Obscene, Indecent and Profane Broadcasts

It is a violation of federal law to air obscene programming at any time or indecent programming or profane language from 6 a.m. to 10 p.m. Congress has given the FCC the responsibility for administratively enforcing these laws. The FCC may revoke a station license, impose a monetary forfeiture or issue a warning if a station airs obscene, indecent or profane material.

Obscene broadcasts are prohibited at all times

Obscene material is not protected by the First Amendment to the Constitution and cannot be broadcast at any time. The Supreme Court has established that to be considered obscene, material must meet a three-pronged test:

- An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest.
- The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law.
- The material, taken as a whole, must lack serious literary, artistic, political or scientific value.

Indecent broadcast restrictions

The FCC has defined broadcast indecency as "language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities." Indecent programming contains patently offensive sexual or excretory material that does not rise to the level of obscenity. The courts hold that indecent material is protected by the First Amendment and cannot be banned entirely. FCC rules prohibit indecent speech on broadcast radio and television between 6 a.m. and 10 p.m., when there is reasonable risk that children may be in the audience.

Profane broadcast restrictions

The FCC defines profanity as "including language so grossly offensive to members of the public who actually hear it as to amount to a nuisance." Like indecency, profane speech is prohibited on broadcast radio and television between the hours of 6 a.m. and 10 p.m.

Cable and satellite services excepted from indecency restrictions

Congress has charged the Commission with enforcing the statutory prohibition against airing indecent programming "by means of radio communications." The Commission has historically interpreted this restriction to apply to radio and television broadcasters and has never extended it to cover cable or satellite operators. In addition, because cable and satellite services are subscription-based, viewers of these services have greater control over the programming content that comes into their homes, whereas broadcast content traditionally has been available to any member of the public with a radio or television. As noted above, however, obscene material is not protected by the First Amendment to the Constitution and is prohibited with respect to cable and satellite services, as well as radio and television broadcasters.
Determining context

In making obscenity, indecency and profanity determinations, context is key. The FCC staff must analyze what was actually aired, the meaning of what was aired and the context in which it was aired. The FCC asks complainants to provide the following information:

- Information regarding the details of what was actually said or depicted during the broadcast. The complainant may choose the format for providing the information, but it must be sufficiently detailed so that the FCC can determine the words or language used, or the images or scenes depicted during the broadcast and the context of those words, language, images or scenes. Subject matter alone is not sufficient to determine whether material is obscene, indecent or profane. For example, stating only that the objectionable programming “discussed sex” or had an “indecent discussion of sex” is not sufficient. Moreover, the FCC must know the context when analyzing whether specific, isolated words or images are obscene, indecent or profane. The FCC does not require complainants to provide tapes or transcripts in support of their complaints. Consequently, failure to provide a tape or transcript of a broadcast, in and of itself, will not lead to automatic dismissal or denial of a complaint. Nonetheless, a tape or transcript is helpful in processing a complaint and, if available, should be provided.
- The date and time of the broadcast. Complainants must provide the date and time the material in question was broadcast. Indecent or profane speech that is broadcast between the hours of 10 p.m. and 6 a.m. is not actionable.
- The call sign, channel, or frequency of the station involved. To take enforcement action for the airing of prohibited material, the FCC must be able to identify the station that aired the material. By providing the call sign, channel number or frequency of the station, you will help us to quickly and efficiently process your complaint. The name of the program, DJ, personality, song or film; network; and city and state where you heard or saw the program are also helpful but are not sufficient unless you also specify the station you have in mind. Accordingly, please provide:
  - station call sign (e.g., e.g., K***-FM or W***-TV), radio station frequency (e.g., 1020 AM or 88.5 FM) or TV channel (e.g., 13), and station location (city and state); and
  - network and program name if you are complaining about a particular program.

Any documentation you provide to the FCC about your complaint becomes part of the FCC’s records and may not be returned.

Filing a complaint

You have multiple options for filing a complaint with the FCC:

- File a complaint online at https://consumercomplaints.fcc.gov
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322); ASL: 1-844-432-2275
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

  Federal Communications Commission
  Consumer and Governmental Affairs Bureau
  Consumer Inquiries and Complaints Division
  445 12th Street, S.W.
  Washington, DC 20554
Enforcement procedures and filing complaints

Enforcement actions in this area are based on documented complaints received from the public about obscene, indecent or profane material. FCC staff will review each complaint to determine whether it contains sufficient information to suggest that there has been a violation of the obscenity, indecency or profanity laws. If it appears that a violation may have occurred, the staff may start an investigation, which may include a letter of inquiry to the broadcast station.

If the facts and information contained in the complaint suggest that a violation of the statute or FCC rules regarding obscenity, indecency and profanity did not occur, the complaint may be denied without further action. If the description of the material contained in the complaint is not sufficient to determine whether a violation of the statute or FCC rules regarding obscene, indecent and profane material may have occurred, the complaint may be dismissed without further action. The information needed to support an investigation is described above.

If the FCC determines that the complained-of material was obscene, indecent and/or profane, it may issue a Notice of Apparent Liability (NAL), which is a preliminary finding that the law or the FCC's rules have been violated. Subsequently, this preliminary finding may be confirmed, reduced or rescinded when the FCC issues a Forfeiture Order.

Accessible formats

To request this article in an accessible format - braille, large print, Word or text document or audio - write or call us at the address or phone number at the bottom of the page, or send an email to fcc504@fcc.gov.

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