

COMPLAINTS ABOUT BROADCAST ADVERTISING

Background

Consumers often complain to the Federal Communications Commission (FCC) about broadcast advertising: they complain about the nature of the products being advertised, the timing of certain ads (i.e., during mealtime), or ads they believe are indecent or in poor taste. Other consumers complain about ads they feel are poorly produced or grammatically incorrect. The FCC also receives complaints regarding false and misleading advertisements.

Are There Any Laws That Limit the Material That Stations Can Broadcast?

There are laws passed by Congress that restrict a station from broadcasting material that promotes a lottery (with some exceptions), advertises cigarettes, little cigars or smokeless tobacco products, or perpetuates a fraud. Additionally, there are federal laws that prohibit or limit obscene, indecent or profane language. Also, some advertisements may violate laws that have been established by other government agencies such as the Food and Drug Administration or the Federal Trade Commission (FTC).

Obscene programming is prohibited at all times while indecent programming is prohibited during certain hours. The FCC may revoke a station's license, impose a monetary forfeiture, or issue a warning for broadcasting obscene or indecent material.

What If I Have a Complaint and/or Concern about a Specific Advertisement Being Offensive, False or Misleading?

Broadcasters are responsible for selecting the broadcast material that airs on their stations, including advertisements. The FCC ordinarily does not have the authority to act on complaints regarding advertisements that listeners or viewers find **offensive**.

The FCC expects its broadcasters to be responsible to the community it serves and act with reasonable care to ensure advertisements aired on their stations are not **false** or **misleading**. The FTC has primary responsibility for determining whether specific advertising is **false** or **misleading** and for taking action against the sponsors of such material. (For more information or to file a complaint with the FTC, visit its Web site, www.ftc.gov.) Anyone who has a complaint and/or concern about a specific advertisement that he or she feels is false or misleading, should send a letter to the local station and the affiliated network involved. In that way, station management responsible for choosing the material can be made aware of the concerns of their audiences.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on www.fcc.gov/cgb/emailservice.html.

