
UPDATE
October 11, 2022

FCC Fines 21 Licensees over Three Million Dollars for Violating KidVid Rules

Last month, the FCC released a [Notice of Apparent Liability for Forfeiture](#) (“NAL”) against 21 broadcast licensees, including Nexstar and Sinclair, finding that these licensees had violated the FCC’s rules limiting the amount of commercial programming on children’s programming. The total amount fined totaled nearly \$3.4 million dollars.

Background. The Children’s Television Act of 1990 and FCC rules prohibit FCC licensees, including MVPDs, from airing more than 10.5 minutes of commercial matter per hour during children’s programming on weekends, or more than 12 minutes on weekdays. FCC licensees, including MVPDs, must also maintain records sufficient to verify their compliance with these advertising restrictions.

Note: MVPDs are not required to maintain records covering programs aired on a broadcast television channel which the MVPD passively carries, or to access channels over which the MVPD may not exercise editorial control.

Notice of Apparent Liability. Beginning in June 2020, a number of broadcasters informed the FCC of repeated violations of its rules. Specifically, the licensees aired commercials for Hot Wheels toys during eight 30-minute-long episodes of Team Hot Wheels in 2018, making each episode, for the purposes of the Communications Act and FCC rules, a 30-minute commercial. Moreover, in November 2020, Sinclair informed FCC staff that over the previous license term, a total of 85 of its stations had aired program-length commercials.

Put simply, the FCC treats an entire program as a commercial when commercial material for a particular product is aired during programming featuring that product, especially since children are unlikely to be unable to distinguish between a program and its commercial content. The FCC highlighted the significance of these violations, and emphasized that the eight instances where each station exceeded the children’s programming commercial limits represented a substantial number of apparent violations. The FCC further explained that overages of this number and nature meant that children had been subjected to commercial matter “greatly in excess of the limits” contemplated by Congress in 1990.

If you have questions about the children’s programming rules, please contact Scott Friedman at (314) 462-9000 or sfriedman@cinnamonmueller.com.

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