



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

FOR IMMEDIATE RELEASE:
March 22, 2011

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FCC ENFORCEMENT BUREAU RELEASES ADVISORY ON REQUIREMENT FOR BROADCASTERS TO CERTIFY THAT ADVERTISING CONTRACTS ARE NON-DISCRIMINATORY

Washington, D.C. – The Federal Communications Commission’s Enforcement Bureau today released an Enforcement Advisory to alert commercial television and radio broadcasters to an important new requirement to certify that their advertising sales contracts contain nondiscrimination clauses and do not discriminate on the basis of race or ethnicity.

FCC Chairman Julius Genachowski said, “It should be clear from today’s advisory that the Commission will vigorously enforce its rules against discrimination in advertising sales contracts. As the Commission stated in its order adopting the rule, discrimination simply has no place in broadcasting.”

A new Form 303-S, used for broadcast license renewals, was announced by the Media Bureau on Monday, March 14, 2011 (DA 11-489). The revised form requires the certification described above. Today’s Enforcement Advisory explains that the new requirement is aimed at advertising contracts that contain “no urban/no Spanish” dictates, by which advertisers and their agencies intentionally by-pass urban and Latino stations, supposedly because the client has dictated that its ads not be placed with those outlets. Commercial broadcasters must complete the certification in order to renew their broadcast licenses. If they cannot affirmatively certify that their advertising agreements do not discriminate on the basis of race or ethnicity, they must explain why this should not be an impediment to granting the station’s license renewal application. The broadcaster’s response and explanation will be considered by the Commission in determining whether to renew the license.

The Enforcement Advisory also designates a specific contact in the Enforcement Bureau to respond to inquiries from the public and licensees. On issuing the Advisory, Michele Ellison, Chief of the Enforcement Bureau said, “The advisory puts everyone on notice that the Commission has no tolerance for this type of insidious discrimination. Our leadership has asked us to bring renewed focus to these important broadcasting issues. We will work in close collaboration with the Media Bureau to give this new requirement meaning.”

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