132004hearing1355/hearing.htm>].

<sup>28</sup> Testimony of Jeff J. McIntyre, Senior Legislative and Federal Affairs Officer, Public Policy Office, American Psychological Association, available online at [<http://energycommerce.house.gov/108/Hearings/09132004hearing1355/McIntyre2197.htm>].

<sup>29</sup> Testimony of Professor Rodney Jay Blackman, DePaul College of Law, available online at [<http://energycommerce.house.gov/108/Hearings/09132004hearing1355/Blackman2200.htm>].

<sup>30</sup> *In the Matter of Violent Television Programming and its Impact on Children* (MB Docket 04-175), Notice of Inquiry (NOI), Adopted July 15, 2004; Released July 28, 2004. The NOI is available online at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-175A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-175A1.pdf)].

programming; the effects of viewing violent programming on children and other segments of the population; whether particular portrayals of violence were more likely to cause deleterious effects than others; whether any further public policymaking should address all violence or just excessive or gratuitous violence; whether the ratings system and the V-chip were accomplishing their intended purpose, or if additional mechanisms needed to be developed to control exposure to media violence; and whether there were legal constraints on either Congress or the Commission to regulate violent programming.<sup>31</sup>

In particular, the FCC requested information on the status of the V-chip and current ratings system as tools to help parents and other viewers screen out violence. With respect to the V-chip, the FCC asked for comments on the overall usefulness of the V-chip, recent initiatives to educate parents about the availability of the V-chip, ways to enhance the usefulness of the V-chip, and whether the mislabeling of violent content described in a recent study could render the V-chip ineffective. With respect to the ratings system, the FCC asked for comments on ways to improve the system, to what extent parents were using it, and whether it provided parents enough information to make educated programming decisions for their children.<sup>32</sup> Comments and replies were due in this proceeding on October 15 and November 15, 2004, respectively. There is no set timetable for further action.

## Effectiveness of the V-Chip: Current Research

Since 1998, the Kaiser Family Foundation (KFF) has conducted ongoing research into the impact of media violence on children and the effectiveness of the V-chip and television ratings as tools for parents to control access to undesirable television content.<sup>33</sup> In the Foundation's most recent report, "Parents, Media, and Public Policy: A Kaiser Family Foundation Survey," (KFF Study)<sup>34</sup> a majority of parents reported that they were "very" concerned about the amount of sex (60%) and violence (53%) their children are exposed to on TV.<sup>35</sup>

Overall, the parents interviewed for the study stated that they were more concerned about inappropriate content on TV than in other media: 34% said TV concerned them most, compared to 16% who said the Internet, 10% movies, 7% music, and 5% video games. Half (50%) of all parents said they have used the TV

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<sup>31</sup> NOI, para. 2.

<sup>32</sup> NOI, paras. 16-19. See also NOI, para 22.

<sup>33</sup> See Kaiser Family Foundation, Program on Study of Entertainment Media & Health: Television/Video, [<http://www.kff.org/entmedia/tv.cfm>].

<sup>34</sup> "Parents, Media, and Public Policy: A Kaiser Family Foundation Survey," Kaiser Family Foundation, Fall 2004 (KFF Study). The survey of 1,001 parents of children ages 2-17 was conducted in July and August 2004.

<sup>35</sup> KFF Study, p. 3.

ratings to help guide their children's viewing, including one in four (24%) who said they use them "often."<sup>36</sup>

Furthermore, the study revealed that while use of the V-chip has increased substantially since 2001, when 7% of all parents said they used it, it remains modest at just 15% of all parents, or about four in 10 (42%) of those who have a V-chip in their television and know it. Nearly two-thirds (61%) of parents who have used the V-chip said they found it "very" useful.<sup>37</sup>

Other significant findings reported included:

- After being read arguments on both sides of the issue, nearly two-thirds of parents (63%) said they favored new regulations to limit the amount of sex and violence in TV shows during the early evening hours, when children were most likely to be watching (35% are opposed).<sup>38</sup>
- A majority (55%) of parents said ratings should be displayed more prominently and 57% said they would rather keep the current rating systems than switch to a single rating for TV, movies, video games, and music (34% favor the single rating).<sup>39</sup>
- When read the competing arguments for subjecting cable TV to the same content standards as broadcasters, half of all parents (52%) said that cable should be treated the same, while 43% said it should not.<sup>40</sup>
- Most parents who have used the TV ratings said they found them either "very" (38%) or "somewhat" (50%) useful.<sup>41</sup>
- About half (52%) of all parents said most TV shows are rated accurately, while about four in ten (39%) said most are not.<sup>42</sup>
- Many parents do not understand what the various ratings guidelines mean. For example, 28% of parents of young children (2-6 years old) knew what the rating TV-Y7 meant (directed to children age 7 and older) while 13% thought it meant the opposite (directed to

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<sup>36</sup> KFF Study, p. 2.

<sup>37</sup> KFF Study, p. 7.

<sup>38</sup> KFF Study, p. 8.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> KFF Study, p. 5.

<sup>42</sup> Ibid.

children under 7); and only 12% knew that the rating FV (“fantasy violence”) is related to violent content, while 8% thought it meant “family viewing.”<sup>43</sup>

In releasing the survey results, Vicky Rideout, Vice President and Director of the Kaiser Family Foundation’s Program for the Study of Entertainment Media and Health, commented, “While many parents have used the ratings or the V-Chip, too many still don’t know what the ratings mean or even that their TV includes a V-Chip.”<sup>44</sup>

A number of groups conducted research and published opinion pieces questioning the usefulness and/or legality of the V-chip and the ratings system after the 1996 Telecommunications Act was enacted (e.g., the American Civil Liberties Union, Cato Institute, Morality in Media). Since that time, opposition has waned and even the recent controversies did not renew it. Further, while the V-chip and the ratings system can block objectionable or indecent programming when used in tandem, since the incidents were broadcast “live” and did not have ratings that would have blocked them, neither the V-chip nor the ratings system would have been effective in either case. Therefore, some could claim that the V-chip and the ratings system, while useful tools in many cases, remain unreliable tools for parents because they cannot guarantee all objectionable content will be blocked.

## **Issues for Congress**

Congress may wish to consider a number of possible options to support parents in monitoring and controlling their children’s access to certain programming. Some of these options would require only further educational outreach to parents, while others would require at least regulatory, if not legislative action.

### **Awareness of the V-Chip and the Ratings System**

According to the 2004 KFF Study, parents also indicated that they would like to see the ratings displayed more prominently to make it easier to notice them. Such findings are consistent with a lack of wide-spread usage or even awareness of the V-chip. Specifically, as noted above, the 2004 KFF study indicated that even after years of being available, only 42% of parents who have a V-chip and are aware of it actually use it. However, of the parents that had used the V-chip, 89% found it “somewhat” to “very” useful.<sup>45</sup> Those figures would indicate that increased

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<sup>43</sup> KFF Study, p. 6.

<sup>44</sup> KFF News Release, “Parents Favor New Limits on TV Content in Early Evening Hours; Half of Parents Say Cable TV Should Adhere to Same Standards as Broadcast TV; Use of the V-Chip is Up,” September 23, 2004. Available online at [<http://www.kff.org/entmedia/entmedia092304nr.cfm>].

<sup>45</sup> KFF Study, p. 7.

knowledge of the V-chip would substantially increase parents' perceptions of control over their children's television viewing.

One of the easiest approaches to increasing the use of the V-chip may likely be to step up parental awareness programs through, for example, public service announcements on television, educational materials on the FCC website, and possibly public service advertisements in print media. Additionally, such educational materials could be made available on Congressional Member websites for constituents to download. Such actions would not require any new legislation or additional work by the ratings board or related entities; however, some initially may require funding.

## **Media-Specific vs. Uniform Ratings**

One of the ongoing issues related to the use of the V-chip is that, according to the KFF study, only about half of parents actually use the television ratings. That is low in comparison with the movie ratings, which are used by approximately 78% of parents, but in line with the use of ratings for music and video games.<sup>46</sup> One contributor to the low use of the ratings is likely that so few parents actually understand the ratings. For example, as stated earlier, only 12% of parents of young children knew that "FV" is the rating for Fantasy Violence; further, 8% believed it to mean "Family Viewing." As noted by the researchers in their report, the FV rating "is the only rating that denotes anything about the violent content of children's programming, one of the impetuses for the development of the ratings system" in the first place. Finally, overall, 20% of parents had never even heard of the ratings system.<sup>47</sup>

In light of those figures, it could appear that parents might prefer a single, unified ratings system that would be applied across different media. However, while 34% of parents said they would prefer a unified system, 57% opposed a unified system.<sup>48</sup> Given the overall findings by KFF regarding parents' knowledge and use of the ratings system, there appears to be enough ambiguity on this issue to warrant further investigation by Congress.

## **Independent Ratings Systems and an "Open" V-Chip**

Under current legislative and regulatory mandates, the V-chip is only required to "read" the TV Parental Guidelines and the MPAA (movie) Ratings. This means that any independent system can only be used to augment parental knowledge, not to program the V-chip. So, while a range of varied, independent ratings systems can serve to provide additional information to parents, they cannot be used with the current closed V-chip technology. In order for these ratings to become as useful as possible, the V-chip would have to be able to read them.

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<sup>46</sup> KFF Study, p. 4.

<sup>47</sup> KFF Study, p. 6.

<sup>48</sup> KFF Study, p. 8.

The opportunity to encourage the further development of private ratings systems exists in the transition to digital television. Beginning in April 2005, all broadcasters must simulcast 100 percent of their National Television System Committee (commonly referred to as “NTSC”) programming on their digital channel; by the end of 2006, broadcasters must turn off their analog signal.<sup>49</sup> Through either regulatory (i.e., FCC) or legislative action, television manufacturers could be required to install an open V-chip that could be reprogrammed to read altered or even completely new ratings. An “open” V-chip requirement would allow changes to the current system to be read as well as accommodate any other ratings system(s). This issue is currently under consideration at the FCC.<sup>50</sup>

## Related Reading

### CRS Products

CRS Report RS21090, Marketing Entertainment Violence to Minors: A Fact Sheet, by Edith Fairman Cooper

CRS Report RL30037, Television Violence: An Overview of the Issue and Actions Taken By Congress, the Clinton Administration, and the Television Industry, by Edith Fairman Cooper

### Other Reports and Documents

“Parents, Media, and Public Policy: A Kaiser Family Foundation Survey,” Kaiser Family Foundation, Fall 2004, [<http://www.kff.org/entmedia/entmedia092304pkg.cfm>]

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<sup>49</sup> The December 31, 2006, deadline may be extended under a number of circumstances, detailed in CRS Report RL31260, Digital Television: An Overview, by Lennard Kruger.

<sup>50</sup> *In the Matter of Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, Report and Order, September 4, 2004, paras. 154-159. Available online at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-192A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-192A1.pdf)]. One issue that remains under consideration involves new language concerning the V-chip and how it will be incorporated into digital television sets. The Consumer Electronics Association filed a petition to change the language that the FCC adopted in the Order. That petition is available online at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-03-1292A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-03-1292A1.pdf)]. The opposition to CEA’s Petition for Reconsideration by Tri-Vision (the inventor of the V-chip) is available online at [<http://www.tri-vision.ca/documents/2004/FCC%20Tri-vision%20Opposition.pdf>].

See also *In the Matter of Children’s Television Obligations of Digital Television Broadcasters*, MM Docket No. 00-167, Report and Order and Further Notice of Proposed Rulemaking, November 23, 2004, paras. 62-65. Available online at [[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/FCC-04-221A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-04-221A1.pdf)].



“V-chip Frequently Asked Questions,” Children Now,  
[<http://www.childrennow.org/media/vchip/vchip-faq.html>]

“Summary of Focus Group Research on Media Ratings Systems,” A Study  
Commissioned by PSV Ratings, Inc., Spring 2003,  
[[http://www.independentratings.org/Parents\\_Views.pdf](http://www.independentratings.org/Parents_Views.pdf)]

## **Websites**

Federal Communications Commission V-chip Information,  
[<http://www.fcc.gov/vchip/>]