



NEWS

Federal Communications Commission
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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. Circ 1974).

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FCC PROPOSES OVER \$1.9 MILLION IN PENALTIES AGAINST VIACOM, ESPN, AND NBCUNIVERSAL FOR MISUSE OF EMERGENCY ALERT WARNINGS

Penalties Represent the Largest Yet Proposed in Ongoing Investigations of Misuse of the Emergency Alert System Warning Sounds

Washington, D.C. – The Federal Communications Commission today proposed fines against Viacom, ESPN, and NBCUniversal for repeatedly transmitting an advertisement that misuses the warning sounds of the nationwide Emergency Alert System (EAS).

The EAS is a national public warning system that requires broadcasters, cable television operators, wireless cable operators, wireline video service providers, satellite digital audio radio service providers, and direct broadcast satellite providers to make it possible for the President of the United States to address the American public during a national emergency. Federal, state, and local authorities may also use the EAS to deliver important emergency information, such as Amber Alerts and weather information, like tornado warnings, targeted to specific areas.

The FCC has long prohibited the transmission of actual or simulated EAS Attention Signals or tones in circumstances other than a real alert or an authorized test of the EAS system. This case is the latest in a series of FCC enforcement actions to address a recent spike in consumer complaints.

The FCC's Enforcement Bureau initiated a wide-ranging investigation in response to consumer complaints about a commercial being transmitted on multiple cable networks. The complaints described an advertisement promoting the release of the film "Olympus has Fallen." In response to the Bureau's Letters of Inquiry, the Companies each admitted that the commercial appeared multiple times on multiple national and regional networks under their control, and that it used actual EAS codes and the Attention Signal to advertise the film.

As a result of the investigation, the FCC has issued an omnibus Notice of Apparent Liability for a total of \$1,930,000 to the Companies. Seven Viacom-owned networks transmitted the advertisement a total of 108 times over five days, resulting in a proposed forfeiture of \$1,120,000. Three ESPN-owned networks transmitted the advertisement a total of 13 times over four days, resulting in a proposed forfeiture of \$280,000. Finally, seven NBCUniversal-owned cable networks transmitted the advertisement a total of 38 times over a span of six days, resulting in a proposed forfeiture of \$530,000.

Viacom Inc., NBCUniversal Media Inc., and ESPN Inc. Notice of Apparent Liability for Forfeiture:
http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-14-22A1.pdf