[When Can Underwriting Announcements Be Run on Noncommercial Radio and TV Stations?]

by David Oxenford

June 09, 2011

The question has recently arisen as to when **underwriting announcements** can be aired on **noncommercial radio and TV stations**. The ***New York Times*** recently quoted me on the subject in an article discussing the plans of PBS to experiment with putting underwriting announcements in programming, rather than merely in the breaks between the end of one program and the beginning of the next. The FCC rules for both radio and TV state, in italics, that the scheduling of underwriting announcements "may not interrupt regular programming." What does that mean?

In 1982, in adopting the rules as to the timing of sponsorship announcements and the acknowledgment of donations, the FCC relied on what was then a recently-enacted statute addressing the sponsorship of public broadcasting programming. The House of Representatives report adopting that legislation contained language interpreting the meaning of the prohibition against these announcements interrupting regular programming. The FCC relied on that language in adopting the rules currently on the book. There, Congress said that announcements could be run "at the beginning and end of programs,...between identifiable segments of a longer program" or, in the absence of identifiable segments, during "station breaks" where the flow of programming was "not unduly disrupted." For radio, this seems like a much easier test to meet, as there are always breaks in programs, e.g. between stories on a news program like Morning Edition, between guests on a program like Fresh Air, or between music sets on a noncommercial music-oriented station. For TV, the issue is somewhat more complicated, thus the questions that the Times wrote about in connection with the PBS tests.

As discussed in the Times article, it seems to me that there are many noncommercial TV programs that have many natural breaks in their programs where underwriting announcements can be run without unduly disrupting the natural flow of the programming - breaks that sometimes are used for station promotional announcements. Between segments on a segmented Nature program, or on a show like Antiques Roadshow, where the program evaluates several different items as to its value and authenticity, there would seem to be room for natural pauses between each item into which an underwriting announcement could be inserted. Even in dramatic programming, between scene changes or in other natural breaks in the action, one could determine that the flow of the programming was not unduly interrupted by an underwriting announcement. These are close questions that each station needs to evaluate on their own, to achieve compliance with the FCC's somewhat nebulous standards.

One consideration in all of this is simply the nature of noncommercial programs. One reason that many noncommercial stations attract significant audiences is the mere fact that they are noncommercial. If there are too many breaks in the programs, with too many announcements that looks and feel like commercials, stations risk turning off their audiences. And, of course, stations need **to be sure that they follow FCC restrictions on the content of underwriting announcements**, avoiding calls to action, qualitative claims about sponsors, and price and sale information. For more on these subjects, see my recent presentation to the Maine and Connecticut Broadcasters Associations,here.

Obviously, as governmental and other sources of funding become harder to find, public broadcasting stations need to look to the acknowledgment of contributors through these underwriting announcements as a more and more important source of financial stability. It has been almost 30 years since these underwriting rules were adopted by the FCC, and most have remained pretty much unchanged since their adoption. Perhaps, in today's new media world, the FCC should reexamine these rules and see if some further liberalization and clarification is not in order. Maybe that will even be addressed in the Future of Media report to be released later today.