

4As Adopt Antidiscrimination in Advertising Policy - Should Help Broadcasters Comply With Requirements for Antidiscrimination Provisions in Advertising Agreements

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When the requirement that broadcasters have an **antidiscrimination provision in their advertising contracts** became effective, the FCC's Enforcement Bureau issued a Fact Sheet that stated that broadcasters needed to make sure that this provision was not only in their own contracts, but also in that of rep firms and others who sold advertising on behalf of the stations (see our coverage [here](#)). Many stations feared that this policy would alone be difficult or impossible to enforce, as the stations simply had no way of policing the actions of the reps. There was also the fear that advertisers and their agencies would not want to sign agreements with these provisions, or that they would nevertheless buy advertising that avoided certain minority-formatted stations, just without the open "**no urban, no Spanish**" dictates that the rule was designed to guard against. In an action this week, the **American Association of Advertising Agencies**, or the **4As** as it is more popularly known, adopted a [policy](#) requiring equal opportunities for all "vendors" of member agencies. As stations are considered vendors to the advertising agencies, selling them ad time, this policy is read as prohibiting its members from selecting stations on which to advertise with a discriminatory purpose - essentially filling in the other side of the equation that the FCC tried to enforce through the broadcast certification. The 4As policy can be found [here](#). The policy establishes a procedure for complaints to its members for perceived violations of the policy.

This action was applauded in statements by FCC Commissioners [McDowell](#) and [Copps](#), who both recognized that the FCC certifications could go only so far in combating discriminatory ad buying practices. By having a strong partner in a strong trade organization working on these issues from the buyers' side, the potential for the policy to have a real impact is increased. The action should make the lives of broadcasters easier, by making advertisers more aware, through their own trade organization, of the general public policy against discrimination in advertising. But broadcasters are in no way excused from continuing to enforce the FCC policy, and including the required disclaimer in their advertising contracts and other sales materials. See our article [here](#) for more information about this policy, some suggested language for the certification, and for ideas of what to do if the station does not routinely use advertising contracts in the sale of all of its advertising time. Remember, this obligation on broadcasters is reviewed through a **certification that the policy is in place at the station on the license renewal application**, so take this requirement very seriously.

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