

## Call-In or Shock Jock Programs

Consumers often complain to the FCC about call-in radio programs. They most often object to the subject matter being discussed, or the accuracy or fairness of the commentary. Consumers also complain that their calls have been limited or barred by the station, or that program hosts are biased, insufficiently informed and/or discourteous. Many consumers also complain that the nature of the material being broadcast, like radio stunts or "shock jock" programs, is obscene, indecent, profane or otherwise offensive.

### Broadcasters' programming responsibilities

The FCC regulates the broadcast of obscene, indecent and profane programming. Neither the FCC nor any other government agency, however, can direct broadcasters to present or refrain from presenting specific programs, or tell them how to conduct their call-in shows and other programs, which might be regarded as censorship. Broadcasters are responsible for deciding what their stations present to the public.

Broadcasters are expected to be aware of the important local issues in the communities that their stations serve, and to offer programming that will inform their audiences about these issues. The selection of issues and the kinds of programming offered are the broadcasters' responsibility. "Call-in" programs are not required to be used to discuss community issues.

Broadcasters are not obligated to give any particular individual an opportunity to participate in a broadcast unless the broadcast involves a candidate for public office. In general, broadcasters have wide discretion in choosing their programming.

### Rules governing obscene, indecent and profane programming

Congress has given the FCC the responsibility for administratively enforcing the law that governs obscene, indecent and profane programming. The FCC may revoke a station license, impose a monetary forfeiture or issue an admonishment for the broadcast of obscene, indecent or profane material.

Obscene speech 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.

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.

The FCC defines profane material 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 6 a.m. and 10 p.m.

### **What if I have comments or concerns about a specific broadcast?**

All comments and/or concerns about a specific broadcast should be directed, in writing, to the stations and networks involved so that the people responsible for making the programming decisions can become better informed about audience opinions.

### **What if I have a complaint about an obscene, indecent or profane program?**

Enforcement actions in this area are based on documented complaints received from the public about specific obscene, indecent or profane material. The FCC analyzes what was actually aired, its meaning, and the context in which it was aired. Accordingly, we ask you to provide the following information:

- Information regarding the details of what was actually said or depicted during the broadcast. Sufficient detail must be provided regarding the words or language used, or the images or scenes depicted during the broadcast, and the context of those words, language, images or scenes.
- The date and time of the broadcast. Indecent or profane speech broadcast between the hours of 10 p.m. and 6 a.m. is not actionable.
- The call sign, channel, frequency and location of the station involved. The name of the program, DJ, on-air personality, song or network are also helpful.

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

### **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](mailto:fcc504@fcc.gov).

Last Reviewed: 11/03/15

