

FCC Issues Fine for Online Contest Promoted On Air

February 2012

In January 2012, the Federal Communications Commission (FCC or Commission) continued its efforts to enforce its broadcast contest rule by issuing a Notice of Apparent Liability (NAL) for \$22,000 against the licensee of six Los Angeles radio stations. The licensee was fined for failing to properly disclose the material terms of a contest. Although the licensee acknowledged that it did not disclose the contest's terms on-air as required by the FCC's contest rule, it argued that it was not required to do so because the contest was conducted entirely online. The licensee did admit, however, that it promoted the contest on-air by encouraging listeners to submit entries on stations' websites. It was that promotion, the Commission found, that triggered the contest rule. The licensee ran afoul of the rule when it aired promotions for the online contest without the requisite on-air periodic disclosures of the contest's material terms. The Commission further noted that non-broadcast disclosures, such as providing contest rules online, may be considered in determining whether adequate disclosure has been made, but may not be substituted for broadcast disclosures.

The Commission's recent enforcement action signals its continued interest in broadcast contests. In response, broadcasters should carefully review the Commission's contest rule and make sure that they are in compliance when conducting contests. For more information or for a copy of our primer on the FCC's contest rule, please contact one of the Wiley Rein attorneys listed below.

Authors

Kathleen A. Kirby
Partner
202.719.3360
kkirby@wiley.law

Kathryne C. Dickerson
Partner
202.719.7279
kdickerson@wiley.law