



Independent Television

November 18, 1993

The Honorable Anne K. Bingaman
Assistant Attorney General,
Antitrust Division
Constitution Avenue & 10th Street, NW
Washington, D.C. 20530

Dear Ms. Bingaman:

The "Television Program Improvement Act of 1990" gave members of the television industry, including the Association of Independent Television Stations (INTV), a limited antitrust exemption to develop and disseminate voluntary guidelines designed to address the issue of violence in telecast material. This antitrust exemption expires this year.

In June of 1993, INTV adopted a set of program guidelines and parental advisories that are designed to address the issue of television violence. INTV was the first television organization to enact a system of advisories concerning violence in programming.

Because INTV is a trade association, we have no direct control over program content. Also, the Independent television industry is unique in that each individual station makes its own editorial decisions. Unlike the major networks, there is no centralized source for the creation, development, acquisition or editing of programming. Moreover, consistent with the limited exemption provided in the Act, INTV's program is strictly voluntary.

Nevertheless, we have made significant progress since the program was adopted. Since June, we have contacted every Independent television station in the country. We have spent countless hours educating stations on the importance of this issue. To date, all of INTV member stations and 53 non-member stations have adopted INTV's program or have individual station policies in place that are consistent with INTV's standards.

The program is working. Stations are rescheduling programs and providing advisory messages. Importantly, concerns over television violence are strongly influencing future program scheduling and acquisition. INTV views its program as a continuing process and intends to educate stations on the importance of this issue.

We are concerned, however, that expiration of the antitrust exemption contained in the "Television Program Improvement Act" may impede our efforts. Accordingly, pursuant to 28 CFR Section 50.6, we hereby request a business review letter to continue our program. We request that the letter apply to INTV and local Independent television stations.

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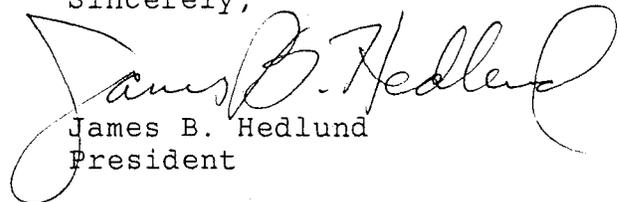
A copy of INTV's voluntary program is attached to this letter. It consists of two parts. First, stations are provided with suggested program guidelines specifically addressing the issue of television violence. Second, stations are encouraged to provide parental advisories on programs containing violent material that they believe might be objectionable to some viewers. INTV cannot compel stations to enact these standards. They are voluntary. Stations are free to reject the standards or enact their own policies. INTV membership is not conditioned on adopting the program guidelines. Also, INTV remains in contact with non-member Independent stations. Our purpose is to advise them of INTV's voluntary program.

In order to analyze the success of our program, and to respond to numerous Congressional inquiries regarding INTV's efforts, we need to collect and disseminate data regarding our program. Generally, we will try to collect information from stations concerning the acquisition, scheduling and editing of various television programs. Aggregate results of our data collection will be sent to members of Congress and also appear in INTV's member newsletter.

If the issue of television violence is to be addressed, INTV and its member stations must be permitted to discuss this issue among themselves and convey our concerns about television violence to program suppliers. Our intent is not to engage in any discussion that results in a boycott of any entity, program or series of programs. Also, as part of this process, INTV would like to co-ordinate a series of anti-violence on-air messages that would be made available to television stations. The broadcast of such messages would be voluntary.

The Attorney General has made it plain that she would like to see a reduction in television violence. INTV's voluntary program is consistent with her objective. I urge the Antitrust Division of the Department of Justice to permit us to continue our efforts in this area and grant our request for a business review letter. We would be happy to provide any additional information you may require.

Sincerely,



James B. Hedlund
President



INTV ACTIONS TO CURB VIOLENCE ON TELEVISION

The Board of Directors of the Association of Independent Television Stations, Inc., has urged all independent television stations to make sound, informed editorial judgments in the selection, scheduling, editing, and broadcast of programming depicting violent behavior on their stations, and has adopted and provided to each independent television station the following policies concerning depiction of violence in programming:

GENERAL POLICY OUTLINE

1. These policies apply to programs and to promotional material, are directed solely at entertainment programming, and in no way are designed to inhibit journalistic or editorial discretion in the coverage and reporting of news or sports events.
2. Violence should be depicted only when necessary, and to no greater extent than necessary, to the development of the story line, plot, context, or theme of, or character in, a television program.
3. Depiction of violence in such way as to glamorize violent behavior or to ignore or trivialize its consequences to either the victim, the perpetrator, or society should be avoided.
4. Depiction of violence in such way as might be instructive or as might suggest imitative behavior should be avoided.
5. Presentation of programs depicting violence and the depiction of violence should not be undertaken solely as a means of exploiting or shocking the audience.
6. The depiction of violence in a sexual context requires special sensitivity with respect to its potential to exploit, debase, demean, shock, or stimulate. Violence never should be depicted so as to appeal to the prurient interests of the audience.
7. Graphic or detailed depictions of violence or dwelling on gore, pain, or physical suffering should be avoided.
8. The special needs of children should be considered, and special care should be taken, in the scheduling and editing of programs and promotional materials which include the depiction or description of violent behavior.
9. Depiction of violent acts in a manner which might distress or frighten children should be avoided in programming intended primarily for children.

PARENTAL ADVISORIES

In appropriate circumstances, the station may determine to inform viewers through appropriate on-air advisories that specific programs contain depictions of violent behavior so that individual viewers may make informed viewing decisions and avoid unexpected depictions of violence which are unsuited to their particular tastes. Such advisories might state:

"The following program depicts violent acts or behavior."

"The following program depicts violent acts or behavior. Viewer discretion is advised."

"The following program depicts violent acts or behavior which may be unsuitable for children. Parental discretion is advised."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to some viewers."

"The following program involves realistic portrayals of human behavior, including acts of violence, which may be disturbing to children. Parental discretion is advised."