



GEORGETOWN LAW
INSTITUTE FOR PUBLIC REPRESENTATION

Hope M. Babcock
Angela J. Campbell
David C. Vladeck
Directors
Coriell Wright
Senior Counsel
Melanie Kleiss Boerger
Jessica J. Gonzalez
Jamie Pleune
Kathryn A. Sabbeth
Staff Attorneys

600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001-2075
Telephone: 202-662-9535
TDD: 202-662-9538
Fax: 202-662-9634

April 16, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: **In the Matter of Implementation of the Child Safe Viewing Act;
Examination of Parental Control Technologies for Video or Audio
Programming, MB Docket No. 09-26, March 2, 2009**

Dear Ms. Dortch:

The National Hispanic Media Coalition (NHMC) is a non-profit, media advocacy organization with state-wide chapters across the United States. NHMC advocates for media and telecommunications policies that benefit American Latinos. The NHMC respectfully urges the Commission to report to Congress on the use of parental control technologies amongst Latinos.

The Hispanic population in the United States is large and continues to grow. There are over forty-four million Latinos in the United States, representing about 14.7% of the population. *See* U.S. Census Bureau, Fact Sheet, 2005-2007 American Community Survey 3-Year Estimates. As of 2002, 47% were Spanish-language dominant, 28% were bilingual, and 25% were English-language dominant. Pew Hispanic Center & Kaiser Family Foundation, 2002 National Survey of Latinos 16 (Dec. 2002).

The growth of the Latino population—and advertisers' desire to reach this growing market segment—has spurred U.S.-based Spanish-language broadcasting. As of 2005, 151 television stations located in fifty-three markets were affiliated with one of the Hispanic networks compared to eighty-seven television stations located in forty-four markets in 2000, an increase of 56%. Mark Fratrik, *Grande Totals*, Broadcasting & Cable, June 13, 2005, at 22. Additionally, there were 872 Spanish-language radio stations in Spring 2007, a 3% increase from the record 847 radio stations in Spring 2006. Arbitron, *Hispanic Radio Today: How America Listens to Radio* 7 (2008).

While general research about the use and effectiveness of parental control technologies does exist, none addresses whether such technologies are useful to the Latino community. The

Commission cites general studies finding that the V-chip is not widely used, that many parents remain unaware of its existence, and that most parents do not understand the TV Parental Guidelines. The Annenberg Public Policy Center notes that programming the V-Chip is “a multiple-step and often confusing process” involving quickly navigating several menus, familiarity with the TV Parental Guidelines’ age and content based descriptors and locking the V-chip with a password once programmed. Amy Jordan & Emory Woodard, Annenberg Pub. Policy Ctr. of Univ. of Pa., *Parents’ Use of the V-Chip to Supervise Children’s Television Use* 3 (2003).

NHMC fears that confusion about the V-Chip may be exacerbated among Spanish-speakers, and thus requests research to gauge Latinos’ awareness of the V-Chip, the penetration of V-chip equipped televisions into Latino households, and the percentage of the Latino population using the V-chip. Proper research would answer two questions. First, do Spanish-language speakers understand the content and age-based descriptors used by the TV Parental Guidelines? Second, do language barriers affect their successful use of V-chip software?

In addition, NHMC requests more data about the efficacy of the content-labeling system. Namely, is content labeled on both English and Spanish-language television? Can the content rating system be translated into Spanish? Do the content labels accurately reflect the programming? Many Latino parents are concerned about sexual content on Spanish-language television. Research focusing on English-language television indicates that the majority of programming containing violence, sexual behavior, sexual dialogue, and adult language is not identified by a content descriptor. Dale Kunkel et al., *Deciphering the V-Chip: An Examination of the Television Industry’s Program Rating Judgments*, 52 J. Commc’ns 112, 136 (2002). Content labels are only applied to one out of five such programs. Dale Kunkel et al., *Rating the TV Ratings: One Year Out, An Assessment of the Television Industry’s Use of V-Chip Ratings* 88 (1998). All television broadcasters, including Spanish-language broadcasters, should include the appropriate content descriptor as well as age-based ratings.

Moreover, NHMC supports the expansion or revision of the current ratings systems and the translation of the current system into Spanish. Although the Commission has adopted technical standards to facilitate implementation of alternative ratings systems, digital television manufactures are currently required to provide only one additional Ratings Regions Tables (RRT) for ratings updates. Broadcasters must choose between: maintaining the current system and translating it into Spanish; adding a new system translated into English and Spanish; and adding advisories to the current system and one new system in English but nothing in Spanish. See Letter from Dominic J. Perry, Executive Director, Coalition for Independent Ratings et al., to Kevin J. Martin, Chairman, Federal Communications Commission (Nov. 7, 2008). Several alternative television ratings systems have been developed since the TV Parental Guidelines were implemented. See, e.g., The Coalition for Independent Ratings Services, <http://www.independentratings.org/ratings> (last visited Apr. 14, 2009) (listing alternative ratings systems developed by Common Sense Media, Parents Television Council, Plugged In Online, and Moral Metric). However, without the assignment of additional RRTs to accommodate these ratings systems parents cannot take advantage of them. Furthermore, even with the additional RRTs, alternative systems cannot be used to block inappropriate programming unless broadcasters agree to transmit them in their program stream. As a result, NHMC also

recommends that the Commission consider creating incentives for broadcasters who agree to include these alternative ratings in their program stream.

Finally, NHMC requests that the Commission inquire into blocking technology designed for radio. Many Latinos are particularly concerned about inappropriate sexual content on Spanish-language radio.

Of Counsel:

Danielle Owens
Law Student
Georgetown Law

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Respectfully Submitted,

_____/s/_____
Jessica J. Gonzalez, Esq.
Institute for Public Representation
Georgetown Law
600 New Jersey Avenue, N.W.
Washington, D.C. 20001
(202) 662-9535

Counsel for National Hispanic Media
Coalition