

The FCC's Payola Rules

FCC Consumer Facts

Background

Federal law, including Federal Communications Commission (FCC) rules, requires that employees of broadcast stations, program producers, program suppliers and others who have accepted or agreed to receive payments, services or other valuable consideration for airing material must disclose this fact. Disclosure provides broadcasters the information they need to let their audiences know if material was paid for, and by whom.

What the Rules Say

The Communications Act and the FCC's rules require that:

- When a broadcast licensee has received or been promised payment for the airing of program material, then, at the time of the airing, the station must disclose that fact and identify who paid for or promised to pay for the material. All sponsored material must be explicitly identified at the time of broadcast as paid for and by whom, except when it is clear that the mention of a product or service constitutes sponsorship identification.
- Any broadcast station employee who has accepted or agreed to accept payment for the airing of program material, and the person making or promising to make the payment, must disclose this information to the station prior to the airing of the program.

What the Rules Say (cont'd.)

- Any person involved in the supply, production or preparation of a program who receives or agrees to receive, or makes or promises to make payment for the airing of program material, or knows of such arrangements, must disclose this information prior to the airing of the program. Broadcast licensees must make reasonable efforts to obtain from their employees and others they deal with for program material the information necessary to make the required sponsorship identification announcements.
- The information must be provided up the chain of production and distribution before the time of broadcast, so the station can air the required disclosure.
- These rules apply to all kinds of program material aired over broadcast radio and television stations. Some of the rules also may apply to cablecasts.

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Filing a Complaint with the FCC

The FCC recognizes that broadcasters play a critical role in providing information to the communities and audiences they serve. If you suspect a broadcaster has violated the FCC's rules, you can file a complaint with the FCC. There is no charge for filing a complaint. You can file your complaint using an online complaint form found at www.fcc.gov/complaints. You can also file your complaint with the FCC's Consumer Center by calling 1-888-CALL-FCC (1-888-225-5322) voice or 1-888-TELL-FCC (1-888-835-5322) TTY; faxing 1-866-418-0232; or writing to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, SW
Washington, D.C. 20554.

What to Include in Your Complaint

The best way to provide all the information the FCC needs to process your complaint is to complete fully the online complaint form. When you open the online complaint form, you will be asked a series of questions that will take you to the particular section of the form you need to complete. If you do not use the online complaint form, your complaint, at a minimum, should indicate:

- your name, address, email address and phone number where you can be reached;

What to Include in Your Complaint (cont'd.)

- name and phone number of the company that you are complaining about and location (city and state) if the company is a cable or satellite operator;
- station call sign (KDIU-FM or WZUE TV), radio station frequency (1020 or 88.5) or TV channel (13), and station location (city and state);
- network, program name, date and time of program if you are complaining about a particular program; and
- any additional details of your complaint, including time, date and nature of the conduct or activity you are complaining about and identifying information for any companies, organizations or individuals involved.

For More Information

For information about other telecommunications issues, visit the FCC's Consumer & Governmental Affairs Bureau website at www.fcc.gov/consumer-governmental-affairs-bureau, or contact the FCC's Consumer Center using the information provided for filing a complaint.

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For this or any other consumer publication in an alternative format (electronic ASCII text, Braille, large print or audio), please write or call us at the address or phone number below, or send an email to FCC504@fcc.gov.

To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, visit www.fcc.gov/cgb/contacts.

This fact sheet is for consumer education purposes only and is not intended to affect any proceedings or cases involving this subject matter or related issues.

