



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).

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FCC ACTS TO STOP USE OF FALSE EMERGENCY ALERT SOUNDS

Enforcement Bureau Responds to Growing Consumer Complaints that TV and Radio Commercials are Misusing the EAS Sounds

Washington, D.C. – The Enforcement Bureau today took action against Turner Broadcasting System and reached agreement with Kentucky television station WNKY(DT) for apparent misuse of the actual Emergency Alert System (EAS) tones or close simulations of those sounds. The Bureau also issued an Enforcement Advisory to address growing concern about the misuse of these sounds to capture audience attention during advertisements and at other times when there is no emergency or test. The Advisory reemphasizes the wide-ranging and long-standing bar on such abuses and the potential for sanctions in the case of violations.

“Today’s enforcement action sends a strong message: the FCC will not tolerate misuse or abuse of the Emergency Alert System,” said Enforcement Bureau Acting Chief Robert H. Ratcliffe. “It is inexcusable to trivialize the sounds specifically used to notify viewers of the dangers of an incoming tornado or to alert them to be on the lookout for a kidnapped child, merely to advertise a talk show or a clothing store. This activity not only undermines the very purpose of a unique set of emergency alert signals, but is a clear violation of the law,” added Mr. Ratcliffe.

The FCC has prohibited the transmission of actual or simulated EAS Attention Signals or tones under any circumstances other than a real alert or an authorized test of the EAS system for two decades, but there has been a recent spike in consumer complaints about misuse of the sounds.

In response to a consumer complaint about a promotion for the Conan O’Brien Show carried on the TBS cable network, the Enforcement Bureau initiated an investigation. Turner provided a recording of the promotion and additional viewer complaints. Review of the recording established that the promotion includes audio material that constitutes a simulation of the prescribed EAS codes and Attention Signal. A \$25,000 Notice of Apparent Liability has therefore been issued to Turner Broadcasting System, Inc.

The Enforcement Bureau also initiated an investigation in response to a consumer complaint about an advertisement broadcast by TV station WNKY(DT) in Bowling Green, Kentucky. The complaint alleged misuse of the EAS Attention Signal in an advertisement for “The Fan Wear & More Store.” Station licensee, MMK License LLC, did not dispute that it broadcast a simulation of an EAS sound within that advertisement, and cooperated with the Bureau to negotiate a

settlement. As a result of those negotiations, MMK has agreed to pay a \$39,000 voluntary contribution and to implement a robust compliance plan that will help prevent future violations of the Commission's EAS rules. In coordination with local public safety and emergency responders, MMK also voluntarily initiated a public education campaign to inform its viewers about EAS alerts.

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, such as tornado warnings, targeted to specific areas. The FCC enforces its EAS rules to ensure that the EAS Attention Signal and tones are not used for unauthorized purposes.

MMK License LLC Consent Decree and Order:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-2124A1.pdf

Turner Broadcasting Inc. Notice of Apparent Liability for Forfeiture:

http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-2125A1.pdf

FCC Enforcement Advisory: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-2123A1.pdf

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